

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

SMP Submittal accepted November 13, 2014, Ordinance No.25-14
Prepared by Lennard Jordan on January 26, 2016

Brief Description of Proposed Amendment:

The City of 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, administrative provisions. 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 1979. 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 36 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 Sensitive Areas Ordinance, Comprehensive Plan, Flood Use District, and Floodplain Combining District.

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 will regulate approximately 10 miles of Yakima River shoreline and about 8 miles of Columbia River shoreline. The updated SMP is a significant upgrade from the current 1979 SMP. Since 1979, much has changed along the City of Richland shorelines, 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 designation maps, and administrative provisions that have been updated to reflect these changes. Overall, the state SMP guidelines are more restrictive than they were for the 1979 SMP and this SMP is consistent with the most current guidelines.

The following elements outline the key differences between the City's proposed SMP and the existing 1979 SMP.

Environment Designations

The existing SMP has four environment designations: Urban, Rural, Conservancy, and Natural environments. The proposed SMP has eight shoreline environment designations that are tailored specifically to the City of Richland: Natural, Recreation Conservancy, Recreation, Rural, Residential, Waterfront Use, Industrial Conservancy, and Aquatic environments. The proposed SMP environment designations include a purpose statement, designation criteria, and management policies for each

shoreline environment. The proposed shoreline environments are more descriptive, tailored to Richland's unique shorelines, and meet current SMP guidelines.

Permitted Use Table and Shoreline Dimensional Standards

The existing SMP and the proposed SMP both have Use Tables that outlines categories and subcategories of uses and modifications and identifies whether they are permitted, require a special use permit, or are prohibited. The proposed SMP provides more detail regarding the types of land use and includes a category for uses that are permitted as an accessory use, creating more specificity in the proposed SMP.

The proposed SMP also includes a Bulk and Dimension Chart that includes sensitive area buffers and minimum building setbacks based on whether the use is water-dependent or non-water dependent. The existing SMP does not distinguish between water-dependent and non-water dependent uses nor does it provide bulk and dimension standards. The proposed SMP also includes standards by environment designation for the following dimensions: minimum front, side, and rear yard setbacks; minimum lot width; minimum lot area; maximum density; maximum lot coverage; and maximum building height.

Amendment History, Review Process: The city indicates the proposed SMP amendments originated from a local planning process that began in 2012. The record shows that workshops open to the public were held on January 23, March 13, May 8, and October 13, 2013, and a public hearing before the Planning Commission was held on January 22, 2014 and a public hearing before the City Council was held on June 17, 2014. Affidavits of publication provided by the City indicate notices of the hearings were published on January 12, 2014 and June 3, 2014 respectively.

With passage of Resolution #25-14, on June 17, 2014, 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 November 13, 2014. Notice of the state comment period was distributed to interested parties identified by the City on December 8, 2014, in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on December 15, 2014 and continued through January 20, 2015. Four individuals and one irrigation district submitted comments on the proposed amendments. Ecology sent all oral and written comments it received to the City on February 11, 2015. On November 24, 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 January 20, 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:

- *Public participation plan,*
- *Shoreline inventory, analysis and characterization, June 2014,*
- *Cumulative impacts analysis, January 2014, and*
- *Restoration plan, February 2014*

Summary of Issues Raised During The Public Review Process:

Ecology received five written comments, four from individuals and one from the Kennewick Irrigation District. The irrigation district expressed support for the decision to omit Amon Wasteway from shoreline jurisdiction. The comment letters from individuals brought up a variety of issues regarding the order of preference for shorelines of statewide significance and consistency with RCW 90.58.020; concern over the apparent ability to mitigate in an area disconnected from the project area; support for preference of native vegetation; clarification regarding where building setbacks are measured from; suggestions for the language used to refer to species that are sensitive to disturbance; request for clarification regarding the credit debit mitigation method; concern over how shorelines will be monitored for violations; location of steep slopes; suggestions for additions to definitions section.

Written comments included some suggestions and concerns with background documents. These comments included concern regarding the Public Participation Plan and whether the City obtained adequate public participation. Comments relating to the Shoreline inventory and Characterization included the following: concern that many species and habitats are misrepresented; suggestion to include the current Priority Habitat Species data compiled by Washington Department of Fish and Wildlife; concern over using the correct terms when referring to state and federal laws; various suggestions to modify and improve the reach maps including specific steep slopes, historic waterfowl use, and location of bald eagle nests; and a suggestion to revise the Inventory and Characterization in coordination with the public and other government agencies. Comments on the Restoration Plan and Cumulative Impacts Analysis included: suggestions to highlight areas that are good candidates for restoration of native plants; concern over specifically calling out Russian Olive trees and suggest using more general terms for non-native vegetation; suggestion for including the Washington Native Plant Society in reference to restoration opportunities

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

Ecology's required changes include editorial changes to provide clarity and consistency in the Bulk and Dimension Chart; clarification regarding the local adoption process and Ecology review procedures; clarification regarding the filing and reviewing of shoreline permits; and updates to the wetland rating system, wetland category descriptions, and wetland mitigation ratios per Ecology's updated guidance that became effective January 1, 2015.

Ecology's recommended changes include edits to simplify and clarify various sections of the SMP and correct formatting and the inclusion of the actual project value for projects that qualify for a shoreline exemption.

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, 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.