

**ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED COMPREHENSIVE SHORELINE MASTER PROGRAM
BY THE CITY OF SEDRO-WOOLLEY**

SMP Submittal accepted December 1, 2014, Resolution No.890-13
Prepared by Bob Fritzen on February 12, 2015

Brief Description of Proposed Submittal:

The City has submitted to Ecology for approval, a comprehensive Shoreline Master Program (SMP) to comply with Shoreline Management Act (SMA) and SMP Guidelines requirements. The master program submittal contains locally tailored shoreline management policies, regulations, environment designation maps, administrative provisions, restoration plan and critical area protection. Additional reports and supporting information and analyses noted below, are included in the submittal.

FINDINGS OF FACT

Need for submittal. The proposed submittal is needed to comply with the statutory deadline for a comprehensive update of the City's local Shoreline Master Program pursuant to RCW 90.58.080 and 100. This amendment is also needed for compliance with the planning and procedural requirements of the SMP Guidelines contained in WAC 173-26 and 27. The State has never approved a SMP for the City. In the mid 1980's the City annexed the land which is now in shoreline jurisdiction although it is possible there already were associated wetlands within city limits. In the 2005 critical area ordinance, the City references the County's SMP as a regulatory document.

Amendment History, Review Process: The city indicates the proposed SMP amendments originated from a local planning process that began in August of 2011. Documents submitted by the City state that nine public meetings and three public hearings were held. Resolution 890-13 approving adoption of the SMP occurred on October 9, 2013.

The proposed SMP amendments were received by Ecology for state review and verified as complete on December 1, 2014. Notice of the state comment period was distributed to state task force members and interested parties identified by the City December 8, 2014. In compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on December 19, 2014 and continued through January 23, 2015. Ecology determined that a public hearing was not necessary. No comments were received.

Consistency with Chapter 90.58 RCW: The proposed SMP 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 approval of their SMP contained in RCW 90.58.090(1) and (2).

Consistency with "applicable guidelines" (Chapter 173-26 WAC, Part III): The proposed SMP 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). This included review of a SMP Submittal Checklist, which was completed by the City.

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) for the proposed

SMP amendments on November 5, 2013. Notice of the SEPA determination was published in the Skagit Valley Herald on November 5, 2013. 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:

These supporting documents include:

- Preliminary Assessment of Shoreline Jurisdiction – July 2011
- Public Participation Plan – July 2011
- Shoreline Characterization and Analysis & Cumulative Impacts – Final May 2013
- Submittal Checklist

Summary of Issues Raised During the Public Review Process: The City's SMP adoption process was not contentious in any way. There were no comments received during the local or state process. Most of shoreline jurisdiction is a City Park.

Summary of Issues Identified by Ecology as Relevant to its Decision: There were no issues raised by Ecology.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City's proposed comprehensive SMP submittal, subject to and including Ecology's required changes (itemized in Attachment B), 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, subject to required changes, 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 also concludes that a separate set of recommended changes to the submittal (identified during the review process and itemized in Attachment C) would be consistent with SMA policy and the guidelines and would be beneficial to SMP implementation. These changes are not required, but can, if accepted by the City, be included in Ecology's approved SMP amendments.

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 development process.

Ecology concludes that the City has complied with the purpose and intent of the local 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 comprehensive SMP 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 programs as set forth in RCW 90.58.090 and WAC 173-26-120.

Ecology concludes that the City has chosen not to exercise its option pursuant to RCW 90.58.030(2)(d)(i) to increase shoreline jurisdiction to include areas of the floodplain beyond 200 feet of floodway.

Ecology concludes that the City has chosen not to exercise its option pursuant to RCW 90.58.030(2)(d)(ii) to increase shoreline jurisdiction to include buffer areas of critical areas within shorelines of the state. Therefore, as required by RCW 36.70A.480(6), for those designated critical areas with buffers that extend beyond SMA jurisdiction, the critical area and its associated buffer shall continue to be regulated by the City's critical areas ordinance. In such cases, the SMP shall also continue to apply to the designated critical area, but not the portion of the buffer area that lies outside of SMA jurisdiction. All remaining designated critical areas (with buffers NOT extending beyond SMA jurisdiction) and their buffer areas shall be regulated solely by the SMP.

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, once required changes set forth in Attachment B are approved by the City. Ecology approval of the proposed amendments with required changes is effective 14 days from Ecology's final action approving the amendment.

As provided in RCW 90.58.090(2)(e)(ii) the City may choose to submit an alternative to the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final. Approval of the SMP and proposed alternatives is effective 14 days from Ecology's final action approving the alternatives.