

TECHNICAL MEMORANDUM



Date: August 17, 2022

To: Shawn Humphreys, Director, Pacific County Department of Community Development

From: Dan Nickel, Project Manager

Project Name: Pacific County Shoreline Master Program Periodic Update

Project Number: 210724

Subject: Pacific County Planning Commission review of recommended SMP amendments for the Periodic Update

Introduction

The periodic review of the County's Shoreline Master Program (SMP) is intended to keep the SMP current with amendments to state laws, changes to local plans and regulations, and provide clarifications to existing code to improve functionality and clarity. As a first step in the periodic review process, the County's current SMP and Critical Areas and Resource Lands Ordinance (CARL) were reviewed for any potential necessary amendments. To summarize initial findings and to frame the consultant's scope of work, The Watershed Company completed a Consistency Analysis Report and Ecology's Ocean Management Checklist (included in the Planning Commission packet for the September 1, 2022, work session) that identified potential necessary or recommended amendments.

As part of early coordination with the Washington Department of Ecology (Ecology), a working copy of potential SMP and CARL amendments was sent to Tess Brandon, Shoreline Planner with Ecology, in early August for initial review and comment. Ms. Brandon provided a thorough review of both documents and included input on Ecology's recommendations at this point in the County's update process. Note, as identified in the County's grant agreement, Ecology will have a more formal review process following a joint public comment period and public hearing. The public comment period and public hearing are expected to occur in Fall 2022.

Summary

The following is a brief summary of issues identified by Ecology. These will be presented and discussed in more detail with the Planning Commission in upcoming work sessions.

1. Ecology would like the County to review the broad prohibitions on fixed structures in the aquatic SEDs on the coast and Willapa Bay Estuary, per policy 6.2(A)(11) excerpted below. These prohibitions are also included in the Uses and Modifications Matrix (Table 5-1, Permitted Uses and Modifications by Environment Designation).

The county will revisit policies and regulations regarding fixed structures in the Coastal Ocean and Willapa Bay Estuary environments to address new information and technology, including analyses and recommendations resulting from the marine spatial planning process per RCW 43.372, during scheduled periodic reviews of this Program under RCW 90.58.080.

2. Ecology will need to see the County revisit the policy regarding aquaculture in the Coastal Ocean environment to address new information and technology, including the Marine Spatial Plan, per policy 6.2(A)(12).

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3. Floating on-water residences (FOWRs). A definition and regulations have been included per the review of legislative updates. However, Ecology has asked the County to look more closely at the structures existing in the County and verify that there are FOWRs. Despite the legislature's addition of the word "vessel," not all liveaboards are FOWRs, and the SMA does not generally regulate vessels. The legislation is intended only to protect existing FOWRs.
4. Coastal Ocean Uses and Modifications. Ecology has a variety of minor comments in Chapter 6 of the SMP to improve clarity and ensure consistency. Recommended changes included in the Ocean Management Checklist may have slight adjustments based on Ecology's input.
5. Ecology had one additional comment in the CARL regarding the exemption of new or expanded agriculture covered by the Voluntary Stewardship Program. This exemption needs to be excluded in the SMP by adding it to the list of provisions in the CARL that do not apply. See section 4.2(B)(2)(a).