ATTACHMENT A: FINDINGS AND CONCLUSIONS 
FOR PROPOSED COMPREHENSIVE UPDATE TO THE TOWN OF WOODWAY 
SHORELINE MASTER PROGRAM

SMP Submittal August 31, 2012, Resolution No. 11-02
Prepared by Bobbak Talebi on April 4, 2013

Brief Description of Proposed Amendment:

The Town of Woodway 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. This update replaces the Town’s 2001 shoreline master program currently in effect. The updated master program submittal contains locally tailored shoreline management policies, regulations, environment designation maps, administrative provisions as well as critical areas regulation directly incorporated as part of the SMP. 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 Town’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 Town’s first SMP was approved by Ecology in 2001 and has not been comprehensively amended since that time. This SMP update is also needed to address land use changes that have occurred along the Town’s shorelines over the past 11 years and to provide consistency between the updated SMP and the environmental protection and land use management policies and practices provided by the Town’s 2009 Critical Areas Ordinance, Comprehensive Plan, Tree Preservation Code, and Stormwater Management and Drainage Design.

Key Elements of the New SMP:
Because the Town adopted its first SMP in 2001, and the existing shoreline conditions, there are no substantial alterations beyond the inclusion of the Point Wells shoreline planning area. The Town of Woodway has not annexed Point Wells, however, in accordance with WAC 173-26-150, cities and towns planning under the Growth Management Act, chapter 36.70A RCW, may within adopted urban growth areas predesignate environments on shoreline located outside of existing city boundaries.

Amendment History, Review Process:
The Town indicates the proposed SMP amendments originated from a local planning process that began on September 14, 2009. The record shows that the Planning Commission reviewed and approved a Public Participation Plan in December 2009, and workshops open to the public were held in March and April of 2010. Between June 2010 and October 2011, the Planning Commission conducted nine work sessions in which they reviewed and discussed the inventory and analysis of the shoreline conditions, proposed environmental shoreline designations, general goals, policies, regulations, and administrative provisions sections of the SMP. In September 2011, Town staff received notification from Ecology that the draft SMP should be modified, from which the Planning Commission completed its review of the draft SMP, and accepted the final Restoration Plan and
Cumulative Impacts Analysis in October 2011. A hearing for the SMP before the Planning Commission was held on December 7, 2011, Affidavits of publication provided by the Town indicate notice of the hearing was published on November 22, 2011, in the Everett Herald.

In February 2012, the Woodway Town Council passed a resolution (11-02) of intent to adopt a previous version of the SMP, dated November 2011, following Ecology approval. However, as a result of additional revisions requested by Ecology after the resolution was passed, the Town Administrator was required to submit a letter with the final SMP submittal which acknowledged the additional changes made to the materials. The letter was included in the final submittal packet.

The proposed SMP amendments were received by Ecology for state review and verified as complete on September 14, 2012. Notice of the state comment period was distributed to state task force members and interested parties identified by the Town on November 1, 2012, in compliance with the requirements of WAC 173-26-120, and as follows: The state comment period began on November 5, 2012 and continued through December 7, 2012. On November 5, 2012, Ecology had the notice of the public comment period published in the Everett Herald, the Town's official newspaper of record. Two public comments were received by individuals or organizations on the proposed amendments. Ecology sent all oral and written comments it received to the Town on December 11, 2012. On January 8, 2013, the Town 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 Town 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). Ecology specifically reviewed the proposed SMP policies, regulations and environment designations for compliance with guidelines requirements. This also included review of a SMP Submittal Checklist, which was completed by the Town.

**Consistency with SEPA Requirements:**
The Town 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 October 30, 2011. Notice of the SEPA determination was published in the Everett Herald on March 1, 2013, and no comments on the DNS were received.

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

These supporting documents include:

- December 2009 Public Participation Plan,
- December 2010 Shoreline Inventory and Characterization Report,
August 2012 Cumulative Impacts Assessment,
January 2012 No Net Loss Report, and
August 2012 Restoration Plan

Summary of Issues Raised During The Public Review Process:
Two public comments were submitted during the November 5 through December 7, 2012, public
comment period. The first was submitted by the Department of Archaeology and Historic Preservation
letter summarizing the comments was sent to the Town on December 11, 2012, and a response was
received January 8, 2012. The Town worked with the parties of record, and addressed all of their
concerns.

Summary of Issues Identified by Ecology as Relevant To It’s Decision:
There were no relevant issues beyond what the record shows for the Town of Woodway’s SMP update.

CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the Town’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 Town, 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 Town’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 Town has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

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

Ecology concludes that the Town'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 Town 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 Town’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 Town. 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)(e)(ii) the Town 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 alternative/s is effective 14 days from Ecology’s final action approving the alternative/s.