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ORDINANCE NO. 444 APPROVING A PROPOSED UPDATE TO THE WALLA WALLA COUNTY SHORELINE MASTER PROGRAM, COMPLYING WITH THE REQUIREMENTS OF RCW 90.58, DESIGNATING SHORELINES WITHIN UNINCORPORATED WALLA WALLA COUNTY, SETTING FORTH PROVISIONS FOR PROTECTION OF THOSE SHORELINES, AND REPEALING THE CURRENT SHORELINE MASTER PROGRAM, RESULTING IN A REPLACEMENT OF THE WALLA WALLA COUNTY SHORELINE MASTER PROGRAM.

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**BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON**

ORDINANCE NO. 444

APPROVING A PROPOSED UPDATE TO THE WALLA WALLA COUNTY SHORELINE MASTER PROGRAM, COMPLYING WITH THE REQUIREMENTS OF RCW 90.58, DESIGNATING SHORELINES WITHIN UNINCORPORATED WALLA WALLA COUNTY, SETTING FORTH PROVISIONS FOR PROTECTION OF THOSE SHORELINES, AND REPEALING THE CURRENT SHORELINE MASTER PROGRAM, RESULTING IN A REPLACEMENT OF THE WALLA WALLA COUNTY SHORELINE MASTER PROGRAM.

WHEREAS, pursuant to RCW 90.58, all counties having designated shorelines, including Walla Walla County, are required to have a shoreline master program; and

WHEREAS, said shoreline master program must be developed or amended on or before June 30, 2016; and

WHEREAS, the County has not amended its shoreline master program since it was adopted in 1975; and

NOW THEREFORE,

BE IT ORDAINED, by the Walla Walla County Board of County Commissioners that:

Section I. The Board of County Commissioners Makes the Following Findings of Fact:

1. The proposed SMP Update is subject to the Washington State Shoreline Management Act, RCW 90.58, and its associated rules WAC 173-26, which require local governments to adopt shoreline master programs with policies and regulations that apply to development within shoreline jurisdiction.
2. Shoreline jurisdiction applies to marine waters below the ordinary high water mark (OHWM), rivers and streams with a mean annual flow greater than 20 cubic feet per second, lakes and reservoirs larger than 20 acres, upland areas that are 200 feet landward from the edge of these waters, some or all of the 100-year floodplain associated with these waters, and associated wetlands.
3. The Walla Walla Board of County Commissioners initiated the update to the Shoreline Master Program in April 2013, as required by RCW 90.58.080, with signing of the Intergovernmental Agreement for Cooperative Shoreline Master Programs Updates between Walla Walla County and the cities of Prescott, Waitsburg, and Walla Walla, whereby the four jurisdictions combined grant funds from the Washington State Department of Ecology and designated Walla Walla County as Grant Administrator.
4. On September 23, 2013, Walla Walla County executed a professional services agreement with The Watershed Company to provide consultant services for the Shoreline Master Program Update.



5. Walla Walla County signed Department of Ecology Grant No. G1400495 on February 3, 2014 for preparation of regionally-coordinated comprehensive SMP Updates for Walla Walla County and the cities of Prescott, Waitsburg, and Walla Walla including the required supporting technical studies, related documents and draft SMPs. The process of the SMP Update was a regional plan which would then be divided into individual plans for each jurisdiction.
6. A Project Management Team was formed with representatives of each jurisdiction with responsibility for oversight of the update process. The team met 22 times on a monthly basis as needed. The time, location, and agenda for all project management team meetings were posted on the County calendar and the project website in advance of meetings. All 22 meetings were open to the public and included time at the end of each meeting for public comment from any member of the public in attendance. Meeting minutes were posted online after each meeting.
7. As part of the review structure for the SMP Update, a Regional Working Group (RWG) was established by the Project Management Team to review and provide input on technical studies, related documents, and a regional draft SMP. The Regional Working Group was comprised of the following individuals and groups:
 - Property owners (2)
 - Citizens for Good Governance
 - Gardena Farms Irrigation District #13
 - Snake River Salmon Recovery Board
 - Tri-State Steelheaders
 - Walla Walla County Conservation District
 - Port of Walla Walla
 - Washington State Department of Ecology
 - Washington State Department of Fish and Wildlife
 - Walla Walla County Planning Commission
 - City of Prescott Planning Commission
 - City of Waitsburg Planning Commission
 - City of Walla Walla Planning Commission
8. The RWG discussed and debated the policies, regulations, environmental designations, definitions, and implementation of a regional SMP including provisions unique to each jurisdiction. The RWG met 13 times and all meetings were open to the public and advertised on the shoreline update website (housed on the Walla Walla County website) and the County calendar. Each RWG meeting included opportunities for public comments at the beginning and end of each meeting. Meeting summaries were posted online after each meeting.
9. From the beginning of the project in 2013, the County has maintained a website for the regional SMP and for the SMP or SMP Updates for each jurisdiction. The website contains background and administrative documents; meeting agendas and notes for the Regional Working Group, Project Management Team, and Planning Commissions; and draft documents under review. The website also includes information on public meetings and instructions for how to participate in the process and comment on the draft SMP and SMP Updates.
10. The following supporting documents were prepared for the regional SMP and the County's draft SMP Update:
 - Shoreline Analysis Report: Inventory and characterization of the shorelines within Walla Walla County. Describes existing conditions and characterizes ecological functions in the shoreline jurisdiction which created a baseline for future development impact measurement.

- Visioning Summary Report: Summary and results of the visioning outreach sessions and online survey held around the county at the early stages of the update effort. Provided comments and suggestions that helped inform the goals and policies for the SMP.
 - Public Engagement Summary: Summary of the comments received at public meetings held around the county on the preliminary draft of the regional SMP.
 - Cumulative Impact Analysis: Over a 20-year planning horizon demonstrates that the SMP update will not result in degradation of shoreline ecological functions. The analysis assesses the policies and regulations in the draft SMP and as future development takes place the implementation of those regulations to make sure no net loss of ecological functions occur.
 - Shoreline Restoration Plan: Plan for voluntary improvements to shoreline functions and processes. Identifies restoration opportunities for the County's shorelines.
 - No Net Loss Report: Demonstrates that if the proposed policies and regulations developed in the draft SMP are followed for new development, then no net loss of ecological function can be achieved.
11. The Department of Ecology reviewed the regional draft SMP and provided comments in May and October, 2015 and on each jurisdiction's SMP or SMP Update in January, 2016.
 12. The process for amendment to the Walla Walla County Shoreline Master Program is outlined in Walla Walla County Code, Chapter 14.15, Development Regulations Amendments Process, which requires the Planning Commission to hold a public hearing and make a recommendation to the Board of County Commissioners. The Board of County Commissioners is the decision authority.
 13. In October of 2013, at the beginning of the regional SMP update process, a public meeting was held for all County and City residents at the County Commissioners' Chambers. The purpose of the meeting was for the Project Management Team to provide the general public with informational materials; provide an overview of the SMP updates and the project timetable; and explain the opportunities for public participation during the process. A question and answer session was held followed by an informal open house period for members of the public to review maps and ask questions. A news release announcing the meeting was sent to the news media, and information and materials were posted on the project website. Members of the Project Management Team, the Project Team Leader, and a representative from the Department of Ecology were available to answer questions.
 14. In July 2014, community visioning meetings were held in Touchet, Waitsburg and Walla Walla to gather public comments and suggestions for the upcoming draft SMP. The meetings were advertised in the news media and automated calls were made to 1,253 owners of property within SMP jurisdiction in the county and each of the cities. In addition, a survey was posted online from July through mid-September in 2014 to gather comments and suggestions from members of the public. A Visioning Summary Report was prepared and posted on the project website summarizing the meetings and including the results of interactive exercises and the online survey.
 15. In October 2014, the Project Management Team convened a joint public meeting of all four planning commissions. This was the first meeting with any of the planning commissions, and the purpose was to provide them with an overview of the structure, process and timetable for the regional SMP and each jurisdiction's SMP or SMP Update; a summary of the first year's work; and the results of the community visioning meetings.
 16. In 2015, postcards were mailed to 1,322 affected property owners and public open houses were advertised and held in Prescott, Touchet, and Walla Walla to gather comments on the

preliminary draft regional SMP. An Engagement Summary was prepared and posted online summarizing the public comments received at these open houses.

17. On February 17, 2016, pursuant to RCW 36.70A.106, the proposed SMP update was sent to the Washington State Department of Commerce as required for the state review of the proposed SMP Update. The SMP Update will become an element of the County's Comprehensive Plan so the document was submitted for 60-day State review. On February 19, 2016, the County received an acknowledgement from Department of Commerce of receipt. No comments from State agencies were received during the 60-day review period.
18. On February 27, 2016 a public informational meeting was held to provide information and answer questions about the SMP buffer for the portion of Yellowhawk Creek subject to the updated county SMP; notices of this meeting were mailed to 58 affected property owners. Notice of the meeting was placed in the online County calendar and the project website, and information appeared in the Walla Walla Union Bulletin.
19. In 2016, informational open houses were held prior to County Planning Commission meetings from 6:00 p.m. to 6:45 p.m. on the following days: February 3, March 9, and April 6.
20. On January 6, February 3, March 9 (special meeting), 2016, at workshop meetings the Planning Commission reviewed the draft SMP Update and background materials, including the Shoreline Analysis Report, Visioning Summary Report, Public Engagement Summary, Cumulative Impact Analysis, Shoreline Restoration Plan, and No Net Loss Report.
21. On March 17, 2016, a SEPA Determination of Non-Significance (SEPA16-008) was issued. The DNS was sent to the SEPA Register and consulting agencies on March 17. The DNS was also distributed by email to an interested citizens list. The comment period ended on March 31, 2016. No comments were received during the SEPA comment period. No appeals of the threshold determination were filed.
22. On March 21, 2016, a notice of the April 6 informational public meeting and Planning Commission public hearing was issued. The hearing notice was published in Walla Walla Union Bulletin and Waitsburg Times on March 24 and in the Tri-City Herald on March 25; posted on the SMP Update website and the Community Development Department "Public Notices" webpage; and emailed to an interested citizens list.
23. On April 6, 2016 the Planning Commission held a public hearing for the purposes of considering the draft Shoreline Master Program Update and accepting public testimony. One member of the public spoke at the public hearing.
24. On April 6, 2016 the Planning Commission voted unanimously, with two members absent, to recommend that the Board of County Commissioners approve the Shoreline Master Program Update as presented in Exhibit 1 of the April 6 staff report, after consideration of Development Regulations Amendment Review Criteria in Walla Walla County Code Chapter 14.15. This recommendation is documented in Planning Commission Resolution 16-01, dated April 22, 2016.
25. On April 19, 2016 the Board of County Commissioners conducted a workshop meeting to review the draft SMP Update and background information on the SMP Update process and the Planning Commission's recommendation. Notice of this workshop meeting was provided on the SMP website and on the County calendar.
26. On April 19, 2016 the Board of County Commissioners passed Resolution 16-118 setting a public hearing for 1:00 PM on May 2. This resolution directed the Community Development Department to provide public notice of this hearing.

27. On April 21, 2016 notice of the May 2 public hearing was published in the Waitsburg Times and Walla Walla Union Bulletin. This notice was also posted on the SMP website and the Community Development Department "Public Notices" webpage; and emailed to an interested citizens list.
28. On May 2, 2016 the Board of County Commissioners held a public hearing for the purposes of reviewing the draft Shoreline Master Program Update, considering the Planning Commission's recommendation, and accepting public testimony.
29. On May 2, 2016 at the public hearing, staff and consultants presented a final draft of the Shoreline Master Program Update for the Board of County Commissioners' review. This version included minor changes from the version reviewed by the Planning Commission on April 4, recommended by staff and the consultants to clarify administrative guidelines and correct references. The County received several public comments at the hearing.
30. On May 16, 2016 the Board of County Commissioners passed Resolution 16-144 setting an additional public hearing for 1:00 PM on May 31. This resolution directed the Community Development Department to provide public notice of this hearing.
31. On May 19, 2016 notice of the May 31 public hearing was published in the Waitsburg Times and Walla Walla Union Bulletin. This notice was also posted on the SMP website and emailed to an interested citizens list.
32. On May 31, 2016 the Board of County Commissioners held a public hearing for the purposes of reviewing a final draft of the SMP Update with one added regulation in Subsection 5.6.1 recommended by staff, and accepting public testimony. There was no public comment.
33. On May 31, 2016 at the public hearing, staff presented a new version of the Responsiveness Summary which incorporated comments submitted during the Planning Commission public hearing process and testimony provided at the May 2 public hearing. This summary included a response to each public comment.
34. On May 31, 2016 after closing the public hearing the Board of County Commissioners voted unanimously to approve the proposed Shoreline Master Program Update and directed staff to prepare an ordinance for adoption.

Section II. The Board of County Commissioners Makes the Following Conclusions of Law:

1. The proposed SMP Update is consistent with the Walla Walla County Comprehensive Plan. The draft SMP Update is consistent with the following specific goals and policies in the Comprehensive Plan: Goal RL-1, Goal RL-21, Goal BSA-4, Policy BSA-16, Policy BSA-17, Policy CA-5, and Policy CA-9. As required by RCW 36.70A.480, the goals and policies of the SMP Update approved under RCW 90.58 shall be considered an element of Walla Walla County's Comprehensive Plan.
2. The draft SMP Update is consistent with other development regulations. All regulatory elements of the updated SMP, including, but not limited to, definitions and use regulations, will be considered part of the County's development regulations. All other County development regulations, including, but not limited to, zoning and subdivision rules shall apply in addition to this SMP Update.
3. Addressing critical areas within the draft SMP Update, the County incorporated its existing Critical Areas Ordinance (developed in 2008) as an appendix, with minor modifications to be consistent with the SMA, combining those two sets of regulations into one document. Also, the administrative provisions (Chapter 7) referenced existing WWCC chapters so the plan does not duplicate what already exists in the county code.

4. The draft SMP Update is appropriate for consideration at this time because the County is required under RCW 90.58.080 to complete an update to the existing SMP, which has not been amended or updated in over 40 years.
5. Walla Walla County's approach to updating its Shoreline Master Program is to protect the shoreline environment while recognizing and protecting private property rights, thereby meeting a definable public need and ensuring that the SMP Update is in the long-term interest of the County. The proposed environmental designations take into account ecological functions, existing development patterns, and underlying zoning. The proposed environmental designations, use regulations, and the use and modification table in Chapter 6 balance the protection of SMP waters with the varying characteristics of the water bodies and the adjacent lands and uses.
6. The intent of Shoreline Management Act (SMA), originally adopted in 1971, is to provide protection of the state's shorelines, encourage public access to the state's shoreline, and protect water dependent uses. The draft SMP Update is a document that guides appropriate development of land adjacent to and within shoreline jurisdiction, identifies restoration opportunities throughout Walla Walla County, and addresses public access.
7. As noted in the Cumulative Impact Analysis and No Net Loss Report, the draft SMP Update protects Walla Walla County's shorelines through vegetation management and identifies mitigation sequencing for impacts. The document promotes public access within the areas under the SMA jurisdiction, acknowledging that the County's shorelines are a community resource and public access for visual and/or recreational purposes is important to the community.
8. Extensive public participation has been a major component of the County's draft SMP update process. As noted under the Findings of Fact, all Project Management Team and Regional Working Group meetings were open to the public and included time for public comment. Additionally, community visioning sessions were held in 2014 to gather comments and suggestions for the draft regional SMP, and public open houses were held in May of 2015 to provide input on the preliminary draft regional SMP and the proposed environmental designations. As the draft SMP transitioned to local adoption, Walla Walla County has held open houses prior to the regular Planning Commission meetings on February 3, 2016, March 9, 2016 and April 6, 2016. The Planning Commission public hearing on April 6, 2016 and the Board of County Commissioners' public hearings on May 2 and May 31 were additional opportunities for public testimony on the draft SMP Update.
9. During the public hearing process several members of the public commented on the proposed public access policies and regulations. Public access planning is addressed in the Shoreline Analysis Report and proposed SMP public access regulations. One of the recommendations in the Shoreline Analysis Report (Section 7.2.4) is to develop public access policies and regulations that "recognize and facilitate implementation of existing parks, recreation, and open space plans." The Shoreline Management Act requires, to the extent feasible, that SMPs consider plans made by numerous other entities when preparing use regulations (RCW 90.58.100(1)(c)). Rather than singling out one specific project, a standard was included in Subsection 5.6.I in the proposed SMP Update approved by the Board of County Commissioners on May 31 that states that "preferred" public access solutions should be those contains in an adopted County plan.



10. The County has reviewed and evaluated its previously adopted Shoreline Master Program, and finds that it should be replaced in its entirety by the new proposed Shoreline Master Program.

Section III. Approval of the Proposed Shoreline Master Program Update.

Based on its review of the requirements of RCW 90.58 and the Washington Administrative Code, the analysis and proposed revisions prepared by County staff and consultants, and the public comments received, the Board of County Commissioners hereby declares that the Walla Walla County Shoreline Master Program Update complies with the requirements of RCW 90.58 and approves the Draft Shoreline Master Program Update. The Walla Walla County Community Development Department, with assistance from the consultants retained on the Shoreline Master Program Update, shall forward the proposed update and supporting documents to the Department of Ecology for review pursuant to the Shoreline Management Act.

Section IV. Effective Date and Savings.

This Ordinance is effective upon signing.

Section V. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section VI. Publication.

This Ordinance will be published by an approved summary consisting of the title.

PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, then signed by its membership and attested by its Clerk in authorization of such passage this 14th day of June, 2016.

Attest:

Connie R. Vinti
Connie R. Vinti, Clerk of the Board

James K. Johnson
James K. Johnson, Chairman, District 1

Perry L. Dozier
Perry L. Dozier, Commissioner, District 2

James L. Duncan
James L. Duncan, Commissioner, District 3

Constituting the Board of County Commissioners
of Walla Walla County, Washington



Approved as to form

Jesse D. Nolte
Jesse D. Nolte, Deputy Prosecuting Attorney

