



RESOLUTION 91, 2018

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APPROVAL OF AN UPDATED CLALLAM COUNTY SHORELINE MASTER PROGRAM (SMP)
FOR SUBMITTAL TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR STATE
REVIEW AND APPROVAL

THE BOARD OF CLALLAM COUNTY COMMISSIONERS finds as follows:

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 the Washington State Department of Ecology ("Ecology").
3. The Washington Shoreline Management Act (SMA), RCW 90.58, requires the County to review and update the existing Clallam County Shoreline Master Program (SMP) consistent with the SMA.
4. Pursuant to RCW 90.58.080, updates of SMP's must be consistent with the Washington Administrative Code (WAC) Chapter 173-26, State Master Program Approval/Amendment Procedures and Master Program Guidelines ("SMP Guidelines") adopted by Ecology.
5. The County adopted and implemented a SMP Update Public Participation Strategy (Resolution 35, 2010) to guide public participation, outreach and notification efforts. In March 2011, the County updated the SMP Public Participation Strategy (Resolution 36, 2011).
6. 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. UW-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 the County's consultant, 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 held 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 forums were designed based on input from the focus group meetings held in January 2011, where participants indicated that they would prefer to discuss the most important issues first. The public forums were facilitated by the County's consultant, 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 the County's consultants 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.

7. The County prepared a Consistency Review Report (July 2011) to identify and provide recommendations to: address inconsistencies and gaps of the existing SMP with current state requirements under the SMA (RCW 90.58) and SMP Guidelines (i.e., WAC 173-26); 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. The Planning Commission considered both an earlier Draft Consistency Review Report (March 2011) and a Final Consistency Review Report (July 2011) at their April 6 and July 20, 2011 meetings, respectively.
8. 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.
9. 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 WRIA 20 Inventory and Characterization Report (last revised May 2012) prepared by UW-ONRC for Clallam County.
10. 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.
11. Clallam County hosted 5 regional public forums between July 12 and 14, 2011 in four locations (Port Angeles, Clallam Bay, Joyce, and Sequim) 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 Shoreline Inventory and Characterization (ICR) for County shorelines draining to the Strait of Juan de Fuca. The public forums were facilitated by the County consultants, with assistance by County staff. Over 80 people attended forums and a summary report was produced.
12. 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.
13. The Planning Commission was briefed on a Draft ICR for shorelines within WRIA 20 at their regular-meeting of August 17, 2011.
14. Clallam County formed an SMP Update Committee consisting of 30-plus participants representing a variety of interests and stakeholders. The SMP Update 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.
15. 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.

16. Clallam County hosted four regional public forums—Sekiu (April 24, 2012), Sequim (April 25, 2012), Port Angeles (April 25, 2012), and Forks (May 10, 2012)—to present and obtain public input on the Preliminary Draft SMP-Committee Review Draft (February 2012). The public forums were facilitated by the County's consultant, with assistance by County staff. Over 150 people attended the forums.
17. 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 at their December 5, 2012 meeting.
18. The County met with various existing committees involved with salmon recovery, marine resources and watershed planning, and/or land use and development in Clallam County at various times during the SMP update process to provide status reports/information and obtain input on the SMP update process. These included, but not limited to: Clallam Ecosystem Recovery Work Group, Clallam County Marine Resources Committee, Coastal Marine Resources Committee, WRIA 18-Dungeness River Management Team, WRIA 18-Elwha-Morse Management Team, WRIA 19 Watershed Planning Unit, WRIA 20 Watershed Planning Unit, North Pacific Coast Lead Entity, and Coastal Marine Resources Committee, Forks Planning Commission, and Clallam County Permit Advisory Committee.
19. The County Department of Community Development staff participated by invitation at local civic and interest group meetings (e.g., realtor and business associations) to provide information on the SMP Update process.
20. The Planning Commission initiated review of a November 2014 Draft SMP—Planning Commission Review Draft at their regular-meeting of November 5, 2014. The 2014 Draft SMP recommended by the 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.
21. The County Department of Community Development held four regional public forums on the November 2014 Draft SMP—Planning Commission Review Draft on January 8, 2014 (Port Angeles); January 12, 2014 (Sekiu); January 13, 2014 (Forks); and January 14, 2014 (Sequim).
22. The Planning Commission held four regional public hearings on a November 2014 Draft SMP—Planning Review Draft on February 4, 2015 (Sequim); February 12, 2015 [Two hearings: Sekiu (afternoon) and Forks (evening)]; and February 18, 2015 (Port Angeles).
23. The County sent a postcard mailer to notify shoreline property owners of the regional public forums and hearings on the November 2014 Draft SMP—Planning Commission Review Draft.
24. Legal notice of the four regional public hearings before the Planning Commission on the November 2014 Draft SMP—Planning Commission Review Draft was published in the Peninsula Daily News on January 25 and February 1, 2015.
25. Other methods of public notice for the regional public forums and hearings on the November 2014 Draft SMP—Planning Commission Review Draft included, but not limited to: (a) notice on the County's SMP Update Internet web pages; (b) notice sent to the SMP interested party email list; (c) paid newspaper advertisements in the Peninsula Daily News, Forks Forum and Sequim Gazette; and (d) local newspaper and radio press releases.
26. The Planning Commission reviewed the November 2014 Draft SMP—Planning Commission Review Draft 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.

27. The Clallam County Prosecuting Attorney Office reviewed the 2014 Draft SMP.
28. Clallam County prepared a Countywide Shoreline Restoration Plan (last revised 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.
29. 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).
30. 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.
31. The Planning Commission initiated review of a Revised June 2017 Draft SMP—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).
32. The Board of County Commissioners was provided an overview of the Revised June 2017 Draft SMP—Planning Commission Review Draft at their June 19, 2017 work session and next-steps in the SMP update process.
33. Clallam County prepared a Final Cumulative Impacts Analysis and No Net Loss (CIA/NNL) Report (June 2017) on the Revised June 2017 Draft SMP—Planning Commission Review Draft 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.
34. 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.
35. The Clallam County Prosecuting Attorney Office reviewed the Revised June 2017 Draft SMP—Planning Commission Review Draft.
36. The Planning Commission reviewed the revised Draft SMP (June 2017) at 7 regular-meetings held between June 7 and September 20, 2017.
37. The Planning Commission by a vote of 7-0 recommended approval of the Draft SMP (June 2017) with revisions to the Board of County Commissioners on September 20, 2017 as represented by the September 2017 Draft SMP—Planning Commission Recommendation.

38. The Planning Commission recommended September 2017 Draft SMP addressed shoreline jurisdiction and critical areas within the shoreline jurisdiction as follows:
- a. Pursuant to RCW 90.58.030, the 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 Planning Commission recommended SMP included 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).
 - b. 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 Planning Commission recommended SMP incorporated 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.
39. The Planning Commission submitted written findings and conclusions to the Board of County Commissioners in a letter of transmittal dated October 18, 2017, to support their recommended September 2017 Draft SMP 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.
40. The September 2017 Draft SMP—Planning Commission Recommendation was introduced at the Board of County Commissioners October 2, 2017 work session. The work session discussion also outlined next-steps for Board review.
41. The Board of County Commissioners adopted Resolution 90 on October 10, 2017 that contained findings and conclusions to issue a call for a public hearing for December 12, 2017 to obtain public comment on the September 2017 Draft SMP—Planning Commission Recommendation to update the County's SMP and related administrative procedures.
42. Pursuant to RCW 36.70A.106 and WAC 173-26-100 (5), the County transmitted to state agencies on October 11, 2017 a notice of its intent to consider local adoption of a SMP based on the Planning Commission recommendation to update and replace: (1) the existing SMP adopted in 1976 (last amended 1992); and (2) SMP administrative procedures in Chapter 35.01, Shoreline Management, of the Clallam County Code (CCC) under Title 35 CCC, Shorelines.
43. Pursuant to the State Environmental Policy Act (SEPA), the County issued a threshold Determination of Non-Significance (DNS) on October 16, 2017 on the September 2017 Draft SMP—Planning Commission Recommendation. Legal notice of the DNS was published in the Peninsula Daily News on October 25, 2017. The DNS and supporting documents (e.g., environmental checklist) were available for viewing on the County's SMP Update Internet Web Pages.
44. Preceding the public hearing the County held four regional public forums on the September 2017 Draft SMP—Planning Commission Recommendation in the communities of Seklu (November 2, 2017), Forks (November 6, 2017), Port Angeles (November 8, 2017), and Sequim (November 14, 2017).

45. The County sent a postcard mailer to notify shoreline property owners of the four November 2017 SMP public forums and the December 12, 2017 public hearing on the September 2017 Draft SMP—Planning Commission Recommendation. The mailer also included information on how to comment and where to get more information on the SMP and supporting documents.
46. Legal notice of the public hearing was published in the Peninsula Daily News on October 15, November 5 and November 26, 2017.
47. Other methods of public notice for the November 2017 SMP regional public forums and the December 12, 2017 SMP public hearing included, but not limited to: (a) notice on the County's SMP Update Internet web pages; (b) notice sent to SMP interested party email list (over 600 email addresses); (c) paid newspaper advertisements in the Peninsula Daily News, Forks Forum and Sequim Gazette; and (d) local newspaper and radio press releases.
48. The Board of County Commissioners held three advanced study/work sessions on October 30, November 13 and December 4, 2017 prior to the public hearings on the September 2017 Draft SMP—Planning Commission Recommendation .
49. The Board of County Commissioners held a public hearing on December 12, 2017 on the September 2017 Draft SMP—Planning Commission Recommendation.
50. The Board of County Commissioners closed the public hearing on December 12, 2017 following receipt of public comments. Following the close of the public hearing, the Board considered the Planning Commission recommended SMP and the public comments received at 16 work sessions in 2018 on the following dates: January 29, February 12, March 5, April 2, April 23, June 11, June 18, June 25, July 16, July 23, August 6, August 13, August 20, September 17, October 15, and October 29.
51. The Board of County Commissioners held a work session on September 17, 2018 to consider a Revised September 2018 Draft SMP—Board of County Commissioner Review Draft that contained revisions to the Draft September 2017 SMP recommended by the Planning Commission. The revisions were based on Board discussion and direction at prior work sessions held on the Draft September 2017 SMP-Planning Commission Recommendation and public comments received by the Board on the Commission's recommendation. The revisions also addressed identified needed corrections (e.g., incorrect references) and clarifications.
52. Pursuant to RCW 36.70A.370 and WAC 173-26-186 (5), the Clallam County Chief Prosecuting Attorney prepared an analysis based on the guidance by the State Attorney General's Advisory Memorandum to avoid unconstitutional takings of private property on the Revised September 2018 Draft SMP-Board of County Commissioner Review Draft. The analysis was reviewed by the Board of County Commissioners at their work session held on October 15, 2018.
53. At the Board of County Commissioner October 15, 2018 work session, County legal counsel noted he had reviewed both the 2017 Draft SMP recommended by the Planning Commission and the Revised September 2018 Draft SMP-Board of County Commissioner Review Draft. The work session also included additional recommended staff revisions to the Revised September 2018 Draft SMP based on legal review and to address needed corrections and clarifications.
54. The County's SMP update addresses changes in State law consistent with and implements the goals, policies and requirements of the SMA (Chapter RCW 90.58), the Growth Management Act (Chapter 36.70A RCW), the state SMP Guidelines (Chapter 173-26 WAC), the state Shoreline Management Permit and Enforcement Procedures (Chapter 173-27 WAC), the Clallam County Comprehensive Plan, and the Clallam County development regulations.

55. The County's SMP update addresses local circumstances and changed conditions since adoption of the original County SMP in 1976 over 40-years ago.
56. The County's SMP update includes goals and policies, regulations for new development and uses, shoreline jurisdiction and shoreline environmental designation maps, and administrative procedures for shoreline permitting process.
57. The SMA and state SMP Guidelines provide for a local process for approving and amending SMP's (RCW 90.58.080; WAC 173-26-100).
58. Pursuant to RCW 90.58.050, the County and Ecology share joint authority and responsibility for the update and administration of the SMP.
59. Pursuant to RCW 90.58.090, updates to the County's SMP require approval by Ecology to be effective.
60. Opportunity for public participation and comment was provided and considered in the drafting, review and final SMP adoption process. 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.

NOW, THEREFORE, BE IT RESOLVED by the Board of Clallam County Commissioners, in consideration of the above findings of fact:

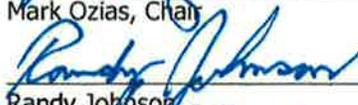
1. The Board of County Commissioners approves the Shoreline Master Program (SMP) and its Exhibits (Exhibits A: Shoreline Jurisdiction and Shoreline Environmental Designation Maps; and Exhibit B: Shoreline Checklist & Statement of Exemption Form for Ensuring Consistency with SMP Policies and Regulations and No Net Loss Policy) attached to this Resolution as the locally-approved SMP pursuant to RCW 90.58.090.
2. In accordance with WAC 173-26-110, the Board of County Commissioners directs that the County's locally-approved Shoreline Master Program attached to this Resolution, and all other required submittal documents, be submitted to Ecology for final review and approval pursuant to RCW 90.58.090.
3. It is the intent of the Board of County Commissioners to take final action to adopt the attached Shoreline Master Program to update and replace the County's 1976 SMP (last amended 1992) and administrative procedures under Title 35 CCC, Shorelines, at such time as the state review and approval process pursuant to RCW 90.58.090 by Ecology has been completed.
4. This Resolution recognizes the culmination of Clallam County's extensive and continuing process of public involvement and consultation with Ecology.

PASSED AND ADOPTED this 30 day of October 2018

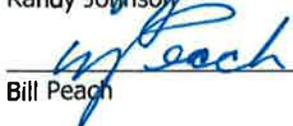
BOARD OF CLALLAM COUNTY COMMISSIONERS



 Mark Ozias, Chair

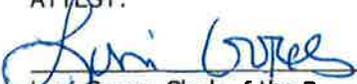


 Randy Johnson



 Bill Peach

ATTEST:



 Loni Gores, Clerk of the Board