

**ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED COMPREHENSIVE UPDATE TO WHITMAN COUNTY'S
SHORELINE MASTER PROGRAM**

SMP Submittal accepted January 19, 2016, Whitman County Ordinance No. 077123
Prepared by Lennard Jordan on October 5, 2016

Brief Description of Proposed Amendment:

Whitman County has submitted to Ecology for approval, a comprehensive update to their Shoreline Master Program (SMP) to comply with Shoreline Management Act (SMA) and SMP Guideline requirements. The updated master program submittal contains locally tailored shoreline management policies, regulations, environment designation maps, administrative provisions as part of the SMP. Additional reports and supporting information and analyses noted below, are included in the submittal.

FINDINGS OF FACT

Need for amendment: The proposed amendment is needed to comply with the statutory deadline for a comprehensive update of the county's local Shoreline Master Program pursuant to RCW 90.58.080 and 100. This amendment is also needed for compliance with the planning and procedural requirements of the SMP Guidelines contained in WAC 173-26 and 27. The current SMP was developed as a regional effort with the cities in the county and was approved by Ecology in 1974. The 1974 SMP has never been comprehensively updated since that date. This SMP update is also needed to address land use changes that have occurred along the county's shorelines over the past 42 years and to provide consistency between the updated SMP and the environmental protection and land use management policies and practices of Whitman County.

SMP provisions to be changed by the amendment as proposed: This comprehensive SMP update is intended to entirely replace the county's existing SMP. This updated SMP will regulate development along the County's shoreline which includes approximately 464 miles of river/stream shoreline and 40 miles of lake shoreline, land within 200 of the ordinary high water mark of these waterbodies, and associated wetlands. Much has changed in Whitman County over the last 42 years including development pressures, state laws and guidance, and knowledge of best development and conservation practices. The proposed SMP contains locally tailored shoreline management policies, regulations, environmental designations, and administrative provisions that have been updated to reflect these changes. The proposed SMP includes a shoreline use and modification table for ease of implementation and policies and regulations that are consistent with local, state, and federal regulations.

The following elements outline the key differences between the county's proposed SMP and the existing 1974 SMP.

Environmental Designations

The proposed SMP has four environment designations: Rural Conservancy, Rural Industrial/Port, Shoreline Parks, and Aquatic. The proposed SMP's environment designations include a purpose statement, designation criteria, and management policies for each environmental designation to facilitate a locally tailored management of the county's shorelines, and meet the current state SMP guidelines.

Shoreline Uses and Modifications

The proposed SMP provides detail and forethought to potential shoreline uses and modifications. In text and tables, the proposed SMP contains comprehensive policies and regulations for shoreline uses and modification, as well as whether they are permitted, conditional, or prohibited in specific environmental designations. The use and modification matrix included in the proposed SMP increases the ease of administering the SMP.

The proposed SMP distinguishes between water-oriented and non-water oriented uses for commercial, industrial, institutional, and recreational uses and favors development and activities associated with the preferred uses outlined in the Shoreline Management Act.

Supporting Documents

The proposed SMP also includes a cumulative impacts analysis and restoration plan that are not present in the current SMP. This greater level of detail helps ensure that the goals of the Shoreline Management Act are achieved and are required by the current state SMP guidelines. The cumulative impacts analysis is to ensure that the SMP includes policies and regulations that will achieve no net loss of shoreline ecological functions as the proposed SMP is implemented. The analysis describes anticipated future development in shoreline jurisdiction and assesses the potential cumulative impacts these developments will have on the environment under the proposed SMP.

Amendment History, Review Process: To involve and inform the public about the proposed Shoreline Master Program update, the Whitman County Coalition held an open house on December 4, 2013 to introduce the Shoreline Master Program update. In continuing to get the public involved early, the Whitman County Coalition mailed letters regarding a public visioning workshop on May 7, 2014 to all property owners within the shoreline jurisdiction and stakeholders.

The public has had the opportunity to be informed and involved of the proposed SMP update through numerous public meetings, mailings, web posts, and publications of legal notice of public hearings. Public meetings addressing the SMP update included the Whitman County Coalition public meeting on March 26, 2016; Whitman County Planning Commission public hearing June 3, 2015, and the Whitman County Board of County Commissioners public hearing on November 16, 2015.

Whitman County published legal notices in the Whitman County Gazette on November 4 and 11, 2015 for the November 16, 2015 public hearing on the proposed SMP update.

Whitman County adopted the Shoreline Master Program for submittal to Ecology for review and approval at the public hearing on November 16, 2015. With passage of Ordinance 077123 the county authorized staff to forward the proposed amendments to Ecology for approval.

The proposed SMP amendments were received by Ecology for state review and verified as complete on January 19, 2016. Notice of the state comment period was distributed to interested parties identified by the county, in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on June 1, 2016 and continued through July 1, 2016.

Consistency with Chapter 90.58 RCW: The proposed amendment has been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(3), (4) and

(5). The county has also provided evidence of its compliance with SMA procedural requirements for amending their SMP contained in RCW 90.58.090(1) and (2).

Consistency with “applicable guidelines” (Chapter 173-26 WAC, Part III): The proposed amendment has been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines (WAC 173-26-171 through 251 and 173-26-020 definitions). This included review of a SMP Submittal Checklist, which was completed by the county.

Consistency with SEPA Requirements: The county submitted evidence of SEPA compliance in the form of a SEPA checklist and preliminary threshold determination. Notice of the SEPA determination was published on May 12, 2015. The county issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on May 14, 2015. Ecology did not comment on the DNS.

Other Studies or Analyses supporting the SMP update: Ecology also reviewed the following reports, studies, map portfolios and data prepared for the county in support of the SMP amendment:

These supporting documents include:

- *Whitman County Coalition Public Participation Plan, November 2013*
- *Whitman County Coalition Shoreline Analysis Report, August 2014*
- *Whitman County Cumulative Impacts Analysis, October 2015*
- *Whitman County No Net Loss Report, October 2015*
- *Whitman County Coalition Shoreline Restoration Plan, June 2015*

Summary of Issues Raised During The Public Review Process:

The state comment period began on June 1, 2016 and continued through July 1, 2015. Ecology received two comments, one from a private citizen and one from Avista Utilities. Concerns were raised about public access on private property from the citizen. Avista Utilities had multiple questions about how the administration of the proposed SMP would affect their operations and also provided multiple suggested changes to the SMP. Ecology prepared a summary of public comments and sent it to the county for their response. The county provided responses as to how the proposed SMP is consistent with RCW 90.58.020. In response to many comments, the county provided answers to questions and explanations of how the issues raised are addressed in the proposed SMP. Ecology concurs with the county responses to comments.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the county’s proposed comprehensive SMP update is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that approval of the proposed SMP contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new updated master program (WAC 173-26-201(2)(c)).

Ecology concludes that those SMP segments relating to shorelines of statewide significance provide for the optimum implementation of Shoreline Management Act policy (RCW 90.58.090(5)).

Ecology concludes that the county has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the county has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP update and amendment process.

Ecology concludes that the county has complied with the purpose and intent of the local amendment process requirements contained in WAC 173-26-100, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and Ecology.

Ecology concludes that the county has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the county's comprehensive SMP update submittal to Ecology was complete pursuant to the requirements of WAC 173-26-110 and WAC 173-26-201(3)(a) and (h) requiring a SMP Submittal Checklist.

Ecology concludes that it has complied with the procedural requirements for state review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-120.

Ecology concludes that the county has chosen not to exercise its option pursuant to RCW 90.58.030(2)(d)(ii) to increase shoreline jurisdiction to include buffer areas of critical areas within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the county's critical areas ordinance. In such cases, the updated SMP shall also continue to apply to the designated critical area, but not the portion of the buffer area that lies outside of SMA jurisdiction. All remaining designated critical areas (with buffers NOT extending beyond SMA jurisdiction) and their buffer areas shall be regulated solely by the SMP.

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments comprehensively updating the SMP, are consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules. Ecology approval of the proposed amendments is effective 14 days from Ecology's final action approving the amendment.