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Forks City Council

28 June 2021

7:30 p.m.,

Forks City Council Chambers

500 East Division Street

Notice is hereby given that the City of Forks will hold a public hearing with regard to the proposed Clallam County Shoreline Master Program (SMP) as it relates to the City of Forks and the Forks Urban Growth Area. The hearing will take place at 7:30 p.m., 28 June 2021, during the regularly scheduled meeting of the Forks City Council to be held at 500 East Division Street in Forks. Public comment will be taken during the meeting for those having an interest in the matter.

Individuals requiring special assistance in order to participate in the hearing should contact Mr. Fleck prior to the meeting. Please call at 360/374-5412, ext. 245.

Materials can be viewed at: <http://www.clallam.net/LandUse/SMP.html>)

BACKGROUND

Pursuant to City Resolutions No. 398 (2010) and No. 497 (2021), the City intends to adopt the Clallam County Shoreline Master Program (SMP) as the City's SMP. The City consists of consists of 2,276 acres, that includes approximately 2.5 linear miles of "shorelines of the state" consisting of portions of the Calawah River and Mill Creek. At present, there are only a small number of parcels within the City's limits that are associated with the shorelines of the state. The City's joint/subsequent adoption of the Clallam County SMP would ensure that there is both consistency in the application of shoreline regulations, while addressing the very limited number of permits or potential permits associated with future development. In the past twenty-plus years, only a handful of development activities have triggered compliance with the existing County SMP and the City has relied upon Clallam County to regulate such activities.

The proposed SMP would update and replace the existing 1976 County SMP as amended, and also replace the existing regulatory schematic. The City of Forks would adopt both the SMP and regulations through an ordinance that would allow the City to enter into an agreement with the County for the County to be the sole SMP permitting agency on behalf of the City. In those infrequent situations where development is proposed requiring compliance with the SMP, the City staff would facilitate the applicant's submission to the County for review and compliance with the joint SMP.

Ordinance No. ____

Adopting the Clallam County Shoreline Master Plan
for the Shorelines of the State within the City of Forks

WHEREAS, the City Council adopted City Resolution No. 497 with intent to adopt the 2018 Clallam County Shoreline Master Program (SMP).

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

WHEREAS, it is expected that Ecology will complete its review of the proposed SMP allowing it to be adopted;

WHEREAS, the intent of the City, as conveyed to the Department of Ecology and Clallam County, was to adopt that final plan as the City's SMP by ordinance;

WHEREAS, the City has developed a SMP Restoration Plan to document previous, ongoing, and future efforts to restore the City's shorelines of the state;

WHEREAS, the City will enter an interlocal agreement, or similar legal agreement, with Clallam County for review of shoreline permits, including shoreline substantial development, shoreline conditional use, and shoreline variance permits;

BASED THEREON, THE CITY COUNCIL OF THE CITY OF FORKS DO ORDAIN AS FOLLOWS:

Section 1. Findings.

- A. Resolution No. 389. Council announced that it would adopt the County's SMP as the City's due to the fact that only three potential developments had occurred in the previous 15 years with two of those requiring permits being by the City of Forks. Council's belief was that ensuring a consistency of the application of SMP related regulations and review along the shorelines of the State found within the Forks Urban Growth Area (FUGA) and that are predominately within the County's jurisdiction made a practical sense.
- B. Projects undertaken.
 - 1) Interviews with stakeholders having property along shorelines of the state - on file;
 - a) Purpose was to obtain current status/use of the property;
 - b) Understand changes that may have occurred since the 1976 SMP; and,
 - c) Understand the current owner's wants for future use and/or development of their shoreline property.
 - 2) Shoreline Visual/Photo Inventory - on file with Department of Ecology, the City and UW Olympic Natural Resources Center;

- a) Purpose was to create a permanent record of the conditions of the shorelines of the state when undertaken;
 - b) Presumption that there would not be significant changes between inventory and adoption;
 - c) Ensure that a visual representation exists to compare against in future SMP updates; utilize with any development proposals; and, allow property owners, regulators, and researchers to use as needs or opportunities arise in the future.
- C. Participation in County SMP process.
- 1) Planning Commission meetings to develop a FUGA proposal for consideration by the County's Planning Commission;
 - 2) Hearings with the County Planning Department;
 - 3) Open Houses with the County;
 - 4) Notice provided for such meetings with publication (online and in the Forks Forum), as well as mailing to the property owners of record.
- D. Forks Planning Commission indicated their favoring of the County's proposed SMP as it met the requirements expressed by property owners and the public in relation to shoreline designations, as well as the development provisions proposed by the County.
- E. SEPA determination made in December 2017 and the City filed notice with the Departments of Commerce and Ecology of the City's intent to adopt the County SMP upon Ecology's acceptance of the same.
- F. County Commissioners adopted the SMP in October 2018, subject to review by Ecology, and is expected that upon the completion of Ecology's review to adopt the SMP thereafter. See Clallam County Resolution No. 91-2018.

Section 2. Adoption of the Clallam County SMP by the City of Forks

- A. Resolution No. 497. The City of Forks hereby adopts the 2019 Clallam County SMP, as adopted by the Board of Commissioners on October 30, 2018 and as such makes it applicable to all shorelines of the state found within the borders, now or as found in the future, of the City of Forks for the following shorelines of the state:
- 1) The Calawah River;
 - 2) The Bogachiel River;
 - 3) Elk Creek; and,
 - 4) A portion of Mill Creek that is west of the SW corner of SE ¼ of the NW ¼ of Sec. 17.
- B. In adopting the Clallam County SMP and making it applicable to all activities regulated by the Washington Shoreline Management Act within the City of Forks, the City also adopts all applicable rules, regulations, and processes as adopted by Clallam County needed to implement the SMP as adopted, or subsequently amended.
- C. In adopting the Clallam County SMP, the City also incorporates by reference as if fully set forth the following as being relevant to the implementation of SMP within the City of Forks:
- 1) Visual Inventory Survey referenced above;
 - 2) City Shoreline Restoration Plan with the following additional identified efforts to be undertaken by the City of Forks:

- a) Participation in the following activities:
 - i. North Olympic Peninsula Lead Entity Group – salmonid recovery effort within WRIA 20;
 - ii. North Olympic Coast Marine Resource Council;
 - iii. Mill Creek water quality sampling initiative – continually undertaken by the Forks Alternative School since 1996.
- b) Partner with the Quileute Tribe’s Natural Resources Division to address potential upstream barriers and constrictions when found to exist on feeder streams and ditches to SMP identified waters of the state.

Section 3. Authorizations to Implement this Ordinance

- A. The Mayor is authorized to enter into an interlocal agreement, or similar legal agreement, with Clallam County to ensure that those City applicants could have their development permit reviewed, processed, and decided by the County Shorelines Committee, a citizens’ body appointed by the Board of Clallam County Commissioners.
- B. The City Planner is authorized to assist in the coordination and facilitation of a City land owner’s pursuit of a development permit associated with a project for which approval under the County SMP and associated rules and regulations would be required.

Section 4. Subsequent Annexations

The City will require as part of the annexation process that those portions of the Forks Urban Growth Area continue to be subject to the County SMP. This requirement will be incorporated into petitions for annexation and this continuation of the application of the County SMP to such annexations will be included in the annexation documents.

Section 5. Periodic Review

- A. If the City decides it no longer wants to utilize the County SMP, the City will contact Ecology to initiate an SMP amendment, with the understanding that it will be a City-designed, supported, and developed process.
- B. Regulatory, Planning, and Changes in Circumstances.
 - 1) As the City’s comprehensive plan is updated, after the 2019 update that was processed while the County SMP was being developed, the City will undertake a brief assessment of the relationship between the City’s comprehensive plan amendments/updates and the County SMP to address issues of consistency.
 - 2) At the time that the State’s regulatory structure for shorelines is altered, amended, or modified, the City will consult both Ecology and Clallam County as to the need to review and assess what changes or modifications would need to be made in relationship to the City’s adoption of the County SMP in the manner noted above.
 - 3) Following significant changes in shorelines, or data resulting in new information to be applied in delineating shorelines or addressing flood zones, the City will review those changes and determine if modifications are needed. In such situations, the City would consult with Clallam County to determine if the changes that had

occurred also would require County modifications for the non-City portions of the Forks Urban Growth Area and or adjacent lands subject to the County's jurisdiction. In such cases where such a need exists, the City would work with the County and Ecology to address those issues.

Section 6. Interpretation of the SMP in relationship to City Critical Areas Code, specifically FMC 14.20.710

- A. For major development, including land uses, any reduction of the critical areas buffer cannot result in a buffer that is smaller than the established SMP buffer for the associated County SMP shoreline environment designation.
- B. For minor development, when there is a conflict between the City's Critical Areas Ordinance and SMP, the buffer most protective of environmental resources will prevail.

Section 7. Effective Date. This ordinance shall take effect on 1 **AUG/SEP/OCT** 2021.

Passed by the City Council on the 26th day of April, 2021.

Tim Fletcher, Mayor

Authenticated and Attested to:

Approved as to Form:

Audrey Grafstrom, Clerk/Treasurer

William R. Fleck, Attorney/Planner