



PROJECT MEMO

TO:	Adams County Planning Commission	DATE:	March 14, 2023
FROM:	Nicole Stickney, AICP Emily Weimer, AICP Tri-Cities - (509) 380-5883	PROJECT NO.:	2220486.30
		PROJECT NAME:	Adams County SMP Periodic Review
SUBJECT:	Adams County Shoreline Master Program (SMP) Periodic Update		

DESCRIPTION OF PROPOSAL

Adams County is conducting a periodic review and updating its Shoreline Master Program (SMP), along with 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 State’s Shoreline Management Act (RCW 90.58) requires each SMP to be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. **The purpose of the Planning Commission hearing is to hear public testimony regarding the proposed changes to the SMP and make a recommendation to the Board of County Commissioners.**

BACKGROUND

As required by the State Shoreline Management Act, local governments must periodically review and update their shoreline master program which are based on the State’s Shoreline Master Program Guidelines (WAC 173-26) but tailored to the specific circumstances and needs of the local community.

What is the SMP? The SMP is the local instrument by which the County and the Washington State Department of Ecology (Ecology) jointly administer the requirements of the 1971 Shoreline Management Act (SMA), Chapter 90.58 of the Revised Code of Washington (RCW). The overarching goal of the SMA is "...to prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines."

History: Following approval by Ecology, the Adams County original adopted SMP became effective in 1977. The current SMP was last updated in 2015 via Ordinance O-01-2015 and was funded through a grant from Ecology. The 2015 update considered numerous state and federal regulatory changes that affect the shoreline and aquatic areas. The revised policies, environmental designations, and regulations in the updated SMP were intended to address these changes and bring the SMP into compliance with current federal and state policies and regulations for shoreline and aquatic management.

What is included in the SMP? The SMP includes the County’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 are to be incorporated into the County’s Comprehensive Plan, as required by the State Growth Management Act (RCW 36.70A). The shoreline regulations regulate shoreline areas in harmony with existing development regulations.

Affected area: The Shoreline Management Act identifies the lands that fall within the Act’s jurisdiction. The County has chosen to include the minimum shoreline jurisdiction required according to State law. This includes

floodways; land within 200 feet of the ordinary high water mark (OHWM) of the waterways; floodplains up to 200 feet from the floodway edge; and associated wetlands within the 100-year floodplain. The County's shorelands include the Palouse River, the Cow, Rock, and Lower Crab creeks, and 21 lakes.

How are items to be updated determined? The update is based on a checklist provided by Ecology that details the changes to state laws / rules / guidance which may trigger the need for SMP amendments. The checklist was completed by the County's consultant, AHBL. The update also considers changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The County also considers comments from stakeholders and the public, as well as Ecology and other reviewers (being mindful of budget constraints and the limited scope required during a periodic review).

Relationship to the Comprehensive Plan: The SMP is consistent with the Comprehensive Plan elements. While the County is not subject to all of the requirements of the Growth Management Act (GMA)¹, the plan strives to ensure that there is consistency between the SMP's shoreline environment designation provisions and the Comprehensive Plan elements and development regulations.

What's next? After reviewing all comments and testimony given at or prior to the public hearing, the Planning Commission may issue a preliminary recommendation on the SMP update which would become final if no further substantial comments are received by the county by the conclusion of the public comment period². After the Planning Commission forwards its recommendation to the Board of County Commissioners and the Board 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 County's SMP, including the ability to require changes.

PUBLIC NOTICE/ COMMENTS

Public participation is a very important cornerstone of this periodic update process.

This project was launched with the Board of County Commissioner's adoption of a public participation plan, which was followed by a letter mailed to stakeholders (persons who own property in the shoreline jurisdiction per tax records) and an email to other stakeholders (partners, interested parties, agencies, tribes, etc.) to provide notice and information about the pending update and gave the opportunity for people to "sign up" to be included on an email notification list. A website was set up with an overview, updates, contacts, events, and a document library at https://www.ezview.wa.gov/site/alias_1790/35042/default.aspx. The website has been regularly updated throughout the process.

¹ Adams County is known as "partially planning" under the GMA per RCW 36.70A.060, .170 and are thus subject to Critical Areas and Natural Resource Lands requirements only

² The hearing will occur on Thursday March 23, 2023 but the required 30-day comment period extends through Monday, March 27, 2023. The Planning Commission therefore has the option to (1) meet again following the close of the comment period to make a final recommendation to the Board of County Commissioners, or could (2) potentially avoid a second meeting by passing a motion, making a recommendation to the BOCC with the caveat that if staff receives any more comments that should be further reviewed by the Planning Commission the recommendation will be reviewed at a future meeting.

Public notice of the joint County/ Ecology March 23, 2023 public hearing included the following:

- Posting of a notice to the project website
- Posting a notice on the County's website
- Email to the SMP update email list and to individuals/ agencies on the SEPA email list (Joint notice for the public hearing and for the SEPA determination)
- Publication completed by Ecology
- Publication in the Ritzville Adams County Journal and the Columbia Basin Herald

Additionally, a *Request for Review and Notice of Intent to Adopt Amendment*, as required under RCW 36.70A.106, was submitted to the Washington State Department of Commerce on February 16, 2023.

As of the date of this memo, the County has received one comment on the SMP. The Washington State Department of Natural Resources (DNR) submitted comments stating that there are no proposed revisions to geologically hazard areas text except for one minor change and no proposed revisions that include mineral resources lands, and provided resource links to their Geologic planning.

The official comment period for the SMP is open from February 23, 2023 to March 27, 2023. AHBL consultants will compile all comments received in writing in a response matrix, to document the comments as well as a response for each comment.

ENVIRONMENTAL REVIEW

The proposal is subject to environmental review. The County is the lead agency for the proposal under the State Environmental Policy Act (SEPA) and reviewed the proposed non-project action for probable adverse environmental impacts and issued a determination of non-significance (DNS) for this proposal on February 23, 2023. There were no appeals of the DNS.

PAST AND PROJECTED TIMELINE

The processing of this item has included the following thus far:

- | | |
|--------------------|---|
| December 13, 2022: | Board of County Commissioners adopted a Public Participation Plan |
| January 11, 2023: | AHBL provided an initial draft SMP update document and completed draft review checklist to County staff |
| January 27, 2023: | AHBL meeting with County staff |
| February 2, 2023: | County sent a letter to property owners with project information and an invitation to sign up for the interested parties mailing list |
| February 7, 2023: | AHBL send an email with project information and an invitation to sign up for the interested parties mailing list |

February 23, 2023:	Newspaper notice published; Issue SEPA Threshold Determination; County and Ecology joint public comment period begins
March 8, 2023:	County hosts Q&A open house
<i>The projected future timeline includes:</i>	
March 23, 2023:	Joint Planning Commission/ Ecology Public Hearing at 10 a.m.
March 27, 2023:	Conclusion of public comment period
By April 26, 2023:	County issues formal response to public comments
May 2, 2023:	BOCC public hearing and adoption (tentative)
May 9, 2023:	(Optional) Second BOCC meeting if needed
May, 2023:	Submit Application for Final Determination from Ecology
TBD	Final Ecology Approval (Anticipated late June, 2023)

**On or before*

FISCAL IMPACT

The County was awarded a grant from Ecology to pay towards the costs associated with the SMP update. The grant funding was provided to only update the SMP itself (there was no funding for updates or changes to reports and research produced as a part of the previous update, such as the Shoreline Inventory and Characterizations report).

SUGGESTED FINDINGS

Written findings will be needed for the County to adopt the SMP amendments under the periodic update. Listed below are DRAFT written findings that may be further developed as the process ensues:

Findings:

1. The State of Washington Shoreline Management Act of 1971 (Chapter 90.58 RCW) requires counties and cities to prepare SMPs to prevent the uncoordinated and piecemeal development on shoreline of the state.
2. Under RCW 90.58.050, the County and Ecology share joint authority and responsibility for the administration of the County's SMP. When the County'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. Ecology adopted and approved the existing County SMP in 2015.

5. The State's Shoreline Management Act (RCW 90.58) requires each SMP to be reviewed and revised, if needed, on an eight-year schedule established by the Legislature and the Adams County periodic update is due no later than June 30, 2023 (as amended).
6. The SMP Guidelines (Chapter 173-26 WAC) are the standards and guidance that establish minimum standards for updating local SMPs.
7. The County was awarded a grant from Ecology to fund a portion of the update costs.
8. The proposed SMP is compatible with the County's adopted land use designations, policies, and goals contained with its Comprehensive Plan and its development regulations.
9. The proposed SMP recognizes private property rights and it is consistent with other property regulations and those rights afforded to property owners.
10. Although the County is not fully planning under the state Growth Management Act, 60-day notice of intent to adopt was filed with the State of Washington Department of Commerce on February 16, 2023 because the SMP address critical areas.
11. In accordance with the adopted Public Participation Plan, the County held an Open House on March 8, 2023 to discuss the project and answer questions on the proposed amendments to update the County's SMP, and seven individuals attended the event.
12. The County completed environmental review under SEPA issued a Threshold Determination of Non-Significance on February 23, 2023.
13. The proposed amendments to the County's SMP were placed on the project's website (advertised with a link from the County's website) prior to the beginning of the comment period for public review.
14. A project notice which included information on the SEPA DNS and related comment period, 30-day joint comment period and joint public hearing was published in the Ritzville Adams County Journal on February 22, 2023 and the Columbia Basin Herald on February 23, 2023.
15. A joint public hearing before the County's Planning Commission in conjunction with the Department of Ecology was held on March 23, 2023.
16. The official comment period for the SMP was open from February 23, 2023 – March 27, 2023, and the March 23, 2023 joint County / Ecology public hearing occurred during that time period.
17. All written comments received prior to and during the official comment period will be compiled into a Response Matrix document for the County to consider and document their review and formal responses.
18. Following completion of the public hearing before the County's Planning Commission, the Board of County Commissioners will have an opportunity to approve the updated SMP in a public meeting.
19. The County will formally adopt the SMP following review and approval by Ecology and it will then become effective.
20. The SMP is a component of the County's Comprehensive Plan and the two documents are not in conflict.

ACTION

The Planning Commission should conduct a public hearing to receive public comments on the proposed periodic update to the SMP. A copy of the draft SMP showing proposed amendments in tracked changes is attached to this memo for review, together with a completed checklist. ***Additional materials are available on the project website.***

AHBL recommends that the Planning Commission take action to forward a preliminary recommendation of approval, provided that no new substantial comments are submitted to the County prior to the conclusion of the public comment period. AHBL predicts that most comments will be submitted prior to the public hearing. If the County receives a substantial comment(s)³ from the public, the motion of the Planning Commission is automatically revoked and the SMP will return to the Planning Commission for further review.

Suggested motion: “I move that the Planning Commission take revocable action to recommend to the Board of County Commissioners approval of the SMP periodic update package, including the draft amendments that the Commission has reviewed and forward the recommendation with the suggested findings of fact. I further move that if the County receives additional substantial comments between now and the end of the comment period which extends to April 27, 2023, the Planning Commission will instead hold an additional meeting to review the comments and reissue a recommendation.”

³ Substantial comments including comments on regulations or any of the substance of the plan. Insubstantial comments include typos that do not change the meaning, comments of support, or technical questions.