

**BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY, WASHINGTON**

ORDINANCE: 14- 020 -CC

“An Ordinance amending Chapter 13 of the Grant County Comprehensive Plan, Chapter 24.12 of the Grant County Code, the repeal of existing Chapter 24.12 of the Grant County Code, the repeal of the 1975 Shoreline Master Program, and the adoption of the companion documents relevant to the updated Shoreline Master Program”

Recitals:

WHEREAS, Chapter 90.58.080(2)(a)(v) RCW establishes that on or before December 1, 2013, Grant County must develop or amend its shoreline master program in accordance with the provisions of the Shoreline Management Act, and;

WHEREAS, Chapter 90.58.080(8) RCW allows for one additional year from the requirement of 90.58.080(2)(a)(v) for local government completion of the SMP update, and;

WHEREAS, the current Shoreline Master Program was originally approved by the Washington State Department of Ecology in 1975, and has not been substantively revised since that date, and;

WHEREAS, the current Shoreline Master Program does not reflect existing conditions and does not effectively implement the requirements of Chapter 90.58 RCW nor Title 173-26 WAC , and;

WHEREAS, Grant County entered into a Shoreline Update Coalition with the cities and towns of Coulee City, Electric City, Grand Coulee, Krupp, Soap Lake, and Wilson Creek to combine grant funding for the update process, and;

WHEREAS, Grant County entered into a grant contract with the Washington State Department of Ecology effective July 1, 2011 (executed January 30, 2012) to complete a Shoreline Master Program consistent with the Shoreline Management Act and Shoreline Master Program Guidelines, and;

WHEREAS, Grant County issued a Notice of Application that provided for a 30-day public comment period from February 5, 2014 to March 6, 2014, and;

WHEREAS, Grant County satisfied the requirements of Title 197-11 WAC in issuing a Determination of Non-Significance for this update on March 6, 2014, and;

WHEREAS, the Grant County Planning Commission conducted an open-record public hearing on March 19, 2014 to accept public testimony and consider the proposed amendments to the Comprehensive Plan and Unified Development Code, and;

WHEREAS, on March 19, 2014 the Grant County Planning Commission voted unanimously to recommend to the Board of County Commissioners approval of the proposed Comprehensive Plan and Unified Development Code amendments as specified herein, and;

WHEREAS, the Board of County Commissioners of Grant County held an open record public hearing on April 9, 2014, and;

WHEREAS, the Board of County Commissioners have been advised by the Grant County Planning Department that the proposed Comprehensive Plan and Unified Development Code amendments were processed in accordance with the requirements of UDC Chapter 25.12 "Legislative Action"; and,

WHEREAS, the Grant County Board of County Commissioners accepted the recommendation of the Grant County Planning Commission at its public hearing on April 9, 2014, and;

WHEREAS, notice of all public hearings and public meetings on this matter have been published according to law, and;

WHEREAS, the Grant County Board of County Commissioners have established twenty-nine (29) Findings of Fact attached hereto as "Attachment A", and;

WHEREAS, the Grant County Board of County Commissioners establish six (6) Conclusions attached hereto as "Attachment B".

NOW, THEREFORE, the Grant County Board of County Commissioners does hereby ordain an amendment to Chapter 13 of The Grant County Comprehensive Plan to reflect the new goals and policies of the updated SMP, and;

BE IT FURTHER, ordained that the Grant County Board of County Commissioners repeal Chapter 24.12 of the Grant County Code as it is currently established, and;

BE IT FURTHER, ordained that the Grant County Board of County Commissioners repeal the existing 1975 SMP, and;

BE IT FURTHER, ordained that the Board of County Commissioners adopt the updated SMP as the new Chapter 24.12 of the Grant County Code (with amendments specified by the Planning Commission and the Board of County Commissioners), and;

BE IT FURTHER, ordained that the Grant County Board of County Commissioners adopts the companion documents to the SMP including the Cumulative Impacts Analysis Report, Restoration Plan, Inventory and Characterization Report, and the Riparian Buffer Guidance Document, and;

BE IT FURTHER, ordained that the Grant County Board of County Commissioners remove all portions of Sand Hollow Wasteway upstream of the Highway 26 crossing culvert as well as the entirety of Trail Lake from the SMP, and;

BE IT FURTHER, ordained that the effective date of the updated Grant County Shoreline Master Program, the repeal of the 1975 Grant County Shoreline Master Program, the repeal of Chapter 24.12 Grant County Code, the amendment of Chapter 13 of the Grant County

Comprehensive Plan, and the adoption of the companion documents to the SMP shall be concurrent with the adoption of the Grant County Shoreline Master Program by the Washington State Department of Ecology.

PASSED AND ADOPTED this 15th day of April 2014.

**BOARD OF COUNTY
COMMISSIONERS
GRANT COUNTY, WASHINGTON**

Yea Nay Abstain

EXCUSED

Carolann Swartz, Chair

ATTEST:


Clerk of the Board


Richard Stevens, Vice-Chair


Cindy Carter, Member

Constituting the Board of County Commissioners of Grant County, Washington

Attachment A – Findings of Fact

The Board of County Commissioners make the following findings in their adoption of the updated Shoreline Master Program:

1. Grant County is required to comply with the requirements of Chapter 36.70A RCW. The County adopted a Comprehensive Plan in 1999, and updated that document as required in 2006. The County's next update of the Comprehensive Plan is not scheduled until 2018.
2. The Washington State Legislature passed the Washington State Shoreline Management Act (RCW 90.58) in 1971. Under the SMA, each affected county and city is required to adopt and administer a local Shoreline Master Program to carry out the provisions of the Act.
3. The Shoreline Master Program Guidelines (Title 173-26 WAC) are the standards and guidance that have been adopted by the Washington State Department of Ecology which local governments must follow in drafting their local shoreline management programs.
4. The Grant County Shoreline Master Program was originally approved by the Department of Ecology in 1975, and has not had a significant update since that time.
5. Pursuant to the SMA, Grant County and the Washington State Department of Ecology share joint authority and responsibility for the administration of the Grant County Shoreline Master Program. Because the Grant County SMP is approved and adopted by the Department of Ecology, it has the authority of state law.
6. In 1995, the State Legislature amended the Growth Management Act (Chapter 36.70A RCW) and the SMA to partially integrate the provisions of the two statutes. The amendments collectively added the goals and policies of the SMA as a 14th planning goal under the GMA and clarified that the goals and policies of an approved SMP shall constitute a shoreline element of the county's comprehensive plan (Chapter 36.70A.480 RCW). The Legislature also directed the Department of Ecology to update the State Shoreline Guidelines to ensure consistency with the SMA and GMA.
7. Pursuant to Chapter 36.70A.480 RCW, the goals and policies of the SMP are incorporated into the Grant County Comprehensive Plan as a part of the Natural Setting Element.

8. Legislation passed in 2004 (ESHB 1933) clarified that critical areas within shorelines are to be 'designated' under the GMA, but "protected" by the SMP at a level that is "at least equal to" the County's adopted critical areas ordinance.
9. In December 2003, the Department of Ecology adopted revised Shoreline Master Program Guidelines (Title 173-26 WAC).
10. Pursuant to Chapter 90.58.080 RCW, Grant County is required to review and update its existing 1975 Shoreline Master Program to ensure conformance with the required elements of the 2003 Shoreline Master Program Guidelines.
11. Grant County Entered into a grant contract with the Department of Ecology effective July 1, 2011 to complete the Shoreline Master Program Update consistent with the SMA and SMP Guidelines.
12. A public participation plan was prepared consistent with the grant contract with the Department of Ecology and submitted to the Department of Ecology by January 2012.
13. Grant County contracted with Anchor QEA (with Oneza Associates as a subcontractor) to provide consulting services and development of the various components of the SMP update process.
14. Pursuant to Title 173-26-201 WAC, when updating its SMP, Grant County is required to identify and assemble the most current, accurate and complete scientific and technical information applicable to the shoreline issues of concern in Grant County.
15. Title 173-26-201(3)(c) and (3)(d) WAC require Grant County to document existing shoreline conditions and present a baseline inventory and characterization of ecosystem-wide processes and shoreline ecological functions with Grant County. A shoreline inventory and characterization report has been developed in association with the SMP.
16. The Grant County Planning Commission served as the 'citizen advisory committee' for the County's update process. The Planning Commission reviewed all of the elements of the SMP update at twelve (12) open workshops on April 4, 2012, May 2, 2012, June 6, 2012, November 7, 2012, November 28, 2012, January 2, 2013, February 6, 2013, March 6, 2013, April 3, 2013, June 5, 2013, October 2, 2013, January 8, 2014.
17. The Draft SMP was released for its official public comment period on February 5, 2014 with a 30-day comment period which expired on March 6, 2014.
18. A Notice of Application (including SEPA threshold determination and notice of the Planning Commission hearing) was issued on February 5, 2014, and published

in the Columbia Basin Herald, Quincy Valley Post Register (2/6), The Star, the Grant County Journal(2/6), and the Mattawa Area News. Approximately 2,600 notices were sent to property owners, agencies, and known persons of interest. Electronic copies of the SMP materials were also sent to the libraries located in Grant County for public viewing.

19. The Washington State Department of Commerce was provided a 60-day notice of intent to adopt on February 5, 2014.
20. The County issued a Determination of Non-Significance under Title 197-11-355 WAC on March 6, 2014.
21. Grant County received six (6) comments during the comment period. Comments were received from Agri Beef Co., Gary Mann, Kris Dexter, Grant County Public Works, Bureau of Reclamation, and Department of Archaeology and Historic Preservation. Those comments have been considered by the Planning Commission in making its recommendation to the Board of County Commissioners.
22. Concurrent with the Department of Ecology adoption of the SMP, the 1975 Grant County Shoreline Master Program and Chapter 24.12 of the Grant County Code shall be repealed.
23. Concurrent with the Department of Ecology adoption of the SMP, Chapter 13 of the Comprehensive Plan shall be updated with the goals and policies of the updated SMP.
24. Any additions identified by the Planning Commission and subsequently approved by the Board of County Commissioners or any typographical corrections or formatting amendments required through the codification process shall be made by the Planning Department as necessary. No substantive amendments of language are authorized.
25. The Grant County Planning Commission conducted an open record public hearing on March 19, 2014 for the purposes of deliberating on the proposed amendments, consider public testimony of the same, and formulate a recommendation to the Board of County Commissioners.
26. The Planning Commission forwarded a recommendation of approval to the Board of County Commissioners on March 19, 2014.
27. The Grant County Planning Commission directed Planning Staff and Anchor QEA to re-evaluate the inclusion of Sand Hollow Wasteway in the Shoreline Master Program.

28. The Grant County Board of County Commissioners conducted an open record public hearing on April 9, 2014 pursuant to the requirements of GCC 25.12 “Legislative Actions”.
29. The Board of County Commissioners have re-evaluated the inclusion of Sand Hollow Wasteway in the SMP and have concluded that only the portion of Sand Hollow Wasteway downstream of the Highway 26 culvert meets the criteria of Chapter 90.58 RCW for inclusion in the Grant County Shoreline Master Program. In addition, Trail Lake (located near the Bacon Siphon) is to be removed from the SMP in its entirety.

Attachment B – Conclusions of the Board of County Commissioners

1. The proposed Grant County SMP is consistent with and implements the goals, policies, and requirements of the Washington State Shoreline Management Act, Washington State Growth Management Act, Washington State Shoreline Master Program Guidelines, Grant County Comprehensive Plan, and Countywide Planning Policies.
2. The proposed shoreline environmental designations, as presented in the SMP, have been applied to the shoreline areas after consideration of information gathered in the IAC, existing and future development patterns, policies in the SMA, public versus private land ownerships, and are consistent with the State Shoreline Master Program Guidelines, and are generally consistent with the Grant County Comprehensive Plan and the Grant County Zoning Map.
3. The proposed goals, policies, shoreline environment designations, regulations, and procedures set forth in this SMP are essential to the protection of the public health, safety, and general welfare of the people of Grant County.
4. Implementation of the public participation plan facilitated early and continuous public participation in drafting the SMP.
5. The procedural and substantive requirements of the State Environmental Policy Act have been complied with.
6. The effective date of the Grant County Shoreline Master Program, the repeal of the 1975 Shoreline Master Program, the repeal of Chapter 24.12 Grant County Code, and the amendment of Chapter 13 of the Grant County Comprehensive Plan shall be concurrent with the adoption of the Grant County Shoreline Master Program by the Washington State Department of Ecology.