

**ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED COMPREHENSIVE UPDATE TO THE CITY OF WOODLAND
SHORELINE MASTER PROGRAM**

SMP Submittal accepted July 29, 2015, Resolution No. 658
Prepared by Joe Burcar and Sarah Cassal – May 12, 2016

Brief Description of Proposed Amendment:

The City of Woodland has submitted to Ecology for review and approval, a comprehensive update to its Shoreline Master Program (SMP) to comply with Shoreline Management Act (SMA) and SMP Guidelines requirements. The updated master program contains locally tailored shoreline management policies, regulations, environment designation maps and administrative provisions, as well as regulations protecting critical areas embedded as Appendix C of the SMP. Additional reports and supporting information and analyses as noted below, are included in the submittal.

FINDINGS OF FACT

Need for amendment. The proposed amendment is needed to comply with the statutory deadline for a comprehensive update of the City's 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 original SMP was approved by Ecology in 1977. That SMP was written as a regional program that applied to shoreline areas across all of Cowlitz County and the cities within. That SMP has not been amended or comprehensively updated since. This SMP update is also needed to address land use changes that have occurred along the City's shorelines over the past 30-plus years and to provide consistency between the updated SMP and the environmental protection and land use practices in the City's Critical Areas Ordinances and Comprehensive Plan.

This comprehensive SMP update is intended to entirely replace the City's existing SMP. The updated SMP regulates shorelines along a mile of the Lewis River and a portion (southeastern quadrant) of Horseshoe Lake within the City's Urban Growth Boundaries.

Amendment History, Review Process: The City indicates the proposed SMP amendments originated from a regional planning process that began in the fall of 2011. Cowlitz County and its municipalities, with the exception of the City of Longview, entered into the Cowlitz County Partnership through an inter-local agreement for the purposes of developing updated SMP's across the region.

Resolution #658 documents the fact that community involvement and public outreach related to the SMP update was followed throughout the update process consistent with the City's Public Involvement Plan dated June of 2012. According to the plan, the City focused involvement (including a specific strategy) for involving the following groups into the update process:

- **Key Stakeholders:** defined as any person/group with direct interest in the City's SMP update.
- **Technical Advisory Committee:** technical experts or resources that may contribute specialized or unique knowledge to the SMP review process.
- **General Public:** all other citizens and/or interested parties

Based on these categories, the City coordinated with each of the three groups either through meetings, notice, or direct contact. According to their Public Involvement Plan, the City facilitated six technical advisory committee meetings, two open houses, and a public hearing prior to local adoption of the SMP.

Consistent with the process described in the City's Public Participation Plan, the City's Planning Commission held a series of SMP-update workshops on August 21, September 18 and October 14, 2014. In December of 2014, the City produced a draft program that incorporated feedback from the SMP workshops. This initial draft was also provided to Ecology for review and comment. Following revisions to the initial draft, the City filed a Growth Management Act 60-day notice of intent to adopt for the updated SMP on March 19, 2015. In addition, the City also issued a SEPA determination and notice of public hearing for the updated SMP on March 27, 2015. As a part of this notice the City made copies of the updated SMP available to interested parties and also sent a notification postcard to all property owners within 200-feet of either Horseshoe Lake or segments of the Lewis River characterized as shorelines of statewide significance.

The City then held an open house for the proposed SMP on May 7, 2015. On May 28, 2015, the City's Planning Commission held a formal public hearing on the update, for which no public testimony was provided. Following the close of the public hearing and based on consideration of written comments received on the draft SMP, the Planning Commission forwarded the updated SMP onto the City Council with a recommendation to locally adopt the program. At an open public meeting on June 15, 2015, the City Council adopted Resolution No. 658, authorizing City staff to forward the proposed amendments to Ecology for formal review.

The proposed SMP amendments were received by Ecology for state review and verified as complete in a letter sent to the City on July 29, 2015. Notice of the state comment period was distributed to interested parties identified by the City with postcards on August 25, 2015, in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on September 1, 2015 and continued through October 1, 2015. One organization, the Consolidated Diking Improvement District No.2, submitted comments on the proposed comprehensive amendment. No other comments were received. Following the close of the comment period, Ecology summarized the comments and forwarded them on to the City for response. A summary of comments and the City's response can be found as **Attachment D** to this letter.

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.

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 March 27, 2015. 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:

- *a June 2012 public participation plan,*
- *a May 2014 shoreline analysis report,*
- *a June 2015 cumulative impacts analysis,*
- *a June 2015 no net loss report, and*
- *a April 2015 restoration plan*

Summary of Issues Raised During The Public Review Process: As detailed in Attachment D, Ecology only received comments from one interested party. The Consolidated Diking Improvement District No. 2 of Cowlitz County (CDID No. 2) submitted comments related to flood protection maintenance of existing dikes within their district. Specifically, CDID No. 2 raise concerns with SMP requirement related to: vegetation management, public access and design standards applicable to flood control structures. The City's response helped to clarify when and how SMP standards are intended to apply to work anticipated by the CDID. In general, maintenance of existing structures is recognized in the SMP and can be authorized by the City in a manner that should allow the District to continue to provide adequate flood protection. The City's response also appropriately acknowledges that new or expanded flood control structures should be designed/sited to avoid ecological impacts to the maximum extent possible. In regards to public access, the City's response reference criteria intended to help evaluate unavoidable hazards, or conflicts, when alternative forms of public access may be feasible. These alternatives will hopefully alleviate some of the general concerns voiced in CDID No.2's comments.

Summary of Issues Identified by Ecology as Relevant to Its Decision: Ecology provided the City with comprehensive comments on a final draft of the updated SMP dated April 27th, 2015, prior to local approval of the updated program. Within these comments, Ecology identified issues and made suggestions related to the following SMP topics: Definition of Shoreline Environment Designations, Critical Areas Ordinance integration, Agricultural use provisions, Boating Facility/Pier and Dock standards, and the City's no net loss of shoreline ecological functions analysis. The City responded to all the issues accepting most of Ecology's recommendations that were incorporated into a final version of the updated SMP adopted as part of Resolution #658. Changes identified in **Attachment B** (required) and **Attachment C** (recommended) incorporate remaining amendments that will ensure compliance with Ecology's previous review.

CONCLUSIONS OF LAW

After review of the complete record submitted and all comments received, Ecology concludes that the city's SMP proposal, subject to and including Ecology's required changes (itemized in **Attachment B**), is consistent with the policy and standards of RCW 90.58.020, RCW 90.58.090, RCW 36.70A.480, and the applicable SMP guidelines (WAC 173-26-171 through 251) as well as the definitions in WAC 173-26-020. Ecology concludes that the proposed SMP amendment, subject to the required changes in **Attachment B**, meet the intent of the provision for no net loss of shoreline ecological functions provided in WAC 173-26-201(2)(c).

Ecology concludes that recommended changes identified in **Attachment C** will be consistent with SMA policy and the Guidelines and be beneficial to SMP implementation. These changes are not required, but if accepted by the city can be included in Ecology's approved SMP amendment.

As stipulated in RCW 90.58.610, RCW 36.70A.480 governs the relationship between shoreline master programs and development regulations to protect critical areas that are adopted under chapter 36.70A RCW. Consistent with RCW 36.70A.480(4), Ecology concludes that that the proposed SMP amendment, subject to the required changes in **Attachment B**, meets the intent of the provision for providing a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

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 comprehensive SMP update 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.

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 updated 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 the policy of the Shoreline Management Act, the applicable Guidelines and implementing rules, once required changes set forth in **Attachment B** are accepted by the city.

As provided in RCW 90.58.090 (2)(e)(ii), the city may choose to submit an alternative to all or part of 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 action.

As provided in RCW 90.58.090(7), Ecology's final approval of the proposed amendment will become effective 14 days from the date of Ecology's written notice of final action.