

**ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED COMPREHENSIVE UPDATE TO ROSALIA'S
SHORELINE MASTER PROGRAM**

SMP Submittal accepted March 16, 2016, Rosalia Resolution No. 571
Prepared by Department of Ecology on November 16, 2016

Brief Description of Proposed Amendment:

The Town of Rosalia 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, 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 Town'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 SMP was developed as a regional effort with the towns, cities, and Whitman County and was approved by Ecology in 1974. The 1974 SMP has never been comprehensively updated since that date. This SMP update is also needed to address land use changes that have occurred along the town'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 Town of Rosalia.

SMP provisions to be changed by the amendment as proposed: This comprehensive SMP update is intended to entirely replace the Town's existing SMP. This updated SMP will regulate development along the Town's shoreline which encompasses land within 200' of the ordinary high water mark of Pine Creek and its associated wetlands. Much has changed in Rosalia 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 Town's proposed SMP and the existing 1974 SMP.

Environmental Designations

The proposed SMP has five environment designations: Rural Industrial, Shoreline Residential, Shoreline Parks, Urban Conservancy, 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 the Town'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 comprehensive policies and regulations for shoreline uses and modification, as well as whether they are permitted, conditional, or prohibited 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, 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 anticipated future development in 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 the proposed Shoreline Master Program update, the Whitman County Coalition held an open house on December 4, 2013 to introduce the Shoreline Master Program update. In continuing to get the public involved early, the Whitman County Coalition mailed letters regarding a public visioning workshop on May 7, 2014 to all property owners within the shoreline jurisdiction and stakeholders.

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. Public meetings addressing the SMP update included a Town Planning Commission meeting on April 16, 2015.

The Town of Rosalia published legal notice in the Whitman County Gazette on November 12, 2015 for a November 16, 2015, Public Hearing on the proposed SMP update.

The Town of Rosalia adopted the Shoreline Master Program for submittal to Ecology for review and approval on November 24, 2015. With passage of Resolution No. 571, the Town 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 May 5, 2016. Notice of the state comment period was distributed to interested parties identified by the Town, in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on June 15, 2016 and continued through July 15, 2016.

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 Town 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 Town.

Consistency with SEPA Requirements: The Town submitted evidence of SEPA compliance in the form of a SEPA checklist and preliminary threshold determination made August 31, 2015. The Town of Rosalia issued a Determination of Non-Significance (DNS) for the proposed SMP amendments August 24, 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 Town in support of the SMP amendment:

These supporting documents include:

- *Whitman County Coalition Public Participation Plan, November 2013*
- *Whitman County Coalition Shoreline Analysis Report, August 2014*
- *Whitman County Coalition Shoreline Restoration Plan, June 2015*
- *Town of Rosalia Cumulative Impacts Analysis, October 2015*
- *Town of Rosalia No Net Loss Report, October 2015*

Summary of Issues Raised During The Public Review Process:

The state comment period began on June 15, 2016 and continued through July 15, 2015. Ecology’s SMP approval public review process generated comments from the Washington State Department of Archaeology and Historic Preservation (DAHP). The Town was given an opportunity to respond to those comments and has suggested minor changes to the SMP language addressing cultural resources. Those changes are reflected in Attachment B - Recommended Changes.

CONCLUSIONS OF LAW

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

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

Ecology concludes that the Town'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 Town 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 Town'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.