Brief Description of Proposed Amendment
The City of Issaquah (City) is undergoing a statutorily required periodic review of their Shoreline Master Program (SMP) and has submitted an amendment to Ecology for approval. As part of this review, the City chose to utilize the joint review process set forth in WAC 173-26-104. As part of this process on August 12, 2019, per WAC 173-26-104(3)(b), Ecology provided the City with an initial determination of consistency, confirming the City’s review and amendment to their SMP are aligned with the policy of the Shoreline Management Act (SMA) and applicable rules. The City’s final adopted ordinance incorporated all our required and recommended changes provided as part of the initial determination.

FINDINGS OF FACT

Need for amendment
The City’s comprehensive update to their SMP went into effect in 2013. The proposed amendments are needed to comply with the statutory deadline for a periodic review of the SMP pursuant to RCW 90.58.080(4). The City has also updated its comprehensive plan and developed sub-area plans since the current SMP went into effect.

The City prepared a checklist and an analysis that documents proposed SMP amendment. The amendment brings the SMP into compliance with requirements of the act or state rules that have been added or changed since the City completed their SMP comprehensive update, ensure the SMP remains consistent with amended comprehensive plans and regulations, and incorporate amendments deemed necessary to reflect changed circumstances, new information, or improved data.

SMP provisions to be changed by the amendment as proposed
Issaquah’s SMP is a standalone document containing goals, policies, and regulations. The Official Shoreline Designation Map is shown in Figure 1 and 2 of the SMP. Relevant portions of the City’s critical areas ordinance are incorporated into the SMP and included in Appendix A. The SMP regulates shoreline uses and development along Lake Washington, Issaquah Creek, and the East Fork Issaquah Creek.

In addition to changes identified on the periodic review checklist, the City made the following changes:

- Integrated updated references to the 2019 Parks Strategic Plan, Central Issaquah Plan, Creek Corridor and Green Necklace Plan, Stream and Riparian Areas Restoration Plan, and Lake Sammamish State Park Wetland Stream and Lakeshore Plan.
- Added “trails” as a use in the Use Matrix (Table 1) and added regulations for public access trails in the Residential Use section and the Public Recreational Use section.
- Updated density and side setback requirements to be consistent with underlying zoning.
- Updated the shoreline map in the SMP to show recently annexed areas (Figures 1 and 2).
• Added definitions for CERCLA, MTCA, nonconforming development, nonconforming lot, National Pollutant Discharge Elimination System, Permeable Pavement, Redevelopment, Skirting, Woody Species/Vegetation. Remove definitions for Launching Ramps and New Development.
• Incorporated a new goal for the Recreational Element.
• Added a requirement for peer review of application materials for new and expanded bulkheads on Lake Washington and new shoreline stabilization and flood control structures on Issaquah Creek. Added a requirement that shoreline stabilization assessments be completed by a coastal geologist.
• Cleaned up text in multiple locations to reduce confusion and improve implementation. This includes adding updated references to other municipal code chapters.
• Updated references to City departments and positions.

Amendment History, Review Process

The City prepared a public participation program in accordance with WAC 173-26-090(3)(a) to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines.

The City used Ecology’s periodic review checklist of legislative and rule amendments to review amendments to Chapter 90.58 RCW and department guidelines that have occurred since the SMP comprehensive update, and determine if local amendments were needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i). The City also reviewed changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them in accordance with WAC 173-26-090(3)(b)(ii). The City considered whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data in accordance with WAC 173-26-090(3)(b)(iii). The City consulted with Ecology and solicited comments throughout the review process.

The City prepared a State Environmental Policy Act (SEPA) checklist and issued a Determination of Non-Significance (DNS) under WAC 197-11-340(2) on May 10, 2019. Ecology did not comment on the DNS.

Joint local/state comment period under WAC 173-26-104

The City and Ecology held a joint local/state comment period on the proposed amendments following procedures outlined in WAC 173-26-104. The comment period began on May 10, 2019 and was initially scheduled to continue through June 10, 2019. The comment period was extended until June 13, 2019. A public hearing before the Planning Commission was held on May 23, 2019 and a second public hearing before the Planning Commission was held on June 13, 2019.

The City provided notice to local parties, including a statement that the hearings were intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii). Affidavits of publication provided by the City indicate notice of the hearing was published on May 10, 2019. Ecology distributed notice of the joint comment period to state interested parties on May 9, 2019. A separate notice and invitation to consult was sent on May 9, 2021 to the Muckleshoot Indian Tribe, the Puyallup Tribe, the Snoqualmie Tribe, and the Suquamish Tribe.

No comments were received on the proposed amendments.
Initial Determination of Consistency

As part of this review, the City chose to utilize the joint review process set forth in WAC 173-26-104. After the joint City-State comment period and hearing, the City submitted the proposed amendment to Ecology for initial review. Ecology is required under WAC 173-26-104(3)(b) to provide the City with an initial determination of consistency with the policy of the Shoreline Management Act (SMA) and applicable rules.

The proposed SMP amendments were received by Ecology on July 5, 2019 for initial state review and verified as complete on July 8, 2019. Upon an initial review, Ecology concluded that portions of the City’s amendment were not consistent with applicable laws and rules. On August 12, 2019 we provided a written statement to the City describing the specific areas of concern and changes necessary to ensure consistency with state requirements. We identified twelve (12) required changes to the draft amendment necessary for consistency with the SMA and the implementing guidelines. Issues identified were related to incorporation of the 2016 Critical Areas Ordinance, internal inconsistencies within the amended SMP, the need for corrections to the shoreline map to reflect recently annexed areas, corrections to SMP definitions, and adjustment to development standards applicable to joint-use dock proposals. We also identified eight (8) recommended changes for improved implementation of the SMP.

After review by Ecology of the complete initial record submitted by the City, Ecology determined that the City’s proposed amendments, subject to and including Ecology’s required changes, could be consider 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). We concluded that if the issues identified within our required and recommended changes were resolved prior to local adoption, we anticipated being able to approve this SMP Periodic Review amendment upon formal submittal per WAC 173-26-110.

Based upon this determination, Ecology advised the City to consider the issues we identified and changes proposed prior to local adoption. We further advised that if the identified required and recommended changes were accepted (i.e. incorporated into the SMP amendment) or issues identified were otherwise resolved prior to local adoption, we anticipated being able to approve the SMP Periodic Review amendment.

The City considered the changes identified in Ecology’s initial determination and incorporated all required and recommended changes into the SMP amendment prior to local adoption.

Final Submittal

With passage of Ordinance #2913, on August 3, 2020, the City authorized staff to forward the proposed amendments to Ecology for formal approval. The City submitted the amendments and Ecology verified the submittal as complete on January 28, 2021.

During our review of the submitted amendment, we noticed that the City did not change the shoreline designation map according to Ecology’s required change from the initial determination. Ecology confirmed that the City’s intent was to update the map in accordance with Ecology’s required change. The City indicated via email its preference to provide the updated maps prior to Ecology’s final action on the SMP amendment. We paused our review of the amendment to allow the City to fix the mapping error. The City submitted the updated maps on August 3, 2021. Ecology resumed its review at that time.
At the conclusion of our formal review, Ecology's Director must decide to approve the program as submitted, approve it with required changes and/or recommended changes, or deny approval.

Consistency Review

*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 includes review for compliance with the SMP amendment criteria found in WAC 173-26-201(1)(c) along with review of the SMP Periodic Review Checklist 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 10, 2019.

*Other Studies or Analyses supporting the SMP amendment*

Ecology also reviewed supporting documents prepared for the City in support of the SMP amendment. These documents include a public participation plan, a periodic review checklist, and a gap analysis.

**CONCLUSIONS OF LAW**

After review of the complete record submitted and all comments received, Ecology concludes that the City proposed amendments are 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).

Ecology concludes that the proposed amendments satisfy the criteria for approval of amendments found in WAC 173-26-201(1)(c). This includes the conclusion that approval of the SMP amendments will not foster uncoordinated and piecemeal development of the state’s shorelines (WAC 173-26-201(2)(c)(i)) and will assure that no net loss of shoreline ecological functions will result from implementation of the amended master program (WAC 173-26-201(2)(c)(iv) and WAC 173-26-186(8)).

Ecology concludes that those SMP segments relating to shorelines of statewide significance continue to 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 and WAC 173-26-104 regarding public and agency involvement in the SMP review and amendment process, including conducting open houses and public hearings, providing notice, consulting with parties of interest and soliciting 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 SMP submittal to Ecology was complete pursuant to the requirements of WAC 173-26-090, WAC 173-26-104, and WAC 173-26-110.

Ecology concludes that we have complied with our procedural requirements for review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-104, WAC 173-26-110, and WAC 173-26-120.

Ecology concludes that with this action the City has completed the required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26).

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed SMP periodic review amendment is consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules. Ecology approval of the proposed amendments is effective 14 days from Ecology’s final action approving the amendment.