

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

SMP Submittal accepted December 21, 2016, Ordinance No. 3451-15.
Prepared by David Pater on June 20, 2016.

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 correcting shoreline environment designation mapping errors near the Port of Everett South Terminal facilities and consistency with the City Comprehensive Plan. 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 new shoreline environment designation mapping and location information concerning harbor lines and land use in the east waterway and west side of Naval Station Everett near the Port of Everett South Terminal facilities. The City SMP was comprehensively updated and approved by Ecology in 2003. It was last amended in September 2015.

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

- SMP Section 4.3, Urban Deep Water Port; within the “Area Designated” section a detailed geographic description of designated shoreline has been added and the previous general description deleted. Item 12 has been added to clarify shoreline environment mapping south of the Port of Everett South Terminal facility.
- SMP section 4.14: Aquatic Conservancy; within the “Area Designated” section, a clarification is added about the salmon overlay mapping units.
- SMP Shoreline Environment Designation mapping figures 4.1, 4.2, 4.3, 4.10, 4.16, and 4.23 have been revised to address the shoreline designation boundary adjustments adjacent to the Port of Everett South Terminal facility.

Amendment History, Review Process: The city indicates the proposed SMP amendments originated from a local planning process that began on November 4, 2014. Public hearings were conducted before the City Council on October 7, 2015, Planning Commission on December 2, 2014 and December 2, 2014. A Public Workshop was held on November 4, 2014. Affidavits of publication provided by the City indicate notice of public hearings was published on September 23, 2015 and October 31, 2014, and a Planning Commission workshop on October 31, 2014 in the Everett Herald.

With passage of City Ordinance No. 3451-15 on October 7, 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 December 21, 2015. Notice of the state comment period was distributed to state task force members and interested parties identified by the City on February 9, 2016, in compliance with the requirements of WAC 173-26-120. The state comment period began on February 16, 2015 and continued through March 17, 2016. Four citizens 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 Determination of Non-Significance (DNS) that was published on October 31, 2014 for the proposed SMP amendment. Ecology did not comment on the DNS.

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 #2 Proposed Amendment*
- *Existing SED Maps*
- *Proposed SED Maps*

Summary of Issues Raised During The Public Review Process:

City of Everett Public Process:

The City received comments on proposed SMP amendment from two citizens who commented on shoreline environment designation changes. Comments focused on maintaining access to Edgewater Beach.

City of Everett Response: The City is working with the City of Mukilteo and Washington State Ferries to enhance access to the beach as part of the waterfront development. The beach improvements were originally a shoreline permit condition for the Port of Everett to construct a barge pier.

Ecology 30 Day Public Comment Period:

Ecology received a total of nine comments from four Everett citizens. Comments focused on maintaining public access to Pigeon Creek beach and tidelands and Port of Everett facilities expansion impacts.

City of Everett Response: There will be no change to shoreline public access. The public will continue to be able to access and walk along the beach area. The public beach will continue to be accessible via the paved pathway from the north adjacent to the railroad tracks and from the water with a kayak or

canoe. This SMP amendment is a non-project action that will not directly result in development or impacts. Additional SEPA and environmental review will be required for any future project impacts.

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

Ecology has not identified remaining issues that have not been already addressed by the City.

CONCLUSIONS OF LAW

After reviewing 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).

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 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 amendment updating the SMP, is consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules. Ecology approval of the proposed amendment is effective 14 days from Ecology's final action approving the amendment.