Chapter 1 Introduction and Overview

The following is an overview of the Shoreline Master Program (Program or SMP) with background information on how it was developed, a brief explanation of its general format, and tips on procedures for using this document for a proposed shoreline development project.

1.1 Background Information

Clallam County is updating the SMP to improve protection of the shoreline environments and ensure their continued use and enjoyment. The update is also required by the Shoreline Management Act of 1971 (Act or SMA; RCW 90.58) and Chapter 173-26 of the Washington Administrative Code (WAC 173-26). The latter is a set of rules commonly referred to as the SMP Guidelines. The Washington State Department of Ecology (Ecology) promulgated these rules as instructions to local governments for preparing SMPs. Ecology reviews all locally adopted SMPs to ensure they meet the policies and provisions of the Shoreline Management Act. Ultimately Ecology must approve Clallam County's SMP update before it can take effect[1].

The Clallam County SMP is a comprehensive use plan for shoreline areas that includes goals and policies consistent with state law (RCW 90.58.020); maps, diagrams and charts or other descriptive material and text; use and development regulations; and administrative procedures for the shoreline permitting process. The SMP is based on the SMP guidelines (WAC 173-26), but tailored to the specific conditions and needs of Clallam County.

The Shoreline Management Act prioritizes water-dependent shoreline uses, which are those uses that are particularly dependent upon the water to support their use. The Act has two other main policy objectives:

- Promote public access for a substantial number of people; and
- Protect shoreline natural resources and functions.

A major concept in the protection of ecological functions is "no net loss." According to the SMP Guidelines:

"…*Local master programs shall include regulations and mitigation standards ensuring that each permitted development* ***will not cause a net loss*** *of ecological functions of the shoreline; local government shall design and implement such regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property. Local master programs shall include regulations ensuring that exempt development in aggregate will not cause a net loss of ecological functions of the shoreline." (WAC 173-26-186 (8b))*

No net loss means that where environmental impacts will occur, efforts must be made to mitigate or off-set those impacts to maintain baseline environmental processes and functions.

[1] Consequences for failing to achieve Ecology approval in a timely manner could result in legal challenges or other adverse circumstances. Ultimately, the State could step in and update the SMP for the County.

There are many steps to the SMP update process (Figure 1-1). At the beginning of the process, the County prepared a Consistency Review to identify and consider which if any of the existing SMP policies or regulations needed to change. The results are presented in the *Consistency Review Report (July 2011).* The Consistency Review identified several areas where the SMP could be improved to be more consistent with current State requirements, to enhance clarity and readability, and/or to address likely future development scenarios.

Clallam County also conducted a series of public forums, interviews, and workshops to talk with citizens about their goals and visions for shoreline management. The results are documented in two reports: the *Vision Statement* (August 2011) for Water Resource Inventory Areas (WRIAs) 17, 18 and 19, and the *Visioning Forums and Interview Report* (June 2011) for WRIA 20. These reports reflect the shared history of local residents and their ideas and goals about how to accommodate change in the future. Tribal community perspectives about shoreline use are also summarized, based on interviews with Tribal staff and elected officials. Finally, the vision reports talk about Clallam County shorelines in the future as a gauge for designing policies and regulations that will provide a future that the community wants.

A key step to support development of the SMP is the preparation of a shoreline inventory and characterization report (ICR) on all freshwater and marine shorelines subject to this Program. Two ICRs were prepared to cover County shorelines: 1) *Clallam County ICR for Portions of Clallam County Draining to the Strait of Juan de Fuca (March 2012)* that includes shorelines located within Water Resource Inventory Areas (WRIA) 17, 18 and 19 that are part of the Puget Sound Basin; and 2) *Clallam County WRIA 20 ICR (May 2012)* covering shorelines that are part of watersheds that drain to the Pacific Ocean. The ICRs describe the shoreline conditions in terms of their characteristics, functions, and values, and were compiled to meet the requirements in RCW 90.58.100(1) and WAC 173.26.201(2). The ICRs considered plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by Tribes and private individuals, and by other organizations dealing with pertinent shorelines of the state. The data sources are identified in the ICRs.

The ICRs include a Geographic Information System (GIS) database. This GIS will link the inventory information to parcels and applicable goals, policies, and regulations, and it will be updated as additional data become available. The GIS database was also used to update the Shoreline Environment Designations (SEDs) that apply to each shoreline segment. The SEDs provide a system for managing shorelines with similar ecological characteristics and land use patterns in a similar manner.

The ICRs will be used to administer the SMP as they provide pertinent information on baseline ecological conditions that need to be protected and maintained over time. The County will rely on the ICRs as well as other scientifically valid pertinent plans, studies and analyses that describe the shoreline environment when making permitting decisions. The ICRs and other background documents were developed during a three-year long SMP update process, which included multiple steps (Figure 1-1).

Clallam County convened a SMP Update Committee that met 13 times from April 2011 to April 2013. The SMP Update Committee provided input and review in the development of two earlier Draft SMPs released in February 2012 and November 2012. The County held regional public information meetings between 2011 – 2013 at key points as well as made presentations to interested groups and organizations on the SMP update. Public comments were also received by mail and email on earlier SMP drafts.

SMP related support documents, summary of public outreach efforts, and public comments received are available for viewing on the County's SMP Update website at:
http://www.clallam.net/LandUse/SMP.html

Figure 1-1. The Steps to the Shoreline Master Program Update Process

1.2 Program Content and Format

The Clallam County SMP includes goals, policies, and regulations for shoreline management. The goals, policies, and regulations provide direction to County planning staff and to shoreline users and developers on how to implement the state Shoreline Management Act (RCW 90.58) and its implementing rules in Washington Administrative Code (WAC) 173-26 at the local level. The SMP is intended to protect shoreline resources while allowing appropriate use and development of shoreline areas. The SMP is organized as separate chapters, which collectively will become Title 35 of the Clallam County Code (replacing the existing Title 35). Here is what each chapter of the SMP contains:

Chapter 1 contains a preamble and describes general goals of the SMP, which are largely based on the principals of the Shoreline Management Act and the feedback collected during the community visioning process. Chapter 1 explains the types of development over which the Program has jurisdiction and the Program's relationship to other land use plans, programs, and regulations.

Chapter 2 describes the shoreline environment designations that apply to each segment (or reach) of the shoreline. The designations reflect the ecological conditions, existing land use patterns, zoning, the types of health and safety hazards that are present (flooding or landslides, for example), geology, and other characteristics. The environment designations provide a framework for tailoring shoreline policies and regulations to different shoreline segments based on their characteristics. There are five different upland environment designations in Clallam County that apply to the shorelands, plus one additional designation that applies to the aquatic area (below the ordinary high water mark). Chapter 2 contains tables that describe the uses allowed within the various environment designations.

Policies and regulations that apply to specific shoreline uses and developments, including residential

development, are listed in **Chapter 3**. The policies and regulations that apply to each shoreline development may vary depending on the shoreline environment designation assigned to that parcel. A single development proposal may involve multiple uses and therefore may be subject to more than one set of policies and regulations. An example is a residential use that also involves construction of a private dock.

Policies are aspirational statements that are meant to be general or broad in scope. Policies are typically phrased using the word "should." Regulations flow from the policies and define the conditions under which shoreline development or use is allowed or not allowed. Policies give context to the regulations and aid in their interpretation. Here is an example:

> **Policy**: *The County should take active measures to preserve unarmored shorelines and prevent the future proliferation of bulkheads and other forms of structural shoreline stabilization.*
>
> **Regulation**: *Use of a bulkhead, revetment or similar shoreline armoring to protect a platted lot where no primary use or structure presently exists shall be prohibited.*

Chapter 4 contains policies and regulations for specific types of shoreline modification such as shoreline stabilization and dredging. These modifications can have significant effects on the shoreline environment and require very specific policies and regulations.

Chapter 5 contains general policies and regulations that apply to all types of use and development within shoreline jurisdiction including policies and regulations for "grandfathered" uses and development. **Chapter 6** contains the shoreline buffer and vegetation conservation standards to which all developments must adhere. **Chapter 7** has specific protections for critical areas located within shoreline jurisdiction. The shoreline-specific critical areas regulations are similar to the existing critical areas regulations in Clallam County Code 27.12, but contain many revisions that reflect the best available science and ensure consistency with the Shoreline Management Act. **Chapter 8** describes the standards that shoreline uses and developments must meet to achieve the no net loss requirements of the Shoreline Management Act.

Shorelines designated as shorelines of statewide significance (SSWS) by the Shoreline Management Act (RCW 90.58) are listed in **Chapter 9**, along with policies for their use. Shorelines of statewide significance are major resources from which all people of the state derive benefit. These areas must be managed to ensure optimum implementation of the Act's objectives.

Chapter 10 addresses the administration of the Program. This chapter contains procedures and review criteria for substantial development permits, conditional use permits, and shoreline variances.

Chapter 11 provides definitions for important terms used throughout the document.

1.3 How to Use this Document

If you intend to develop or use lands adjacent to a shoreline of the state, consult first with the Clallam County Department of Community Development (DCD) to determine if you need a shoreline permit; they will also tell you about other necessary government approvals that may be required. Most development projects require review by multiple County departments and many also require approval from state and/or federal agencies. Ultimately, it is your responsibility to obtain all of the required permits and comply with applicable laws.

To find out if your proposal is permitted by the Program, first determine which shoreline environment designation applies to your site (see Exhibit A). Then check to see if the environment designation policies

and regulations in Chapter 2 allow the proposed use (refer to Tables 2-1 and 2-2). Your proposal may be permitted, allowed only as a conditional use, or prohibited. It may also require a variance if you cannot meet the dimensional requirements such as shoreline buffers (see Tables 6-1 and 6-2), height limits, etc.

Although your proposal may be permitted by the Program, or even exempt from specific permit requirements, you must comply with all relevant policies and regulations of the entire Program. Review Chapters 3 and 4 to learn about policies and regulations specific to your proposed use. Review Chapters 5 through 8 to learn about buffers and setbacks, clearing and grading, vegetation conservation, and other requirements that may apply to your project. The County may require you to complete special studies or analyses prior to implementing your project. If your proposal is found to have unavoidable adverse impacts on shoreline function or processes, based on the terms of this Program, you will be required to provide mitigation to offset the impacts so that the net effect of your proposal is neutral.

For development and uses allowed under this Program, the County must find that the proposal is generally consistent with the applicable policies and regulations. When your proposal requires an approval or statement of exemption, submit the required application materials to the DCD Permit Center. Processing of your application will vary depending on its size, value, and features. Contact the Clallam County Department of Community Development for additional information.

1.4 SMP Update Vision

Clallam County is endowed with one of the most striking natural settings in Washington. The County's lake, river, and marine resources are among the most pristine, diverse, valuable, and picturesque in the nation. In the mid-1970s Clallam County developed a comprehensive strategy for managing its shoreline resources in accordance with the state Shoreline Management Act. The County adopted a Shoreline Master Program with policies and regulations designed to accomplish three specific goals: (1) protect the natural environment along shorelines; (2) provide public access to public waters; and (3) accommodate water-dependent uses.

Clallam County has pursued these goals for the benefit of residents and visitors alike for over 40 years. During this time, County residents have witnessed the passage of the Growth Management Act, regional watershed planning initiatives, the start of the Elwha River ecosystem restoration, the Dungeness River instream flow rule-making process, new National Flood Insurance Program requirements, significant public and private investments in salmon recovery, and a variety of other events. Despite the changing social, political, and economic circumstances, the County's original Shoreline Master Program has never been comprehensively updated . . . until now.

Through all these changes, the County's shoreline resources remain in relatively good condition overall. Development in the western part of the County is generally sparse and, in many ways, the shoreline ecosystem functions much as it has for decades. The fact that salmon runs in most of the rivers that drain to the Pacific Ocean have not been federally listed as threatened or endangered is evidence of the good stewardship of shoreline property owners, government agencies, Tribes and citizens.

Fishing organizations consider the rivers of western Clallam County to be among the most productive and pristine in the state (Figure 1-2). Effective land use regulations provided through the Shoreline Master Program will help protect the riparian corridors and in-stream habitats that sustain these salmon runs, preserving these important resources for future generations.

Figure 1-2. The SMP can help ensure that future generations will continue to enjoy fishing on the Sol Duc and other rivers (Photo: Clallam County)

Extensive stands of private and state-owned timberland line the major rivers including the Bogachiel, Calawah, Quillayute, Hoko, Clallam, Sekiu, and Pysht. The forests help keep stream temperatures low, provide food resources for aquatic species, and contribute woody debris that builds complex instream habitat for salmon and trout (Figure 1-3). The Shoreline Master Program seeks to accommodate sustainable timber harvest on managed forest lands while preserving the essential ecological functions that healthy riparian forests provide.

Figure 1-3. Forests, like these at the confluence of the Calawah and Bogachiel rivers, provide shade, large woody debris and other valuable functions (Photo: Ecology, 2007)

Conditions are more variable along the shorelines in the central and eastern parts of the County. Many of the rivers draining into the central Strait have degraded floodplains or blockages that prevent salmon from migrating to upstream spawning grounds. The County is working with Tribes, timber companies, property owners, and state resource agencies to restore parts of the Lyre River, Twin Rivers, Salt Creek, and Morse

Creek to improve habitat and allow these rivers to meander naturally across their floodplains. The Shoreline Master Program promotes and encourages these types of shoreline restoration efforts.

A major restoration effort is now underway on the Elwha River. Largely unimaginable when the Shoreline Master Program was first adopted, demolition of the Elwha dams creates the first opportunity to witness the "recovery" of a major river ecosystem. It also creates tremendous uncertainty for the residents who live downstream. Property owners and scientists alike acknowledge the need to monitor and respond quickly to changing conditions in the years following dam removal. Lessons learned on the Elwha River will improve and inform our ability to manage and restore other large rivers in Clallam County.

Another major restoration effort is underway on the lower Dungeness River, where efforts – including estuary and associated floodplains restoration – is the top restoration priority for the Dungeness basin. Initial restoration actions by the County, Jamestown S'Klallam Tribe, and State Department of Fish and Wildlife have included property acquisitions, removal of structures and septic systems associated with previous uses, and native vegetation enhancement. Additional acquisitions, levee setbacks, and estuarine marsh restoration are currently being planned. The restoration of the Lower Dungeness will increase the quantity and quality of spawning, rearing and transitional habitat available to salmon runs. Efforts will also reconnect flood water storage areas, decreasing flood hazards to surrounding human uses and structures. These restoration efforts require considerable resources of time and money. Protecting existing resources from harm or degradation is generally much less expensive; that's why the Shoreline Master Program contains policies and regulations to prevent new impacts from occurring.

Because of its location in the rain shadow of the Olympic Mountains, eastern Clallam County has experienced relatively rapid growth compared to other areas of the County. This has led to shoreline management challenges related directly to water—too little flow for salmon and agriculture at certain times of the year; too much flow for river residents during floods; and substandard water quality caused by animal wastes and malfunctioning septic systems. The Shoreline Master Program can help address these issues by ensuring that new developments are located and designed to minimize adverse impacts on the environment and by reducing the potential for conflicts between adjoining land uses (Figure 1-4).

Figure 1-4. Effective regulations can help ensure new developments are located and designed to maintain healthy stands of riparian vegetation and prevent and minimize adverse impacts on the shoreline environment (photo: Ecology)

The marine shorelines of Clallam County are special in many ways. The Strait of Juan de Fuca is a vital passageway for goods and materials as well as a critical migratory corridor for salmon and other species. Chinook salmon and Hood Canal summer chum, two federally threatened species, are among the many culturally and economically important species that migrate to and from the ocean through the Strait. These species forage and rear in the eelgrass and kelp beds that predominant in the nearshore environment. The abundant eelgrass and kelp beds that occur from Sequim Bay to the Makah Reservation are part of what makes the County's nearshore environment so ecologically valuable and worthy of continued protection (Figure 1-5).

Figure 1-5. Abundant kelp on Bullman Beach contributes to a healthy nearshore environment for fish and wildlife (Photo by A. MacLennan)

Clallam County's beaches would not exist without the adjoining bluffs that provide the sands and gravel materials that make up the beach surface (Figure 1-6). The steep bluffs and rocky shores along the Strait supply sediments that build beaches and spits, including Dungeness Spit—the longest natural sand spit in the United States—which is nourished by the "feeder bluffs" to the west. The beaches and spits become spawning grounds for smelt, sand lance, and herring (Figure 1-7). They are also treasured places for surfing, beachcombing and other forms of recreation. A recent (2013) study of feeder bluffs in Clallam County conducted by scientists from the Washington Department of Natural Resources, the Coastal Watershed Institute and Western Washington University confirmed that beach sediment from feeder bluffs play an important role in maintaining habitat for forage fish. The study authors suggest that feeder bluffs be managed conservatively because loss of sediment supply to the nearshore, due to in-river damming and shoreline alterations, results in significantly larger and more variable beach sediment at the drift-cell scale. They note that protecting the role of feeder bluffs in nearshore habitat restoration practices is a high priority.

Figure 1-6. Sediment delivery and transport processes - bluff erosion, landslides and littoral drift help to sustain beaches and spits (Source: King County)

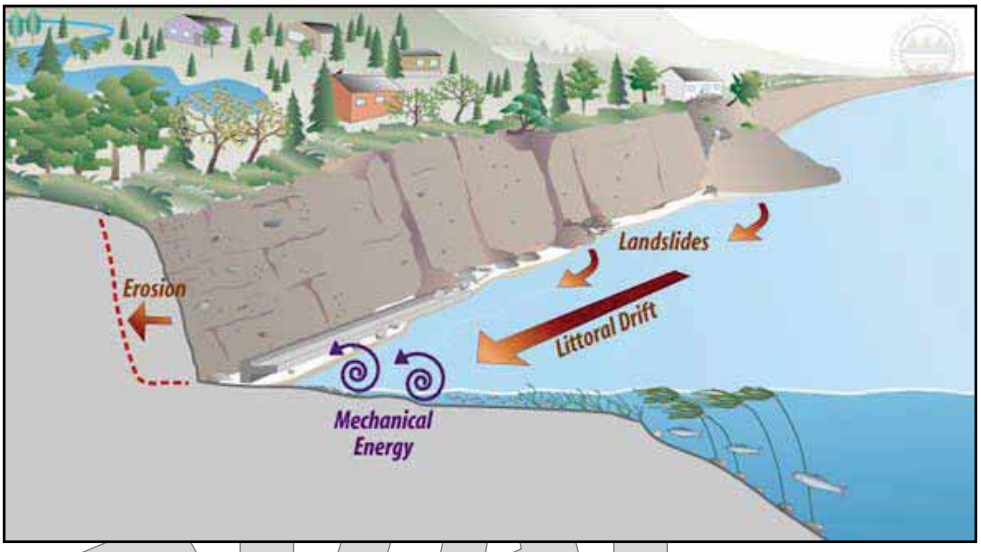


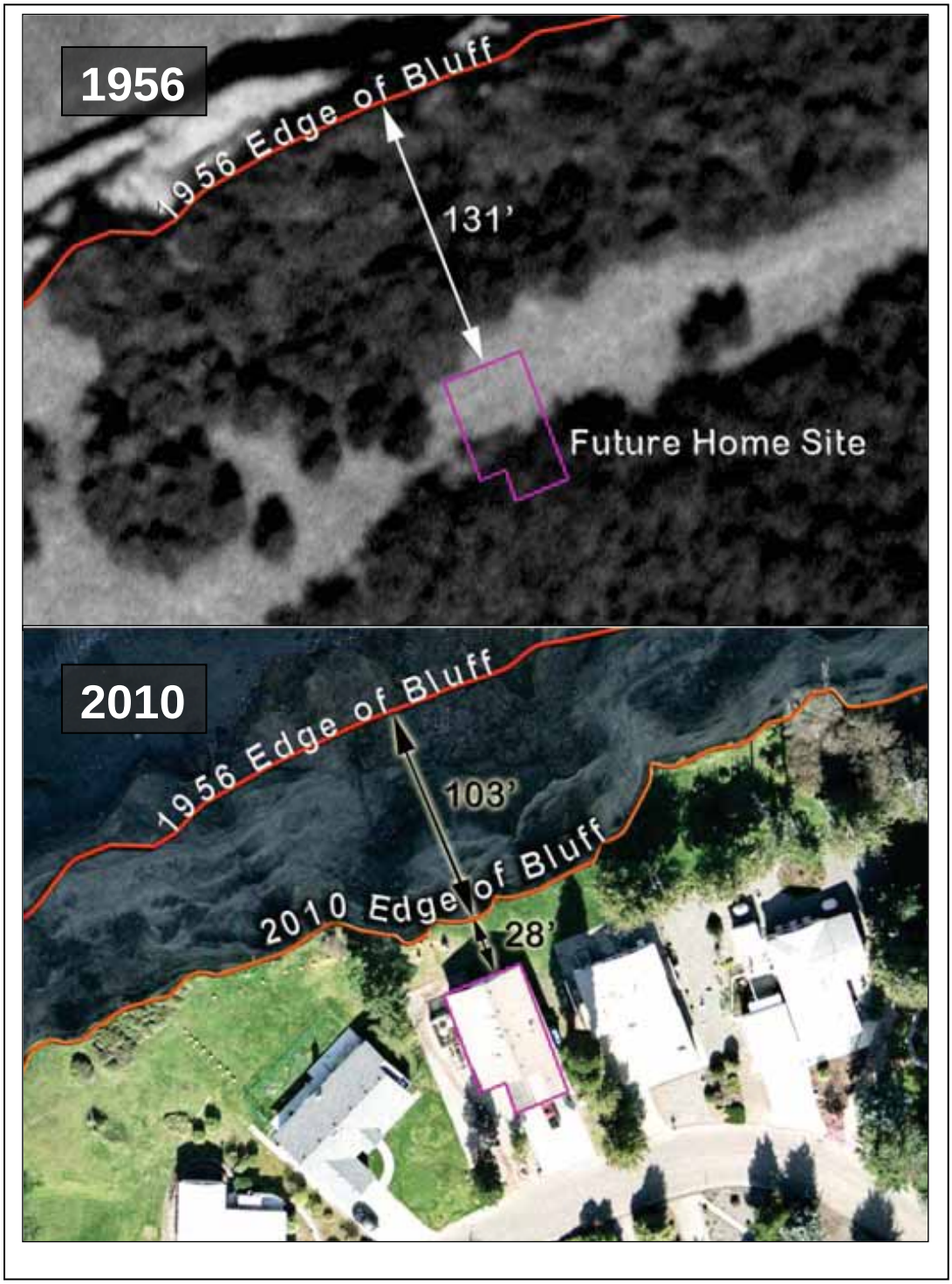
Figure 1-7. Left: One of the many "exceptional" feeder bluffs along the Strait of Juan de Fuca, Southeast of Dungeness River (photo: A, McLennan). Right: Small forage fish eggs on gravel beach. Forage fish are a critical part of the diet for salmon and other species in the Strait of Juan de Fuca (photo: M. Clancy)

As part of the Shoreline Master Program update, Clallam County conducted a first-ever, comprehensive inventory and assessment of marine bluffs along the Strait of Juan de Fuca (see the March 2012 Shoreline Inventory and Characterization Report for WRIAs 17-19). Using a combination of field investigation and aerial photo interpretation, coastal geologists mapped and categorized the bluffs based on their geologic characteristics and contribution to sediment input. The mapping revealed high variability in the range of geomorphic conditions and the relative distribution of the different shore types found along the marine shore. The bluff characteristics vary due to the relative range of exposure/fetch, contrasting lithology/stratigraphy, sediment transport rates, drift cell lengths, and the influence of large-scale rivers systems including the Dungeness, Elwha, Salt Creek, Lyre, Twin Rivers, Pysht, Hoku, Clallam and Sekiu rivers. The mapping highlights three different types of feeder bluffs: talus bluffs (mainly Western Clallam County), feeder bluffs and "exceptional" feeder bluffs. The "exceptional" feeder bluffs (mostly located between the mouth of Morse Creek and the base of Dungeness Spit, between Kulakala Point and Gibson Spit, and along the Miler Peninsula) are most rapidly receding bluff type. The bluff mapping and

characterization allow Clallam County to tailor the shoreline regulations to protect the areas that are most critical to the marine sediment supply.

The eroding bluffs that are essential to beaches and spits can also be a source of anxiety to waterfront homeowners. The primary driver of bluff recession in Clallam County and other parts of the region is wave attack at the toe or base of the bluff. Clallam County bluffs are also subject to landslides, triggered primarily by forces acting on top of the bluffs, making them inherently unstable. There is widespread evidence of erosion and landslides, both recent and historic, all along the Strait of Juan de Fuca. Some areas are more prone to erosion than others. Erosion rates in the range of 3 feet per year have been documented west of Dungeness Spit. As a result, a home site that was 131 feet landward of the edge of the bluff in 1956 is now a mere 28 feet from the edge (Figure 1-8). Some residents actively consider moving their houses back from the edge of the retreating bluffs for fear of losing their homes in a catastrophic event. More residents may face similar decisions in the coming years

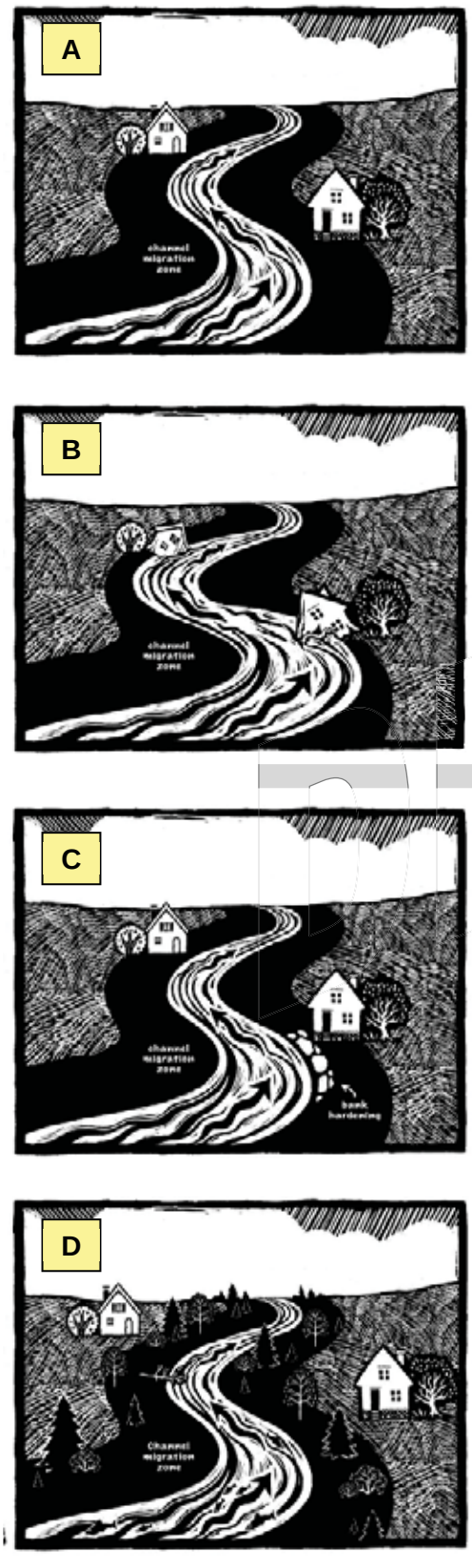
Figure 1-8. Bluff erosion threatening homes along Cypress Circle, west of Dungeness Spit (Source: R. Johnson)



The threat of erosion and landslides will continue to pose challenges to developments along the bluffs (Figures 1-9 and 1-10). These challenges could intensify in the future as the effects of climate change become more apparent. The implications of climate change are potentially serious and widespread. These implications include more frequent and intense storms, more frequent El Niño conditions, and increasing wave heights, which contribute to the frequency and magnitude of coastal flooding and erosion events. Landslides and flooding of freshwater streams and rivers may also increase along with increases in winter precipitation and altered rainfall patterns. In addition, climate change is expected to exacerbate sea level rise which will affect high bluffs but also low bank developments in places such as Diamond Point, 3-Crabs Road and Clallam Bay. Rising sea levels will likely result in an increase in mass-wasting, beach erosion and overwash, barrier migration, shifting tidal inlets, changes in tidal prism, marsh erosion and accretion, inlet dynamics and accelerated bluff retreat. These changes present significant challenges for shoreline planning in Clallam County and throughout the world. Planners and property owners will need to be increasingly vigilant when making decisions about how, where and whether to develop along the County's shorelines.

Figure 1-9. Erosion at base of bluff contributing sand, cobble and gravel to the nearshore. Erosive forces could become more severe in the future due to climate change (Photo by A. MacLennan)

Figure 1-10. Evidence of recent landslide activity near Shipwreck Point (Photo by A. MacLennan)



Flooding and channel migration pose serious threats to citizens and property in Clallam County (Figure 1-11, a through d). Channel migration is a natural process that has a dramatic effect on freshwater rivers and streams and the people who live near them. River channels naturally move across and sometimes outside of their mapped floodplains by eroding the outside banks of a meander bend, or through channel avulsion. This can create very hazardous situations for development within the channel migration zone, which can be damaged or destroyed by gradual or sudden channel shifts (Figure 1-12).Where vegetation along the river has been removed, the risk of channel migration is generally greater.

People often try to contain rivers within their channels by hardening the banks with riprap or other materials that resist erosion. Levees and bank hardening are cited as major factors in the decline of salmon runs, so the challenge of protecting people *and* habitat is very real in Clallam County. Bank hardening reduces habitat quality for salmon and other species and can accelerate the flow, transferring the erosive energy downstream and potentially creating problems for other property owners. Locating development outside of the channel migration zones and maintaining riparian vegetation along stream banks is a safer, less costly and ecologically preferred alternative.

Already, the County has worked with partnering agencies to identify and move at-risk structures from the floodplain along the Dungeness River, and have done so in a way that maintains ongoing use of the structure (Figure 1-13). These efforts have occurred concurrently with ecological restoration.

The extent of a channel migration zone is difficult to accurately determine at a site- or parcel-scale; an in-depth study of an entire river reach by a professional hydrogeologist is required for accurate mapping. The County has documented and mapped many areas that are subject to channel migration and flooding and has used that information to inform the development of the policies and regulations in this Program.

Figure 1-11a-d. Channel migration areas are potentially hazardous areas and development within these areas should be avoided to reduce safety risk and prevent ecological impacts (From the Dungeness Flood Hazard Management Plan; sketches by Amanda Kingsley, used with permission)

Figure 1-12. Locating new developments outside of channel migration zones will help prevent situations like this which occurred during a recent Dungeness River channel migration event (Photo: Randy Johnson)

Tsunami hazards are another consideration for shoreline developments in Clallam County. The County has tsunami hazard zone mapping and excavation route planning at: **http://www.clallam.net/Maps/evacuation.html).**

In the future, more tough choices must be made about how to manage these areas and minimize risks to people, infrastructure and property. The Shoreline Master Program includes policies and regulations to limit new development in floodplains and channel migration zones, which helps keep these habitats intact and keeps people and property out of harm's way (Figure 1-13). For example, this Program is consistent with the Dungeness River Management Plan recommendations concerning development within the floodplain and channel migration corridor.

Figure 1-13. The County and partners are moving existing developments outside of channel migration zones to prevent potential human and property harm; this project along the Lower Dungeness River also allowed for riparian and floodplain restoration (Photo: Clallam County)

The high energy, dynamic nature of the Strait and the Pacific Coast makes most of Clallam County marine shorelines unsuitable for docks, piers, and other offshore structures. As a result, there are relatively few structural modifications along the marine shoreline. Relative to other marine shoreline areas in the Puget Sound region, Clallam County has a low percentage of armoring. There are areas, however, where natural sediment supply processes have been disrupted. One area that is armored is the shoreline west of the mouth of Morse Creek into downtown Port Angeles, where fill and riprap have been placed and maintained at the toe of the feeder bluff along this reach to create and protect the former railroad grade that now serves as the alignment for the Olympic Discovery Trail. Similar to the railroad the riprap is intended to protect the trail, and the bluff with residences at top, from direct exposure to wave action, although wave caused erosion still occurs and bluff failures and slides remain common due to upland factors. The loss of natural sediment supply in this area reduces the amount of material available to down-drift beaches. Shoreline armoring has resulted in more dramatic changes along Ediz Hook, where loss of sediment supply in the area caused rapid erosion and necessitated riprap along its entire length to prevent washouts. The Shoreline Master Program contains policies and regulations designed to discourage and limit the construction of new shoreline armoring. This is consistent with the Puget Sound Partnership's goal of reducing armoring throughout the Puget Sound region.

Lakes in Clallam County provide unique opportunities for private residential development and public recreational use. Both Lake Sutherland and Lake Pleasant support water-related development and are popular destinations for fishing, boating, and other water-oriented pursuits. Large stretches of the lake shorelines are forested and relatively undeveloped, which adds to their natural beauty and ecological value (Figure 1-14).

Figure 1-14. The natural setting at Lake Pleasant (Photo: Google Earth)

Although the basic goals of shoreline management are as relevant today as they were in the 1970s, the realities of balancing environmental protection with public access and water-dependent use are more complicated than they were when the original Shoreline Master Program was adopted. This updated Shoreline Master Program reflects these realties and provides an important tool for the continued stewardship of shoreline resources. Other tools such as ecological restoration, water cleanup plans, open space tax incentives, beachwatcher and streamkeeper programs, stormwater management plans, land acquisition programs, and property owner outreach will be needed to fully realize the community's goals for shoreline management in the years to come.

Marine spatial planning is another important tool that is increasingly being used around the country and world to coordinate decisions for coastal and ocean environments. Marine spatial planning uses data on the location of important marine resources, human activities, and other key components to determine the

most appropriate locations for particular uses to achieve ecological, economic and social objectives. In March 2010, the state legislature enacted a marine spatial planning law to address resource use conflicts in Washington waters. In 2012, the Governor amended the law and the legislature provided funding for mapping, ecosystem assessment, data tools and stakeholder outreach on Washington's Pacific Coast. The Legislature provided continued funding in 2013 for the development of a Pacific Coast Marine Spatial Plan.

Maintaining the value of Clallam County's shorelines benefits Tribes who have lived here for centuries, hikers who enjoy the views from the Olympic Discovery Trail, fishers after kokanee in Lake Pleasant, shellfish growers in Sequim Bay, surfers riding waves at Crescent Beach, business owners who benefit from tourism and, of course, shoreline property owners. Thoughtful implementation of this Shoreline Master Program is in the interest of all County citizens.

1.5 Shoreline Master Program Goals

The purpose of this Program is to promote the health, safety, and general welfare of the community by providing reasonable regulations for use and development of Clallam County shorelines consistent with the Washington State Shoreline Management Act of 1971 (Revised Code of Washington [RCW] 90.58) as amended. This Program will be implemented and administered to achieve the following goals:

1. To preserve, to the fullest extent possible, the scenic, historic, and ecological qualities of the shorelines of Clallam County, in harmony with those uses which are essential to the life of its citizens.

2. To provide property owners with clear guidelines and requirements for future shoreline development and provide fair and reasonable allowances for the continued use and enjoyment of private property.

3. To ensure, at minimum, no net loss of shoreline ecological functions and processes, and to promote, where feasible, voluntary and collaborative efforts by government agencies, Tribes, businesses, property owners, and other citizens to restore shorelines that have been impaired or degraded in the past.

4. To respect the rights of private property owners and the rights of citizens-at-large to use and enjoy shorelines of the state.

5. To accommodate and give priority to water-dependent uses such as aquaculture and preferred uses such as single-family residential uses when they are consistent with the goal of preserving shoreline ecological functions and processes, in accordance with the policy enunciated in RCW 90.58.020.

6. To discourage development in areas where there is a documented risk of erosion, landslides, flooding, channel migration, tsunami, or other health or safety hazards.

7. To facilitate public access to public waters where it will not interfere with private property rights or irreparably harm the ecological quality of those shorelines.

8. To maintain and protect water quality and quantity for the benefit of people, fish, and wildlife.

9. To complement and contribute positively to salmon recovery efforts and promote healthy and sustainable salmon populations in the County's lakes, rivers, and marine waters.

10. To preserve shorelines for water-related commerce and industry that are essential to the County's economy, and to discourage interference with established water-related use of shorelines.

11. To channel future commercial and industrial use into shoreline areas already so utilized, or which lend themselves to such use.

12. To discourage the establishment of new non-water-oriented uses on the shoreline except when they provide substantial public benefit with respect to public access and/or ecological restoration.

13. To protect people and property from adverse impacts related to climate change and to promote resiliency in responding to climate change impacts.

14. To use sound, credible, scientific data and information when making decisions about shoreline use and development so that people, resources and property are protected. Credible scientific information includes but is not limited to the March 2012 Shoreline Inventory and Characterization Report (ICR) for WRIAs 17-19; the May 2012 Revised Draft WRIA 20 Inventory and Characterization Report; the August 2013 Shoreline Restoration Plan; and the SMP Cumulative Impact Analysis and No Net Loss Reports.

1.6 Applicability

1. The provisions of the Program shall apply to all shorelines of the state in unincorporated Clallam County, including all freshwater and saltwater shorelines, shorelines of statewide significance, and all shorelands as defined in RCW 90.58.030, except where this Program makes explicit exception consistent with state law.

2. This Program shall apply to every person, individual, firm, partnership, association, organization, local or state governmental agency, public or municipal corporation, or other non-federal entity who or which:

   a. Proposes any new use, activity, development or structure within the unincorporated area of Clallam County subject to the Shoreline Management Act, as now or hereafter amended; or

   b. Proposes a change, modification, addition or alteration to an existing use, activity, development or structure within the unincorporated area of Clallam County subject to the Act, as now or hereafter amended.

3. Federal agencies are subject to this Program and RCW 90.58, as provided by the Coastal Zone Management Act (Title 16 United States Code §1451 et seq.) and Washington Administrative Code (WAC)173-27-060(1).

4. Activities on privately owned lands (in-holdings) or any lands subject to non-federal/tribal ownership, lease, or easement, including tribal lands owned in fee by non-tribal members that fall within the external boundaries of federally/tribally owned lands shall be subject to this Program.

1.7 Exceptions to Applicability

1. This Program shall not apply to:

a. lands held in trust by the United States for Indian Nations, Tribes, or individuals:

b. lands within the boundaries of the Olympic National Park in accordance with RCW 37.08.210.

1.8 Jurisdictional Limits

1. The jurisdictional limits of this Program correspond to the following areas, which are defined in RCW 90.58.030 as shorelines of the state:

   a. All marine waters of the Strait of Juan de Fuca – the jurisdiction shall extend waterward from the ordinary high water mark to the state boundary with British Columbia; and

   b. All marine waters of the Pacific Ocean – the jurisdiction shall extend from the ordinary high water mark to the state boundary (the three nautical-mile limit). The waters of the Pacific Ocean below (waterward) of the ordinary high water mark, including designated marine sanctuaries and bedlands owned by the Washington State Department of Natural Resources, shall be subject to this Program even where the adjacent shorelands are under federal or tribal ownership; and

   c. Segments of streams where the mean annual flow is more than 20 cubic feet per second; and

   d. Lakes and reservoirs 20 acres and larger in area; and

   e. Shorelines of statewide significance as defined by this Program and RCW 90.58.020; and

   f. Shorelands adjacent to the water bodies listed in a through e of this Section (1.8.1). Shorelands regulated by this Program shall include: those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark plus the full extent of the mapped 100-year floodplain, all floodways, all associated wetlands, as defined herein, and the following critical areas and buffers when overlapping or otherwise coincident with the shorelands in accordance with RCW 90.58.030(2)(d)(i) and (d)(ii):

      i. Areas that a qualified agency, organization or professional has identified as feeder bluffs, feeder bluff - exceptional, or feeder bluff - talus using accepted protocols; and

      ii. Areas identified by the Washington State Coastal Atlas (https://fortress.wa.gov/ecy/coastalatlas/tools/Map.aspx) as unstable slope, unstable slope (old slide), and unstable slope (recent slide); and

      iii. Areas identified by the Washington Department of Natural Resources (https://fortress.wa.gov/dnr/geology/?Theme=landslides) as landslide areas; and

      iv. Areas that the Department of Ecology or other qualified agency, organization or professional has identified as potential channel migration zones using accepted protocols.

2. The portion of any individual parcel subject to shoreline jurisdiction shall be determined by the County on a case-by-case basis at the time shoreline development is proposed. The Administrator may require proponents of shoreline development proposals to provide site-specific information on the location or extent of the floodplain, the ordinary high water mark, and/or any associated wetlands or other critical areas to determine the extent of shoreline jurisdiction on a parcel-by-parcel basis.

3. The County shall maintain a map, which shall be appended (see Exhibit A) to this Program, showing the general location and approximate extent of shorelines subject to this Program. The County shall also maintain a Geographic Information Systems database that depicts the coordinates for locating the upstream extent of shoreline jurisdiction (that is, the location where the mean annual stream flow is at least 20 cubic feet per second). The database shall also show the approximate location of the floodplain, floodway, wetlands, feeder bluffs, landslide hazard areas, channel migration zones and other features that may have a determinant effect on the jurisdictional boundaries of the Program. The database shall show features that have been identified by local, state and/or federal agencies using the best available information. The map and database shall be used for planning purposes only. The map and database shall be updated regularly as new information is made available and the public shall have access to the information upon request.

1.9 Classification of Shoreline Uses and Developments

1. Shoreline uses and developments shall be classified as follows:

   a. Permitted uses and developments – Uses and developments that are consistent with this Program and RCW 90.58. Such uses/developments shall require a shoreline substantial development permit per Section 10.2.1, a shoreline conditional use permit per Section 10.2.2, a shoreline variance per Section 10.2.3, or a statement from the County Community Development Department that the use/development is exempt from a shoreline substantial development permit per Section 10.2.5.

   b. Prohibited uses and developments – Uses and developments that are inconsistent with this Program and/or RCW 90.58 and which cannot be allowed through any permit or variance.

   c. Grandfathered uses and developments – Existing uses and developments that were legally established shall be allowed to continue without modification, provided that redevelopment, expansion, change of occupancy, or replacement of such uses/developments shall be regulated according Section 5.1 of this Program.

2. All proposed uses and development occurring within shoreline jurisdiction shall comply with this Program and RCW 90.58 whether or not a shoreline permit is required.

3. Classification of a use or development as permitted does not necessarily mean the use/development is allowed outright. It means the use/development may be allowed if it is implemented according to the policies and regulations of this Program. Permitted uses and developments are subject to review and approval by the County; conditional uses and variances are also subject to review and approval by the Department of Ecology. Many permitted uses/developments, including those that do not require a substantial development permit, can individually or cumulatively affect adjacent properties and/or natural resources and therefore must comply with the Program in order to avoid or minimize such adverse impacts. The County may attach conditions of approval to any permitted use via a permit or statement of exemption as necessary to assure consistency of the project with the Shoreline Management Act and the Program.

4. Compliance with this Program is demonstrated by the issuance of a statement of exemption, shoreline substantial development permit, conditional use permit or variance, as specified in Section 10.2 of this Program.

5. Non-project actions, such as rezones, code and plan adoption, and annexations, shall be reviewed for consistency with this Program. Prior to taking action on a zoning or comprehensive plan map amendment, the proponent shall complete an environmental assessment that shall be approved by Clallam County to confirm the nature, extent, and rating of shorelines and critical areas on the property; determine if the subsequent development proposal would be consistent with this Program; and determine whether mitigation or other measures would be necessary if the proposal were approved. Such review shall occur prior to any State Environmental Policy Act (SEPA) threshold determination pursuant to Chapter 27.01 CCC, Clallam County Environmental Policy. Findings of such review may be used to condition or mitigate the impact through the SEPA threshold determination or to deny the proposed zoning or comprehensive plan map amendment if the impacts are significant and cannot be mitigated.

6. Clallam County shall not grant any permit, license, or other development approval that is inconsistent with the provisions of this Program.

1.10 Authority

1. This Program is adopted under the authority granted by RCW 90.58 and WAC 173-26. The Shoreline Management Act and this Program are exempt from the rule of strict construction and shall be liberally construed to give full effect to its goals, policies, and regulations. This means that the interpretation of this Program shall not only be based on the actual words and phrases used in it, but also by taking its deemed or stated purposes into account.

2. In administering this Program and evaluating development proposals regulated by the Program, Clallam County, as the Administrator, shall:

   a. Make available to the public information including but not limited to: maps showing the general location and extent of shoreline designations; maps and information describing feeder bluffs, hazard areas such as steep slopes, landslide and erosion hazards, floodplains and channel migration zones; and any public data related to shoreline functions and characteristics.

   b. Confirm and make interpretations, where needed, of the regulatory boundary of the Program and the applicability of protection standards contained within.

   c. Determine whether development proposals are consistent with this Program, and grant, deny, or condition projects as appropriate.

   d. Determine if the protection mechanisms and mitigation measures proposed by development proponents are sufficient to protect the public health, safety, and welfare consistent with the goals, policies, and regulations of this Program.

   e. Maintain and make available for public inspection all records pertaining to certificates of compliance or other permits granted, denied, or conditioned under this Program.

   f. Coordinate review of proposals with other agencies of jurisdiction and relay information to the applicant about other required permits for any development proposal within shorelines.

3. The County shall periodically review the application and administration of this Program and make adjustments as needed to ensure that the policies and regulations are being effectively implemented with respect to state law. The County shall convene a citizen review panel to

assist in the review process and shall report the findings to the public at-large. The periodic review schedule shall not be construed as altering or superseding any legally mandated update requirements imposed by the state legislature.

1.11 Relationship to Other Plans and Regulations

1. Uses and developments regulated by this Program may also be subject to other provisions of the Clallam County Code, the Clallam County Comprehensive Plan, the Washington State Environmental Policy Act (RCW 43.21C and WAC 197-11), the federal Clean Water Act, the federal Endangered Species Act, the State Water Pollution Control Act, the State Hydraulic Code and various other local, state, and federal laws. Project proponents are responsible for complying with all applicable laws prior to commencing any use, development, or activity, regardless of whether this Program specially calls for such compliance.

2. The provisions of this Program are intended to complement and not duplicate existing local, state, and federal regulations. When development actions are subject to multiple regulations with overlapping and complementary purposes (such as minimizing environmental impacts), the County shall conduct the development review process in an integrated, fair, and efficient manner so that project proponents have a straightforward pathway for compliance.

3. Where this Program makes reference to any RCW, WAC, or other state or federal law or regulation, the most recent amendment or current edition shall apply.

4. In the event this Program conflicts with other applicable County policies or regulations, all regulations shall apply. Unless otherwise stated, the more restrictive provisions shall prevail.

1.12 Limitations and Disclaimer

1. The degree of environmental protection required by this Program is considered reasonable for regulatory purposes. This Program does not imply that lands outside of shoreline jurisdiction do not provide beneficial functions, nor does it imply that any lands within or outside of shoreline jurisdiction will be free from hazards. This Program shall not create liability on the part of Clallam County, any officer or employee thereof, for any damages that result from reliance on this Program or any administrative decision lawfully made pursuant to the spirit and purpose of this Program.

2. Maps and other data prepared and made publicly available by the County or other agency to assist in the implementation of this Program shall be based on the best available information. This information shall be advisory and used by the Administrator to provide guidance in determining applicability of the standards of this Program to a property.

1.13 Severability

1. If any section or provision of this Program is declared invalid it shall not affect the validity of this Program as a whole.