

LETTER OF TRANSMITTAL

Date: October 18, 2017
To: Clallam County Board of Commissioners (BOCC)
From: Clallam County Planning Commission
Subject: Planning Commission Recommended Shoreline Master Program (SMP)

Dear County Commissioners:

The Planning Commission approved by a vote of 7-0 at their regular-meeting of September 20, 2017 to forward a Draft Shoreline Master Program (SMP) to the Board that is recommended to update and replace: (1) the existing 1976 SMP (last amended in 1992) and (2) procedures for the administration of the SMP set forth in Chapter 35.01, Shoreline Management, of the Clallam County Code (CCC) under Title 35 CCC, Shorelines. As Chair of the Planning Commission, having first received the authorization of the Planning Commission, I am transmitting herewith the findings and conclusions on our recommendation:

FINDINGS:

1. Washington's Shoreline Management Act (SMA), codified in Chapter 90.58 of the Revised Code of Washington (RCW), was passed by the State Legislature in 1971 and ratified by voters in 1972. Under the SMA, each affected county is required to adopt and administer a local Shoreline Master Program (SMP) to carry out the provisions of the SMA.
2. Clallam County adopted a SMP in 1976 (last amended in 1992) that was approved by Washington State Department of Ecology ("Ecology")
3. Clallam County procedures for the administration of the SMP are set forth in Chapter 35.01, Shoreline Management, of the Clallam County Code (CCC) under Title 35 CCC, Shorelines.
4. The state Shoreline Management Act, RCW 90.58, requires the County to review and update the existing Clallam County Shoreline Master Program (SMP) consistent with the SMA and Chapter 173-26, State Master Program Approval/Amendment Procedures and Master Program Guideline ("SMP Guidelines").
5. The County adopted a SMP Update Public Participation Strategy (Resolution 36, 2011) in March 2011 to guide public participation, outreach and notification.
6. The County maintained an SMP Update Web Site throughout the update process that made available for public review SMP drafts, key supporting SMP documents (e.g., shoreline inventory and characterization), and other SMP related information.

Community Visioning

7. Clallam County conducted a multi-faceted effort to gather public perspectives and visions for shoreline management early in the SMP Update process through shoreline visioning forums, focus groups, and regional public forums. As part of these efforts, the County:
 - a. Hosted a public shoreline visioning forum in Forks on October 26, 2010 targeting western Clallam County river reaches and lakes subject to the SMP Update in Water

Resource Inventory Area (WRIA) 20 (i.e., drain to the Pacific Ocean). The visioning session was facilitated by the University of Washington-Olympic Natural Resources Center (UW-ONRC). 21 people attended the forum. ONRC staff also conducted follow-up interviews with various stakeholders unable to attend the visioning session.

- b. Hosted 5 focus group discussion forums between January 19 and 27, 2011 to engage County residents in defining a vision for shoreline management. Three forums focused on east, central and west end property owners and the other two forums were for water-related business owners and recreation shoreline users. The focus group discussions were facilitated by Environmental Science Associates (ESA), with assistance from County staff. A total of 130 private citizens attended the focus groups. A summary report of the focus group meetings was produced, and the result of the focus groups meetings was reviewed by the Planning Commission at their April 6, 2011 regular-meeting.
- c. Hosted 7 regional public forums between April 11 and April 14, 2011 in Port Angeles, Sekiu, Joyce and Sequim to gather public input on issues related to the SMP update. The public forums were facilitated by ESA, with assistance by County staff. Over 160 people attended the public forums. A summary report of the 7 public forums was produced, and the results of the forums were reviewed with the Planning Commission at their May 18, 2011 regular-meeting.
- d. Prepared two visioning reports: (1) Final Clallam County Shorelines in Transition – A Vision Statement for Clallam County Shoreline Master Program Update (August 2011) prepared by ESA for County for shorelines that border or flow into the Strait of Juan de Fuca; and (2) WRIA 20 Visioning Forum and Interview Report (June 2011) prepared by the UW-ONRC specific to the rivers and lakes that drain to the Pacific Ocean. The Planning Commission was briefed on these visioning reports for the Strait and Pacific Ocean shorelines at their July 20 and August 17, 2011 meetings, respectively.

Consistency Review Report

8. Pursuant to the SMA (RCW 90.58.080), updates and implementation of SMP's must be consistent with the state SMP Guidelines (WAC 173-26) adopted by Ecology. Ecology completed a major update of the SMP Guidelines in 2004 and the Guidelines were last updated in 2011.
9. The County prepared a Final Consistency Review Report (July 2011) to identify and provide recommendations to: address inconsistencies and gaps of the existing SMP with state requirements; gaps and omissions of the existing SMP in terms of the range of shoreline development scenarios likely to occur in the future; improve clarity/administration; and achieve Ecology approval of the updated SMP.
10. The Planning Commission was briefed on a Draft Consistency Review Report (March 2011) and a Final Consistency Review Report (July 2011) at their April 6 and July 20, 2011 meetings, respectively.

Shoreline Inventory and Characterization

11. Clallam County documented existing shoreline conditions and presented a baseline inventory and characterization of ecosystem-wide processes and shoreline ecological functions in accordance with WAC 173-26-201(3)(c) and (3)(d). The final results were presented in the following two shoreline inventory and characterization (ICR) reports:
 - a. Final Shoreline Inventory and Characterization Report for Portions of Clallam County Draining to the Strait of Juan de Fuca (March 2012) prepared by ESA (consultant) for Clallam County; and
 - b. Revised Draft WRIA 20 Inventory and Characterization Report (May 2012) prepared by UW-ONRC for Clallam County.
12. To inform updates to the SMP for shorelines in WRIA 20 (draining to the Pacific Ocean) the UW-ONRC facilitated afternoon and evening public forums for Clallam County on June 9, 2011, in Forks. The public forums focused on presenting and gathering input on the Draft WRIA 20 Shoreline Inventory and Characterization Report (June 2011) and findings in the Draft WRIA 20 Preliminary SMP Elements Report (2011) that looked at issues and opportunities related to use and development along western shorelines.
13. Clallam County hosted 5 regional public forums between July 12 and 14, 2011 in four locations across Clallam County. The purpose of the forums was to provide information and answer questions about the progress on the update of the SMP. The forums focused on presenting and gathering input on the Vision Statement and Draft ICR for County shorelines draining to the Strait of Juan de Fuca. The public forums were facilitated by ESA, with assistance by County staff. Over 80 people attended forums and a summary report was produced.
14. The Planning Commission was briefed on a draft ICR for shorelines subject to the SMP update along and draining to the Strait of Juan de Fuca at their May 18 and July 20, 2011 meetings.
15. The Planning Commission was briefed on a Draft ICR for shorelines within WRIA 20 at their regular-meeting of August 17, 2011.

No Net Loss Work Group

16. Clallam County formed a No Net Loss Work Group that met on December 13, 2010 and August 18, 2011 to discuss and inform strategies and approaches for assessing no net loss of shoreline ecological functions in the development and implementation of the SMP. Participants included representatives from local, state, and federal agencies, Tribes, biologists, geologists and others.

SMP Update Committee

17. Clallam County formed an SMP Update Committee consisting of 30-plus participants representing a variety of interests and stakeholders. The SMP Committee met 13 times between April 2011 and April 2013 to provide input and perspectives on the SMP update, including two earlier versions of an updated Draft SMP dated February 2012 and November 2012. All meetings were open to the public.

18. The SMP Update Committee addressed many issue areas, including but not limited to: Shoreline Environmental Designation criteria and maps; shoreline and critical area buffers, regulation of existing development, development in hazardous areas (e.g., feeder bluffs, channel migration zones), mitigation and no net loss of ecological functions, etc. The Committee also reviewed and provided guidance and input on a number of SMP update supporting documents including consistency review report, shoreline Inventory and characterization reports, visioning reports, and shoreline restoration plan.
19. Clallam County hosted 4 regional public forums between April 24 and May 10, 2012 in four locations across Clallam County. The focus of the forums was to present and obtain public input on the Preliminary Draft SMP-Committee Review Draft (February 2012). The public forums were facilitated by ESA, with assistance by County staff. Over 150 people attended the forums.
20. The Planning Commission was briefed on the work of SMP Update Committee including, but not limited to: (a) preliminary draft shoreline environmental designations at their December 7, 2011 and February 1 meetings; (b) the Preliminary Draft SMP-Committee Review Draft (February 2012) at their March 7, March 21 and April 18, 2012 meetings; (c) results of the April/May 2012 public forums at their May 16, 2012 meeting; and (d) the revised Draft November 2012 SMP (under SMP Committee Review) at their December 5, 2012 meeting.

Draft SMP (November 2014)—Planning Commission Review Draft

21. The Clallam County Planning Commission initiated review of a revised Draft SMP—Planning Commission Review Draft (November 2014) at their regular-meeting of November 5, 2014. The 2014 Draft SMP recommended by the Clallam County Department of Community Development considered public comments received and input from the SMP Update Committee, Ecology and other agencies and organizations on the earlier 2012 Draft SMP's. It also contained updates to clarify intent, address consistency with the SMA and state SMP Guidelines (WAC 173-26), and was reorganized with the intent to ease administration and ability of the public to locate standards that may be applicable to a shoreline use or development.
22. The Planning Commission held four regional public hearings on a 2014 Draft SMP on February 4, 2015 (Sequim); February 12, 2015 [Two hearings: Sekiu (afternoon) and Forks (evening)]; and February 18, 2015 (Port Angeles). Prior to the Commission's regional public hearings, the County held four regional public forums on the 2014 Draft SMP on January 8, 2014 (Port Angeles); January 12, 2014 (Sekiu); January 13, 2014 (Forks); and January 14, 2014 (Sequim).
23. The Planning Commission reviewed the 2014 Draft SMP and public comments received on the 2014 Draft at 19 regular-meetings held between March 2015 and April 2016. Public written comments received earlier in the SMP update process on earlier SMP drafts, SMP supporting documents, or other comments were available to the Planning Commission on the County's SMP Update web site.

Shoreline Restoration Plan

24. Clallam County prepared a Countywide Shoreline Restoration Plan (February 2016) to identify restoration potential, establish goals and priorities of restoration actions, and develop a strategy for implementation in accordance with WAC 173-26-201 (2) (f). Implementation of the shoreline restoration plan will help support Clallam County in achieving no net loss of shoreline ecological functions.

25. The 2016 Countywide Shoreline Restoration Plan updated and consolidated earlier drafts of the restoration plan including, Draft WRIA 20 Shoreline Restoration Plan (May 2011), Draft Shoreline Restoration Plan for that Portion of Clallam County Draining to the Strait of Juan de Fuca (February 2013), and Draft Countywide Shoreline Restoration Plan (August 2013).
26. The Planning Commission reviewed earlier drafts of the shoreline restoration plan at their April 17 and August 21, 2013 regular-meetings. The Planning Commission considered the revised 2016 Countywide Shoreline Restoration Plan at their February 17, 2016 Regular-Meeting.

Draft SMP (June 2017)—Planning Commission Review Draft

27. The Planning Commission initiated review of a revised Draft SMP (dated June 2017)—Planning Commission Review Draft at their regular-meeting of June 7, 2017. The revised June 2017 Draft SMP addressed Commission direction for revisions and areas for further evaluation and update based on review of the 2014 Draft SMP. It also included recommended revisions by County staff to further clarify intent, consolidate and organize policies and regulations, address inconsistencies and correct errors (e.g., code references).
28. Clallam County prepared a Final Cumulative Impacts Analysis and No Net Loss (CIA/NNL) Report (June 2017) on the 2017 Draft SMP that provides an analysis of cumulative impacts of reasonably foreseeable future shoreline development and how the County will achieve no net loss of shoreline ecological functions through the adoption and implementation of the SMP in accordance with WAC 173-26-201(3)(d). The Planning Commission considered the County's Final Cumulative Impacts Analysis and No Net Loss (CIA/NNL) Report (June 2017) at their June 21, 2017 regular-meeting.
29. The Planning Commission considered the County's prepared environmental checklist (August 2017) on the 2017 Draft SMP to satisfy State Environmental Policy Act (SEPA) environmental review requirements. The checklist noted environmental information considered by the County and Commission during the SMP update process including, but not limited to the 2012 shoreline inventory and characterization reports, 2016 shoreline restoration plan (last revised February 2016), and 2017 CIA/NNL Report. The CIA/NNL Report (June 2017) is included as Appendix A of the environmental checklist. The County's SEPA Responsible Official indicated that the County anticipates issuing a SEPA Threshold Determination of Non-Significance (DNS) on the 2017 Draft SMP based on the environmental checklist and SMP supporting documents.

Final Recommendation

30. The Planning Commission reviewed the revised Draft SMP (June 2017) at 7 regular-meetings held between June 7 and September 20, 2017.
31. The Planning Commission by a vote of 7-0 recommended approval of the Draft SMP (June 2017) with revisions to the Board of Clallam County Commissioners on September 20, 2017.
32. Clallam County adopted a Critical Areas Code, Chapter 27.12 CCC, to protect critical areas (e.g., wetlands, fish and wildlife conservation areas, geologic hazardous areas, floodplains, critical aquifer recharge areas) under the state Growth Management Act (RCW 36.70A) in 1992 (last amended in 2016. In accordance with RCW 36.70A.480 (4) critical areas located within the shoreline jurisdiction must be protected such that there is no net loss of shoreline

ecological functions. The recommended SMP incorporates protections for critical areas located within the shoreline jurisdiction. The shoreline-specific critical area regulations are similar to the existing critical area regulations in Chapter 27.12 CCC, but contain revisions to ensure consistency with the SMA. Critical areas outside of the shoreline jurisdiction would continue to be regulated by Chapter 27.12 CCC.

33. As required by the SMA, the recommended SMP applies to all marine waters, reaches of rivers and streams where the mean annual flow is more than 20 cubic feet per second, and lakes and reservoirs 20 acres or greater in size that are within the jurisdiction of Clallam County; and to lands adjacent to these water bodies (together with lands underlying them) extending landward 200 feet in all directions from the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and associated wetlands and river deltas. In addition, to consolidate regulations associated with SMP water bodies, the recommended SMP would also include the full extent of the mapped 100-year floodplain and land necessary to protect critical areas as defined in RCW 36.70A that are overlapping or otherwise coincident with the shoreline jurisdiction as allowed pursuant to RCW 90.58.030(2)(d)(i,ii).
34. As summarized in the above findings, the Planning Commission recommendation was part of a multi-year review effort that included consideration of SMP supporting documents (e.g., Inventory and Characterization Reports) noted above as well as earlier drafts SMP's.
35. Under the SMA, the County and Ecology share joint authority and responsibility for the update and administration of the SMP. Updates to the SMP require approval by Ecology to be effective. Ecology representatives have participated throughout the SMP Update process and comments by Ecology have been addressed in the updated SMP.

CONCLUSION:

In consideration of the above findings, the Planning Commission concludes that the recommended SMP reflects local circumstances and addresses compliance with the Washington State Shoreline Management Act (RCW 90.58) and Washington State Shoreline Master Program Guidelines (WAC 173-26).


Nancy Esteb
Planning Commission Chair


Date