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Document Titles (i.e.: type of document)

**ORDINANCE NO. 499 AN ORDINANCE ADOPTING AMENDMENTS AND APPROVING A STATUTORILY REQUIRED REVIEW AND UPDATE OF THE WALLA WALLA COUNTY SHORELINE MASTER PROGRAM FOR SUBMITTAL TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR REVIEW AND APPROVAL, COMPLYING WITH THE REQUIREMENTS OF RCW 90.58.080.**

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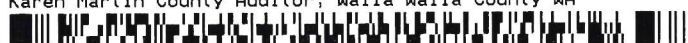
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**BOARD OF COUNTY COMMISSIONERS  
WALLA WALLA COUNTY, WASHINGTON**

**ORDINANCE NO. 499**

**ADOPTING AMENDMENTS AND APPROVING A STATUTORILY REQUIRED REVIEW AND UPDATE OF THE WALLA WALLA COUNTY SHORELINE MASTER PROGRAM FOR SUBMITTAL TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR REVIEW AND APPROVAL, COMPLYING WITH THE REQUIREMENTS OF RCW 90.58.080.**

**WHEREAS**, pursuant to RCW 90.58, all counties having designated shorelines, including Walla Walla County (County), are required to have a Shoreline Master Program (SMP); and

**WHEREAS**, the County adopted its original shoreline master program in 1975 and conducted a Periodic Review and Update of the SMP in 2018, resulting in a replacement of the SMP; and

**WHEREAS**, per RCW 90.58.080(4) Walla Walla County shall conduct a review of their master program and if necessary, revise their SMP, on or before June 30, 2023, to assure that the master program complies with applicable law and guidelines in effect at the time review and to assure consistency of the master program with the County's comprehensive plan, development regulations and other local requirements as applicable.

**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 (SMA), 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; floodway; contiguous 100-year floodplain extending a maximum of 200 feet inland of the floodway; and any associated wetlands.
3. The Walla Walla Board of County Commissioners (BOCC) initiated the Periodic Review and Update to the Walla Walla County Shoreline Master Program on July 5, 2022, by approving the proposed grant agreement with the Department of Ecology (Grant No. SEASMP-2123-WWCCDD-00184) to fund a consultant to assist with the review and update.
4. On January 3, 2023, the Board of County Commissioners approved an Agreement for Professional Services with The Watershed Company (Watershed) to facilitate the SMP Review and Update per the Scope of Work outlined in Exhibit A, to be paid through grant funds.
5. From the beginning of the project in 2023, the County has maintained a website for the SMP Periodic Review and Update. The website contains background information, contact information,





meeting agendas or links to agendas, staff reports, comments, 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 amendments.

6. The Periodic Review and Update began with preparation of the following supporting document which helped determined the project scope and schedule.
  - Public Participation Plan
  - Department of Ecology SMP Periodic Checklist - This checklist summarized amendments to state law, rules and applicable updated guidance adopted between 2007 and 2022 that may trigger the need for local SMP amendments during periodic reviews as well as items specifically requested by County staff for consideration.
7. On February 22, 2023, a public meeting/virtual open house was held for all interested parties. The purpose of the meeting was the County and consultant 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 notice announcing the meeting emailed to a list of interested parties, and information and materials were posted on the project website and County Community Development webpage.
8. On February 22, 2023, following the virtual open house meeting the County Planning Commission held a workshop regarding the SMP periodic review and update.
9. On March 15, 2023, pursuant to RCW 36.70A.106, the draft SMP and background documents was sent to the Washington State Department of Commerce Growth Management Team as required for State review of Comprehensive Plan and development regulations amendments. This began a 60-day review period under the Growth Management Act.
10. On March 16, 2023, the County received an acknowledgement from Department of Commerce of receipt.
11. On March 23, 2023 a number of public notices were issues for the project, initiating formal comment periods on the draft SMP, which was made available for public review on the project website.
12. On March 23, 2023, the County SEPA Responsible Official issued a SEPA Determination of Non-Significance (DNS), File No. SEPA23-004. The SEPA DNS was published on the SEPA Register; published in the Walla Walla Union Bulletin, The Times (Waitsburg) and the Tri-City Herald newspapers; emailed to a list of interested parties; and posted on the County's Public Notices webpage and the SMP project website. The DNS was also distributed to SEPA consulting agencies and governments.
13. The SEPA DNS comment period was open until April 6, 2023. No comments were received regarding the SEPA DNS. The appeal period on the SEPA DNS ended on April 20, 2023. No appeals of the SEPA DNS were received.
14. On March 23, 2023, the County issued a combined Notice of Periodic Review Comment Period and Notice of Public Hearing (NOPH) which was published in the Walla Walla Union Bulletin, The Times (Waitsburg) and the Tri-City Herald newspapers; emailed to a list of interested parties; posted on the County's Public Notices webpage and project website. The Notice of Public Hearing was for the Planning Commission Public Hearing scheduled for April 19, 2023.
15. The 30—day SMA public comment period on the draft SMP was open from March 23 to April 24, 2023.
16. Comments from the Washington Department of Natural Resources (DNR) and the Washington Department of Fish and Wildlife (WDFW) were received during the 60-day State review period. WDFW did not propose any changes to the draft SMP amendments in their comment letter.
17. During the 30-day SMA public comment period on the draft SMP the County received comments from the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).



18. The County received no comments from individual County residents on the draft SMP during the SEPA or draft SMP comment period.
19. As required by the State, during the Draft SMP comment period, on April 19, 2023, the Planning Commission held a public hearing for the purposes of considering the draft SMP amendments and accepting public testimony. No members of the public spoke at the public hearing or submitted comments. Since the 30-day comment period had not ended, no action was taken on the draft SMP.
20. On May 2, 2023, the County and consultant team prepared a response to all agency comments received, which included a summary of DNR and CTUIR's suggested changes to the draft SMP and recommendations on whether changes should be made to the draft SMP amendments. These recommendations were presented to the Planning Commission on May 3, 2023.
21. On May 3, 2023, the Planning Commission voted 5-1, with one member absent, to recommend that the Board of County Commissioners approve the Shoreline Master Program Update presented as Option 2 in the Staff Report, after consideration of Amendment Review Criteria in Walla Walla County Code Chapters 14.10 and 14.15.
22. The Planning Commission's recommendation is documented in Planning Commission Resolution 23-01, signed June 9, 2023.
23. On May 5, 2023, the Final Draft SMP amendments recommended by the Planning Commission along with supporting documents were submitted to the Department of Ecology for the initial determination of consistency with applicable laws and rules as required under WAC 173-26-104(3)(b).
24. On May 15, 2023, staff and the consultant team presented the Final Draft SMP amendments, recommendation of the Planning Commission, and background on the review and update to the Board of County Commissioners in a workshop meeting.
25. The Department of Ecology reviewed the Final Draft SMP amendments and provided comments in an Initial Determination of Concurrence/Consistency on June 2, 2023.
26. The County and consultant team revised the draft amendments to reflect the Department of Ecology's recommended and required changes as needed to achieve consistency with applicable laws and rules.
27. On June 12, 2023, the Board of County Commissioners signed Resolution 23-119 setting a date of public hearing for consideration of the Final Draft SMP amendments.
28. On June 13, 2023, a second virtual open house/public informational meeting was held to provide information and answer questions about the proposed SMP amendments. Notice of the meeting was placed on the County's Community Development webpage and the SMP project website and emailed to parties of record and other interested parties.
29. On June 15, 2023, Notice of Public Hearing for the BOCC hearing to consider draft SMP Update (ZCA23-001) was published in the Walla Walla Union Bulletin, The Times (Waitsburg) and the Tri-City Herald newspapers; emailed to a list of interested parties and parties of record; posted on the County's Public Notices webpage, Community development webpage, and the SMP project website.
30. On June 26, 2023, 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.
31. No members of the public testified during the public hearing. This was the last opportunity for public comment. No public comment was received on this update though several members of the public attended public informational meetings and other meetings.
32. On June 26, 2023, at the BOCC public hearing, Community Development staff and consultants presented the revised draft of proposed amendments.
33. On June 26, 2023, after closing the public hearing the Board of County Commissioners voted unanimously to approve the proposed Shoreline Master Program amendments (Final Draft





Shoreline Master Program, June 2023) as presented and requested staff to prepare an ordinance for adoption.

34. On September 21, 2023, the County was notified that the Department of Ecology approved the June 2023 Final Draft Shoreline Master Program.

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

1. The SMP Update is consistent with the Walla Walla County Comprehensive Plan. The SMP amendments are consistent with the following specific goals and policies in the Comprehensive Plan: Goal RL 1, Goal RL 6, Goal CA 1, Goal CA 2, Goal CA 3, Goal HS 2, and Policy CA 2.2. As required by RCW 36.70A.480, the goals and policies of the amended SMP approved under RCW 90.58 shall be considered an element of Walla Walla County's Comprehensive Plan.
2. The 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. The 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 by June 30, 2023.
4. 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 SMP amendments in the Update will assist staff's ease of use of the document and keep the SMP up to date with State regulations.
5. 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 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.

## **Section III. Approval of the 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 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 Final Draft Shoreline Master Program Update. The Walla Walla County Community Development Department shall forward the Final SMP Update and supporting documents to the Department of Ecology for review pursuant to the Shoreline Management Act (WAC 173-26-110).

## **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 23<sup>rd</sup> day of October, 2023.


Attest:



Diane L. Harris, Clerk of the Board



Jennifer R. Mayberry, Chairman, District 1



Todd L. Kimball, Chairman, District 2



Gunner Fulmer, Chairman, District 3

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

Approved as to form:



Jesse D. Nolte, Chief Civil Deputy Prosecuting Attorney

