

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

SMP Submittal accepted July 26, 2016 Ordinance No.670
Prepared by Michelle McConnell on September 7, 2016

Brief Description of Proposed Amendment:

The City of University Place 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. The amended SMP contains changes to reflect the City's recently updated Critical Areas Ordinance (CAO), which is incorporated by reference as part of the SMP. 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 for the SMP to accurately reflect the updated CAO, which is incorporated by reference to meet SMA and SMP Guideline requirements. The CAO was updated to comply with the state-mandated periodic review under the Growth Management Act. The City's SMP was comprehensively updated in April 2015.

SMP provisions to be changed by the amendment as proposed:

The following sections of the existing City CAO, which is adopted by reference into the SMP, were updated (specific changes are detailed in Attachment A, Exhibit 1):

University Place Municipal Code (UPMC), Title 17, Section 15.055 from subsection B to subsection D.7.b addressing geologically hazardous areas; and
UPMC Title 17, at Section 10.10, and at Section 35.020 to .045 addressing wetlands.

The following sections of the City's SMP, were amended (specific changes are detailed in Attachment A, Exhibit 2):

UPMC Title 18 at Section 15.100 to .110 addressing penalties and enforcement; and
UPMC Title 18 at Section 25.070, subsections D.1 to D.5.e addressing ecological protection and mitigation.

Amendment History, Review Process: The City indicates the proposed SMP amendments originated from a local planning process that began on February 25, 2016. The record shows that a public hearing before the Planning Commission was held on March 16, 2016. Affidavits of publication provided by the City indicate notice of the hearing was published in the *Tacoma News Tribune* on February 25, 2016.

With passage of Resolution #670, on June 20, 2016, 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 July 26, 2016. Notice of the state comment period was distributed to state task force members and

interested parties identified by the City on August 2, 2016, in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on August 17 and continued through September 1, 2016. On July 28, 2016, notice of the public comment period was posted on Ecology's website and was further publicized in an Ecology blog posting on August 18; interested parties were notified by US Mail. No individuals nor 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). 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 February 25, 2016. Notice of the SEPA determination was published in the *Tacoma News Tribune* on February 25, 2016. Ecology did not comment on the DNS.

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

- March 16, 2016 Staff Report to the University Place Planning Commission

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted, Ecology concludes that the City's proposed SMP 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 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 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 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 SMP amendment is consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules, Ecology's approval of the proposed amendments is effective 14 days from the date of the Director's letter of approval.