

Staff Report

Date: February 18, 2016
To: Planning Commission
From: Tim Crose, Planning Director
RE: Pacific County Shoreline Master Program Update

Subject: Planning Commission Workshop: SMP Remaining Issues

The purpose of this document is to provide an overview of relevant information for the Planning Commission's workshop on the Pacific County Shoreline Master Program (SMP), to be held on February 18th, 2016.

This document provides a brief summary of each of the topics to be discussed at the workshop. Topics are presented in the order listed on the workshop agenda.

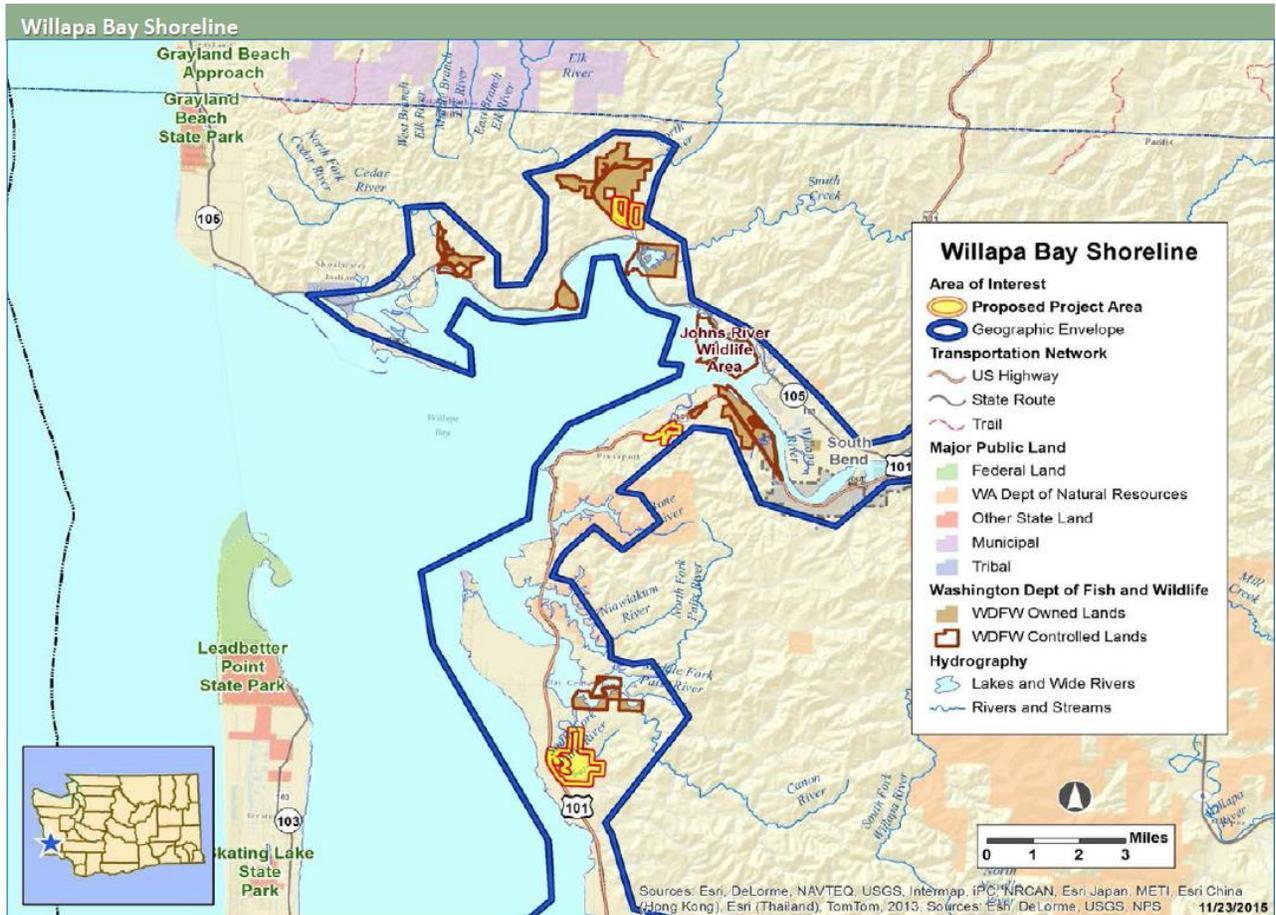
SMP Discussion Items

a) Review of Washington State Parks and Recreation Commission recommendations.

The Washington State Parks and Recreation Commission (State Parks) submitted two letters containing several recommendations for revisions to the draft SMP. Please see letters for details. Recommended revisions and comments have been incorporated into the February draft of the SMP for consideration by the Planning Commission, and can be found in the following sections:

- Section 2: Definitions
- Section 3.2: Shoreline Environment Designations
- Section 4.1: Historic/Cultural/Scientific/Educational
- Section 4.2: Environmental Protection and Critical Areas
- Section 4.5: Vegetation Management
- Table 5-1: Permitted Uses and Modifications by Environment Designation
- Section 5.16: Mining
- Section 5.18: Recreational Development
- Section 7.2: Preexisting Structures and Uses

The letters also included a request to revise shoreline environment designations for certain areas of Cape Disappointment State Park from Natural to Coastal Conservancy to reflect existing developments.



b) WDFW land exchange: Potential SMP impacts.

WDFW is implementing a 733-acre land acquisition along Willapa Bay shorelines (see figure below). Some of these areas are currently designated Willapa Bay Conservancy or Rural Conservancy. For discussion by the Planning Commission is whether and how this land acquisition will affect the SMP.

WDFW 2016.

c) Should shoreline jurisdiction be expanded to include FEMA Coastal High Hazard Zones? SMP Sections 1.5 and 3.1

Public testimony at the February 4th hearing raised the question of how and whether the Coastal High Hazard Zones should be incorporated into, or referenced by, the draft SMP. One approach would be to extend shoreline jurisdiction to include the Coastal High Hazard Zones, as mapped by FEMA on September 21st, 2015, or as amended. These areas are currently designated as Frequently Flooded Areas under the County's Critical Areas Ordinance.

d) How can information on the federal consistency determination process be disseminated to the public at the local level? *SMP Section 6.2.B.20, for example*

As part of the federal consistency determination process, a federal agency operating within the County's shoreline jurisdiction must issue a letter explaining how its actions are consistent with each section of the County's SMP. The County can comment on this letter, and it is up to the Department of Ecology to concur or object to the federal agency's letter. For Planning Commission consideration is whether and how to disseminate information from this process to the public at the local level.

e) Review and approval process for Shoreline Environment Designation maps

All public comments received regarding the Shoreline Environment Designation maps have been discussed by the Planning Commission. Revisions have been made based on Planning Commission discussion, and the latest draft of the maps is now available online. For Planning Commission consideration is whether and how to pursue further, targeted review of these maps prior to making a recommendation to adopt them with the draft SMP.

f) Use of HAT for shoreline buffers *Section 3.2.F.3.d and Table 5-2*

The draft SMP currently uses HAT for measuring shoreline buffers on the east side of the Long Beach Peninsula. The Planning Commission discussed this use of HAT at workshops prior to the start of the public hearing process. These discussions were supported in part by maps of HAT produced by The Nature Conservancy. Ecology has expressed concern at the accuracy of these maps, due to unanswered questions regarding corrections for datum differences. The Nature Conservancy has been contacted and is currently investigating the issue. An update will be provided to the Planning Commission during its February 18th workshop.

g) Dune buffers and setbacks *Section 5.10.B.2 and .4*

The Planning Commission discussed the issue of dune buffers at its January 7th meeting and tentatively recommended to retain the "slope-break" language as drafted. Ecology has expressed concern that this language is highly variable and imprecise, and therefore untenable. One alternative would be to define the buffer as either 100 feet, or the landward boundary of the primary dune, whichever is greater. Another alternative would be to define a 200-foot buffer, with certain permissions for trails, vegetation management, etc. in the outer 100 feet. Revised language has been incorporated into the February draft, for Planning Commission consideration.

The Planning Commission discussed the issue of dune setbacks at their January 7th meeting. The recommendation from that meeting was to use the 1968 Seashore Conservation Line, and to define dune setbacks outside of the SMP, using either the

Critical Areas Ordinance or the Zoning Code. Based on further discussion, County staff recommends use of the Zoning Code. For Planning Commission consideration.

h) Summary and review of allowances for overwater structures on Willapa Bay

The Planning Commission discussed permitted uses in overwater structures with respect to commercial and aquacultural uses at their January 7th and February 4th meetings, respectively. The following provides a brief summary of allowances for overwater structures in the Willapa Bay Estuary environment. Please refer to Table 5-1 and relevant sections of the draft SMP, listed below, for more detail.

Generally, water-dependent uses are permitted (P or C) over water in Willapa Bay. Non-water-dependent uses are subject to the following requirements:

- Aquaculture (Section 5.5): Non-water-dependent shellfish facilities over water must be associated with a water-dependent overwater use.
- Commercial development (Section 5.8): Non-water-dependent commercial uses are prohibited over water except in existing structures, or where they are auxiliary to and necessary in support of water-dependent uses. Except on and adjacent to High Intensity shorelines, non-water-oriented commercial uses are not permitted.
- Industrial development (Section 5.13): Non-water-oriented industrial development is prohibited over water unless: 1) adjacent to High Intensity shorelines; 2) part of a mixed-use project that includes water-dependent uses OR navigability is severely limited; and 3) the project provides a significant public benefit.
- Residential development (Section 5.19): New overwater residences are prohibited.
- Boating facilities (Section 5.6): Community marinas and public docks are permitted adjacent to Shoreline Residential, High Intensity, and Willapa Bay Conservancy shorelines in Willapa Bay. Residential docks are also permitted adjacent to Shoreline Residential shorelines.

What it means:

- When required to be associated with a water-dependent use, new non-water-dependent uses themselves do not justify the construction or expansion of overwater structures.
- When required to be associated with a water-dependent use, expansion of existing non-water-dependent uses themselves does not justify the construction or expansion of overwater structures.

i) Incorporation of WDNR language regarding Open Water Moorage Area

The County received a letter from WDNR on January 29th regarding creation of an Open

Water Moorage Area (OWMA) for the floating homes on the North River. WDNR has since met with County staff regarding this issue and requests incorporation of additional language in the SMP addressing the OWMA. This language will be provided to the County by February 18th.