

ATTACHMENT A: FINDINGS AND CONCLUSIONS CITY OF WOODLAND SHORELINE MASTER PROGRAM PERIODIC REVIEW AMENDMENT

SMP Submittal accepted July 26, 2021, Ordinance No. 1468
Prepared by Department of Ecology on August 16, 2021

Brief Description of Proposed Amendment

The City of Woodland (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 May 7, 2021, per WAC 173-26-104(3)(b), Ecology provided the City with an initial determination of consistency with the policy of the Shoreline Management Act (SMA) and applicable rules. As a result of this review, Ecology found the proposed SMP amendment consistent with the SMA and guideline requirements related to SMP periodic reviews and SMP amendment approvals. The City's final adopted ordinance, referenced above, is consistent with the draft amendment reviewed by Ecology as part of the initial determination.

FINDINGS OF FACT

Need for amendment

Woodland comprehensively updated their master program in August 2016. The proposed amendment is 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 proposed revisions to address changed local circumstances, new information and improved data.

SMP provisions to be changed by the amendment as proposed

The City prepared a checklist and an analysis documenting the proposed amendment. The amendment will bring the SMP into compliance with requirements of the Shoreline Management Act, or state rules that have been added or changed since the last SMP amendment, ensure the SMP remains consistent with amended comprehensive plans and regulations, and incorporate revisions deemed necessary to reflect changed circumstances, new information, or improved data. Locally initiated changes were limited and include additions of planning areas within the City's Urban Growth Boundaries to the shoreline environment designation map in anticipation of future annexations and mapping of the aquatic environment.

Woodland's SMP is a standalone document containing goals, policies and regulations. The SMP is considered an integral part of the City's Comprehensive Plan, with the regulations providing development standards within shoreline jurisdiction as part of the City's development regulations. The Shoreline Designation Map is located in Appendix A. Critical area regulations are in Appendix B. Woodland Municipal Code (WMC) Chapter 15.06 Shoreline Management adopts the SMP by reference.

The SMP regulates shoreline uses and activities within city limits along segments of the Lewis River and Horseshoe Lake.

The following amendments to the SMP are proposed for compliance with WAC 173-26-090(2)(c)(iii)(A) "To assure that the master program complies with applicable law and guidelines in effect at the time of the review" as identified from the periodic review checklist:

Chapter 2, Definitions

The following definitions are updated: "Development" and "Substantial development, shoreline."

Chapter 8, Shoreline Administration and Enforcement

The following changes are proposed:

- The addition of the 90-day timeline target for WSDOT projects, for compliance with RCW 47.01.485;
- The replacement of "receipt" with "filing" for compliance with RCW 90.58.140(6);
- The addition of section 8.15.3, Periodic Review, consistent with WAC 173-26-090; and,
- The addition of section 8.15.4, Optional Joint Review Process, consistent with WAC 173-26-104.

Appendix E, Exemptions from a Shoreline Substantial Development Permit

The following changes are proposed:

- The update of the shoreline substantial development exemption threshold to \$7,047;
- The update to the replacement threshold for freshwater docks;
- The addition of the exemption of for ADA retrofitting projects; and
- The addition of language identifying projects subject to WAC 173-27-044.

The following amendment to the SMP are proposed to reflect local circumstances:

Appendix A, Shoreline Environment Designations Map

The addition of new planning areas within the City's Urban Growth Boundaries, consistent with WAC 173-26-150;

In addition to the above changes the City is also proposing to update the Cover Page with a new effective date and City logo, update the Citation Page to identify the 2021 amendment and update the Acknowledgements Page to add in the community members that were instrumental to this amendment process.

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. An important element of the public participation plan is the City's SMP Periodic Review project [website](http://www.ci.woodland.wa.us/departments/planning/shoreline.php)¹. The city's website engaged the public with several different outreach materials including: an outreach video that provides an overview of the periodic review and showcases the shorelines of Woodland, and a survey to help identify areas of the update. Due to the COVID-19 pandemic, the City held public meetings in a virtual format using

¹ <http://www.ci.woodland.wa.us/departments/planning/shoreline.php>

GoToMeeting. The Planning Commission held remote meetings addressing this topic, beginning May 18, 2020 and continuing through March 18, 2021.

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 master program was last amended, 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 including opportunities to comment on draft materials in April 2020 and January 2021.

The record indicates the City completed a SEPA checklist and issued a Determination of Non-Significance (DNS) on November 24, 2020 for the proposed SMP amendment. Ecology did not comment on the DNS. On January 01, 2021, the Washington State Department of Commerce received the City's 60-day notice of intent to adopt².

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 February 3, 2021 and continued through March 8, 2021. A joint public hearing before the Planning Commission was held virtually via GoToMeeting on March 18, 2021.

The City provided notice to local parties, including a statement that the hearing was intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii). The City's record indicates notice of the hearing was published on February 3, 2021 in *The Reflector*.

Ecology distributed notice of the joint comment period to state interested parties on January 28, 2021. Separate notice, and an invitation to consult, was sent on January 28, 2021 to the Yakama Tribe, Cowlitz Indian Tribe and the Confederated Tribes of Grand Ronde.

The City accepted public comments on the proposed SMP amendments during the 30-day public comment period. On April 20, 2021, the City prepared a SMP periodic review comment response letter which included a summary of comments received and the City's responses. Several comments were received from interested citizens. The comments focused on the proposed changes to the Shoreline Environment Map. The city did not propose changes as a result of the comments received; however, the City did use the comments as an opportunity to have a dialogue with the commenters to discuss how the map affected property and the impacts of the periodic review on the shorelines and shorelands of Woodland.

Ecology has reviewed all the comments received during the joint review process along with the City's responses. Ecology finds the City's responses are consistent with the statutory obligations for conducting periodic reviews. The City considered whether to incorporate amendments to reflect changed circumstances, new information, or improved data, as provided or raised during the comment

² pursuant to RCW 36.70A.106 and WAC 173-26-104(2)(a)

period. Ecology concurs, that no additional amendments related to public comments are warranted at this time based upon the significance of this information and the existing SMP provisions.

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 local-state comment period and hearing, and consideration of the comments received, 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 April 23, 2021 for initial state review. The submittal was supplemented on April 27 and April 30, 2021, and verified as complete on May 4, 2021. This began Ecology's review and initial determination.

We provided the City a formal written statement documenting our initial determination.

Ecology considered the record, including comments received and the City's responses to these comments, and concluded the proposal was consistent with applicable laws and rules. Ecology prepared an initial determination that the amendment is consistent with the policy of the SMA and applicable guidelines. A written statement of initial concurrence was sent to the City of May 7, 2021. Based upon this determination, Ecology advised the City to proceed with local adoption of the proposed SMP amendment.

Final Submittal

With passage of Ordinance #1468, on June 7, 2021, the City authorized staff to forward the proposed amendments to Ecology for formal approval. The City's final submittal of the SMP amendment was received by Ecology verified complete on July 26, 2021.

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.

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 City has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

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

Ecology concludes that the City has complied with the purpose and intent of the amendment process requirements of RCW 90.58.130, WAC 173-26-090, and WAC 173-26-104 regarding public and agency involvement in the SMP review and amendment process, including conducting a public hearing, providing notice, consulting with parties of interest and soliciting 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 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 the state's procedural requirements for review and approval of shoreline master program amendments as set forth in RCW 90.58.090, 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 periodic review amendment is consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules. After review by Ecology of the complete record submitted and all comments received, Ecology has determined that the City's proposed amendments are consistent with the Shoreline Management Act policy and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions) and implementing rules. With this approval, Ecology affirms the City has completed the requirement for a periodic review under RCW 90.58.080(4). Ecology approval of the proposed amendment is effective 14 days from Ecology's final action approving the amendment.