

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

SMP Submittal accepted June 20, 2016, Resolution No. 2015-07  
Prepared by Sarah Cassal on August 31, 2016

**Brief Description of Proposed Amendment:**

The City of Castle Rock has submitted to Ecology for approval, a comprehensive update to their Shoreline Master Program (SMP) to comply with Shoreline Management Act (SMA) and SMP Guidelines requirements. The updated master program submittal contains locally tailored shoreline management policies, regulations, environment designation maps, administrative provisions, and a critical areas ordinance. 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 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 original City SMP was approved by Ecology in February 1978 and has never been amended. This SMP update is also needed to address land use changes that have occurred along the City's shorelines over the past 38 years and to provide consistency between the updated SMP and the environmental protection and land use management policies and practices provided by the City's Critical Areas Ordinance, Comprehensive Plan, and Flood Management Plan.

**Amendment History, Review Process:** The city indicates the proposed SMP amendments originated from a local planning process that began in June of 2011. Soon after, the Cowlitz County Partnership was formed between Castle Rock, Cowlitz County, Kalama, Woodland, and Kelso in order to work collaboratively on the SMP comprehensive update. The Cowlitz County Partnership worked together on the comprehensive update to share information and streamline the update process. The Partnership formed a technical advisory committee to provide expertise on the development of the SMP; generated regional background documents necessary for the comprehensive update; and, created a website to share documents and update progress with, and receive comments from, the public. The record shows that workshops for the Cowlitz County Partnership began in October 2012 and were held quarterly.

The record shows Castle Rock held a workshop open to the public on December 5, 2012. A public hearing before the City Council and Planning Commission was held on May 15, 2015. Affidavits of publication provided by the City indicate notice of the hearing was published on May 13, 2015.

With passage of Resolution # 2015-07, on June 22, 2015, 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 June 20, 2016. Notice of the state comment period was distributed to state task force members and interested parties identified by the City on July 19, 2016, in compliance with the requirements of WAC

173-26-120, and as follows: The state comment period began on July 25, 2016 and continued through August 24, 2016. No comment were received during the state public comment period.

**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 May 4, 2015. Notice of the SEPA determination was published in The Daily News on May 13, 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:

These supporting documents include:

- *a June 2012 public participation plan,*
- *a May 2014 shoreline inventory and characterization,*
- *a January 2015 restoration plan*
- *a March 2015 shoreline environment designation justification memo*
- *a June 2015 cumulative impacts analysis, and*
- *a June 2015 no net loss report.*

## CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted, Ecology concludes the City’s proposed comprehensive SMP update 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 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 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 Shoreline Management Act policy, the applicable guidelines and implementing rules. Ecology approval of the proposed amendments is effective 14 days from this letter.