ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED COMPREHENSIVE UPDATE TO THE CITY OF ENTIAT’s
SHORELINE MASTER PROGRAM

SMP Submittal accepted October 23, 2013, Ordinance No. 2012-387
Prepared by Clynda A. Case on January 29, 2013

Brief Description of Proposed Amendment:

The City of Entiat 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 and administrative provisions as part of the SMP. Ecology found that the critical areas protection standards found in Appendix A are at least equal to that provided by the local government’s existing critical areas ordinance (required by RCW 90.58.090(4) and shall provide a level of protection for those critical areas located in shoreline jurisdiction that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as (as required by RCW 36.70A.480(A)). 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 1975 and was last amended in 1983. The SMP has never been comprehensively updated. This SMP update is also needed to address land use changes that have occurred along the City’s shorelines over the past 30 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 and Comprehensive Plan.

SMP provisions to be changed by the amendment as proposed: This comprehensive SMP update is intended to entirely replace the City’s existing SMP.

Amendment History, Review Process: The city indicates the proposed SMP amendments originated from a local planning process that began on July 1, 2007. The record shows that several public planning commission meetings, as well as workshops open to the public were held on July 9, 2012, August 28, 2012, and a public hearing before the City Council was held on September 13, 2012. Affidavits of publication provided by the City indicate notice of the hearing was published on August 22, 2012.

With passage of Resolution #2012-387, on September 13, 2012, 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 October 23, 2012. Notice of the state comment period was distributed to state task force members and interested parties identified by the City on November 2, 2012, in compliance with the requirements
of WAC 173-26-120 and the comment period was as follows: The state comment period began on November 7, 2012 and continued through December 7, 2012. One individual submitted a comment on the proposed amendments. Ecology sent the written comment it received to the City on December 20, 2012. On January 4, 2012, the City submitted to Ecology its responses to issues raised during the state comment period. Ecology’s own responses to issues raised during the comment period are available as part of the SMP amendment process record.

**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. 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 July 6, 2012.

**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 April, 23, 2012 shoreline inventory and characterization,
- a July 29, 2011 cumulative impacts analysis,
- a July 29, 2011 Land use capacity analysis,
- a September 13, 2012 restoration plan

**Summary of Issues Identified by Ecology as Relevant To It’s Decision:**

Ecology’s review of the city’s policies and regulations revealed that light industrial uses were allowed within shoreline jurisdiction, yet industrial use policies and regulations had not been developed for the SMP. To remedy this situation, Ecology consulted with the city to clarify that the city wanted heavy industrial uses prohibited. Thus, the SMP needed to indicate that heavy industrial uses should be identified as prohibited in shoreline jurisdiction. Light industrial use policies and regulations were added to the SMP by combining light industrial use into the Commercial Use regulations already present in the SMP. A number of duplicate or slightly different definitions were found in the SMP and the Critical Areas Protection Standards found in Appendix A. Ecology reviewed each set of definitions, eliminated duplicates and ensured consistency between the existing definitions and those definitions provided in WAC 173-22, WAC 173-26, WAC 173-27 and RCW 90.58.

**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 update, 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.

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 City’s existing critical areas ordinance.

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)(f)(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, 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)(c)(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 updated SMP and proposed alternatives is effective 14 days from Ecology’s final action approving the alternatives.