

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

SMP Submittal accepted August 27, 2015, Resolution No.14-15
Prepared by Zach Meyer on January 5, 2016

Brief Description of Proposed Amendment:

The City of West Richland 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 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 original City SMP was approved by Ecology in 1974 and has not been substantively amended since. The SMP has never been comprehensively updated. This SMP update is also needed to address land use changes that have occurred along the City's shorelines over the past 41 years and to provide consistency between the updated SMP and the environmental protection and land use management policies and practices provided by the City's 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 City's existing SMP. This updated SMP will regulate approximately 5.91 miles of riverine shoreline associated with the Yakima River. The updated SMP is a significant upgrade from the current 1974 SMP. Much has changed in West Richland over the last 41 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, environment designations, and administrative provisions that have been updated to reflect these changes. Overall, the state SMP guidelines are more restrictive than they were for the 1974 SMP and this SMP is consistent with the most current guidelines.

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

Environmental Designations

West Richland's existing SMP has four environment designation: Natural, Conservancy, Rural and Urban Environments. The proposed SMP has four different environment designations: High Intensity, Shoreline Residential, Urban Conservancy, and Aquatic Environment. 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 West Richland's shorelines, and meet the current state SMP guidelines.

Shoreline Uses and Modifications

The proposed SMP provides 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 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.

Development Standards

In the existing SMP there is no detail on development standards. The proposed SMP provides West Richland with development standards that include setbacks, buffers, and height limits for all upland shoreline environments.

Supporting Documents

The proposed SMP is supported by a cumulative impacts analysis intended to ensure the SMP policies and regulations will achieve no net loss of shoreline ecological functions as the proposed SMP is implemented. The analysis describes reasonably foreseeable future development in the shoreline jurisdiction and assesses the potential cumulative impacts these developments may have on the environment under the proposed SMP. The SMP is also supported by a restoration plan that identifies opportunities to improve shoreline functions through voluntary actions.

Amendment History, Review Process: The City indicates the proposed SMP amendments originated from a local planning process that began in the fall of 2012. The record shows that a series of public meetings public were held on September 13, 2012, January 24, 2013, February 14, 2103, April 16, 2013, May 9, 2013, and June 13, 2013 to review and receive public comments on the proposed SMP.

A public hearing before the City's Planning Commission was held on September 11, 2014. Notice of the public hearing was posted on the City's website, at the three official posting places (City Hall, the Public Services Building, and Benton County Fire District No. 4 fire station), and mailed to affected agencies on July 28, 2014. Notice of the public hearing was also published in the Tri-Cities herald on July 31, 2014 and August 14, 2014.

With passage of Resolution #14-15, on April 7, 2015, 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 August 27, 2015. Notice of the state comment period was distributed to state task force members and interested parties identified by the City on October 13, 2015, in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on October 19, 2015 and continued through November 20, 2015.

One individual submitted a comment on the proposed amendments. Ecology sent all written comments it received to the City on December 1, 2015. On December 1, 2015, the City 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 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 issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on July 28, 2014. Notice of the SEPA determination was published in the Tri-City Herald on July 28, 2014. 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:

- *Shoreline Inventory and Characterization, October 2013*
- *Cumulative Impact Analysis, February 2014*
- *Restoration Plan, August 2014*

Summary of Issues Raised During The Public Review Process:

Ecology received one written comment from the public regarding West Richland’s SMP update. The comment was focused on a desire for public access.

Summary of Issues Identified by Ecology as Relevant To Its Decision:

All of Ecology’s required changes for West Richland’s SMP are regarding the wetland rating system, wetland category descriptions, and wetland buffers to follow Ecology’s updated guidance that became effective on January 1, 2015.

Ecology’s recommended changes are to clarify language and provide consistency throughout the SMP. This includes strengthening a citation for determining shorelines of statewide significance, a minor adjustment to the fill policies for consistency, and additional clarifying language to provide context and better reflect the intent of the West Richland SMP.

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/amendment, subject to and including Ecology’s required changes (itemized in Attachment B), 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, subject to

required changes, 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 separate set of recommended changes to the submittal (identified during the review process and itemized in Attachment C) 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 City, 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 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, once required changes set forth in Attachment B are approved by the City. Ecology approval of the proposed amendments with required changes is effective 14 days from Ecology's final action approving the amendment.

As provided in RCW 90.58.090(2)(e)(ii) the City may choose to submit an alternative to the changes required 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. Approval of the updated SMP and proposed alternative/s is effective 14 days from Ecology's final action approving the alternative/s.