

## Example Resolution for Shoreline Master Program Periodic Review: Findings of Fact and Adoption *for Findings of Adequacy*

### Introduction

*All cities and counties in Washington state are required to “review, and revise if necessary” their SMPs adopted under the Shoreline Management Act (see RCW 90.58.080(4)). A specific “legislative action” is required by each city and county to demonstrate the completion of this requirement.*

*This example includes optional language for **Findings of Adequacy** where the jurisdiction has determined no revisions are needed. The Findings are premised on the local government using the optional “joint review” process under WAC 173-26-104.*

*This document includes examples of findings that counties and cities could include in the final resolution adopted by a local government’s elected officials to complete this requirement.*

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION CONCERNING THE SHORELINE MASTER PROGRAM PERIODIC REVIEW REQUIRED BY RCW 90.58.080(4)

WHEREAS, the Shoreline Management Act (SMA) requires (name of jurisdiction) to develop and administer a Shoreline Master Program (SMP); and

WHEREAS, the (name of jurisdiction) adopted a comprehensive SMP update as required by RCW 90.58.080(2), which was effective as of (effective date of comprehensive SMP update);

WHEREAS, RCW 90.58.080(4) requires (name of jurisdiction) to periodically review and, if necessary, revise the master program on or before June 30, 20XX; and

WHEREAS, the review process is intended to bring the SMP into compliance with requirements of the 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 amendments deemed necessary to reflect changed circumstances, new information, or improved data; and

WHEREAS, (name of jurisdiction) developed a public participation program for this periodic review 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; and

WHEREAS, (name of jurisdiction) has followed its adopted public participation program, including (describe key components of the program, e.g., public workshops, website, comment periods, etc).

WHEREAS, the (name of jurisdiction) used Ecology's 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 are needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i); and

WHEREAS, the (name of jurisdiction) 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); and

WHEREAS, the (name of jurisdiction) 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); and

WHEREAS, the (name of jurisdiction) consulted with the Department of Ecology and solicited comments; and

*OPTION: If your jurisdiction held a hearing to obtain early public comments:*

WHEREAS, the (name of jurisdiction) Planning Commission held a public hearing on (date) at (location) to receive testimony on topics the public believed should be addressed during the periodic review; and

WHEREAS, the (name of jurisdiction) Planning Commission completed a review of staff recommendations and concurs with staff recommendations that no SMP amendments are necessary to maintain compliance with the Act or applicable guidelines; and

WHEREAS, the (name of jurisdiction) conducted a formal joint public comment period with the Department of Ecology in compliance with requirements of WAC 173-26-104; and

WHEREAS, the (name of jurisdiction) published a legal notice in (name of paper) on (date) for a public hearing on the proposed Planning Commission recommendation(s), including a statement that the hearings were intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii); and

WHEREAS, the Planning Commission took public testimony on the proposed Planning Commission recommendation(s) at a public hearing on (date) at (location); and

WHEREAS, the (name of jurisdiction) has determined that a Finding of Adequacy is exempt from State Environmental Policy Act review based on WAC 197-11-800(19), which covers resolutions or ordinances "relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment", or "text amendments resulting in no substantive changes respecting use or modification of the environment;" and

WHEREAS, the Planning Commission reviewed the public testimony and written comments, and

affirmed no amendments are needed to maintain compliance with the Act or applicable guidelines; and

WHEREAS, the (name of jurisdiction) provided Notice of Intent to Adopt to the Washington State Department of Commerce in accordance with WAC 173-26-100(5); and

WHEREAS, a Public Hearing Notice was posted in the (name of newspaper) on (date), and said notice was mailed to interested parties and to shoreline property owners; and

WHEREAS, the (Council/Commission) reviewed the record of Planning Commission review and affirmed no amendments are needed for compliance with the Act or applicable guidelines; and

WHEREAS, this completes the (name of jurisdiction) required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26).

NOW, THEREFORE, BE IT RESOLVED BY THE (Commission/Council) OF THE (name of jurisdiction):

**Section 1. Review and Evaluation.** The (Commission/Council) hereby finds that the review and evaluation required by RCW 90.58.080(4) have occurred, as described more particularly in the recitals above, and adopts a Finding of Adequacy that the shoreline master program is consistent with the Shoreline Management Act and relevant sections of the Washington Administration Code.

**Section 2. Submission to Department of Ecology.** The (planning directory or designee) is directed to submit this Resolution adopting Findings of Adequacy to the Department of Ecology for final action. Once approved by the Department of Ecology, no further action is necessary for compliance with RCW 90.58.080(4) for the periodic review update due on June 30, 20XX.