ATTACHMENT A: FINDINGS AND CONCLUSIONS FOR PROPOSED COMPREHENSIVE UPDATE TO THE FRANKLIN COUNTY SHORELINE MASTER PROGRAM

SMP Submittal accepted April 6, 2016, Ordinance No. 1-2016
Prepared by Lennard Jordan on July 28, 2016

Brief Description of Proposed Amendment:

Franklin 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 Guidelines requirements. The updated master program submittal contains locally tailored shoreline management policies, regulations, environment designation maps, and 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 original County SMP was approved by Ecology in the 1974 and has never been comprehensively updated. This SMP update is also needed to address land use changes that have occurred along the County's shorelines and to provide consistency between the updated SMP and the environmental protection and land use management policies and practices provided by the County's Zoning Ordinance, Critical Areas Ordinance, and Comprehensive Plan.

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 SMP will regulate approximately 79 linear miles of riverine shoreline which includes the Columbia River, the Palouse River, and the Snake River and shorelands associated with approximately 24 lakes and reservoirs. Much has changed in Franklin 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. This SMP is consistent with the most current guidelines.

Amendment History, Review Process: The County indicates the proposed SMP amendments originated from a local planning process that began in June, 2013, with the County issuing a Request for Proposals for the Shoreline Update. An award letter was sent to Anchor QEA in August 2013. The County Planning Commission held 16 advertised Workshops/Public Meetings and Visioning Meetings. One open record hearing was held on December 1, 2015. The open record hearing an all workshops/public meeting and visioning meeting were advertised as open to the public and public input opportunities were granted on each occasion. A website was established which contained information that included the history of the shoreline plan, news and events, schedule, documents, and FAQs. The website was regularly updated with new information. The record shows the December 1, 2015 Franklin County Planning Commission meeting where the Franklin County Planning

Commission after an open record public hearing and considerations on the proposed SMP, did recommend approval of the SMP.

A Notice of Application including a SEPA threshold determination and notice of the Planning Commission hearing was issued on October 22, 2105, and published in the Tri-City Herald and Franklin County Graphic. The Washington State Department of Commerce was provided a 60-day notice of intent to adopt on August 25, 2015. The record indicates that Franklin County Planning Commission considered all public comments received when making its recommendation to the Board of County Commissioners.

With passage of Resolution #1-2016, on January 20, 2016, the County approved the updated SMP and subsequently forwarded the SMP and supporting documents to Ecology for final approval.

The proposed SMP amendments were received by Ecology for review and verified as complete on April 6, 2016. Notice of the state comment period was distributed to state task force members and interested parties identified by the County on April 28, 2016, in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on May 4, 2016, and continued through June 6, 2016. On July 11, 2016, the County submitted to Ecology its responses to issues raised during the state comment period. Ecology's own responses to issues raised during the comment period are available as part of the SMP amendment process record.

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 issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on October 22, 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:

- *Public Participation Plan, February 2014*
- *Shoreline Inventory, Analysis and Characterization Report, December 2014*
- *Fact Sheet/Staff Report to Franklin County Planning Commission, December 2015*
- *Restoration Plan, February 2016*

Summary of Issues Raised During The Public Review Process:
Ecology's SMP approval public review process generated comments from two groups; Washington State Department of Fish and Wildlife, Washington State Department of Archaeology and Historic

Preservation. Comments targeted a variety of topics and generally suggested minor revisions of text. The county addressed each of the recommendations and generally agreed to all of the proposed text revisions. The Washington State Department of Fish and Wildlife recommended that Esquatzel Coulee be included in shoreline jurisdiction. The County addressed Esquatzel Coulee in a January 12, 2016, memo that determined Esquatzel Coulee should not be included in shoreline jurisdiction and noted that its fish and wildlife habitat would be protected through the County's Critical Areas Ordinance.

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 also concludes that a set of recommended changes to the submittal (identified during the review process and itemized in Attachment B) would be consistent with SMA policy and the guidelines and would be beneficial to SMP implementation. These changes are not required, but can, if accepted by the County, be included in Ecology's approved SMP amendments.

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/amendment 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 has worked with County staff to identify a number of recommended changes to the SMP (see Appendix B). The County may choose to accept all or some of these changes. As provided in RCW 90.58.090(2)(e)(ii) the County may also choose to submit an alternative to the changes recommended by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final.

Final Ecology approval will occur after the County responds to Ecology communicating the County decision on the recommended changes. Ecology's final approval will be in the form of a letter, and will be sent upon receipt of the County's written notification regarding which recommended changes are acceptable to the County, or after the County and Ecology have reached agreement on alternative changes. The SMP will be effective fourteen days from the date of Ecology's final action.