ATTACHMENT A: FINDINGS AND CONCLUSIONS - ADDENDUM
FOR THE PROPOSED COMPREHENSIVE UPDATE TO THE CITY OF UNIVERSITY
PLACE SHORELINE MASTER PROGRAM

SMP changes accepted as outlined in letter dated March 20, 2015
Prepared by Chrissy Bailey on March 25, 2015

**Brief Description of Proposed Amendment:** The City of University Place (City) has submitted to the Department of Ecology (Ecology) for review and approval a comprehensive update to its Shoreline Master Program (SMP). The City locally adopted the updated SMP by Resolution No. 736 on October 21, 2013. Ecology accepted the City’s submittal as complete on March 26, 2014. On January 7, 2015, Ecology Director Maia Bellon sent a letter to Mayor Denise McCluskey, approving the SMP with conditions. The City responded in a letter dated March 20, 2015 indicating that the City Council accepted all required and recommended changes.

In its March 20, 2015 letter, the City proposed one change to the conditionally approved SMP to amend the definition of Fish and Wildlife Habitat (Conservation) Areas as it applies in shoreline jurisdiction. The Washington State Legislature clarified in 2012 in RCW 36.70A.030 (5) that “Fish and Wildlife Habitat Conservation Areas” do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company. The City intends to adopt this definition as part of its critical area amendments during summer 2015 under its GMA Periodic Update. The City’s proposed change would ensure the definitions of Fish and Wildlife Habitat (Conservation) Areas inside and outside of shoreline jurisdiction match and are consistent with statutory direction:

**Chapter 18.25.070 - Shoreline Ecological Protection and Mitigation**

**Section D - Regulations - Critical Areas**

**Subsection (5) -** Critical areas provisions that are not consistent with the SMA, Chapter 90.85 RCW, and supporting Washington Administrative Code chapters shall not apply in shoreline jurisdiction, as follows:

\[ g. \text{ In shoreline jurisdiction, Fish and Wildlife Habitat Areas as defined in UPMC 17.10.005 shall not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.} \]

**FINDINGS OF FACT**

The City Council accepted all required and recommended changes, and proposed additional/alternative language in the form of one clarifying provision. The additional language is outlined above (in underline format).

Ecology finds that the City’s proposed definition of Fish and Wildlife Habitat (Conservation) Areas is consistent with RCW 36.70A.030 (5). WAC 173-26-221 (2)(a)(ii) directs Ecology and local governments to refer to the definitions in RCW 36.70A.030 when considering what constitutes a critical area. Ecology finds that as a critical area as defined in RCW 36.70A.030, the management of
Fish and Wildlife Habitat Conservation Areas must be provided for in a shoreline master program when located within shorelines of the state as outlined in WAC 173-26-221 (2)(a).

CONCLUSIONS OF LAW

Chapter 18.25.070, Section D (Regulations - Critical Areas), Subsection 5: The alternative language (revised definition of Fish and Wildlife Habitat Areas) remains consistent with WAC 173-26, the Shoreline Management Act, and the scope of the original submittal.

Ecology concludes that consistent with RCW 90.58.090(2)(e)(ii), University Place’s proposed alternative language provided herein and in the addendum to attachment C is consistent with the Shoreline Management Act, the SMP Guidelines (WAC 173-26) and does not conflict with the purpose or intent of Ecology’s original changes identified in Director Bellon’s letter, including all attachments, of January 7, 2015.

Ecology concludes that the alternative/clarifying language is not likely to result in a net loss of shoreline ecological functions when considering implementation of the new updated master program as a whole - WAC 173-26-201(2)(c).

DECISION AND EFFECTIVE DATE

Ecology approval of University Place’s comprehensively updated SMP is effective fourteen (14) days from the date of the Ecology Director’s letter accepting the City’s alternative language.