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

SMP Submittal Accepted August 7, 2012, Resolution No. 701
Prepared by Tim Gates on October 19, 2012

Brief Description of Proposed Amendments:

The City of Roy (City) is proposing a comprehensive update of their Shoreline Master Program
(SMP) to meet the 2003 Shoreline Guidelines (WAC 173-26). This update includes changes to
existing shoreline environment designation maps, allowed uses, policies and regulations. The
City has elected to regulate only the minimum shoreline jurisdiction on Muck Lake and Muck
Creek, rather than the entire 100-year floodplain. The City is adopting its Critical Areas
Ordinance by reference as part of the updated SMP.

FINDINGS OF FACT

Need for Amendment: The City currently uses the Pierce County SMP. The proposed
amendment is needed to bring the City’s shoreline master program into compliance with the
2003 Shoreline Guidelines and to meet its statutory deadline. This update also addresses the
need for updated shoreline policies and regulations that are consistent with the City’s
Comprehensive Plan, zoning, critical areas and other applicable ordinances.

SMP Provisions To Be Changed By The Amendment As Proposed:

This is a comprehensive update to the SMP, designed to satisfy SMP Guidelines requirements
and replace the existing SMP in its entirety. The City has opted to regulate the minimum area of
shoreline jurisdiction, as authorized by RCW 90.58.030. Critical Area and floodplain regulations
will limit future development within 200 feet of the lake and 150 feet from the river. The
shoreline environment designation on the Lake is “Urban Conservancy” and “Shoreline
Residential” on Muck Creek. Areas below the ordinary high water mark are designated
“Aquatic.” Muck Creek has one public access site and no water-dependent uses other than bridge
crossings. Potential actions for future restoration were identified and evaluated in the Shoreline
Restoration Plan.

Amendment History, Review Process: The City initiated the proposed SMP amendment in July
2009 with technical assistance from consulting planners Jeff Boers and AHBL, Inc, with
financial assistance from an Ecology grant. The record shows that planning commission
meetings were held regularly starting December 15, 2009.
The following techniques were used to ensure the community had an opportunity to participate in
the SMP Update: public open houses on May 18, 2010, September 21, 2010 and February 15,
2011; posting information on the city website, publishing notice for public hearings, posting
announcements on the City Hall reader board, including notices in city-wide utility mailing, and
direct mail distribution to property owners located within shoreline jurisdiction as well as other

1 RCW 90.58.080
stakeholders. The city posted all materials that were provided to the Planning Commission and City Council on the website. Copies of draft reports were provided to Ecology and other interested parties for comment and review. A comment letter on the draft SMP was provided by the WA Department of Archaeology and Historic Preservation. Suggestions were incorporated into the final SMP.

A public hearing before the Planning Commission was held January 24, 2012. The affidavit of publication provided by the City indicates notice of the hearing was published on December 30, 2011; January 6 and 20, 2012 in the Nisqually Valley News. The City’s record indicates final Council action was taken on April 23, 2012. The City Council adopted the SMP through Resolution No. 701.

The proposed SMP amendment was received by Ecology for state review and verified as complete on August 7, 2012. Notice of the state comment period was distributed to state interested parties, and interested parties identified by the City, on September 6, 2012 in compliance with the requirements of WAC 173-26-120. The state comment period began on September 17, 2012 and continued through October 18, 2012. No individuals or 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).

**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.

**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 amendments on March 2, 2012. No comments or appeals were received challenging the adequacy of 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 SMP amendment:

- Public participation plan (November, 2009)
- Shoreline inventory and characterization (July 2010)
- Cumulative impacts analysis (August 2011)
- Restoration plan (January 2012)

**Summary of Issues Raised During The Public Review Process:** The City’s SMP amendment drafting/public review process was not contentious. The SMP is tailored for City conditions. The city has previously used the Pierce County SMP.

**Summary of Issues Identified by Ecology as Relevant To Its Decision:**
Ecology provided suggested changes prior to local adoption, and all comments have been addressed satisfactorily.

CONCLUSIONS OF LAW
After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City’s SMP proposal 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 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)).

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 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 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 has chosen to exercise its option pursuant to RCW 90.58.030(2) to define shoreline jurisdiction as the minimum area authorized.

DECISION AND EFFECTIVE DATE
Based on the preceding, Ecology has determined the proposed comprehensive amendment is consistent with the policy of the Shoreline Management Act, the applicable guidelines and implementing rules. Ecology approval of the proposed amendment is effective fourteen (14) days from the date of the Department of Ecology's written notice of final approval.