



TO: Clark County Council
Interim County Manager

FROM: Oliver Orjiako, Director
PREPARED BY: Jenna Kay, Planner II

DATE: May 14, 2020

SUBJECT: Shoreline Master Program Periodic Review Update

Purpose of this update

Shortly before the COVID-19 stay at home order went into effect, Community Planning had requested a work session with Council to provide an update on the Shoreline Master Program (SMP) Periodic Review project. The SMP periodic review project is moving forward based on Department of Ecology (Ecology) guidance. In lieu of a work session, the following is an update on the SMP periodic review project and a proposal for next steps.

Project background

Clark County is undertaking a periodic review of its Shoreline Master Program (SMP), as required by the Washington State Shoreline Management Act (SMA), [RCW 90.58.080\(4\)](#). The SMA requires each SMP be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. The review ensures the SMP stays current with changes in laws and rules, remains consistent with other Clark County plans and regulations, and is responsive to changed circumstances, new information and improved data.

Project timing

The county needs to submit to Ecology SMP amendments and periodic review documents by June 30, 2021.¹ The county is on track to meet the new 2021 due date. The original project schedule anticipated a June 30, 2020 completion date and Community Planning is adjusting the project schedule around the new COVID-19 requirements. The project is ready for Planning Commission work session and hearings. As soon as the restriction is lifted on holding Planning Commission hearings, the project will move forward. It is highly likely the project will conclude in 2020; expending all grant funds from Ecology during the 2020 county budget cycle, as originally planned.

Comment summary

The project [Public Participation Plan](#) outlines the public outreach and engagement planned throughout this project. The county collected informal feedback in fall 2019 through community outreach activities and developed a revised draft proposal for public review in early 2020. A public 30-day comment period on the revised draft was held January 28 – February 27, 2020. Additional public comment will be collected as part of a joint Planning Commission and Department of Ecology hearing and a County Council hearing later this year.

¹ [RCW 90.58.080\(4\)\(b\)](#) provides that the county submit its periodic review by June 30, 2020. However, Ecology has published a policy statement regarding the periodic review statutory deadlines under [RCW 34.05.230](#) and published in the State Register on 8/14/2019 ([WSR 19-17-055](#)). Ecology's interpretation is that all jurisdictions with a June 30, 2020 SMA statutory deadline will have until June 30, 2021 to complete their periodic review work, consistent with the biennial funding provided by Ecology and under [RCW 90.58.080\(6\)\(a\)](#) "grants to local governments for developing and amending master programs pursuant to the schedule established by this section shall be provided at least two years before the adoption dates specified in [the Act]."



During the 30-day public comment period, comments were received from ten (10) individuals and organizations. A summary of each comment received is attached in **Exhibit A**. Copies of the comments are provided in **Exhibit B**.

The comments have been reviewed and an initial response and/or proposal on how to address each comment are provided. Unlike other planning projects, Ecology requires the county's SMP submission satisfactorily address public comments received. The comments can be categorized in a few different ways. In regards to how the comments connect to additional amendments to the SMP, the comments have been grouped into the following four buckets:

Category	Description
1	There are inquiries about the county's SMP and/or proposed changes. The question and response do not lend themselves to any changes in the SMP.
2	The feedback would require a change in state law in order for local governments to implement the idea. These suggestions will be shared with County Council and Department of Ecology for policy consideration. No SMP amendments are proposed at this time due to current state statutes.
3	The feedback needs to be addressed in the SMP and is consistent with Ecology guidelines and the SMA. New SMP or revised amendments to address these items are proposed in the amended draft SMP. Many of the proposed amendments are related to critical areas and a need to be consistent with current, accurate, and complete scientific information. The amended SMP is provided in Exhibit C . The amendments reflective of the feedback are highlighted in yellow.
4	These are policy items for County Council consideration. Community Planning is recommending that the policy items be addressed in Community Planning or Community Development work programs as additional, future conversations or projects as the items are significant in nature.

The comment summary in **Exhibit A** uses the above classification system to note how each comment was categorized.

Next Steps

- Council members are encouraged to contact Community Planning with questions or concerns in response to this project update.
- Once Planning Commission meetings resume, Planning Commission will hold a work session on the revised draft proposal, followed by a joint hearing with Ecology.
- Ecology will review the Planning Commission's recommendation, copies of the public comments and the county's response to comments, and provide an initial determination.
- Council may hold a work session on the proposal followed by a public hearing and adopting ordinance.
- Ecology will review the Council's decision and provide a final determination.

C: Dan Young, Community Development Director
 Brent Davis, Wetland and Habitat Review Manager