ATTACHMENT A: FINDINGS AND CONCLUSIONS ADDENDUM FOR PROPOSED COMPREHENSIVE AMENDMENT TO THE CITY OF NORTH BEND SHORELINE MASTER PROGRAM

SMP Changes, accepted as passed, in Ordinance No. 1476
Prepared by David Pater on December 12, 2012

Brief Description of Proposed Amendment:

The City of North Bend has submitted to Ecology a comprehensive amendment to their Shoreline Master Program (SMP). On August 2, 2012, Department of Ecology Director Ted Sturdevant sent an Approved with Conditions letter to Mayor Kenneth Hearing. The City responded in a letter dated December 13, 2012 with alternative language for required change #1 concerning the Profile of Shoreline Jurisdiction Section in the SMP. The city accepted all other required changes.

FINDINGS OF FACT

Alternative Language for Shoreline: Ecology reviewed the City’s alternative language for required change number one and found the alternatives are consistent with the Shoreline Management Act and the intent of Ecology’s original requested change to clarify shoreline jurisdiction more consistent with RCW 90.58.030 (2) (b). The proposed strikeout language duplicates the additional new language concerning FEMA FIRM map referencing. Concerning the additional text; the City did an extensive amount of inventory for shoreline conditions which included an assessment of shoreline jurisdiction, appendix A within the Shoreline Analysis Report for the City of North Bend Shorelines: South Fork and Middle Fork Snoqualmie River (January 2011). This assessment included a detailed discussion on the Silver Creek area. Ecology agreed with the City’s assessment that the flow paths in Silver Creek related to Snoqualmie River flood events occur with only low-frequency events (e.g., not with the 10-year or 20-year events) and therefore is outside of the range of “reasonable regularity” and not considered floodway for shoreline jurisdiction purposes. The City will continue to apply all appropriate elements of its critical areas regulations to the Silver Creek area.

CONCLUSIONS OF LAW

Consistent with RCW 90.58.090(2)(e)(ii), the City’s proposed alternative language for Shoreline Jurisdiction is consistent with the Shoreline Management Act and the purpose and intent of Ecology’s original requested change. Therefore, Ecology accepts the city’s alternative clarifying language.

DECISION AND EFFECTIVE DATE

Ecology approval of the City’s proposed comprehensive SMP amendment, Ordinance 814, is effective 14 days from the date of the Ecology Director’s letter accepting the changes of Ordinance 814.

Attachments: SMP Review Router
City of North Bend December 13, 2012 response letter