

500 E. Division St. • Forks, Washington 98331-8618

(360) 374-5412 • Fax: (360) 374-9430 • TTY: (360) 374-2696
forkswashington.org

Resolution No. 497

A RESOLUTION REAFFIRMING THE CITY'S INTENT TO ADOPT AS ITS OWN THE CLALLAM COUNTY SHORELINE MASTER PROGRAM (SMP) UPDATE AND TO SUBMIT A COMPLETE SMP PACKAGE TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR FINAL APPROVAL.

WHEREAS, the City Council adopted City Resolution No. 398 on 9 Aug 2010 indicating the City's intent to adopt as its own the Clallam County Shoreline Management Program Update (County SMP) underway at that time;

WHEREAS, said resolution also adopted a public participation plan for this effort;

WHEREAS, the City had adopted the previous County SMP by reference as part of its critical areas ordinance and had utilized the County SMP process for the small number of SMP required permits since the early 1990s;

WHEREAS, the City's shoreline jurisdiction is limited to approximately 2.5 linear miles of "shorelines of the state" along portions of the Calawah River and a very small portion of Mill Creek lying west of Russell Road within City limits, with only a small number of parcels affected. Shorelines located in the Forks Urban Growth Area remain under County SMP jurisdiction until annexation occurs;

WHEREAS, this Shoreline Master Program (SMP) amendment is intended to satisfy the statutory requirements of RCW 90.58.080(2)(a)(iii) to comprehensively update the City's SMP and the statutory requirements of RCW 90.58.080(4)(b)(ii) to take action to review, and revise if necessary, the City's SMP;

WHEREAS, in anticipation of the County's imminent SMP adoption, the City issued a Determination of Non-Significance on 8 Dec 2017 for the City's adoption of the County SMP and there were no agency or public comments received about this determination;

WHEREAS, in anticipation of the County's imminent SMP adoption, on 14 Dec 2017, the City filed the necessary notice of intent to adopt the County SMP as its own with the Department of Commerce;

WHEREAS, in anticipation of the County's imminent SMP adoption, the City held a public hearing on the proposed County SMP and during that hearing of 23 April 2018 a few comments were received but were primarily requests for clarification of issues or questions about the County's status (see Council Minutes of 23 Apr 2018);

WHEREAS, Clallam County has approved by County Resolution No. 91 - 2018 the County SMP and submitted the same to the Department of Ecology (Ecology) for its review and consideration;

WHEREAS, Ecology completed its review of the County SMP and issued a conditional approval with required and recommended changes in March of 2021;

WHEREAS, Clallam County is currently considering accepting all of Ecology's changes and conducting a final public review before final SMP adoption by ordinance;

WHEREAS, throughout this entire period, the City has regularly consulted with Ecology during the SMP comprehensive update and periodic review process;

WHEREAS, The City Council finds that adopting the County SMP is in the best interest of the City, but also ensures consistency with the Shoreline Management Act (Chapter 90.58 RCW) and the Growth Management Act (Chapter 36.70A RCW), while also balancing the private property rights of its citizens with the necessary protection of the environment and waters of the State;

WHEREAS, the purpose of this resolution is to not only to reiterate the City's intent of adopting the County SMP, but also to authorize the Mayor and staff to facilitate the final steps for local adoption and final stat approval; ;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORKS, THAT:


1. The City Council expresses its clear intent to formally adopt the County SMP as applicable to the City's shorelines of the state.
2. Upon finalization of the County SMP the City will take the following final steps for local adoption of an SMP that satisfies both comprehensive update and periodic review mandates:
 - a. Prepare a Periodic Review Public Participation Plan addendum to the County document that the City adopted by resolution in 2010;
 - b. Prepare a Periodic Review Checklist to document the fact that all legislative changes to the statute and rule are adequately addressed by the 2021 County SMP;
 - c. To satisfy the periodic review and standard local procedural requirements of WAC 173-26-090(3) and -100:
 - i. Inform and encourage participation of any interested and/or affected persons, groups, agencies, and Tribes;
 - ii. Provide legal notice and conduct a final public hearing before City Council;
 - d. After the hearing has closed, consider any additional public comment received on the City's proposed adoption of the 2021 County SMP;
 - e. Take legislative action to adopt by ordinance the 2021 County SMP as the City's SMP;
 - f. Authorize staff to prepare the above documentation and compile the City's SMP Submittal Package, including all pertinent materials per WAC 173-26-110, and provide to Ecology for the final state review and approval process.

Passed by the City Council of the City of Forks on this 10th day of May, 2021.



Tim Fletcher, Mayor


Attested to:
Audrey Grafstrom, Clerk


Approved as to Form:
William R. Fleck, Attorney