

# Shoreline Master Program Periodic Review 2020

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Planning Commission Work Session  
Webex Remote Meeting

Jenna Kay, Community Planning, Project Manager  
Brent Davis, Community Development, Shoreline Administrator  
August 6, 2020



# Agenda

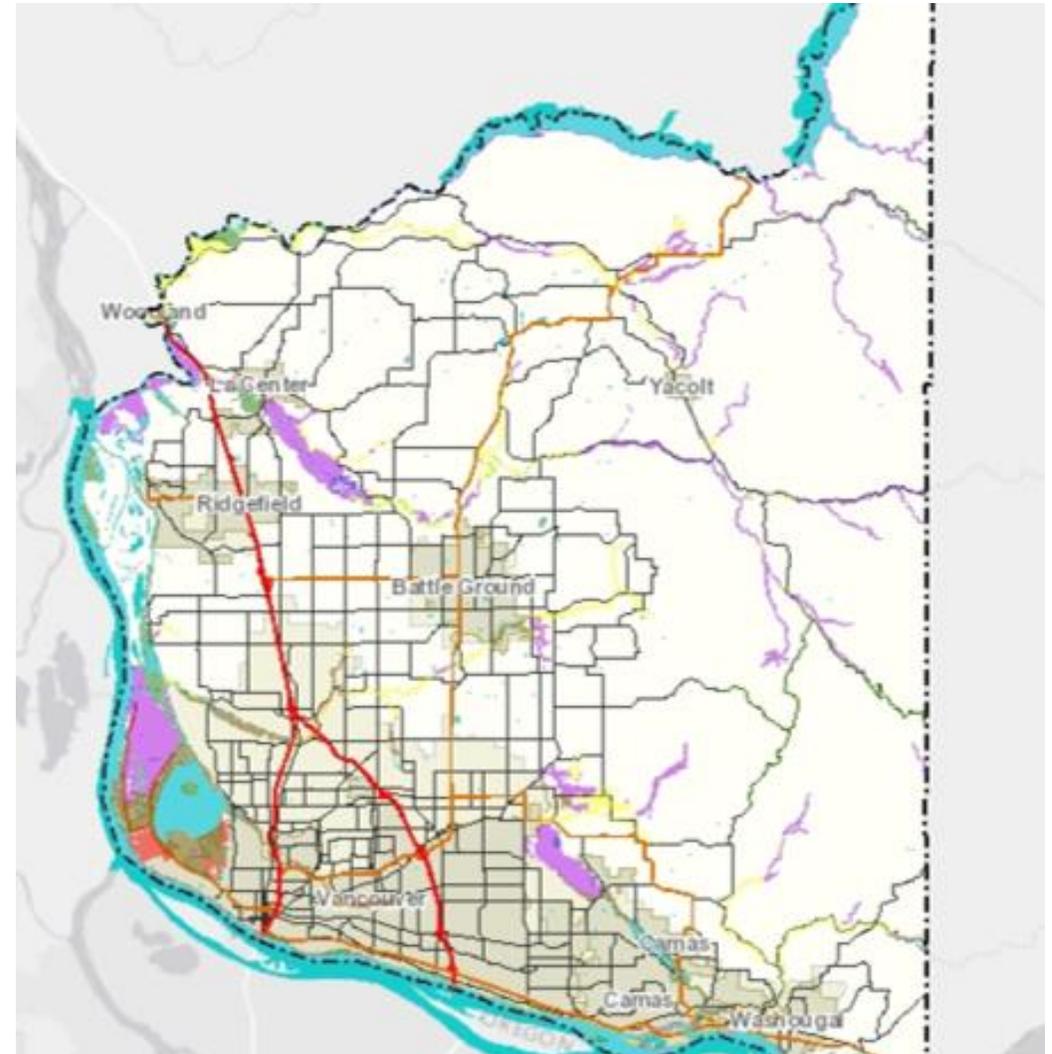
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- Project review
- Community outreach
- Community feedback
- Proposed changes
- Evaluation criteria
- Discussion/Q&A



# Project Review - What is a Shoreline Master Program?

- **Intent of Shoreline Management Act:** “...prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines.” (RCW 90.58.020)
- **Policy Goals of the Act:**
  - Foster reasonable and appropriate uses
  - Protect natural resources
  - Promote public access
- **Shoreline Master Programs implement the Shoreline Management Act**



# Project Review - What is a Periodic Review?

- Mandate by RCW 90.58.080(4): review SMP every 8 years and revise, if necessary.
- Ensure the Shoreline Master Program (SMP) is:
  - **Current with changes in laws and rules**
  - **Consistent with other plans and regulations**
  - **Responsive to changed circumstances, new information and improved data**
- Due: June 30, 2021



# Project Review - Process

## Periodic Review Kick-off

Summer 2019

- Council work session (Aug. 14)
- Council hearing to establish Public Participation Plan (Sept. 3)
- Launch project webpage and email list

## Outreach & Proposal Development

Fall-Winter 2019

- Open houses (Sep, Nov-Dec)
- Meetings with
  - Advisory boards
  - Interest groups
- Develop draft proposal

## Adoption Process

Summer-Fall 2020

- SEPA & 30-day comment period (Jan. 28-Feb. 27)
- Planning Commission Work Session & Hearing
- Ecology Initial Determination
- County Council Work Session & Hearing
- Ecology Final Determination



# Outreach Events

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- Development & Engineering Advisory Board, Sep. 5
- Parks Advisory Board, Sep. 13
- Open House, Dollar's Corner, Sep. 25
- Online Open House, Project Website, Launched Sep. 23
- League of Women Voters, Oct. 12
- Open House, Ridgefield (RACC), Nov. 14
- Open House, Frontier MS, Nov. 18
- Online Open House, Project Website, Launched Nov. 13
- Clean Water Commission, Jan. 8
- Development & Engineering Advisory Board, Feb. 6
- Friends of Clark County, Feb. 18
- Development & Engineering Advisory Board, Jul. 9



# Feedback

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## Written Comments

- Comments from approximately 32 people/organizations
- See Exhibits 5 and 6
- Topics on next page



# Feedback

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- Add hardship/temporary permit as exemption in shoreline areas
- Aquaculture: prohibit for nonnative species
- Avoidance, minimization and mitigation sequence
- Better public outreach & education
- Carty Lake
- Clean Water Act
- Climate change: sea level rise, increased water temperature, reduced summer stream flows
- Concern about boater access on private property
- Coordination with other local jurisdictions
- Culverts
- Enforcement
- Fewer restrictions on development
- Floating homes and on-water residences
- Flood hazard areas
- Forest practices
- Higher vegetation retention requirements and ratios
- Isolated wetland protection
- Lacamas Lake
- Landslide/geohazard buffers
- Marina improvements
- Mill Pond
- Mitigation improvements
- Monitoring, evaluation, corrective action of mitigation and reporting to public
- Net ecological gain
- Protection of priority species and habitats, best available science documents, definition clarity
- Riparian buffers
- Salmon Creek
- Shanghai Creek wetlands
- Stormwater management
- Stream protection and restoration
- Training of staff specialists
- Wapato Valley Mitigation & Conservation Bank and Plas Newydd Farm
- Wetland protection and restoration
- Wetlands guidance and critical areas ordinance
- Wildfire danger



# Questions?



# Proposal

## Staff report

### Proposal

**Exhibit 1: Proposed amendments to the Comprehensive Plan, Clark County Code, and shoreline maps**

**Exhibit 2: Summary table of proposed changes**

**Exhibit 3: Proposed new shoreline designation mapbook (close-up version of proposed new map in Exhibit 1)**

**Exhibit 4: List of parcels intersecting proposed map changes**

### Supporting Documents

**Exhibit 5: Comments received Aug 1, 2019 through July 20, 2020.**

**Exhibit 6: Summary of comments received during 30-day comment period**

**Exhibit 7: SEPA Determination of non-significance and associated documents**

**Exhibit 8: Department of Ecology periodic review checklist**

**Exhibit 9: Critical areas ordinance reference sheet**

**Exhibit 10: Memo on map amendment near Columbia and Lewis River confluence**

**Exhibit 11: Wetland delineation report for site near Columbia and Lewis River confluence**

**Exhibit 12: OHWM determination report for site near Columbia and Lewis River confluence**

**Exhibit 13: Memo on map amendment near Shanghai Creek**

**Exhibit 14: Current Shoreline Designation Map for reference**

**Exhibit 15: Council Work Session documents, Aug. 14, 2019**

**Exhibit 16: Council Public Participation Plan Hearing documents, Sep. 3, 2019**

**Exhibit 17: Planning Commission Work Session documents, Sep. 5, 2019**

**Exhibit 18: Open house documents, Sep. 25, 2019**

**Exhibit 19: Planning Commission Work Session documents, Oct. 17, 2019**

**Exhibit 20: Open house documents, Nov. - Dec., 2019**

**Exhibit 21: Outreach presentations and materials**

**Exhibit 22: 30-day public comment materials, Jan. 28 - Feb.27, 2020 pt. 1**

**Exhibit 22: 30-day public comment materials, Jan. 28 - Feb.27, 2020 pt. 2**

**Exhibit 22: 30-day public comment materials, Jan. 28 - Feb.27, 2020 pt. 3**

**Exhibit 22: 30-day public comment materials, Jan. 28 - Feb.27, 2020 pt. 4**

**Exhibit 23: Council update documents, May 14, 2020**

**Exhibit 24: Planning Commission Hearing additional supporting documents, Aug. 20, 2020**



# Proposed Changes – Current with Laws and Rules

Issue	Proposed action
<p><b>Freshwater docks.</b> OFM adjusted cost threshold for building freshwater docks and code is no longer current</p>	<p>Revise code to reflect new cost threshold</p>
<p><b>Floating homes and on-water residences.</b> Floating on-water residences and floating homes code language does not address how to handle possible relocation. There is no code language that states legally established on-water residences are a conforming use</p>	<p>Add clarifying code language to address possible relocation of on-water residences and floating homes. Add code language to clarify legally established on-water residences are a conforming use</p>
<p><b>Shift in ordinary high water mark due to restoration.</b> The procedures for granting relief from a shoreline restoration project within a UGA resulting in a shift in OHWM are unclear in code</p>	<p>Add clarifying code language that points to RCW and WAC for specific procedure on how this works</p>



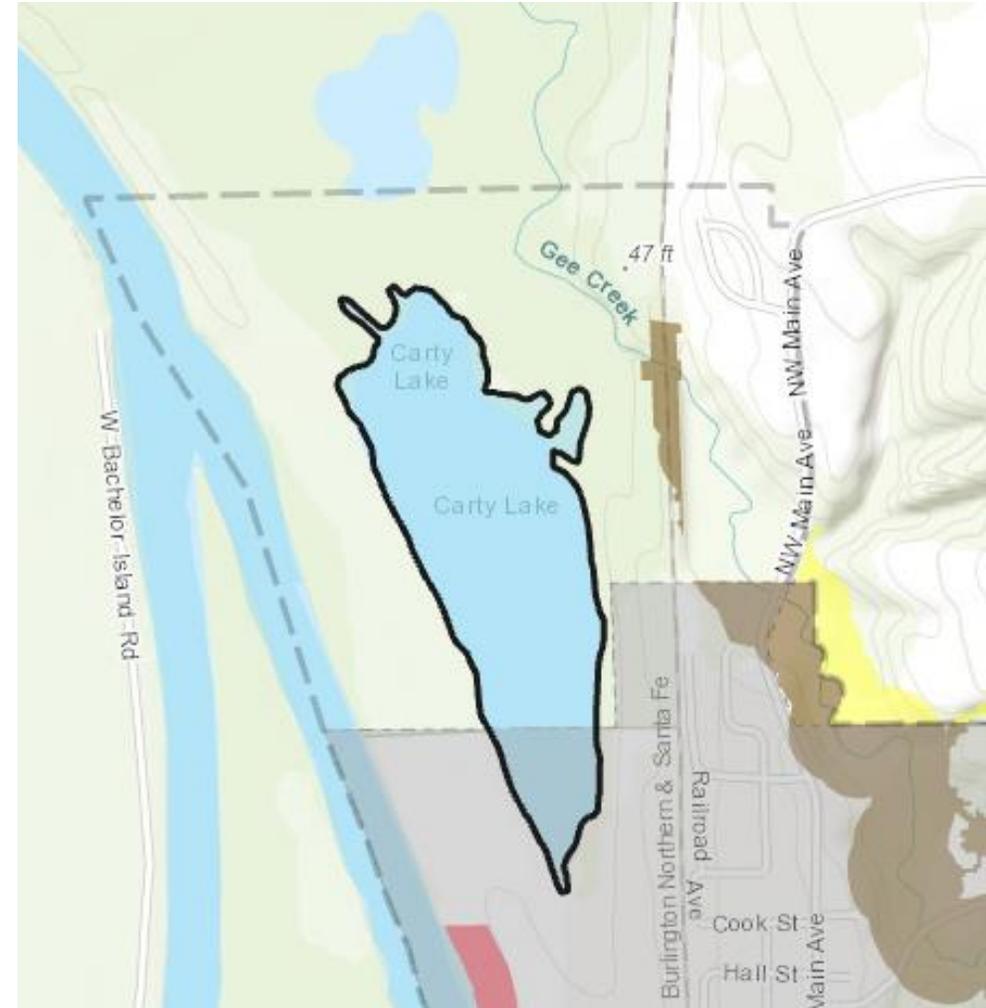
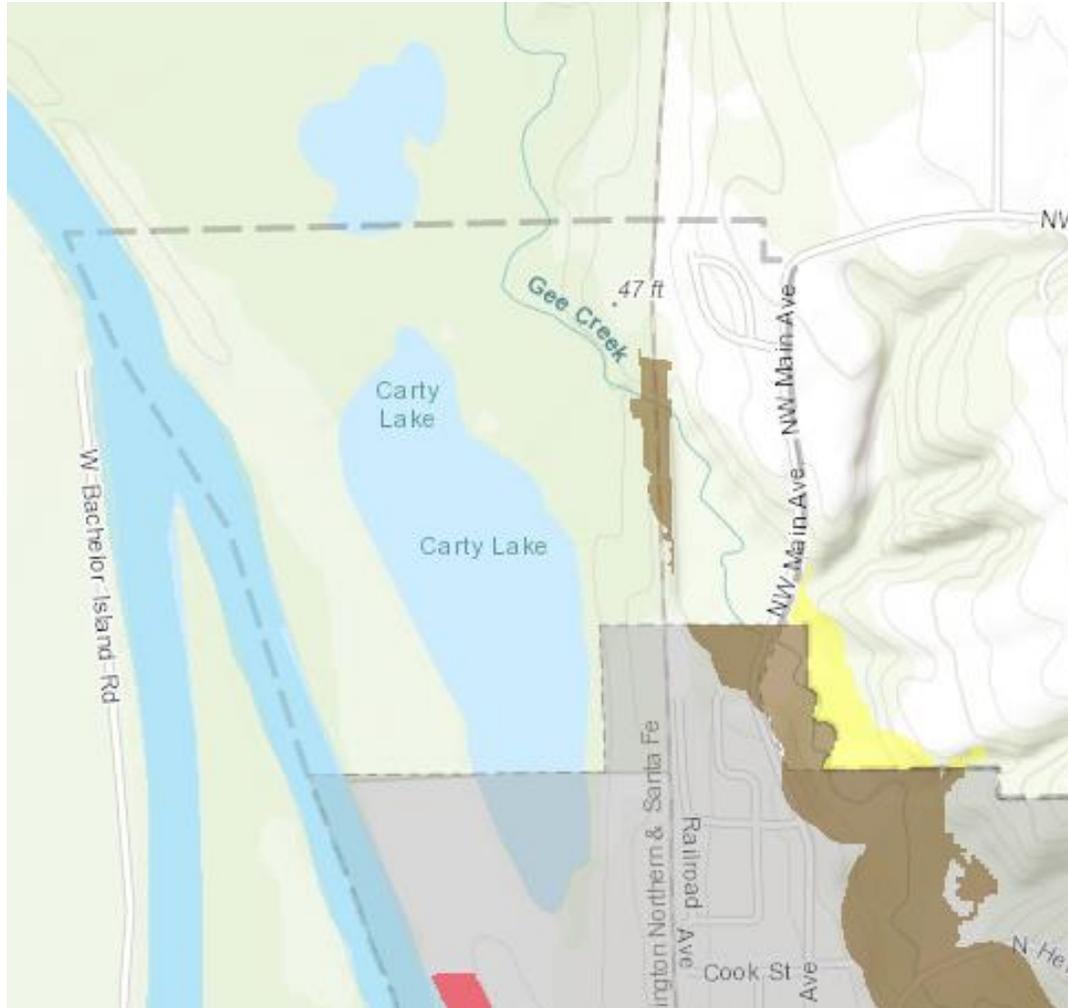
# Proposed Changes – Current with Laws and Rules

Issue	Proposed action
<p><b>Use of return receipt.</b> 2011 statute clarifies permit filing procedures. One of the requirements is for permit submittals from the county to Ecology to use return receipt requested mail</p>	<p>Revise code to reflect 2011 statute regarding use of return receipt requested mail.</p>
<p><b>Carty Lake.</b> The shoreline map is missing Carty Lake. It was previously added to code, but is missing from the map</p>	<p>Add Carty Lake to shoreline map</p>



# Proposed Changes – Current with Laws and Rules

## Carty Lake



# Questions?



# Proposed Changes – Current with Laws and Rules

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Issue	Proposed action
<p><b>Wetlands.</b> Wetlands CAO is not current with state wetlands guidance. The SMP wetlands code incorporates much of the wetlands CAO by reference. Therefore, the SMP wetlands code is not current with state wetlands guidance</p>	<p>Revise SMP to bring into alignment with current wetlands guidance. Minor revisions to the CAO will be incorporated into the SMP by reference. More significant changes are proposed directly in the SMP and will be addressed in CAO during a future project</p>



# Proposed Changes Wetlands

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- Corrections of habitat rating score, when wrong number noted
- Clarifications on wetland delineation information requirements
- For functionally isolated buffer areas, vertical separation is not a de facto characteristic for exclusion from buffers otherwise required
- Other activities in a buffer require all listed conditions
- Clarification on wetland mitigation to offset loss of buffer function if full buffers cannot be provided
- Wetland buffer standards that don't apply in SMP:
  - Exceptions to urban plat requirements don't apply in SMP
  - Adjusted buffer width standards limited to max width reduction of 25% from required buffer at any location within shoreline jurisdiction
  - Exception for distinct portions of wetlands with reduced habitat functions not subject to habitat function buffers when certain criteria met doesn't apply in SMP
  - Maximum buffer area exceptions don't apply in SMP



# Proposed Changes

## Wetlands (Continued)

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- Land use intensity modification measures for buffer reductions
  - All applicable land use intensity modification measures required for buffer reductions
  - Low impact development (LID) standards as a land use intensity modification measure [in CCC 40.450.040(C)(1)(b)] do not apply in shoreline jurisdiction
- Avoidance, minimization, and mitigation sequence applies to wetland buffers
- Stormwater facilities allowed in buffers of wetlands with low habitat function (less than 6 points). Facilities must be located in outer 25% of wetland buffer, cannot degrade existing function, must blend with natural landscape
- Wetlands with several HGM classifications – cannot score and rate separately and adjust mitigation ratios accordingly in shorelines
- Include current in-lieu-fee program as mitigation credit option



# Questions?



# Proposed Changes – Consistency with other Plans/Regs

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Issue	Proposed action
<b>Revised flood maps-Washougal, Little Washougal, Columbia.</b> Inconsistency between shoreline map and shoreline code regarding FIRM that became effective January, 2018 for Washougal, Little Washougal, and Columbia River	Update shoreline map to reflect January 2018 FIRMs



# Proposed Changes – Consistency with other Plans/Regs Washougal, Little Washougal, Columbia Rivers

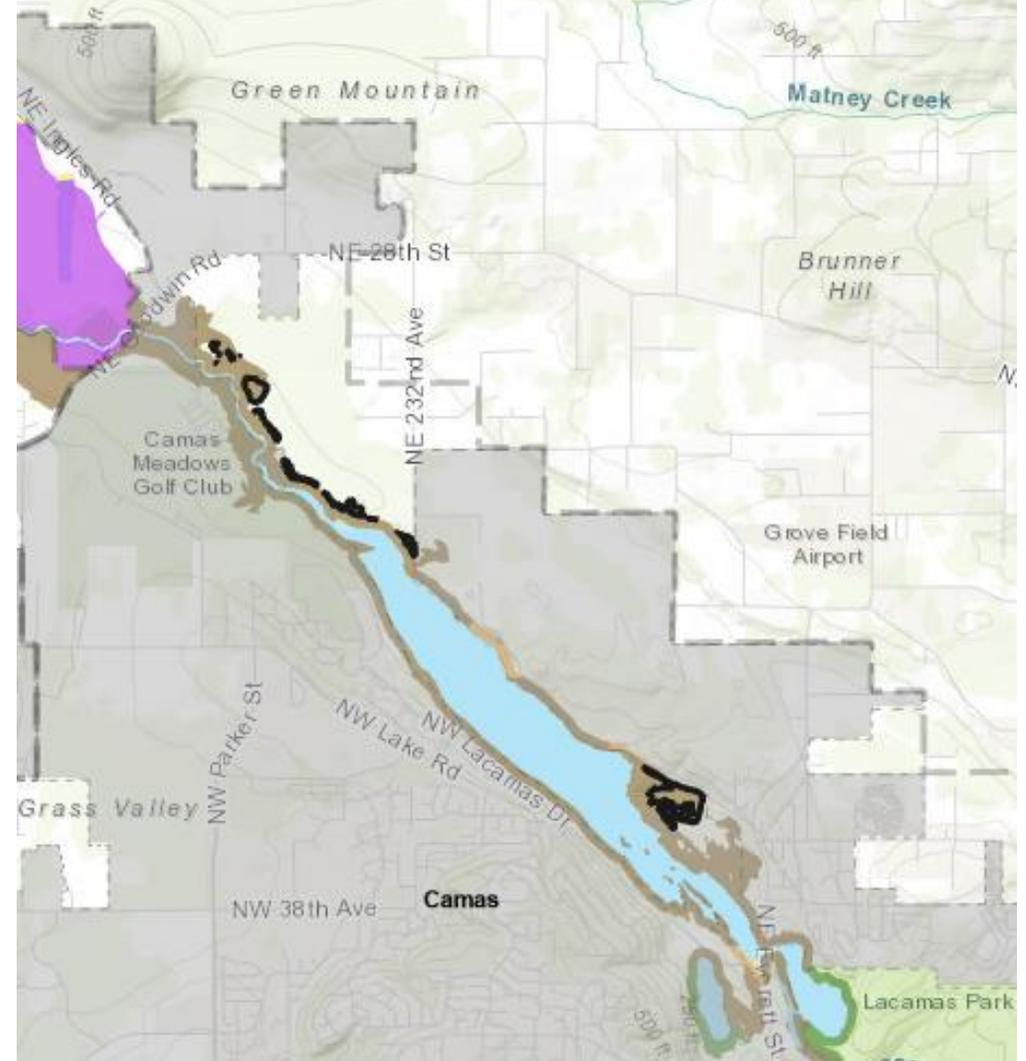
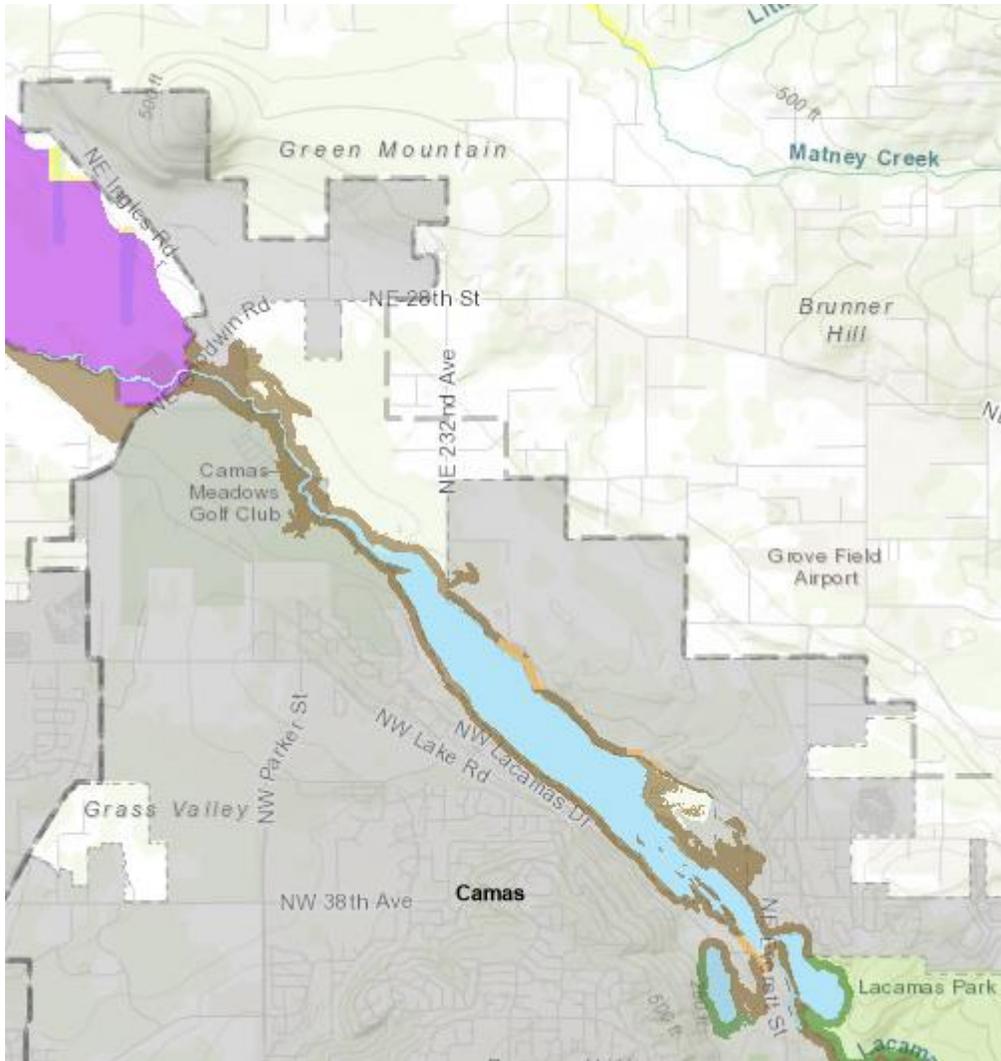


# Proposed Changes – Consistency with other Plans/Regs

Issue	Proposed action
<b>Revised floodplain near Lacamas Lake.</b> Inconsistency between current FIRM and Lacamas Lake shoreline boundary	Update SMP boundary along Lacamas Lake to reflect current FIRM



# Proposed Changes – Consistency with other Plans/Regs Lacamas Lake



# Proposed Changes – Consistency with other Plans/Regs

Issue	Proposed action
<b>Aquaculture.</b> 2018 law (RCW 77.125.050) prohibits marine net pen aquaculture activities for nonnative finfish species unless these activities are performed under a lease of state-owned aquatic lands in effect on June 7, 2018	Add statement to aquaculture section in SMP that references the law
<b>Public boat ramps.</b> Recreational uses section does not allow boat ramps in floodways	Amend code to allow boat ramps to be located within a floodway
<b>Priority habitats and species.</b> Code describing priority habitat and species definition is unclear and best available science documents are not current	Revise text in CAO and SMP to improve clarity and update best available science documents



# Proposed Changes – Consistency with other Plans/Regs

Issue	Proposed action
<p><b>Critical areas.</b> Some critical areas ordinances are missing in the SMP</p>	<p>Update critical areas code to fill in missing ordinances and date of current ordinance</p>
<p><b>Shoreline Management Review Committee (SMRC).</b> County reorganizations have put two of the three members of the SMRC in the same department. Also, projects requiring a shoreline substantial development permit, conditional use permit, or variance are reviewed by the SMRC. Type III land use actions are reviewed by the Hearings Examiner. There is an opportunity to streamline county processes for shoreline projects with a concurrent Type III land use action</p>	<p>Revise makeup of SMRC to be more flexible and ensure members are not in the same department</p> <p>Allow the SMRC to cede their authority granted in CCC 40.460.710(A)(3) to the Hearing Examiner in cases of an SMP project with a concurrent Type III land use action</p>



# Questions?



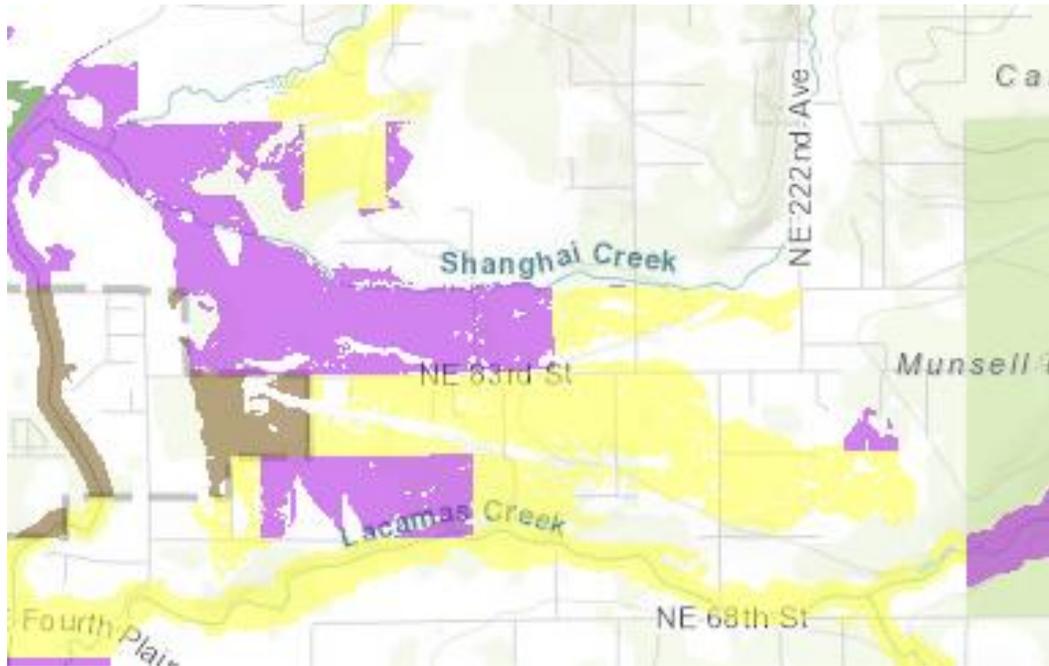
# Proposed Changes – New Information

Issue	Proposed action
DNR updated its water feature data	Incorporate current DNR waterbodies and waterbody layer and labels on the shoreline map
Area of wetlands near Shanghai Creek are included in shoreline map, but Shanghai Creek is not a shoreline of the state	Remove this area of wetlands from the shoreline map



# Proposed Changes – New Information Wetlands near Shanghai Creek

- Supporting documentation: Exhibit 13



# Questions?



# Proposed Changes – New Information

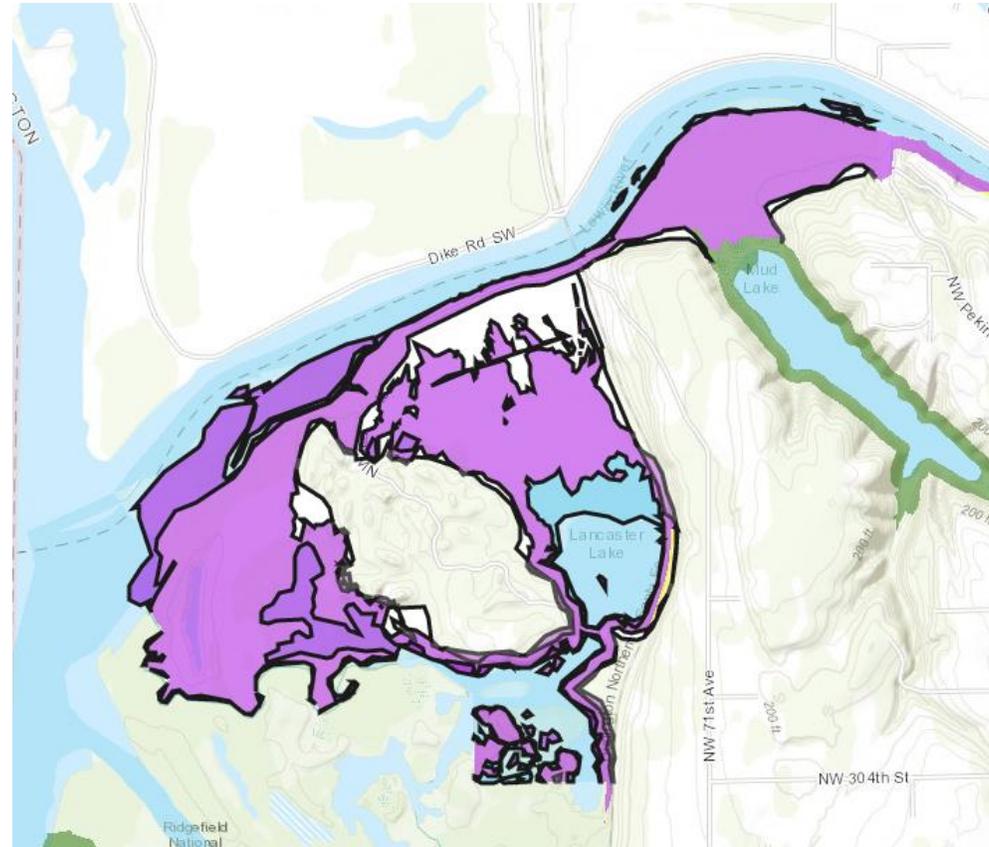
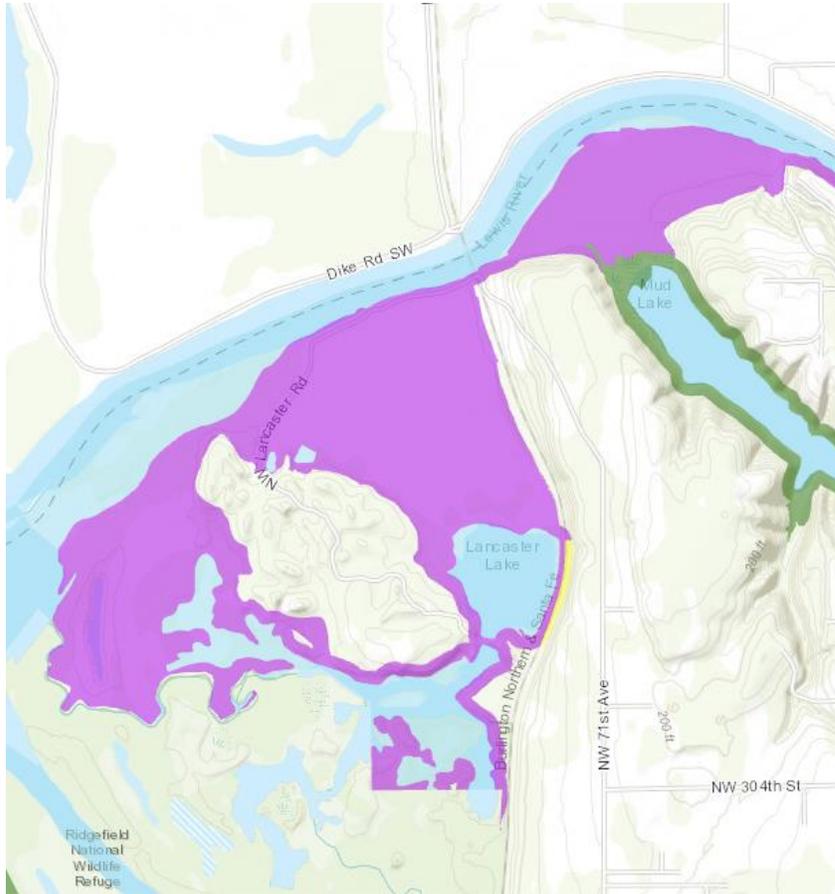
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Issue	Proposed action
Constituent requested an update to the shoreline designation map based on new site-level data	Update shoreline map near confluence of Lewis and Columbia rivers to incorporate new data and refine shoreline designations and boundary



# Proposed Changes – New Information Columbia-Lewis River confluence

- Supporting documentation: Exhibits 10, 11 and 12



# Questions?



# Proposed Changes – Housekeeping

Issue	Proposed action
Scrivener's errors and incorrect references to other sections of CCC, RCW, WAC	Correct errors
Comprehensive Plan shoreline chapter introductory background information could be updated	Revise introductory text in shoreline chapter to bring up to date
Shoreline map not in Comprehensive Plan map appendix	Add SMP map to Comprehensive Plan appendix B
Comprehensive Plan appendix H includes the Clark County Legislative History of the Comprehensive Plan. If the above comprehensive plan updates are made, appendix H would need to reflect that	Update appendix H to reflect SMP comprehensive plan update
The SMP could be more clear about where to find a copy of the shoreline map.	Revise code to make more clear



# Evaluation Criteria

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1. The proposed amendment will not foster uncoordinated and piecemeal development of the state's shorelines
2. The amendment is consistent with all applicable policies and standards of the act.
3. All procedural rule requirements for public notice and consultation have been satisfied
4. Master program guidelines analytical requirements and substantive standards have been satisfied, where they reasonably apply to the amendment. All master program amendments must demonstrate that the amendment will not result in a net loss of shoreline ecological functions.



# Thank you!

## Comments and questions

Clark County Public Service Center

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Vancouver, WA 98666-5000

