

**ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED COMPREHENSIVE UPDATE TO THE TOWN OF REARDAN'S
SHORELINE MASTER PROGRAM**

SMP Submittal accepted June 15, 2016, Town of Reardan Ordinance No. 655
Prepared by Department of Ecology on March 31, 2017

Brief Description of Proposed Amendment:

The Town of Reardan 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. Lincoln County adopted its current SMP in 1975. The towns of Odessa and Reardan did not have SMPs and relied on the County SMP. The 1975 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 County'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 Reardan.

SMP provisions to be changed by the amendment as proposed: This comprehensive SMP update is intended to entirely replace the County'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 shoreline. Much has changed in Reardan 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 1975 SMP.

Environmental Designations

The proposed SMP has 10 shoreline environment designations: Aquatic, Aquatic-Crab Creek, Natural, Agricultural Conservancy, Rural Conservancy, Recreation Conservancy, Recreation, High Intensity-Public Facility, High Intensity-Commercial, and Shoreline Residential. 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, 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 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 Lincoln County Coalition held five visioning workshops throughout the County, on February 26 and 27, 2014. The Lincoln County Coalition also hosted two public meetings on June 3 and 4, 2015.

The Lincoln County Coalition published legal notice in the Lincoln Advertiser, the Odessa Record, and Davenport Times for three public hearings that were held on December 10, 2015. The Lincoln County Planning Commission held a hearing at 10:00 AM on December 10, 2015 at the Lincoln County Public Works building, the Odessa Planning Commission held a hearing at 3:00 PM on December 10, 2015 at Old Town Hall in Odessa, and the Reardan Planning Commission held a hearing at 6:00 PM on December 10, 2015 at the Reardan Fire Station.

The Town of Reardan adopted the Shoreline Master Program for submittal to Ecology for review and approval at a Town Council meeting on February 18, 2016. With passage of Ordinance No. 655 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 June 15, 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 August 17, 2016 and continued through September 19, 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 County.

Consistency with SEPA Requirements: The County submitted evidence of SEPA compliance for the entire Lincoln County Coalition Shoreline Master Program (SMP) Update which includes Lincoln County, Town of Odessa, and Town of Reardan. Lincoln County issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on November 9, 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:

- *Lincoln County Coalition Public Participation Plan, December 2013*
- *Lincoln County Coalition Shoreline Inventory, Analysis, and Characterization Report, May 2014*
- *Lincoln County Coalition Cumulative Impacts Analysis, October 2015*
- *Lincoln County Coalition Shoreline Restoration Plan, October 2015*

Summary of Issues Raised During The Public Review Process:

The state comment period for Reardan’s SMP update began on August 17, 2016 and continued through September 19, 2016. Ecology received one comments from citizen John Kennedy with regards to mapping concerns on the Reardan SMP update. The County noted and responded to this comment on behalf of the Town of Reardan.

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, 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 Town, 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 amendment 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, once required changes set forth in Attachment B are approved by the Town. 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 Town 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.