ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED AMENDMENTS TO THE CITY OF CARNATION
SHORELINE MASTER PROGRAM

SMP Submittal Accepted: November 1, 2011, Resolution No. 368
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Brief Description of Proposed Amendments:
The City of Carnation is proposing a comprehensive update of its entire shoreline master program (SMP). The SMP update replaces the City’s 1974 shoreline master program currently in effect. Carnation’s shoreline consists of approximately two miles of freshwater shoreline, including: 1.5 miles of the Tolt River and .5 miles along the Snoqualmie River. Shoreline jurisdiction also includes significant floodways of both rivers. Current land use on the City’s shoreline is dominated by parks and natural areas, low intensity commercial and limited residential and industrial areas to lesser extent.

The SMP will become an element of the comprehensive plan upon Ecology approval. The critical area regulations are incorporated directly in the SMP as another code section under appendix A.

FINDINGS OF FACT

Need for Amendment: The proposed amendment is needed to update the shoreline master program (SMP) environment designations, policies and regulations which reflect the current level of environmental protection and land use management provided by city comprehensive plan elements, and other applicable city code. It also needs to meet the State Shoreline Master Program Guidelines (WAC 17-26) and comply with the statutory deadline for comprehensive update of the SMP (RCW 90.58.080).

Amendment History, Review Process: The proposed SMP update originated from a State Shoreline Master Program Update Grant that began in July 2009. The record shows that two SMP community workshops open to the public were held on September 28, 2010, and June 28, 2011. City staff also met individually with major shoreline property owners in September 2010 as part of the community visioning process. Four Planning Commission meetings were held from October 12, 2009 to July 26, 2011 and one public hearing on July 26, 2011. One City Council meeting and public hearing was held on September 6, 2011. Affidavits of publication provided by the City indicate notices of the hearings were published.

With passage of resolution No. 368, on September 6, 2011, the Carnation City Council approved the 2011 SMP Update and authorized staff to forward the proposed SMP update to Ecology for approval.

The proposed SMP amendments were received by Ecology for state review on October 18, 2011, and verified as complete on November 1, 2011. Notice of the State comment period was distributed to state task force members and interested parties identified by the
City of Carnation on November 21, 2011, in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on November 28, 2011 and continued through January 6, 2012. Ecology staff determined a public hearing was not necessary. No individual citizens or organizations submitted comments on the proposed SMP update.

Consistency with Chapter 90.58 RCW: The proposed comprehensive 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 (see above) of its compliance with SMA procedural requirements for amending an SMP contained in RCW 90.58.090.

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 -020 definitions). This included review of a SMP Submittal Checklist, which was completed by the City of Carnation.

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 for the proposed SMP amendment on June 30, 2011; notice of the SEPA determination was published in the Snoqualmie Valley Record on July 13, 2011. Ecology did not comment on the DNS.

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

These supporting documents include:
- an October 2009 public participation plan,
- a November 2010 shoreline visioning summary report
- a January 2011 shoreline inventory and characterization including a land use analysis,
- an October 2011 cumulative impacts analysis,
- an October 2011 No net loss report
- an August 2011 shoreline restoration plan

Summary of Ecologically Beneficial SMP Elements

Current SMP vs. Comprehensive SMP Update. The vintage 1974 SMP is 16 pages in length with minimal standards and only two shoreline environments (General & Rural). It only has a few general goals and policies and no specific use and modification policies. The current SMP lacks both a shoreline use and modification matrix and a development standards table. Conditional uses are also poorly defined. The 1974 SMP has no standards for the following uses and modifications: aquaculture, commercial, industrial, boating facilities, shoreline restoration. It also lacks general regulations for vegetation
conservation, archeological and cultural resources, environmental impacts and flood hazard reduction.

The 2011 SMP update has five designations that thoroughly recognize the existing ecological conditions and land uses. Shoreline use and modification policies and regulations are comprehensive. The more detailed standards focus on the more prevalent shoreline activities, such as recreation, commercial & industrial development, Agriculture, transportation and utilities. Flood hazard reduction and restoration are also important new SMP elements. The integration of the City critical areas regulations adds a much higher level of ecological protection that any SMP from the 1970’s significantly lacked.

Natural and Urban Conservancy Shoreline Environments:

Carnation is fortunate to have significant ecologically intact riparian shoreline on both rivers. The Tolt River has high quality riparian zones which the City proposes to protect under the natural environment. The Snoqualmie River shoreline intact riparian area tends to be limited to the immediate shoreline with agriculture making up the rest of the rivers Conservancy shoreline.

These two designations make up over 95 percent of the shoreline environments bordering the ordinary high water mark (OHWM) near both the Tolt and Snoqualmie Rivers. The SMP applies parallel shoreline designations to restrict the more intensive shoreline uses to shoreline areas 150 feet or more from the rivers. Large floodways and a setback levee significantly adds more shoreline area landward of defined floodways and levees. The Snoqualmie River Urban Conservancy Environment extends out over 700 feet from the river OHWM due to the floodway location. The fish and wildlife conservation area buffer extends 115 from the OHWM of the Snoqualmie River. The Tolt River natural environment fish and wild habitat buffer extends 100 feet landward of the FEMA floodway protecting a significant intact buffer. The natural environment designation is the most restrictive shoreline environment. Only low impact trails and restoration are permitted.

Shoreline Uses & Modifications:

The State SMP guidelines are significantly more restrictive than the 1974 SMP. The SMP is consistent with applicable aspects of the guidelines. Overall it provides excellent protection for existing ecological functions and restricts key uses and modifications. Residential moorage facilities are prohibited and public boating facilities require a conditional use permit. Dredging is restricted to shoreline restoration, water dependent uses and flood hazard reduction. In water fill is only permitted outright for shoreline restoration. A CUP is required for all other fill purposes. The Shoreline stabilization section is particularly well done and appropriately restrictive. A CUP is required for all stabilization projects. Established uses such as agriculture, residential and industrial are permitted outright within the appropriate shoreline environments. The SMP update also contains detailed policies and regulations on public access and vegetation conservation. These are two key management issues for Carnation given all the well established shoreline trails and access points and the extensive intact shoreline riparian areas.
Summary of Issues Raised During The Public Review Process:

No comments = no issues.

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

All Ecology draft SMP comments have been addressed. Ecology NWRO planning staff have no remaining issues.

A few minor issues came out of the Ecology management review concerning SMP jurisdiction, mapping errors and definitions. These issues have been discussed with Carnation Planning staff and they anticipate no difficulty with City Council concurrence with the required SMP changes.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted, Ecology concludes that the City of Carnation’s SMP proposal including the required changes in attachment B are 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 the proposed SMP, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the new master program amendments (WAC 173-26-201(2)(c).

Consistent with RCW 90.58.090(4), Ecology concludes that those SMP segments relating to critical areas within Shoreline Management Act jurisdiction provide a level of protection at least equal to that provided by the Carnation’s existing critical areas ordinance and achieves no net loss of shoreline ecological functions.

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 of Carnation has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

Ecology concludes that the City of Carnation 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 of Carnation 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 of Carnation has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that the City of Carnation’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 WAC 173-26-120.

Ecology concludes that the City of Carnation has chosen not to exercise its option pursuant to RCW 90.58.030(2) (f) (ii) to increase shoreline jurisdiction to include buffer areas of all 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 SMP amendment including the required changes in attachment B are consistent with the policy of the Shoreline Management Act, the applicable guidelines and implementing rules. The proposed amendments are effective 14 days after Ecology’s final action approving the SMP Update.