

**ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED LIMITED AMENDMENT TO THE CITY OF EVERETT
SHORELINE MASTER PROGRAM**

SMP Submittal accepted May 1, 2015, Resolution No. 6814. Prepared by David Pater on August 4, 2015.

Brief Description of Proposed Amendment:

The City of Everett has submitted to Ecology for approval, a limited amendment to their Shoreline Master Program (SMP) to comply with Shoreline Management Act (SMA) and SMP Guidelines requirements. This SMP amendment focuses on allowing multifamily residential uses in the Urban Maritime Shoreline Environment in limited locations as part of the Waterfront Place Central Master Plan. The Port of Everett envisions this marina shoreline to be a mixed use residential commercial zone. Water dependent uses related to the Port of Everett North Marina will be an integral part of the re-development. Enhancing existing public access is another key component of the project. The residential uses would be permitted only between in the 100-200 foot shoreline jurisdiction area. 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 incorporate proposed changes to SMP Urban Maritime Shoreline Environment permitted uses. The City SMP was comprehensively updated and approved by Ecology in 2003. It was last amended in September 2010. This SMP limited amendment will address consistency with planned waterfront uses.

SMP provisions to be changed by the amendment as proposed: The following sections of the existing City SMP are proposed for change:

- SMP Section 4.4, Urban Maritime; Within the purpose and vision statements recognize the allowance of multifamily residential development
- SMP section 5.14: Residential Development. Recognize the allowance of multifamily residential development in the Urban Maritime Shoreline Environment.
- SMP table 5.1 (Shoreline Use Table) Recognize the permitting of multifamily residential development in the Urban Maritime Shoreline Environment

Amendment History, Review Process: The city indicates the proposed SMP amendments originated from a local planning process that began on September 16, 2014. Public hearings were conducted before the City Council on January 7, 2015, Planning Commission on November 4, 2014 and December 2 2014. A Public Workshop was held on September 16, 2014. Affidavits of publication provided by the City indicate notice of the hearing was published on January 2, 2015, and November 14, 2014 in the Everett Herald.

With passage of Resolution # 6814 on January 21, 2015, the City 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 May 1, 2014. Notice of the state comment period was distributed to state task force members and interested parties identified by the City on June 11, 2015, in compliance with the requirements of WAC 173-26-120. The state comment period began on June 19, 2015 and continued through July 10, 2015. No individuals or organizations submitted comments on the proposed amendment.

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 City 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).

Consistency with SEPA Requirements: The City submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Mitigated Determination of Non-Significance (DNS) that was published on September 26, 2014 for the proposed SMP amendment. Ecology did not comment on the MDNS.

Other Studies or Analyses supporting the SMP update: Ecology also reviewed the following reports, studies, map portfolios and data prepared for the City in support of the SMP amendment:

- *Exhibit #4 Shoreline Master Program Amendment Application*

Summary of Issues Raised During The Public Review Process:

Everett Public Process:

The City Everett received comments on proposed SMP amendment. Two citizens, The City of Everett Public Works and Fire Department, Snohomish PUD and the Everett Shoreline Coalition commented on the Waterfront Place project. Comments focused on emergency access, electrical system demands, water dependent and related use impacts, affordable housing and open space issues.

Ecology 21 day public comment period: No comments received.

Summary of Issues Identified by Ecology as Relevant To Its Decision:

No remaining issues.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City’s proposed SMP limited amendment, 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 amendment, 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 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 City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City 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 City 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 City has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City's 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.

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. Ecology approval of the proposed amendments with required changes is effective 14 days from Ecology's final action approving the amendment.