

WEST RICHLAND PLANNING COMMISSION AGENDA ACTION ITEMS					
AGENDA ITEM:	5b	TYPE OF ACTION NEEDED			
MEETING DATE:	September 11, 2014	Open Record Hearing	X		
SUBJECT:	AD 2012-09: Shoreline Master Program Update	Recommend to Council	X	Final Decision	
Prepared by:	Mike Stevens and Brad Medrud, AICP, AHBL, Inc.	1st Discussion		Other	
Reviewed by:	Russell Connoles	2nd Discussion			

CITY COUNCIL'S STRATEGIC LEADERSHIP PLAN:

This agenda item relates to the following Strategic Focus Areas established by Council:

SFA 5 – Neighborhoods, Business Districts, & Parks

Goal 2 -Protect and manage natural resources

SFA 6 G1-06 - Update the Shoreline Master Program (SMP) as required by the State

The Mission of the Community and Economic Development Department is to proactively manage and facilitate the enhanced vitality of the City's neighborhoods, business districts, and parks. We are committed to attracting and incentivizing high-quality development, the creation of new jobs, the diversity of housing opportunities, the City's financial growth to support quality services, and the prevention of decay & degradation of neighborhoods, business districts, and parks.

AMENDMENTS TO THE WEST RICHLAND COMPREHENSIVE PLAN AND MUNICIPAL CODE ARE SUBJECT TO THE CITY'S TYPE VII REVIEW PROCESS (LEGISLATIVE ACTION). THE RECOMMENDATION MADE BY THE PLANNING COMMISSION WILL BE FORWARDED TO THE CITY COUNCIL FOR THEIR REVIEW AND FINAL DECISION.

**Staff Analysis
City of West Richland
Shoreline Master Program Update**

Date and Location: The meeting will be held at 6:00pm, September 11, 2014, Council Chambers, City of West Richland Council Chamber, 3803 W. Van Giesen, West Richland, WA 99353

Project

Description: The City is updating its Shoreline Master Program (SMP), along with all other jurisdictions in the State of Washington, to comply with State law and updated regulations (RCW 90.58 and WAC 173-26 and WAC 173-27). The purpose of the Planning Commission hearing is to hear public testimony regarding the adoption of the updated SMP, which will serve to regulate development located in the City's shoreline jurisdiction along the Yakima River.

Map: Shoreline Jurisdiction Maps are attached.

Public Notice: Notice of the public hearing was posted on the City's website, at the three (3) official posting places, 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. Finally, the mandated 60-day Notice to Adopt was provided to the Washington State Department of Commerce on July 28, 2014.

SEPA: In accordance with state law, this application is required to comply with the State Environmental Policy Act (SEPA). The City of West Richland issued a Determination of Non-Significance (DNS) on July 28, 2014. No comments pertaining to the SEPA Threshold Determination were received. The end of the comment period was August 12, 2014.

Analysis: As required by the State Shoreline Management Act (RCW 90.58), local governments must prepare and adopt a shoreline master program based on the State's Shoreline Master Program Guidelines (WAC 173-26), but tailored to the specific circumstances and needs of the local community. Following approval by the Washington State Department of Ecology, the City of West Richland adopted its original SMP in 1974. The SMP has not been substantively amended since.

In the past 40 years, many things affecting the City's shoreline development, environmental conditions, and land uses have changed. Additionally, there have been numerous state and federal regulatory changes, in areas such as stormwater management, critical areas protection, and flood hazard reduction, that affect the shoreline and aquatic areas. The revised policies, environmental designations, and regulations in the updated SMP are intended to address these changes and bring the SMP into compliance with current federal and state policies and regulations for shoreline and aquatic management.

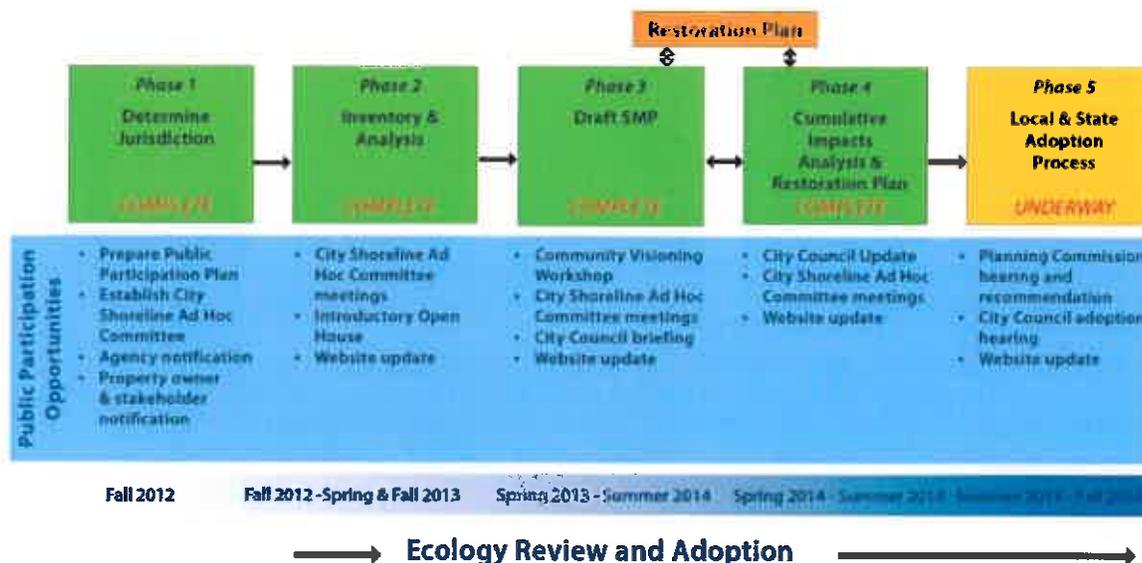
The SMP includes the City's vision of how shoreline areas can be used and provides the policy basis and regulations to guide shoreline development, public access, and habitat protection. The goals and policies of the SMP will be incorporated into the City's Comprehensive Plan, as required by the State Growth Management Act (RCW 36.70A). The shoreline regulations will regulate shoreline areas in harmony with existing development

regulations. The critical area regulations found in the appendix of the SMP will regulate development that affects the City's critical areas within the shoreline jurisdiction.

The Shoreline Management Act identifies the lands that fall within the Act's jurisdiction. Shoreline jurisdiction within the City of West Richland includes all adjacent lands within 200 feet of the ordinary high water mark of the Yakima River and associated floodway, floodplain within 200 feet of the floodway, and associated wetlands. The City's shoreline jurisdiction encompasses approximately 5.91 miles of riverine shoreline associated with the Yakima River and it is approximately 346 acres in size.

Over the past three years, staff has been working on the SMP update with the help of consultants, private property owners, Planning Commissioners, and members of the City Council. After the Planning Commission forwards its recommendation to the City Council and the City Council adopts the SMP and associated documents, the Washington State Department of Ecology will have its final review of the SMP. Unlike other local regulations, Ecology has final review and approval authority over the City's SMP, including the ability to require changes. This also means that Ecology has the ability to review and require changes to the parts of our critical areas ordinance and any other ordinances incorporated into the SMP.

SMP Update Process:



Comments Received:

One comment letter from the Kennewick Irrigation District was received as of the date that the staff report was prepared.

Findings:

1. The State of Washington Shoreline Management Act of 1971 (Chapter 90.58 RCW) requires county and cities to prepare SMPs to prevent the uncoordinated and piecemeal development on shoreline of the state.
2. Under RCW 90.58.050, the City and Ecology share joint authority and responsibility for

the administration of the City's SMP. When the City's updated SMP is approved by Ecology, it has the authority of state law.

3. In 2003, Ecology adopted new rules based on RCW 90.58.200, that became effective January 17, 2004. These rules gave procedural and substantive direction to local jurisdictions for updating shoreline uses and regulations.
4. The SMP Guidelines (Chapter 173-26 WAC) are the standards and guidance that establish minimum standards for updating local SMPs.
5. A binding agreement was entered into on April 6, 2012 between Ecology and the City to provide state funds of up to \$85,000 for the City to prepare a locally adopted comprehensive SMP update consistent with SMA Grant Agreement No. G1200048. This was supplemented by an additional \$15,900 from the City to complete the work in 2013 and 2014.
6. Ecology adopted and approved the existing City SMP in 1974. It is comprised of an Introduction, Citizen Involvement, Shoreline Environments Definitions and Designations, Shorelines of State-wide Significance, Master Program Element Goals, Use Activities Policies and Regulations, Variances and Conditional Uses, and Appendices, which include a Glossary, Citizen Involvement, a Shoreline Environment Map, West Richland Zoning Law, and an Environmental Impact Statement.
7. The City's Community Development Department prepared the proposed amendments to update the City's SMP, consisting of the SMP Goals, Policies, Regulations, and Procedures, the Shoreline Environmental Designation Map, and the Shoreline Restoration Plan, to replace the existing SMP.
8. City staff has determined that the proposed SMP is compatible with the City's adopted land use designations, policies, and goals contained with its Comprehensive Plan and its development regulations.
9. City staff has determined that the proposed SMP recognizes private property rights and it is consistent with other property regulations and those rights afforded to property owners.
10. In accordance with the adopted Public Participation Plan, the City's Planning Commission held a series of public meeting in the City on September 13, 2012, January 24, 2013, November 8, 2011, February 14, 2013, April 16, 2013, May 9, 2013, and June 13, 2013 to review and receive public comment on the proposed amendments to update the City's SMP.
11. The City completed environmental review under SEPA issued a Threshold Determination of Non-Significance on July 28, 2014.
12. The City filed a Growth Management Act 60-day notice of intent to adopt with the State of Washington Department of Commerce on July 28, 2014.
13. The proposed amendments to the City's SMP were placed on the City website prior to the City's Planning Commission public hearing for public review.
14. Public hearing notice was published in the Tri-Cities Herald on July 31, 2014 and August 14, 2014.
15. Public hearing notice was posted at City Hall, the Public Services Building and Benton County Fire District No. 4 fire station on July 28, 2014.
16. A public hearing notice was mailed directly to owners of property located within regulated shoreline areas and to agencies, organizations, and other stakeholders with potential interests in the proposal and shoreline planning in the community.
17. A public hearing before the City's Planning Commission was held on September 11, 2014.

18. Following completion of the public hearing before the City's Planning Commission, the City Council will hold a closed record hearing to approve the updated SMP.
19. The City will formally adopt the SMP following review and approval by Ecology and it will then become effective.

- Conclusions:**
1. Ecology has reviewed and approved the final draft of the SMP.
 2. Based upon Ecology's approval of the final draft of the SMP and the staff analysis of the update process, staff has determined that the updated SMP is ready for adoption by the City.
 3. After the Planning Commission and the City Council approve the final draft of the SMP, it will be sent to Ecology for their final review and approval.

Fiscal Impact (Indicate amount, fund, and impact on budget): The City was awarded an \$85,000 grant from Ecology to pay for the costs associated with the SMP update from July 1, 2011 to June 30, 2013, including some of staff's wages. This was supplemented by an additional \$15,900 from the City to complete the work in 2013 and 2014.

Recommendation: Based on the staff analysis Staff recommends that the Planning Commission conduct a public meeting, take input from the public, and make a recommendation to the City Council to adopt the draft Shoreline Management Program.

Motion: Recommend to the City Council that they adopt the Shoreline Master Program (SMP) policies and recommendations as presented by staff (or as amended by the Planning Commission).

- Attachments:**
- 1) Shoreline Master Program – Environment Designations, Policies & Regulations
 - 2) SMP Map Folio
 - 3) Restoration Plan
 - 4) SEPA Threshold Determination
 - 5) Public Notice and Comments