

AGENDA

Clallam County Planning Commission

Virtual/Audio PC Meeting of November 17, 2021

Clallam County Courthouse

223 East Fourth Street, Port Angeles

6:00 p.m.

The Clallam County Planning Commission will conduct a regularly scheduled meeting appearing via Zoom video conferencing on November 4, 2021 at 6pm. No in-person meeting will be held at this time due to the ongoing Covid-19 pandemic. To appear by Zoom please visit <https://zoom.us/join> or call (888) 475-4499 or (253) 215-8782, then enter Meeting ID: 660 165 2237 and Passcode: 12345.

The information provided to the Commission in preparation for this meeting is available at: <https://websrv7.clallam.net/forms/uploads/PlanningCommissionPacket.pdf>

- A. CALL TO ORDER**
- B. PLEDGE OF ALLEGIANCE**
- C. ROLL CALL**
- D. WELCOME**
- E. APPROVAL OF MINUTES:** November 3, 2021
- F. ANNOUNCEMENTS**
- G. PUBLIC COMMENT** – Please Limit Comments to Three Minutes
- H. UNFINISHED BUSINESS**
- I. PUBLIC HEARING:** Shoreline Periodic Review
- J. WORK SESSION ITEMS:**
 - Shoreline Periodic Review recommendation
 - ADU code change recommendation
- K. PUBLIC COMMENT** – Please Limit Comments to Three Minutes
- L. ADJOURNMENT**

Members:

Chair, Jane Hielman & Vice-Chair, Scott Clausen

Robert Miller; Steve Gale; Ron Long; N. Bonnie Booth; M. Ingrid Carmean; Philip Giuntoli; Jeff Carter

Department of Community Development Staff:

Mary Ellen Winborn, Director; Donella Clark, Principal Planner; Holden Fleming, Associate Planner

MINUTES

Clallam County Planning Commission

*Virtual Meeting of November 3, 2021
6:00 PM*

- A. CALL TO ORDER: The meeting was called to order at 6:00 p.m.
- B. PLEDGE OF ALLEGIANCE.
- C. ROLL CALL: Members present were Chair Hielman, Vice-Chair Clausen, Robert Miller, Steve Gale, Ron Long, N. Bonnie Booth, M. Ingrid Carmean, Philip Giuntoli, and the newest member Jeff Carter. Donella Clark, Principal Planner and Holden Fleming, Associate Planner; represented staff from the Department of Community Development; Steve Gray, Transportation Planner, represented staff from the Roads Department.
- D. WELCOME: Chair Hielman gave duties of running the meeting to Vice-Chair Clausen, who welcomed all in attendance
- E. APPROVAL OF MINUTES: October 6, 2021 approved by those who were in attendance. October 20, 2021 approved by those who were in attendance, with an addition of Ron Long as being present at the meeting.

F. ANNOUNCEMENTS: None.

G. PUBLIC COMMENT PERIOD:

Judy Larsen let the Planning Commission know that an email was sent for addition to the record of the ADU hearing. Staff informed the Commissioners that they would forward the comment the following morning for their consideration and suggested a vote not be taken this evening on the ADU standards.

Ed Bowen suggested that the Planning Commission consider a way to change the unfunded process and how we can better address the TIP regarding discretionary funds, rather than depend on grants.

H. UNFINISHED BUSINESS: None.

I. PUBLIC HEARING ITEM:

6-Year TIP-presented by Steve Gray, Transportation Planning with the Roads Department

-Planning Commission voted 9-0 to forward TIP with the letter from the Bee Society to the County Commissioners for their approval.

Proposed changes to ADU Codes by Holden Fleming, Planning with DCD

-Discussion regarding changes desired by the Commission and staff rationale regarding specifying only one being used as a vacation rental.

J. WORK SESSION ITEMS: None

K. PUBLIC COMMENT PERIOD: Ed Bowen suggested the process of the public hearing for the ADU ordinance seemed more like a work session, and should allow public participation in the future. Also wanted to pass on information regarding the America Rescue Act Section 605 as possible funding opportunities for the County's roads.

Commissioner Hielman thanked Commissioner Carmean on the information that has been provided regarding homelessness. Carmean commented that HB1590 could provide a sales tax of 1.1% that could add \$64,000 per month for affordable housing. It was suggested this be forwarded to the Director of Community Development and the County Commissioners.

L. ADJOURNMENT: The meeting adjourned at __7:45__ p.m.

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Summary of the Periodic Review Rule (WAC 173-26-090)

Introduction

This document is an annotated version of Ecology's rule ([WAC 173-26-090](#)) on conducting periodic reviews of Shoreline Master Programs (SMPs) under the Shoreline Management Act (SMA). The rule was based on [Department of Commerce rules](#) that guide local governments in meeting the analogous Growth Management Act (GMA) "periodic review" requirement.

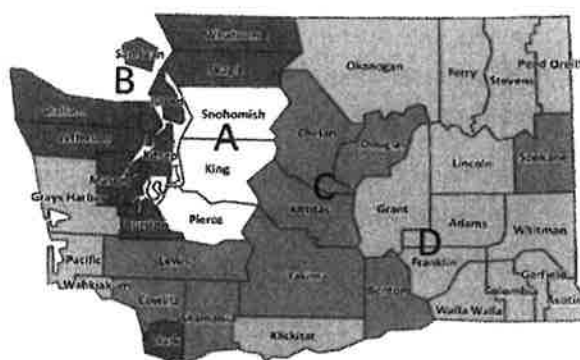
The following is a brief summary of each section of the rule.

Section 1: Locally initiated review

This brief section is from a long-standing rule that encourages local governments to review their SMPs to reflect changing local circumstances, new information or improved data. Ecology retained this section to clarify that local governments may prepare SMP amendments outside the statutorily mandated review period. The rule encourages local governments to consult guidance materials available from Ecology that may inform their reviews.

Section 2: Periodic review requirements

The second section summarizes and explains statutory requirements. The SMA requires each city and county to review, and, if necessary, revise their SMP at least once every eight years. The legislature set a staggered schedule that alternates with similar reviews under the Growth Management Act (GMA).¹



	A	B	C	D
GMA	2015	2016*	2017*	2018*
SMA	2019	2020	2021	2022
GMA	2023	2024*	2025*	2026*
SMA	2027	2028	2029	2030

Figure 1. Periodic review schedules under the SMA and GMA.
(NOTE *For GMA reviews, the law gives an extra 2 years for smaller, slower-growing jurisdictions in groups B, C, and D.)

Figure 1 illustrates how GMA and SMA review deadlines alternate over time. For example, Column A indicates that King, Pierce and Snohomish counties and the cities within them have GMA review deadlines in 2015 and eight years later in 2023, interspersed with SMA reviews in 2019 and 2027.

The rule clarifies that local legislative action is required to complete the review, even when a local government determines no changes are needed. It also clarifies how the scope of the periodic review differs from the comprehensive updates that were conducted starting in 2005.

¹ RCW 90.58.080(4)

Section 3: Procedures

The third section of the rule outlines local and state procedures for conducting periodic reviews. The rule follows the GMA periodic review process, with unique steps to reflect Ecology's formal approval role (see Figure 2).

The rule requires Ecology to maintain a checklist that includes potential review elements. The checklist is used at the beginning to help determine what to review, and at the end to identify where each applicable issue is addressed in the SMP.

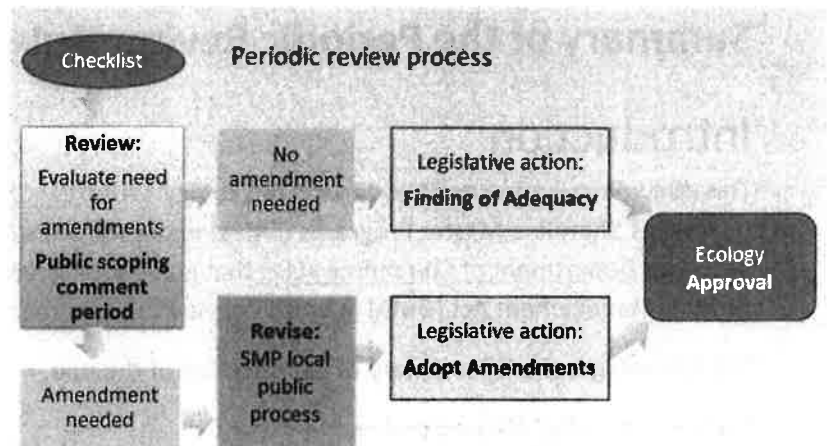


Figure 2. Schematic outline of SMP periodic review process. Ecology final approval triggers an appeal period.

The rule requires a public participation program that provides for early and continuous involvement of interested parties throughout the review process.

For jurisdictions that find no amendments are needed, the scoping could lead directly to final legislative action determining that no amendments are needed ("Finding of Adequacy"). Under the SMA, amendments to SMPs are final only after approval by Ecology. Even when it is determined locally that no amendments are necessary under the periodic review, local governments will submit their Findings of Adequacy to Ecology for review of the local determination and to ensure a definitive conclusion to the periodic review process. If in agreement, Ecology would issue a formal approval. This would provide certainty to all parties that Ecology has concurred with the local determination.

Ecology's approval triggers the appeal period. Any appeals would be of Ecology's action as well as the local government action.

Below is the complete text of Ecology's rule outlining the periodic review requirements and process. The annotation in colored boxes provides context and explanation for each section and is not part of the formally adopted rule.

WAC 173-26-090 - Locally initiated review—Periodic review—Public involvement and approval procedures.

(1) Locally initiated master program reviews

Each local government should review its shoreline master program and make amendments deemed necessary to reflect changing local circumstances, new information or improved data.

Local governments are encouraged to consult department guidance for applicable new information on emerging topics such as sea level rise.

The first sentence of §1 has been in place for decades. Ecology retained this direction to emphasize that local governments may amend their SMPs at any time to address changing circumstances, new information or improved data. Ecology's 2017 amendments suggests local governments consult Ecology guidance for information on emerging issues such as sea level rise. Addressing sea level rise is an example of the kind of work that might be most effectively tackled as part of a broader comprehensive plan initiative, rather than during a focused SMA periodic review. Note that §(3)(b)(iii) calls on local governments to consider these kinds of amendments during the mandatory periodic review. The periodic review can be considered a minimum time period to convene a public process to consider as a community whether your SMP remains relevant with changing conditions. However, these kinds of amendments can be conducted at any time.

(2) Periodic review requirements.

(a) Following the comprehensive updates required by RCW 90.58.080(2), each local government shall conduct a review of their master program at least once every eight years on a schedule established in the act. Following the review, local governments shall, if necessary, revise their master programs. This review and revision is referred to in this section as the periodic review.

§ 2 (a) starts with direct quotes from the SMA at RCW 90.58.080(4), with an additional clarification that the rule uses the term "periodic review" for the mandatory eight-year review. The term "comprehensive update" refers to the one-time updates required under RCW 90.58.080(2) with deadlines from 2005 – 2014.

(2)(b) Deadlines for periodic review.

Local governments must take action to review, and if necessary, revise their master programs according to the schedule established in RCW 90.58.080(4)(b). Deadlines for completion of periodic review are as follows:

Table WAC 173-26-090.1 Deadlines for Completion of Periodic Review

Reviews must be completed on or before June 30 of:	Affected counties and the cities and towns within:
2019/2027*	King, Pierce, Snohomish
2020/2028*	Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, Whatcom
2021/2029*	Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, Yakima
2022/2030*	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, Whitman

* And every eight years thereafter.

§ 2(b) quotes the statutory directive to review and revise if needed and presents the deadlines in a table.

The statutory requirement is to conduct a periodic review *at least* once every 8 years by June 30 of the year listed. There is no absolute direction in law or rule for how early you can adopt, but as a general guide Ecology recommends conducting periodic review within two years of the deadline. For SMA reviews in particular it will actually be beneficial if local periodic review adoptions are “spread out” around the deadline to distribute the review workload, and ensure Ecology can provide adequate help to individual jurisdictions.

Note that if a local governments simply ignores their deadlines they are potentially vulnerable to a “failure to act” claim before the Growth Management Hearings Boards (for fully planning jurisdictions), or before the Shorelines Hearings Board (for partially planning jurisdictions). Ecology also has authority to adopt SMP amendments by rule under RCW 90.58.070.

(2)(c) Taking legislative action.

- (i) The periodic review must be accomplished through legislative action. Legislative action means the adoption of a resolution, motion, or ordinance following notice and a public hearing including, at a minimum, findings that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefore. Legislative findings that no revisions are needed are referred to in this section as “findings of adequacy.”
- (ii) Legislative action includes two components. It includes a review of the shoreline master program and it includes the adoption of either findings of adequacy or any amendments necessary to bring the program into compliance with the requirements of the act.
- (iii) Legislative actions concluding the periodic review must be followed by department approval.

§ 2(c) clarifies that statutory review must be concluded with legislative action. In other words, a local government cannot simply conduct a staff-level review, conclude no local action is needed, and be done with the review obligation. Just like under GMA reviews, the review is a formal public process concluding with elected officials taking formal action after a public hearing.

§ 2(c)(i) creates a new term – locally adopted findings that revisions to the SMP are not needed are called “Findings of Adequacy.” § 2(c)(ii) clarifies that legislative action includes a formal public review and formal action, whether the review results in amendments, or simple findings of adequacy where the review reveals no changes to the SMP are needed. § 2(c)(iii) clarifies Ecology approval is needed to conclude local reviews. This provides a definitive end to the local process. Note that an appeal of local periodic review amendments or local findings of adequacy would also be appeals of Ecology’s approval.

(2)(d) The required minimum scope of review.

- (i) The purpose and scope of the periodic review as established by the act is:
 - (A) To assure that the master program complies with applicable law and guidelines in effect at the time of the review; and
 - (B) To assure consistency of the master program with the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW, if applicable, and other local requirements.
- (ii) The review process provides the method for bringing shoreline master programs into compliance with the requirements of the act that have been added or changed since the last review and for

responding to changes in guidelines adopted by the department, together with a review for consistency with amended comprehensive plans and regulations. Local governments should also incorporate amendments to reflect changed circumstances, new information, or improved data. The review ensures that shoreline master programs do not fall out of compliance over time through inaction.

(iii) The periodic review is distinct from the comprehensive updates required by RCW 90.58.080(2). The presumption in the comprehensive update process was that all master programs needed to be revised to comply with the full suite of ecology guidelines. By contrast, the periodic review addresses changes in requirements of the act and guidelines requirements since the comprehensive update or the last periodic review, and changes for consistency with revised comprehensive plans and regulations, together with any changes deemed necessary to reflect changed circumstances, new information or improved data. There is no minimum requirement to comprehensively revise shoreline inventory and characterization reports or restoration plans.

§ 2(d)(i) and (ii) define the required scope of review consistent with the purpose set in statute.

§ 2(d)(iii) is intended to distinguish the periodic reviews from the one-time comprehensive SMP update. Comprehensive updates involved a complete review of the SMP based on Ecology's 2003 SMA rules, and included extensive inventory work to determine shoreline jurisdiction and analyze existing conditions. Periodic reviews are focused on new laws or rules that were not effect when the comprehensive update was adopted, or new information a local government finds warrants local amendments.

(3) Procedures for conducting periodic reviews.

(3)(a) Public participation program.

(i) In conducting the periodic review, the department and local governments, pursuant to RCW 90.58.130, shall make all reasonable efforts to inform, fully involve and encourage participation of all interested persons and private entities, tribes, and agencies of the federal, state or local government having interests and responsibilities relating to shorelines of the state and the local master program. Local governments may follow the public participation procedures under either the standard local process outlined in WAC 173-26-100, or the optional joint review process outlined in WAC 173-26-104.

§ 3(a)(i) clarifies that the periodic review is a public process. Even though conducting the review may lead to the conclusion no actual revisions are necessary, the direction in statute for public involvement applies.

(ii) Counties and cities shall establish and broadly disseminate to the public a public participation program identifying procedures whereby review of the shoreline master program will be considered by the local governing body consistent with RCW 36.70A.140. Such procedures shall provide for early and continuous public participation through broad dissemination of informative materials, proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, and consideration of and response to public comments.

The public participation program should include a schedule for the periodic review and identify when legislative action on the review and update component are proposed to occur. The public participation program should also inform the public of when to comment on the scope of the review and proposed changes to the master program. Counties and cities may adjust the public participation program to best meet the intent of the participation requirement.

§ 3(a)(ii) require a public participation program for all jurisdictions, not just those fully planning under GMA. The new additions under (A) and (B) are modified from GMA rules [WAC 365-196-610(2)(a)(i) and (ii)]. The recommendation for a schedule and public scoping addresses Growth Management Hearings Board decisions – highlighting the importance of definitive notice when taking action on periodic reviews.

(3)(b) Review and analysis to determine need for revisions.

(i) Review amendments to the act and shoreline master program guidelines.

Local governments must review amendments to chapter 90.58 RCW and department guidelines that have occurred since the master program was last amended, and determine if local amendments are needed to maintain compliance. The department will maintain a checklist of legislative and rule amendments to assist local governments with this review. The department will provide technical assistance to ensure local governments address applicable changes to the act and master program guidelines.

(ii) Review relevant comprehensive plans and regulations.

Local governments must review changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them.

WAC 173-26-191(1)(e) and 173-26-211(3) provide guidance on determining internal consistency. It is the responsibility of the local government to assure consistency between the master program and other elements of the comprehensive plan and development regulations. Local governments should document the consistency analysis to support proposed changes.

(iii) Additional review and analysis.

Local governments should consider during their periodic review whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data as described under subsection (1) of this section. Local governments should consider whether the significance of the changed circumstances, new information or improved data warrants amendments.

§ 3(b) is based on the Commerce GMA periodic update rule [WAC 365-196-610(2)(b)].

§ 3(b)(i) borrows from the Commerce rule in requiring Ecology to maintain a checklist of statutory and rule amendments.

§ 3(b)(ii) references Ecology's existing rules on how to review SMPs for consistency with GMA plans and regulations. (Those rules clarify that local governments are responsible for determining whether their SMP is consistent with other local plans and regulations, and not Ecology).

§ 3(b)(iii) acknowledges local governments may combine locally initiated amendments together with the periodic review.

(3)(c) Take legislative action.

(i) At the end of the review process, counties and cities must take legislative action declaring the review process complete.

(ii) The notice of hearing for legislative actions that are intended to address the periodic review process must state that the actions to be considered are part of the periodic review process under RCW 90.58.080(4).

(iii) The findings for any legislative action on the periodic review process must state that the action is intended to satisfy the requirements of RCW 90.58.080(4).

(iv) A local government that determines after review that amendments are not needed shall adopt a resolution, motion, or ordinance declaring findings of adequacy. Findings of adequacy are a local written determination that no revisions to a shoreline master program are needed to comply with the requirements of RCW 90.58.080(4).

§ 3(c)(i) – (iii) is based on the GMA periodic update rule [WAC 365-196-610(2)(c)]. These rules are based on Growth Management Hearings Board decisions that found procedural errors in some local GMA periodic review adoptions. It is important to definitively conclude the periodic review in legislative findings.

§ 3(c)(iv) clarifies that when no changes are needed a local government will adopt formal “Findings of Adequacy.”

(3)(d) Submittal to the department.

(i) A local government that determines amendments are needed shall submit the amendments to the department consistent with WAC 173-26-110.

(ii) A local government that determines amendments are not needed shall submit the following in lieu of the requirements of WAC 173-26-110:

(A) A resolution or ordinance declaring findings of adequacy.

(B) Evidence of compliance with applicable public notice and consultation requirements.

(C) Copies of all public, agency and tribal comments received during any applicable public comment periods, or where no comments have been received, a statement to that effect.

(D) A completed checklist demonstrating review elements have been considered, and are either inapplicable or have already been addressed through previous locally initiated amendments prior to the scheduled periodic review.

§ 3(d)(i) clarifies that when there are amendments, local governments will follow the normal amendment process.

§ 3(d)(ii) provides submittal requirements when there are no amendments – these are the required elements for complete submittal to accompany “findings of adequacy.”

(e) State process for approving periodic reviews.

(i) The department must issue a formal approval of any amendment or findings of adequacy.

Department approval is necessary to affirmatively conclude the periodic review process, to confirm that state review of local action has occurred, and to establish a definitive appeal window consistent with RCW 90.58.190.

(ii) Where the local government final action includes master program amendments, local governments and the department shall follow applicable adoption procedures described in WAC 173-26-120.

(iii) Where the local government final action is to adopt findings of adequacy, the department shall follow applicable adoption procedures described in WAC 173-26-120. The department shall review the findings of adequacy solely for consistency with RCW 90.58.080(4) and this section.

§ 3(e)(i) clarifies that Ecology must approve any amendment as well as the “findings of adequacy.” Any appeals would be of Ecology’s approval rather than the local government determination.

§ 3(e)(ii) clarifies that the normal adoption process applies if there are amendments.

§ 3(e)(iii) provides submittal requirements where there are no amendments. Ecology will follow the normal adoption process but substitute review of the local “findings of adequacy” with evaluation of actual amendments.

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist

This document is intended for use by counties, cities and towns subject to the Shoreline Management Act (SMA) to conduct the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the SMA at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2019 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See the associated *Periodic Review Checklist Guidance* for a description of each item, relevant links, review considerations, and example language.

At the **beginning of the periodic review**, use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

Ecology recommends reviewing all items on the checklist. Some items on the checklist prior to the local SMP adoption may be relevant.

At the end of your review process, use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.

Prepared By	Jurisdiction	Date
ESA and County Staff	<u>Clallam County</u>	September 13, 2021

Row	Summary of change	Review	Action
2021			
a.	The Legislature amended floating on-water residences provisions	SMP 3.8.2(6) prohibits overwater or floating residences.	No action needed.
b.	The Legislature clarified the permit exemption for fish passage projects	SMP 3.11.2(5c) specifies fish passage identified in Fish Passage designs.	No action needed.
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	SMP 4.2.5 addresses docks accessory to residential development but does not specify the cost threshold; SMP 10.2.5 (1 & 2) cite directly to the exemptions of RCW 90.58.030(3.e) and WAC 173-27-040 where the freshwater dock threshold is established	<u>No action needed.</u>
b.	The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites (applies to 9 jurisdictions)	SMP 4.3.3 (2) requires dredge disposal activities to comply with the DMMP;	<u>No action needed.</u>
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	SMP 10.2.5 (1 & 2) cite directly to the exemptions of RCW 90.58.030(3.e) and WAC 173-27-040 where fish habitat enhancement projects cite to RCW 77.55.181 that lists kelp, eelgrass & native oyster restoration.	<u>No action needed.</u>
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	SMP 10.2.5 (1 & 2) cite directly to the exemptions of RCW 90.58.030(3.e) and WAC 173-27-040 where the total cost/fair market value dollar threshold is established; SMP 11.S.327 definition for 'substantial development'	<u>No action needed.</u>

		cites to the "inflation-adjusted value threshold set by the Washington State Office of Financial Management" and RCW 90.58.030(3)(e) where the cost threshold is established.	
b.	Ecology permit rules clarified the definition of "development" does not include dismantling or removing structures.	<u>SMP 11.D.89</u> definition for 'development' includes the clarification;	<u>No action needed.</u>
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	<u>SMP 1.7(2)</u> Exceptions to Applicability address these exceptions per WAC 173-27-044 and -045	<u>No action needed.</u>
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	<u>SMP 10.3.5 (1)</u> requires permit filing per direct citation to WAC 173-27-130.	<u>No action needed</u>
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA "developments" and do not require SDPs.	<u>SMP 3.4.2(3)</u> specifies that other timber harvest activities that qualify as 'development' require an SDP or CUP as indicated by Use Table 2-2; <u>SMP 11.F.135</u> definition for 'forest practice' does not include the clarification.	<u>No action needed</u>
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	<u>SMP 1.8(1.b)</u> excludes the in-water and upland areas of Olympic National Park from SMP jurisdiction; <u>2.3(3.b)</u> Aquatic SED and <u>2.4(5)</u> Natural SED management policies repeat that such areas are not subject to the SMP with citation to RCW 37.08.210 that establishes exclusive federal jurisdiction for the Park.	<u>No action needed.</u>
g.	Ecology clarified "default" provisions for nonconforming uses and development.	<u>SMP 5.1</u> establishes provisions for existing uses and developments, structures and vegetation.	<u>No action needed.</u>
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews.	<u>SMP 1.10(3)</u> specifies the periodic review requirement with citation to RCW 90.59.080, WAC 173-26 and -27.	<u>No action needed.</u>

- i. Ecology adopted a new rule creating an **optional SMP amendment process** that allows for a shared local/state public comment period.

SMP 10.6 addresses SMP amendments but does not specify the optional joint review process.

No action needed;
The optional joint review process of WAC 173-26-104 may be utilized even if not included in the SMP.

- j. **Submittal** to Ecology of proposed SMP amendments.

SMP 10.6 addresses SMP amendments but does not specify Ecology submittal details.

No action needed;
The submittal requirements of WAC 173-26-110 apply regardless of SMP inclusion.

2016

- a. The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the **Americans with Disabilities Act**.

SMP 10.2.5 (1 & 2) cite directly to the exemptions of RCW 90.58.030(3.e) and WAC 173-27-040 where the ADA retrofitting item is established.

No action needed.;

- b. Ecology updated **wetlands critical areas guidance** including implementation guidance for the 2014 wetlands rating system.

SMP 7.4(4) requires use of the 2014 Wetland Rating System; SMP 7.5(2) allows reduction of Table 7-4 wetland buffers with use of Table 7-5 minimization methods and a wildlife corridor; SMP 7.5(7) requires mitigation for buffer averaging; SMP 8.3 establishes general mitigation requirements; and SMP 8.5 specifies wetland mitigation requirements.

No action needed.;

2015

- a. The Legislature adopted a **90-day target** for local review of Washington State Department of Transportation (WSDOT) projects.

SMP 3.11 addresses Transportation use & development; and SMP 10.2 establishes permit review provisions;
Neither section specifies the 90-day review target for WSDOT projects.

No action needed;
The special permit review procedures of WAC 173-27-125 (per RCW 47.01.485) still apply regardless of SMP inclusion.

2014

- a. The Legislature created a new definition and policy for **floating on-water residences** legally established before 7/1/2014.

SMP 3.8.2(6) prohibits in-water, overwater or floating residences & ADUs;
Residential Use Table 2-1 prohibits 'floating homes' in all SEDs; and
SMP 11.F.127 definition of

No action needed.;

'floating house/home'
includes citation to RCW.
90.58.270 where floating on-
water residences and floating
homes are defined by statute.

2012

- a. The Legislature amended the SMA to clarify **SMP appeal procedures.**

SMP 10.6 addresses SMP amendments with mention of appeals to the WWGMHB and citation to RCW 90.58.190 where SMP appeal procedures are established.

No action needed.

2011

- a. Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved **federal wetland delineation manual.**

SMP 7.4(3) requires delineations per citation to WAC 173-22-035 where the use of the 'approved federal wetland delineation manual and applicable regional supplements' is established.

No action needed.

- b. Ecology adopted rules for new commercial **geoduck aquaculture.**

SMP 3.2.3 establishes regulations specific to commercial geoduck aquaculture.

No action needed.

- c. The Legislature created a new definition and policy for **floating homes** permitted or legally established prior to January 1, 2011.

SMP 3.8.2(6) prohibits in-water, overwater or floating residences & ADUs; **Residential Use Table 2-1** prohibits 'floating homes' in all SEDs; and **SMP 11.F.127** definition of 'floating house/home' includes citation to RCW 90.58.270 where floating on-water residences and floating homes are defined by statute.

No action needed.

- d. The Legislature authorizing a new **option to classify existing structures as conforming.**

SMP 5.1.0(2) establishes that single-family residences and appurtenant structures are considered conforming; **SMP 11.C.70** definition for 'conforming' also includes citation to RCW 90.58.620 where this allowance is established.

No action needed.

2010

- a. The Legislature adopted **Growth Management Act – Shoreline Management Act clarifications.**

SMP 7 Note to Users specifies the 'no net loss' standard for shoreline critical areas; SMP 7.1 establishes that critical areas located in shoreline jurisdiction are regulated by the SMP not by CCC27.12 (CAO); SMP 10.6 addresses SMP amendments but does not specify the 14-day effective date per WAC 173-26-120(3.d.i).

No action needed; SMP amendments become effective 14-days after the date of Ecology's written notice of final action regardless of SMP inclusion.

2009

- a. The Legislature created new "relief" procedures for instances in which a **shoreline restoration project within a UGA** creates a shift in Ordinary High Water Mark.

SMP does not include the optional process of RCW 90.58.580.

No action needed; The OHWM relief allowance for restoration in UGAs can still be implemented per statute regardless of SMP inclusion.

- b. Ecology adopted a rule for certifying **wetland mitigation banks.**

SMP 8.3(4) allows for use of approved mitigation banks.

No action needed;

- c. The Legislature added **moratoria authority** and procedures to the SMA.

SMP does not include moratoria authority per RCW 90.58.590.

No action needed; The County may rely on the authority established by statute to adopt moratoria regardless of SMP inclusion.

2007

- a. The Legislature clarified **options for defining "floodway"** as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.

SMP 11.F.132 definition for 'floodway' relies on effective FEMA FIRMs.

No action needed;

- b. Ecology amended rules to clarify that **comprehensively updated SMPs shall include a list and map of streams and lakes** that are in shoreline jurisdiction.

SMP includes Exhibit A Shoreline Environment Designation Maps and Exhibit B List of SMP Waterbodies.

No action needed;

- c. Ecology's rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of

SMP 10.2.5 (1 & 2) cite directly to the exemptions of RCW 90.58.030(3.e) and WAC 173-27-040 where fish habitat enhancement projects cite to RCW 77.55.181 that lists kelp,

No action needed.

RCW 77.55.181.

eelgrass & native oyster
restoration.

Additional changes

SMP Section	Summary of change	Discussion
SMP 2.5 Resource Conservancy - 2. Purpose	2. Purpose: The purpose of the Resource Conservancy designation is to maintain resource lands in a predominantly forested condition for sustained timber production, habitat conservation, and/or <u>low-intensity outdoor recreational use- while protecting existing ecological functions and processes.</u>	During periodic review the Commissioners accepted this change required by Ecology, but it was not updated in the text of the ordinance.
SMP 8.2 Mitigation & NNL - Policy 3	j. Area of undeveloped floodplains/channel migration zone.	During periodic review the Commissioners accepted this change required by Ecology, but it was not updated in the text of the ordinance.
SMP 11 Definitions - A	25. Aquatic Habitat Conservation Areas means the subset of fish and wildlife habitat conservation areas listed in WAC 395 365-190-130(21) that occur in the water.	Scrivner error
SMP 8 Mitigation & NNL; and SMP 10 Administrative Procedures	8.2 Policies: 4. The County should use <u>a the checklist application form in Exhibit B</u> to track new development proposals against the list of indicators in Section 8.2.3. Changes in indicators should be tracked and monitored at the shoreline reach and watershed scales. 10.2.5 Exemptions from SSDP: 9. All statements of exemption shall be in writing on forms attached to this Program (Exhibit B). As appropriate...	Checklist was removed during the Comprehensive Update, but language was not removed. Department of Ecology had recommended we fix during the Comprehensive Update, but it was overlooked.
Table of Contents	Add ORMA chapters	Section was added during Comprehensive review regarding the Ocean Resources Management Act, but was not added to the Table of Contents. Needs to be added for reference.
3.13.2 General Ocean Management Policies	Item 's' formatted to next row	Scrivner error

SMP Section	Summary of change	Discussion
6.3.6 Lake Sutherland Buffer	Duplicative numbering a.ii and aiii	Scrivner error
6.3.6 Lake Sutherland Buffer	Typo at item b. should read maximize, not maximum	Scrivner error
11.N	Typo at New Ocean uses, should read See	Scrivner error
11.S	Typo at Single-family, should read including	Scrivner error

Public Comment Received

Clark, Donella

From: McConnell, Michelle (ECY) <micm461@ECY.WA.GOV>
Sent: Wednesday, November 03, 2021 8:20 AM
To: Clark, Donella
Subject: FW: *****2021 Shoreline Update Comment

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Forwarding to you for Planning Commission/BoCC consideration as part of the County's open comment period for project scoping.



Michelle McConnell (she/her)
Regional Shoreline Planner
360.407.6349 | [ECY](#) | [SEA](#) | [SWRO](#)

COVID-19 Response: WA State Department of Ecology offices remain closed to the public until further notice as we adhere to a statewide effort to slow the spread of the coronavirus (COVID-19). Most staff continue to work remotely but are still available by telephone and email; more information is available [online](#). We remain committed to service, so don't hesitate to reach out to us. Rely on coronavirus.wa.gov as the state's primary source of coronavirus information and as you practice patience, handwashing & physical distancing for your & everyone's health – MASK UP & VAX UP to keep WA open!!

□DEIR: Ecology strives to further Diversity, Equity, Inclusion & Respect in solidarity with our co-workers, colleagues, partners & customers of the Asian American and Pacific Islander (AAPI), Black, Indigenous and People of Color (BIPOC), and LGBTQ+ communities. We cannot ignore discrimination based on race, ethnicity, sexual orientation, gender identity – we must recognize & work together to fight these injustices. Learn more: <https://capaa.wa.gov/> and <https://www.buildwa.org/> and <https://lgbtq.wa.gov/rain>. As Washington's new Office of Equity says: "Let us together reframe state government to work in a way that reduces disparities and improves equitable and just outcomes for everyone in Washington, for the next seven generations and beyond, is all of our work."

This communication is public record and may be subject to disclosure as per the Washington State Public Records Act, RCW 42.56.

From: Dr. Karl Spees <76ccap@gmail.com>
Sent: Tuesday, November 2, 2021 10:54 PM
To: Karl Spees <76ccap@gmail.com>
Subject: *****2021 Shoreline Update Comment

THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link

Michelle McConnell Regional Shoreline Planner <michelle.mcconnell@ecy.wa.gov>

"Social Engineering – The art of replacing what works with what sounds good." Dr. Thomas Sowell

— [Thomas Sowell](#)

Benjamin Franklin - 'States are individual laboratories of democracy.'

[When trying to "Google" quotes of Benjamin Franklin a Fake Message came up on my computer which stated I had a virus affecting my computer and if I followed and clicked on the prompts they would help me prevent this. How nice. (Opposite of Reality - at the end of this ruse my computer would indeed be 'infected') This is consistent with the Govt saying "they are here to help" or the SMP Update opportunity as a way to help Save the Planet or be beneficial to Clallam County, WA Residents and Taxpayers.]

When addressing the Shoreline Management of the State of WA and Clallam County, **one does not have to reinvent the wheel.** One needs to look at shoreline management in civilized areas of the world, specifically Europe, Japan, and even the Chesapeake Bay of the United States. **One needs to question all the draconian directives within this 1970's SMP, Social Engineering,** aka a Good Idea Wizard have perverted.

Follow the Science: The Social Engineers in the WA Dept. Of Ecology (WA DOE) uses the Mantra: **"Follow the Science" followed by forcing their Dogma, Snake Oil, and Ideology on us,** 'we the people' aka the general public. The Elephant in the Room is **the Lie of Man Made Global Warming** and the Govt's need to increase and use our public

treasury to address this issue. The vast majority of the DOE Staff armed with their higher College Degrees in Ecology are not equipped to understand the major fallacy of this False Narrative or Self-serving Leftist Dogma. Those who question this nonsense have a very short tenure in the DOE and the Single Party Controlled State. (I write this with the understanding that this is blasphemy and that it prompts and justifies a personal attack; I qualify as a 'Denier' and a 'White Racist'. If you can't refute it, attack the messenger. **Truth is Treason in an Empire of Lies.** George Orwell)

Following the Science: The Current Shoreline Master Plan is the codification of the DOE Cult Religion. Apostates and Deniers must be neutralized and ignored. **The Current Shoreline Master Plan is a 'Taking without Due Process';** it is a phoney process disguised as legitimate.

Comments from the previous Shoreline Master Plan Update have been hidden from the public or selectively released to hide the duplicitous nature of the Social Engineers in the DOE and their Accomplices in Clallam County. (I'm sure it must be the same all over the State. Divide and Conquer.)

Cram Down of the False Narrative: **Indoctrinate and then receive Comments from the Faithful.** Manipulate the Narrative; make it appear to be Public Opinion. The Cult Dogma and False Narrative are manipulated in many other ways but this should give one an idea of what is going on.

The '70's Judge Shopped, Jury Rigged **Boldt Decision** was the Govt Ideologue Social Engineering which resulted in netting of the Unique Salmon

Broodstock in every Salmon bearing waterway which tragically resulted in hundreds of **unique salmon runs extinction**. Now the One Party Controlled State are ignoring the root cause of the Salmon decline and are squandering millions of public dollars on this DOE abortion. The State is doing the same thing replacing culverts in roads and highways over seasonal ditches and creeks which never did have salmon runs. Extinct Salmon and

artificial sterilized streams and rivers are the driving guilt for imposing mindless directives on the public and property owners. **The State Social Engineers repeatedly focus on things that a prudent person would not expect to work (and don't) while neglecting small things which would materially improve human and fish habitat.**

Spending Millions of dollars on the Port Angeles Harbor 'cleanup'

is just more fraudulent
Governmental Social
Engineering. Past Industries did
indeed pollute the Port Angeles
Harbor over 50 years ago. The
Pollution was stopped. Layers of
the toxic sediment have either
eroded away and been safely
dispersed or covered with 50
years of sediment. The best way
forward would have been 'don't
make the same mistake twice and
don't eat the dirt'. Govt Control
Freaks and College Idealists need

to be big shots and virtue-signal even if they don't know if they're 'afoot or horseback'.

The Shoreline Master Plan is convoluted and extremely

complex. The proverbial "Prudent Person" is incapable of deciphering the contents. The length is overwhelming as to discourage any realistic belief that it will be read.

The Gordian Knot aka the Shoreline Master Plan Update needs to be Hacked and

**Dumped into the Trash Bin of
Bad Ideas;** Lord knows we have
enough of this Nonsense
Destroying the Fabric of Our
Current Civilization.

Karl Spees - Student of Natural
History, Scientist, and Concerned
Citizen of Clallam County



MEMORANDUM

Clallam County Department of Community Development

The following items are related to the ADU ordinance:

1. Updated Draft of proposed changes to the ADU ordinance.
2. 300 foot radius on a 10 acre and 5 acre parcel, showing the available location proposed per the Ordinance.
3. Public comment and staff response.

33.03.010 Definitions. (2) "Accessory dwelling unit" or "ADU" means a separate dwelling unit, containing habitable space, bathroom(s), and a kitchen, within a single-family dwelling or a separate structure associated with a single-family dwelling which is incidental and subordinate to the primary residential use of the property. Accessory dwelling units are further defined as follows:

(a) Detached. Those accessory dwelling units that are lawfully constructed within existing outbuildings, or stand alone, where the ADU does not share a common wall with the primary residential dwelling unit. ADUs that are connected to a primary residential structure only by a covered breezeway or similar appurtenant structure shall be considered detached.

(b) Attached. Those accessory dwelling units that share a common wall or floor/ceiling with the primary dwelling unit and do not meet the definition of detached accessory dwelling unit.

(XX) "Satellite Bedroom" means habitable space (may include bathroom(s)) that is a separate structure and associated with a single family dwelling. Satellite bedrooms must share water and wastewater disposal systems, when applicable, with the primary residential unit. Satellite Bedrooms do not qualify as vacation rentals or bed and breakfasts.

33.50.010 Purpose and intent.

Clallam County recognizes the benefits that accessory housing can provide as a housing alternative where such benefits consider and are balanced with other community goals. The purpose and intent of this chapter is to:

(1) Ensure that accessory housing remains clearly an incidental and subordinate use to the existing single-family dwelling or business.

(2) Protect the rural and neighborhood character in areas where accessory housing is allowed.

(3) Accommodate unique or special housing needs and circumstances such as caretaker housing.

(4) Increase and diversify available low-income rental housing stock inside the County's ~~designated urban growth areas.~~

(5) Provide for the general convenience of area land owners to accommodate family and guests with independent living quarters.

(6) Allow for accessory apartments above commercial and industrial buildings without consuming valuable commercial and industrial property with residential uses.

(7) Create alternative housing opportunities that promote more efficient use of existing or planned public and private transportation facilities and utilities.

(8) Encourage accessory housing where public and private utilities, transportation facilities, and other facilities already exist.

33.50.020 Applicability. SHARE

Accessory housing units are allowed land uses in all zones where otherwise consistent with the standards of this chapter and the Clallam County Code. Accessory housing includes accessory dwelling units (ADUs), accessory apartments, and caretaker apartments ~~and medical hardship dwellings~~. Accessory housing which conforms to the standards in this chapter shall not be considered to exceed the allowable density for the lot upon which it is located and shall be considered a residential use which is consistent with the comprehensive plan and zoning designation for the lot.

33.50.030 General requirements. SHARE

The requirements listed below apply to all accessory housing:

(1) Certificate of Occupancy. A certificate of occupancy is required to be obtained from the Building Official pursuant to the Uniform Building Code and shall be obtained from the Building Official and posted within the accessory housing unit. The code inspection required to obtain a certificate of occupancy in an existing structure shall be restricted to the portion of the structure to be occupied by the accessory housing unit and shall apply only to new construction, and not the existing components of the primary dwelling.

(2) Structure Type. Accessory housing units shall not be travel trailers, recreational vehicles, buses, truck storage containers, or similar manufactured units which are not originally intended to be used for permanent residences. Structures described under WAC 296-150R-0020 as “temporary living quarters” shall not be permitted or placed under the provisions of this section. If such structures are occupied for a period of ninety (90) or more consecutive calendar days in the same location, such occupation shall be considered a violation of this chapter and subject to enforcement under Clallam County Code.

(3) Water and Wastewater Disposal.

(a) Accessory housing shall be required to utilize the same potable water source as the associated primary residential dwelling, commercial or industrial use.

(b) Accessory housing shall not be permitted unless the Environmental Health Division certifies that the water supply and sewage disposal facilities are adequate for the projected number of bedrooms.

(4) Recording. To ensure continued compliance with owner-occupancy and other ordinance requirements by current, as well as any subsequent owners, a registration of the accessory housing unit in the form of a notice to title shall be filed and recorded with

the Clallam County Auditor. The notice to title shall be on a form provided by the Administrator and filled out completely by the applicant prior to filing. The notice to title shall run with the land and serve as notice to all future purchasers/owners of the subject property of the presence of the accessory housing unit and applicable restrictions regarding accessory housing units contained in the Clallam County Code. Proof of registration, in the form of a copy of the filed document, shall be submitted to the Department of Community Development prior to issuance of a certificate of occupancy. Said registration may only be removed upon a demonstration to the Department of Community Development that the accessory housing unit has been lawfully removed from the subject property, or the portion of the subject property containing the accessory housing unit is legally subdivided from the remainder of the property pursuant to CCC Title 29.

(5) Sale or Transfer of Accessory Housing Units. Accessory housing units shall not be sold as separate dwelling lots from the subject property, unless the portion of the subject property containing the accessory housing unit is legally subdivided from the remainder of the property pursuant to CCC Title 29.

(6) Density. There shall be no more than one accessory housing unit allowed per lot.

33.50.040 Additional standards for accessory dwelling units.

In addition to the general requirements of CCC 33.50.030, accessory dwelling units shall be subject to the following requirements.

(1) Size.

(a) Size of Detached ADU. Detached ADUs shall not exceed fifty (50) percent of the gross floor area of the primary dwelling unit, nor exceed 1,250 square feet in gross floor area. This requirement shall not apply to any detached ADU 400 square feet or less.

(b) Size of Attached ADU. Attached ADUs shall not exceed thirty-five (35) percent of the gross floor area of the primary dwelling unit.

(2) Density.

(a) The property on which an ADU is to be located must be a legally created parcel. ~~Parcels not meeting the minimum lot size may be allowed an attached ADU, but detached ADUs are prohibited.~~

(b) Outside of designated urban growth areas, the property on which a detached ADU is to be located shall be at least 1.5 acres in size. This standard may be waived by the Administrator where it can be demonstrated that the detached ADU will be served by a community water supply and community sewage disposal system.

(c) Inside areas zoned Agricultural Retention (AR), detached ADUs are prohibited except on lots that are subject to the agricultural retention development standards of CCC 33.07.010(4) to CCC 33.07.010(10), or where the existing parcel is thirty (30) acres or larger in size.

(d) Inside areas zoned Commercial Forest (CF), detached ADUs are prohibited.

(3) Occupancy.

(a) The owner of the parcel shall live either in the primary dwelling or ADU as their primary residence. For the purpose of this standard, "permanent primary residence" shall mean occupancy by the underlying property owner for no less than 120 days during a calendar year.

(b) ADUs may be used for occupation by family members, guests, renters, lessees, and estate caretakers/groundskeepers.

(c) Either the primary dwelling or ADU may be used as a vacation rental, as defined in CCC 33.51, but not both.

(4) Design. ADUs shall be designed so that the appearance of the lot remains that of a single-family residential development through the following standards:

(a) When development abuts or is accessed by a county road, all building entrances shall be located so that only one entrance faces the road frontage of the development.

(b) On-site parking area shall be provided.

(c) Access for vehicle ingress and egress shall share the same legal access onto a public or private road as the primary dwelling unit and no new access shall be established for the ADU.

(d) The primary dwelling and the ADU may be no more than 300 linear feet from each other.

33.50.050 Additional standards for accessory apartments and caretaker apartments in commercial and industrial zones. SHARE

In addition to the general requirements of CCC 33.50.030, accessory apartments and caretaker apartments shall be subject to the following requirements.

(1) The gross floor area of an accessory or caretaker apartment shall not exceed 1,250 square feet.

(2) In order to ensure accessory apartments do not constitute an encroachment into commercial areas or otherwise compete with commercial or industrial developments for limited commercial or industrially zoned land, accessory apartments shall only be allowed to locate above the first floor of multi-storied commercial or industrial buildings.

(3) Caretaker apartments shall be permitted in commercial or industrial zones.

~~33.50.060 Additional standards for temporary medical hardship dwellings.~~



~~In addition to the general requirements of CCC 33.50.030, temporary medical hardship dwellings shall be subject to the following requirements.~~

~~(1) The mobile home, manufactured home or the primary single-family dwelling will be occupied by a person who is caring for or being cared for by the person occupying the second dwelling on the same parcel.~~

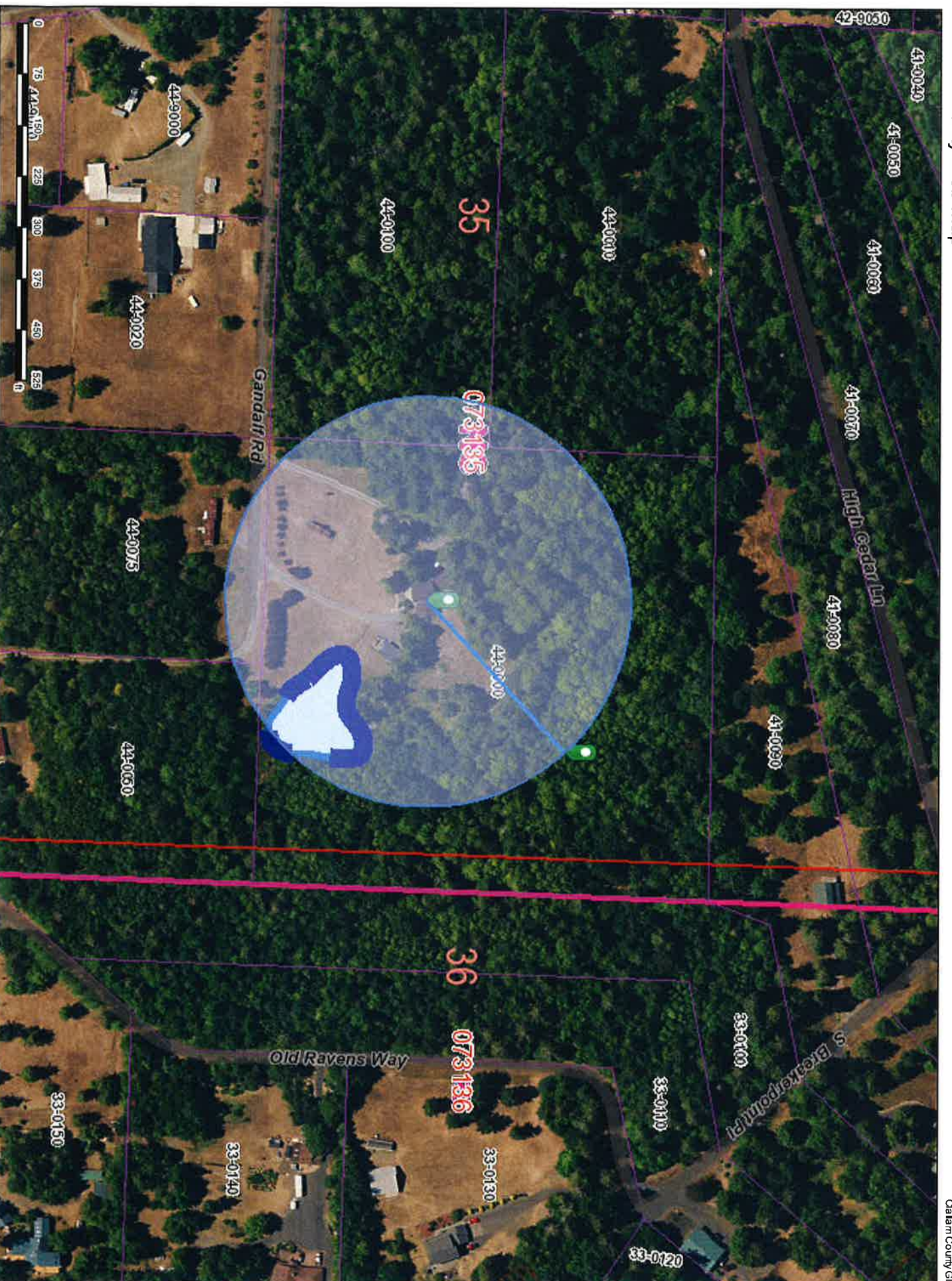
~~(2) Evidence of the medical hardship shall be documented in writing by a licensed physician practicing in the State of Washington, on a form provided by the County, stating the nature of the medical hardship and verifying that one of the occupants of the temporary hardship dwelling or dwelling specified in subsection (1) of this section requires care by the caregiver living on the parcel due to a documented medical hardship.~~

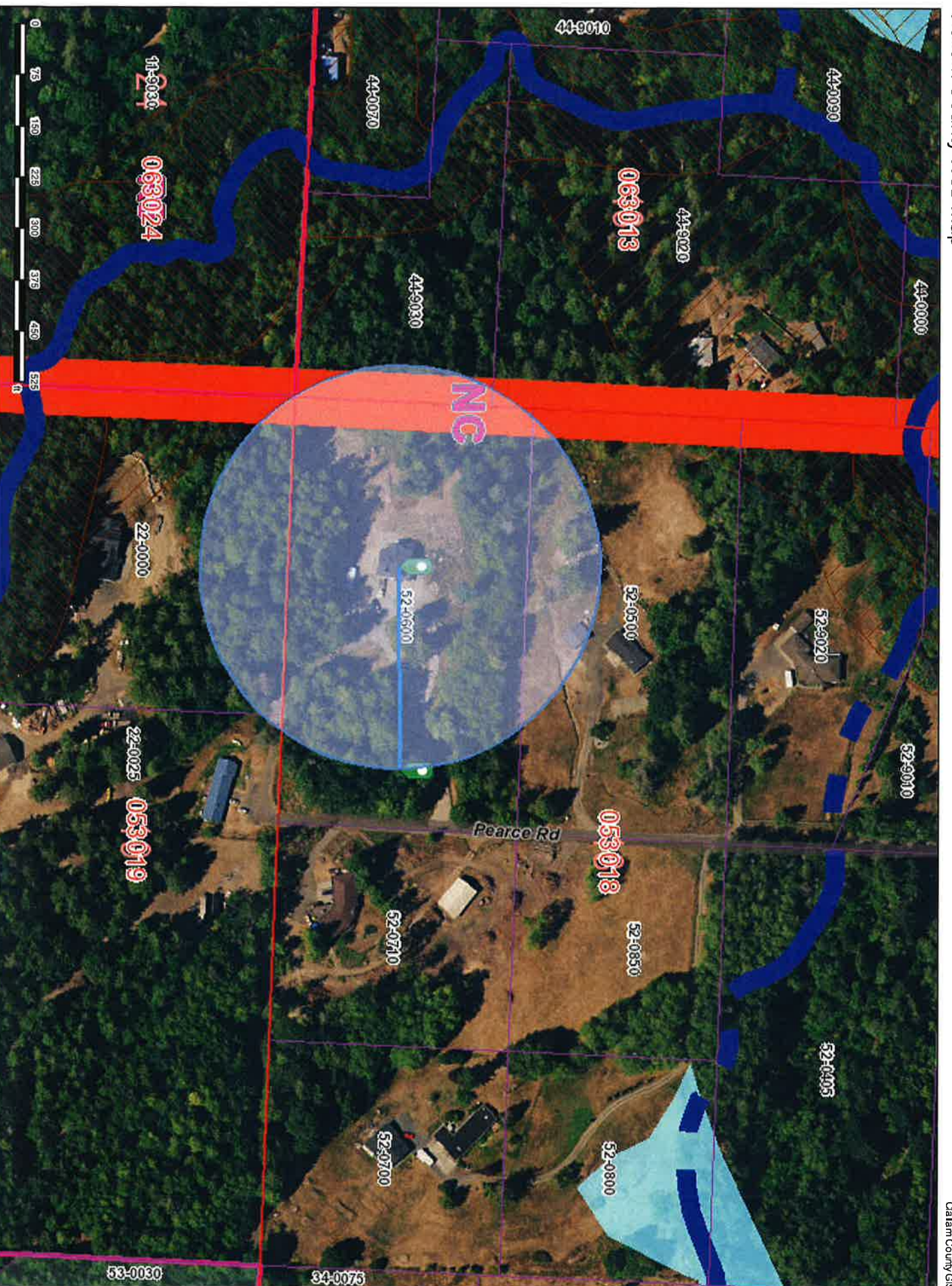
~~(3) This exception from the single-family dwelling and density standards of the underlying zone does not excuse the applicant from Uniform Building Code, Environmental Health Code, or any other applicable land use or construction regulation. All other applicable permits shall be procured by the applicant prior to construction.~~

~~(4) The mobile home or manufactured home will be removed following termination of the medical hardship within a period not to exceed ninety (90) days from the date the medical hardship terminated, unless the hardship dwelling can be brought into compliance with the requirements of CCC Title 29 (Land Division Code), or the accessory dwelling unit standards of CCC 33.50.040.~~

~~(5) A certificate of occupancy shall be issued by the Clallam County Building Division for the mobile or manufactured home when all applicable requirements and permits have been satisfied. The certificate of occupancy shall be valid for a period not to exceed three (3) years from the date of issue. The applicant shall be allowed the opportunity to renew the certificate of occupancy prior to expiration.~~

~~(6) As a condition of approval for the temporary medical hardship dwelling exception, the applicant must demonstrate to the satisfaction of the Zoning Administrator that suitable living accommodations be provided for consistent with the CCC 33.50.040, Accessory dwelling unit standards. Any waiver by the Administrator shall be based on a finding that it is necessary to accommodate the medical hardship. Any waiver shall be the minimum necessary to accommodate the medical hardship.~~





Fleming, Holden

From: larjdyng@olympen.com
Sent: Wednesday, November 3, 2021 5:10 PM
To: Fleming, Holden
Cc: larjdyng@olympen.com
Subject: ADU update & Planning Commission P.H. for 11/3/21

Attention: Planning Commission and H.Fleming, Planner II

*I received and appreciate information provided to me by H. Fleming about proposed ordinance update, associated SEPA and background materials.

I summarize note:

- * I question inclusion of "Satellite Bedroom" under 33.03.010 for ADU update vs. B&B requirements.
- * Governor vetoed related proposed similar Legislative updates EXCEPT for UGA areas.<RE:33.50.010(40)>
- * Under 33.50.010:
 - (2)How is rural/neighborhood character (required in GMA) specifically protected "per guidelines provided by AARP ADU "Hot Topics" & p.15 of The ABCs of ADUs?
 - (7) & (8)The SEPA needs verifiable water, sewerage capacity not only per parcel but for cumulative effects in a given area/neighborhood. How will this be accomplished? THIS also applies to 33.50.030(3).
- * The owner-occupancy requirement <33.50.030(4)> is absolutely essential, but the 33.50.040(3)(a)&(3) provisions lead to questionable primary intent for use of property as primary single housing residential use: also,(4) should include more of cited AARP guidelines AND need to show how "addressing" WILL BE "addressed." ALSO:
 - What is justification for (1)'s size "specification" addition? While
 - (2) states minimum parcel size requirement waivers, the cumulative effects for area/neighborhood need more attention for protection of GMA & SEPA standards for allowing such waivers.

Thank you for your consideration of these questions/concerns raised by someone who appreciates the need to provide more affordable alternatives to housing as well as property owner values and needs.

Judy Larson
1070 W Palo Verde Loop
Sequim,WA 98382

Fleming, Holden

From: Fleming, Holden
Sent: Thursday, November 4, 2021 3:16 PM
To: 'larjdyng@olypen.com'
Subject: RE: ADU update & Planning Commission P.H. for 11/3/21

Ms. Larson,

Thank you for your comments and concerns related to the proposed updates to the Clallam County Accessory Housing code. Your comments will be included in the next Planning Commission packet for the scheduled November 17 meeting. Please read through my comments bellow and feel free to ask for any additional clarification or raise any additional concerns.

Attention: Planning Commission and H.Fleming, Planner II

*I received and appreciate information provided to me by H. Fleming about proposed ordinance update, associated SEPA and background materials.

I summarily note:

* I question inclusion of "Satellite Bedroom" under 33.03.010 for ADU update vs. B&B requirements.

There is no specific section of the zoning code related to Bed & Breakfast Inn requirements, rather they are narrowly defined in CCC 33.03.010(13). The addition of a definition for Satellite Bedrooms within the zoning code helps codify a type of structure already being built within the County while creating a narrow definition capable of assisting with effective code administration.

* Governor vetoed related proposed similar Legislative updates EXCEPT for UGA areas.<RE:33.50.010(40)>

The purpose of including the 2021 Legislative Changes to the Housing Laws was to provide a look at how housing issues are being addressed at the state level. While the ADU recommendations discussed in the document were vetoed because they were not specifically limited to lands within UGAs, the recommendations should still be evaluated on merit to determine if similar policies would meet the needs of Clallam County residents. The intent of these code changes is to modify our existing ADU standards that were last updated in 2002.

* Under 33.50.010:

(2)How is rural/neighborhood character (required in GMA) specifically protected "per guidelines provided by AARP ADU "Hot Topics" & p.15 of The ABCs of ADUs?

The supplemental information included with the ADU code change is intended to establish a broad base of understanding on how other professional organizations and jurisdictions view ADUs. While helping to inform policy changes, no part of the supplemental information would be codified or utilized as policy under this proposed update to the ADU code. The goal of the ADU code update is to modify an existing code to better serve the needs of Clallam County residents, not force-fit policies from outside groups or organizations. The requirements for rural character protection may not be directly addressed in the supplemental documents, but any approved code changes, such as requiring detached ADUs to be within 300' of the primary dwelling, will ensure rural/neighborhood character protection.

(7) & (8) The SEPA needs verifiable water, sewerage capacity not only per parcel but for cumulative effects in a given area/neighborhood. How will this be accomplished? THIS also applies to 33.50.030(3). Single Family Development is typically exempt from SEPA requirements under WAC 197-11-800(1)(b)(i), but cases not meeting this exemption will be addressed at the project level. Additionally, there are currently no proposed changes to CCC 33.50.030(3) related to Water and Wastewater disposal for ADUs.

* The owner-occupancy requirement <33.50.030(4)> is absolutely essential, but the 33.50.040(3)(a)&(3c*) provisions lead to questionable primary intent for use of property as primary single housing residential use:

Without meeting the occupancy requirements found in CCC 33.50.040(3), a property owner would not be eligible for an ADU. This requirement shows the commitment of Clallam County to ensuring that ADUs are an incidental and subordinate use related to a primary dwelling.

also, (4) should include more of cited AARP guidelines AND need to show how "addressing" WILL BE "addressed." 911 addressing of ADUs is subject to a separate ordinance administered by the Clallam County Building Division and ADUs are subject to the same requirements as all other addressed properties.

ALSO: What is justification for (1)'s size "specification" addition? While (2) states minimum parcel size requirement waivers, the cumulative effects for area/neighborhood need more attention for protection of GMA & SEPA standards for allowing such waivers.

The additional language added to 33.50.040(1)(a) is to allow property owners who originally developed small (less than 800 sq. ft.) primary dwellings to be able to develop small (up to 400 sq. ft.) detached ADUs if they meet all other development standards. Changing the language of 33.50.040(2)(a) addresses the fact that there are many legally created parcels (most notably in the RCC3 & RCC5 zones) that have well over 1.5 acres but have less than the required zone minimums because the lots were legally created prior to current zoning requirements. By changing the wording of the ADU code requirement to reflect on the parcels legality, we are allowing many parcels that were previously able to have attached ADUs but not detached ADUs to now have detached ADUs. Staff has identified nearly 2000 parcels that under the current code would qualify for attached ADUs, but under this proposal would now have the option of developing a detached ADU. This particular change to the code does not alter whether or not a parcel qualifies for an ADU but rather clarifies what type of ADU is eligible for development.

Sincerely,

Holden A. Fleming
Planner
Department of Community Development
223 East 4th Street, Suite 5
Port Angeles, WA 98362
Phone: 360-417-2277