



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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October 16, 2019

The Honorable Will Hall  
City of Shoreline  
17500 Midvale Avenue N  
Shoreline, WA 98133

**Re: Final Ecology Approval of the City of Shoreline Shoreline Master Program Periodic Review Amendment**

Dear Mayor Hall:

The Department of Ecology (Ecology) is pleased to announce final approval of the City of Shoreline's (City) Shoreline Master Program (SMP) periodic review amendment. Ecology finds the City's program amendment consistent with the policy and procedural requirements of the Shoreline Management Act (RCW 90.58) and its implementing rules.

**Ecology approves the City's SMP amendment as submitted.**

The enclosed Attachment A, Findings and Conclusions document, provides more information about our decision. This is Ecology's final action and there will be no further modifications to the proposal.

The amendments adopted by this action conclude the City's periodic review under RCW 90.58.080(4). Ecology's approval affirms the amendments are consistent with the applicable provisions of the SMA and its implementing rules, including periodic review requirements of WAC 173-26-090.

The amended SMP is effective 14 days from the date of this letter. This time period was established by the state legislature and is intended to provide lead time for the City to prepare to implement the amended SMP.

Ecology is required to publish a newspaper notice that the City's SMP has received final approval. The publication of this notice, in the form of a legal ad, will begin a 60-day appeal period. We will provide a copy of the legal ad to the City for its records. Please send Ecology a final clean copy version of the complete approved SMP that incorporates the amendment changes.



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If you have any questions, please contact our SMA Policy Lead, Misty Blair, at (425) 649-4309 or [Misty.Blair@ecy.wa.gov](mailto:Misty.Blair@ecy.wa.gov).

Sincerely,

A handwritten signature in black ink that reads "Maia D. Bellon". The signature is written in a cursive style and is followed by a long horizontal line that extends to the right.

Maia D. Bellon

Director

Enclosure

By Certified Mail [9489 0090 0027 6081 4497 27]

cc: Nora Gierloff, City of Shoreline  
Carla Hoekzema, City of Shoreline  
Rachael Markle, City of Shoreline  
Jessica Simulcik-Smith, City of Shoreline  
Misty Blair, Ecology  
Joe Burcar, Ecology

**ATTACHMENT A: FINDINGS AND CONCLUSIONS  
FOR PROPOSED PERIODIC REVIEW OF THE CITY OF SHORELINE  
SHORELINE MASTER PROGRAM**

SMP Submittal accepted August 9, 2019, Ordinance No. 856  
Prepared by Department of Ecology on September 9, 2019

**Brief Description of Proposed Amendment**

The City of Shoreline has submitted Shoreline Master Program (SMP) amendments to Ecology for review to comply with periodic review requirements. The City proposes amendments to bring the SMP into compliance with requirements of the Act or State Rules that have been added or changed since the City's comprehensive SMP update. The City is also proposing updates to the critical areas provisions of the SMP, and miscellaneous amendments intended to improve the clarity, consistency, and administration of the SMP.

**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 City's Shoreline Master Program pursuant to RCW 90.58.080(4). The City has identified that this periodic review will result in amendments to the SMP to address updates to the Act or implementing State Rules, changed local circumstances, new information and improved data.

**SMP provisions to be changed by the amendment as proposed**

The City's proposed changes fall primarily into two categories: those required to incorporate changes in State law (RCW 90.58) or State rule (WAC 173-26 & WAC 173-27) and those locally initiated changes related to critical areas provisions, implementation, and "housekeeping."

The City filled out the Ecology SMP Periodic Review checklist to address requirements of the act or state rules that have been added or changed since the last SMP amendment. Those proposed changes along with the City's locally initiated proposed changes modify the following SMP sections:

**SMC Chapter 20.200 Shoreline Master Plan**

**SMC Chapter 20.210 Definitions**

**SMC Chapter 20.220 Administrative Procedures**

**SMC Chapter 20.230 General Policies and Regulations**

**SMC Chapter 20.240 SMP Critical Areas Regulations** - The City currently has wetland regulations embedded into the SMP and other critical areas regulations from Ordinance 398 (February 27, 2006) incorporated by reference. The City is proposing to strike these provisions and create SMP Section 20.240 - SMP Critical Areas Regulations to embed the necessary critical area provisions, based on their current 2015 CAO, directly into the Master Program.

**Shoreline Comprehensive Plan**

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### SMP Periodic Review - ATTACHMENT A: FINDINGS AND CONCLUSIONS

The following additional edits were made throughout the SMP:

- “as amended” was added to referenced RCWs and WACs to acknowledge future updates;
- Agency names, acronyms, and terms were adjusted for clarity and consistency

#### 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 executed this plan by hosting an open house, creating a web page, and initiating outreach to directly to shoreline property owners, neighboring jurisdictions and tribes.

The City 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 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 SMP Periodic Review and associated amendments were presented to and considered by the City’s Planning Commission on December 6, 2018, January 17, 2019 and February 21, 2019.

On March 1, 2019, the City issued a Non-Project Action SEPA Determination of Nonsignificance (DNS) in accordance with WAC 197-11-340(2).

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 March 1, 2019 and continued through April 4, 2019. A joint local/state public hearing was held on April 4, 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/County indicate notice of the hearing was published on March 1, 2019 in the Seattle Times.

Ecology distributed notice of the joint comment period to state interested parties on February 27, 2019.

No comments were submitted on the proposed amendments. The City Planning Commission unanimously passed the draft without changes on to City Council.

The City provided their initial submittal of the proposed SMP amendments to Ecology pursuant to WAC 173-26-104 via email on April 19, 2019. The initial submittal was determined complete on April 19, 2019. This began Ecology’s review and initial determination.

A written statement of initial concurrence was sent to the City on April 26, 2019. Ecology concluded the proposal was not entirely consistent with applicable laws and rules, and provided a written statement describing the specific areas of concern. This included a matrix of three (3) required changes and nine (9)

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recommended changes proposed to resolve the issues identified by Ecology. Issues identified were related to critical areas protections standards of the SMP.

The City proposed minor alternatives to required or recommended changes, which Ecology accepted because they met the same intent. All the issues identified by Ecology were addressed by the City and necessary changes were incorporated into the SMP amendment prior to local adoption.

With passage of Ordinance # 856, on June 20, 2019, the City authorized staff to forward the proposed amendments to Ecology for formal approval. The City's final submittal of amendments to the City of Shoreline SMP were received by Ecology via email on June 27, 2019 with additional materials submitted August 8, 2019. Therefore the submittal was determined complete on August 8, 2019.

#### Consistency with Chapter 90.58 RCW

The proposed amendments have 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 included 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, which was 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. Ecology did not comment on the DNS.

#### Other Studies or Analyses supporting the SMP amendment

Ecology also reviewed documents prepared for the City in support of the SMP amendment. These documents include a public participation plan, a periodic review checklist, Cumulative Impacts Analysis Technical Addendum prepared by ESA, dated March 2019, and staff reports prepared in preparation for local adoption.

## CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, we concludes that the City's 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). This includes a conclusion that approval of the SMP amendments 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) and WAC 173-26-186(8)).

Ecology concludes that the proposed amendments satisfy the criteria for approval of SMP amendments found in WAC 173-26-201(1)(c). This includes the conclusion that approval of the SMP amendment will

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**SMP Periodic Review - ATTACHMENT A: FINDINGS AND CONCLUSIONS**

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)).

Ecology concludes that those SMP segments relating to shorelines of statewide significance continue to provide 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 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's 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 State SMP amendment review and approval procedural requirements were complied with, 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 amendments are consistent with Shoreline Management Act policy, the applicable guidelines 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 amendments is effective 14 days from Ecology's final action approving the amendment.