

**ATTACHMENT A: FINDINGS AND CONCLUSIONS  
FOR PROPOSED COMPREHENSIVE UPDATE TO THE CITY OF PASCO  
SHORELINE MASTER PROGRAM**

SMP Submittal accepted December 31, 2015, Pasco Resolution 3668  
Prepared by Lennard Jordan on June 9, 2016

**Brief Description of Proposed Amendment:**

The City of Pasco 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 city'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 joint Franklin County/City of Pasco SMP was approved by Ecology in 1974 and has never been comprehensively updated since that date. This SMP update is also needed to address land use changes that have occurred along the city'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 the City of Pasco.

**SMP provisions to be changed by the amendment as proposed:** This comprehensive SMP update is intended to entirely replace the city's existing SMP. This updated SMP will regulate approximately 17 miles of river shoreline which includes the Columbia River and the Snake River, land within 200 of the ordinary high water mark of these waterbodies, and associated wetlands. The updated SMP is a significant upgrade from the current 1974 SMP. Much has changed in Pasco 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 City of Pasco's proposed SMP and the existing 1974 SMP.

*Environmental Designations*

The proposed SMP has eight environment designations: Natural, Urban Conservancy, Public Flood Protection, Recreation, High Intensity – Industrial, High Intensity – Mixed Use, Shoreline Residential, 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 Pasco'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 detailed policies and regulations for shoreline uses and modification, as well as whether they are permitted, conditional, or prohibited uses 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 the future development in the 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 their public visioning workshop regarding the proposed Shoreline Master Program update, the City of Pasco published a legal notice in the Tri-City Herald on June 2, 2014, and mailed letters regarding the meeting to all property owners within the shoreline jurisdiction and emailed all stakeholders on April 30, 2014, and posted notice on the City's website for a June 19, 2014.

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.

The City of Pasco published a legal notice in the Tri-Cities Herald on August 2, 2015 and emailed all stakeholders on July 31, 2015, and September 21, 2015, for a public hearing on the proposed SMP Update, and posted notice on the city's website. The Pasco Planning Commission held a public hearing on October 15, 2015, at the Pasco City Hall Council Chambers to accept public testimony on the proposed Shoreline Master Program update. The Pasco Planning Commission voted 6-0, to recommend the City Council approval of the Shoreline Master Program update.

The Pasco City Council accepted the recommendation of the City of Pasco's Planning Commission at a public hearing on November 16, 2015 and adopted the Shoreline Master Program for submittal to Ecology for review and approval. With passage of Resolution 3668 the city 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 12, 2016. Notice of the state comment period was distributed to interested parties identified by the city, in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on February 11, 2016 and continued through March 14, 2016. Ecology sent a summary of all comments received and copies of all comments received to the city on March 16,

2016. On May 9, 2016, the city submitted to Ecology its responses to issues raised during the state comment period.

**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 city 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 city.

**Consistency with SEPA Requirements:** The city submitted evidence of SEPA compliance in the form of a SEPA checklist and preliminary threshold determination. Notice of the SEPA determination was published in the Tri-Cities Herald on August 8, 2015. The city issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on November 6, 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 city in support of the SMP amendment:

These supporting documents include:

- *Public Participation Plan*
- *Shoreline Inventory, Analysis and Characterization Report*
- *Cumulative Impacts Analysis*
- *Restoration Plan*

### **Summary of Issues Raised During The Public Review Process:**

The public comment period held during Ecology’s public review process generated comments from two citizens and two State agencies. Comments targeted a variety of topics including; suggesting minor revisions, addressing concerns regarding management of the shoreline, and comments from the Washington State Department of Archaeology and Historic Preservation suggesting revised language. The city addressed the issues raised during the comment period and provided explanations on how the issues at hand were adequately addressed within the SMP in compliance with RCW 90.58 and WAC 173-26.

### **CONCLUSIONS OF LAW**

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the city’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 city has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

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

Ecology concludes that the city'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 city 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 city'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.