

**CLALLAM COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
SHORELINE EXEMPTION & CRITICAL AREAS CERTIFICATE OF COMPLIANCE**

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PUD No. 1

APPLICANT: PUD NO. 1 of Clallam County
104 Hooker Road
Sequim, WA 98382

DATE ISSUED: October 6, 2021

CASE NUMBER: SHR 2021-00009

Location: The proposal is to replace 5 segments of the existing water system located within the existing right-of ways and utility easements within the Clallam Bay and Sekiu Area.

Proposal: The applicant is seeking to replace the aged water piping, equipment, and appurtenances within the PUD's Clallam Bay and Sekiu Water Service Area to reduce the risk of water main breaks and water service impacts. This would include replacing 6 inch with 8 inch diameter water lines to provide fire hydrants with adequate water flow for fire protection.

The total length of pipeline to be replaced is approximately 12,950 linear feet. Approximately 45,000 sq ft of area is anticipated to be disturbed primarily within existing roadway and shoulder areas. Disturbed areas will be within restored to its previous condition. The project will entail approximately 1,480 cubic yards of excavation and 130 cubic yards of imported fill.

Permits Required: This proposal will require Open Right-Of-Way permits from the Clallam County Road Department for the work within county right-of-way and to address access to the county roads during construction.

FINDINGS:

1. Portions of this proposal are located within 200 feet of the OHWM of the Strait of Juan de Fuca and the Clallam River. The shoreline jurisdiction of the 2018 SMP includes the critical are buffers associated with the shoreline per Section 6.3.1 of the 2018 SMP. For this proposal this includes landslide, erosion hazard and frequently flooded areas. The existing Clallam Bay/Sekiu water system pre-dates the adoption of the Shoreline Management Act and the Clallam County Shoreline Master Plan. This proposal is exempt from Substantial Development Permits, as defined by WAC 173-27-040(2)(b) – Normal maintenance or repair of existing structures or developments. This proposal is a pre-existing (grandfathered) use and may be repaired, maintained, expanded per Section 5.1.2.3 of the 2018 SMP. This proposal to reconstruct the existing Clallam Bay/Sekiu water system within the existing developed road/utility easements complies with the requirements of the 2018 SMP.

Exemptions from the substantial development permit requirements do not exempt a proposed development from compliance with the applicable policies and standards of the Shoreline Master Program or other applicable Federal, State, or local permit or license requirements.

2. Chapter 27.12, Clallam County Critical Areas Code. Excluding critical areas located within shoreline jurisdiction outlined above, this proposal contains all Critical Areas.
 - A. Activities not regulated by this chapter – Exemptions. Normal repair and maintenance of existing utilities, which includes water lines and appurtenances, are exempt from the Critical Area Codes per Section 27.12.035(8) CCC. Section 27.12.035(9) CCC states that the operation and maintenance of water serve that include those usual acts necessary for the continued use of existing services in their established locations, and is exempt from Critical Area requirements. Replacement, expansion, relocation or placement of new utility service lines shall be subject to the standards of this chapter. This proposal is to maintain the existing water system and would include the reconstruction of portions of the existing system in predominantly the same location to provide adequate water and fire protection standards.
 - B. Critical Area Pre-Existing Uses. Because the water system facilities pre-dates the adoption of the Critical Areas Code regulations (June 16, 1992), it is considered a pre-existing use. This pre-existing use may repaired, altered, replaced, re-constructed or expanded provided that it does not increase the non-conformity of the development per Section 27.12.040(1)(d) CCC. This section states that activities associated with pre-existing uses undertaken on previously disturbed areas (non-native soils or slopes which are the result of previous excavation, filling or grading) are permitted; provided, the activities do not decrease slope stability, do not significantly alter surface or ground water flow, do not increase the size of the disturbed areas, and do not result in a permanent decrease in vegetated area.

Staff Comment: This proposal would replace the water lines and associated equipment within the existing road, shoulder and utility easements within the Clallam Bay and Sekiu area. This proposal would be located within existing areas that already contain existing road and utilities, which entails the placement of fill for their construction/installation. This proposal would not destabilize slopes or impact surface or ground water flows because it would within the existing areas for the water system and appurtenances. It would not increase the size of disturbed areas because it is not going into natural areas but within areas that already have had water system facilities for over 40 years. Finally this proposal would restore areas to its pre-development conditions. This proposal meets the criteria for the slight expansion (primarily from 6 to 8 inch diameter water lines) of the Clallam Bay/Sekiu water system.

3. SEPA: The PUD No. 1 of Clallam County issued a SEPA Determination that this proposal is exempt from SEPA per WAC 197-11-800(3) repair, remodeling and maintenance activities where the proposal occurs on previously disturbed areas located lands not covered by water. In addition, it would also be exempt from SEPA per WAC 197-11-800(23) Utilities as the water lines would be under 12 inches diameter in size and would not be on lands covered by water. SEPA indicates per WAC 197-11-600(3), that existing environmental documents are to be used unchanged unless there has been substantial change that would result in a different SEPA Determination. DCD agrees with the PUD SEPA Determination that this proposal is exempt from SEPA, and finds that this meets the SEPA requirement for this proposal.

4. Any modifications in excess of those authorized by this permit are subject to review for consistency with applicable codes and ordinances and may require additional review and permits from Clallam County DCD.

CONDITIONS:

In consideration of the above, this proposal is found consistent with the Clallam County Shoreline and Critical Areas Code, and meets the requirements for a Shoreline Exemption and Certificate of Compliance for the proposed activity within the Shoreline and Critical Areas along with other county requirements.

1. The proposed improvements to the Clallam Bay/Sekiu Water System shall be in substantial conformance with the application & site plan submitted with the application, and as further conditioned herein. **NOTE: If substantial changes to the proposal occur that are outside of the scope of this review, this may entail additional Shoreline, Critical Areas and/or SEPA review.**
2. No spoils or waste products from this proposal may be placed within 200 feet of Critical Areas (i.e. Shorelines, Type 2-5 streams, wetlands, floodplains, geologically hazardous areas, or habitat conservation areas per Section 27.12.025 CCC) unless a Certificate of Compliance is obtained from the Clallam County DCD.
3. All disturbed areas shall be stabilized and return to a similar condition (i.e. road surface, gravel or seeded in grass) to the pre-development conditions of the areas where the water system and appurtenances are replaced.
4. In the event that any ground disturbing activities, related to any of the proposed project activities, should inadvertently uncover buried archeological material, the excavation shall be halted. An archaeological report then be required to document the archaeological resources found, and provided to the Washington State Department of Archaeology and Historic Preservation (DAHP). If the remains are determined to be Native American, DAHP will contact the affected tribes. All tribal consultation will be handled by DAHP. The project will only be able to proceed after a treatment plan for the remains has been developed.



Greg Ballard, Senior Planner
Clallam County Department of Community Development

APPEAL OF DECISION

The review of this Shoreline Exemption is a Type 1 permit per Section 26.10.210(2)(a)(ix) CCC. The decision on a Type 1 permit shall be final on the date issued unless an appeal is filed in accordance with Section 26.10.610(4) CCC. An appeal of this decision shall be filed with the Administrator within 14 calendar days of the date of the decision. The request for an appeal must be in writing on forms provided from the Department of Community Development.