

**ATTACHMENT A: FINDINGS AND CONCLUSIONS
FOR PROPOSED CITY OF ILWACO
SHORELINE MASTER PROGRAM**

SMP Submittal accepted March 27 2017, Resolution No. 2017-01
Prepared by Kim Van Zwalenburg – June 7, 2017

Brief Description of Proposed Amendment: The City of Ilwaco has submitted a comprehensive update to their Shoreline Master Program (SMP) for review and approval by the Department of Ecology (Ecology). The master program contains locally tailored shoreline management policies, regulations, an environment designation map and administrative provisions, as well as shoreline critical areas regulations in Appendix B of the SMP. Additional reports and supporting information and analyses as noted below are included in the submittal.

Need for amendment. The proposed amendment is needed to comply with the statutory deadline for a comprehensive update of the city's Shoreline Master Program pursuant to RCW 90.58.080 and 100. This SMP is also needed for compliance with the planning and procedural requirements of the SMP Guidelines contained in WAC 173-26 and 27.

SMP provisions to be changed by the amendment as proposed: The proposed updated SMP is intended to entirely replace the City's existing SMP, approved by Ecology in 1975. The SMP will regulate development and activities along approximately 8.2 miles of shoreline along the Columbia River (Baker Bay), Wallacut River, Black Lake and a small segment on the Pacific Ocean beach and waterward out to 3 nautical miles. The Columbia River and the Pacific Ocean are Shorelines of Statewide Significance.

The following elements outline key differences between Ilwaco's proposed SMP and the city's existing program:

Locally tailored: The city's existing SMP was a regional document adopted by Pacific County and all its cities. The proposed SMP is city-specific and has been tailored to existing conditions and local interests along Ilwaco's shorelines.

Extent of shoreline jurisdiction: Ilwaco's shoreline has increased over time through annexations. Along with the Baker Bay portion of the Columbia River and Black Lake, Ilwaco now includes segments along the Wallacut River and a small segment fronting the Pacific Ocean located just north of North Head Road and west of Willows Road. All the Pacific Ocean frontage is in state ownership (Washington State Parks and Recreation). The Official Shorelines Map (Appendix A) delineates the approximate extent of shoreline jurisdiction and the proposed shoreline environment designations.

Shoreline Environment Designations: The existing SMP has three environment designations – Urban, Rural, and Conservancy and most shorelines have parallel designations. The proposed SMP has five designations: Aquatic, and four upland designations: High Intensity, Shoreline Residential, Urban Conservancy and Natural. The Aquatic designation applies to all areas waterward of the OHWM. High Intensity includes the marina and the western shoreline of Black Lake both of which are extensively developed. Shoreline Residential is located along much of the Columbia River and Wallacut River shorelines. Natural is proposed along the Wallacut and Columbia River shorelines west of the airport. The Pacific Ocean shoreline and eastern shoreline of Black Lake are designated Urban Conservancy.

Development Standards: The existing SMP has only a few dimensional setback standards based on use, ranging from 10' to 30' in the Urban designation up to 100' in the Conservancy designation. The proposed SMP relies on buffers for shoreline riparian habitat set forth in Table B3-1 of the Shoreline Critical Areas regulations (Appendix B). Except in the developed marina area, these range from 50' to 200' with a 15' structural setback. The Port of Ilwaco marina is heavily developed and is designated High Intensity A with a 50' structural setback (0' for water dependent uses) from the OHWM.

General Provisions: The proposed SMP includes provisions, not included in the existing program, which address vegetation management, protection of critical areas and ecological functions, expanded provisions for archaeological, historic and cultural sites, and water quality.

Shoreline Modifications: Provisions addressing shoreline stabilization measures include a preference for soft approaches and a required demonstration of need, along with provisions to locate development to ensure future need is minimized.

Ocean Uses: A section that would implement the Ocean Resources Management Act is included. The city coordinated with Pacific County and the proposed policies and regulations are generally consistent across the two jurisdictions.

FINDINGS OF FACT

Amendment History, Local Review Process: The record shows the proposed SMP update local planning process began in late 2013 with the signing of a grant contract (# G1400373) with Ecology.

Consistent with the process described in the Public Participation Plan, the city held a public open house on November 20, 2014 to discuss the SMP update and to provide an opportunity for the community to participate in a visioning exercise. The Planning Commission was regularly updated throughout the process and functioned as the review body.

The record shows the City Council held a workshop on February 8, 2016 and a public hearing on May 9, 2016. The record indicates notice of the hearing was published on April 27, 2016 and May 4, 2016. At an open public meeting on February 13, 2017, the City Council adopted Resolution No. 2017-01, authorizing city staff to forward the proposed amendments to Ecology for formal review.

Documentation of Current Conditions: Documentation of current shoreline conditions is vital to achieving the no net loss of shoreline ecological functions goal of the state SMP Guidelines (WAC 173-26-186). To meet this requirement the city hired a consultant to produce the *Shoreline Analysis Report*, (January 2015). This report served as a basis for and informed development of the city's SMP, including environment designations, policies and use regulations.

According to the report approximately 8.2 miles of shoreline are within the city including approximately 173.5 acres of wetlands and 134 acres of associated salt marsh. The downtown core is largely developed with the Port of Ilwaco's 800-slip marina and associated facilities along with commercial and industrial activities. Shoreline modifications include jetties, bank armoring, docks and a dredge disposal site.

Much of the city's remaining shorelines are either undeveloped (Pacific Ocean) or lightly developed. The Columbia River shoreline, up and downstream of the port facilities, include significant tidal wetlands and largely intact riparian vegetation. The mouth of the Wallacut River is bounded by tidal marsh and includes areas of freshwater wetlands. Low density residential development occurs along the right bank of the Wallacut, and the left bank includes a significant forested wetland owned by the Columbia River Land Trust. A levee, running north-south along Stringtown Road separates this wetland area from the Ilwaco airport and a residential subdivision. Black Lake remains well vegetated and largely undeveloped along the eastern shoreline. The western shoreline has been impacted by Highway 101, the high school and other development.

***Finding:** Ecology finds that the Shoreline Analysis Report adequately inventoried and analyzed the current conditions of the shorelines located in Ilwaco. The report synthesized existing information and was used to inform the master program update as well as provide a basis for future protection and restoration opportunities in the city's shoreline jurisdiction (WAC 173-26-201(3)(c)).*

Cumulative Impacts Analysis: Local governments are directed to ensure SMPs contain policies and regulations that address cumulative impacts, including those resulting from exempt development, and fairly allocate the burden of addressing cumulative impacts of reasonably foreseeable future development. The *Cumulative Impacts Analysis* indicates development activities in the city are fairly slow. Many areas are publicly owned or encumbered by critical areas, including wetlands and floodplains, and the potential for development is relatively limited. The SMP includes protective provisions that will ensure no net loss.

***Finding:** Ecology finds that the city's Cumulative Impact Analysis (CIA) provides an accurate examination of anticipated development and potential effects to shoreline ecological functions per WAC 173-26-201(3)(d)(iii).*

Restoration Plan: Local governments are directed to identify restoration opportunities as part of the SMP update process and to include policies that promote restoration of impaired shoreline ecological functions (WAC 173-26-201 (2)(c) and (f)). Ilwaco developed a *Shoreline Restoration Plan* (September 2015), based on information gathered in the *Shoreline Analysis Report* and on existing salmon recovery efforts underway in the Columbia River system. The Restoration Plan identifies programmatic and site specific restoration opportunities including invasive species control, riparian habitat restoration, dike and tidegate removal to reconnect estuarine and floodplain areas. The plan also identifies potential opportunities for the city to partner with other organizations involved in restoration efforts. The city's SMP includes policies and regulations in Section 7.17 that permits and promotes restoration efforts and links restoration actions to the Restoration Plan.

***Finding:** Ecology finds that the city's Restoration Plan is based on appropriate technical information available during the SMP update and meets the requirements of WAC 173-26-201(2)(c) and (f).*

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 adopting their SMP contained in RCW 90.58.090(1) and (2).

Consistency with “applicable guidelines” (Chapter 173-26 WAC, Part III): The proposed SMP 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 of a SMP Submittal Checklist submitted to Ecology for review.

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 January 11, 2017. Notice was published in The Chinook Observer on January 11, 2017. Ecology did not comment on the DNS.

Studies or Analyses supporting the SMP update: Ecology reviewed the following reports, studies, map portfolios and data prepared for the city in support of the SMP development:

- *Public Participation Plan, December 2013*
- *Shoreline Analysis Report, January 2015*
- *Cumulative Impacts Analysis, February 2016*
- *No Net Loss report, February 2016*
- *Shoreline Restoration Plan, September 2015*

Ecology Review Process: The proposed SMP was received by Ecology for state review on February 24, 2017. Supplemental materials were received March 17, 2017 and the submittal was verified as complete in a letter sent to the City on March 27, 2017. Notice of the state comment period was distributed to state task force members and interested parties identified by the city on April 10, 2017, in compliance with the requirements of WAC 173-26-120. An article was also posted to Ecology’s Blog – ECOconnect on May 4, 2017. Three tribal governments: the Cowlitz, Shoalwater Bay and Yakama tribes were individually and specifically notified and invited to comment.

Notice of the comment period, including a description of the proposed SMP and the authority under which the action is proposed along with the manner in which interested persons may obtain copies and present their views was provided on Ecology’s website:

<http://www.ecy.wa.gov/programs/sea/shorelines/smp/mycomments/Ilwaco.html>

The state comment period began on April 25, 2017 and continued through May 25, 2017. Ecology received one comment letter from Washington Department of Natural Resources pointing out the existence of designated harbor areas that front the city’s Columbia River shoreline and suggesting the city may want to acknowledge this in some way. The city provided a response to this comment on June 7, 2017 acknowledging the harbor areas exist and these have been documented in the city’s Shoreline Analysis Report.

Summary of Issues Identified by Ecology as Relevant to its Decision: None

CONCLUSIONS OF LAW

After review of the complete record submitted, Ecology concludes that the city's comprehensive SMP proposal is consistent with the policy and standards of RCW 90.58.020, RCW 90.58.090, RCW 36.70A.480, and the applicable SMP guidelines (WAC 173-26-171 through 251 and 020 definitions). This includes a conclusion that the proposed SMP contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation of the updated master program (WAC 173-26-201(2)(c)).

As stipulated in RCW 90.58.610, RCW 36.70A.480 governs the relationship between shoreline master programs and development regulations to protect critical areas that are adopted under chapter 36.70A RCW. Consistent with RCW 36.70A.480(4), Ecology concludes that that the proposed SMP meets the intent of the provision for providing a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources.

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 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 regarding public and agency involvement in the SMP update and amendment process.

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

Ecology concludes that the city'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 city has chosen not to exercise its option pursuant to RCW 90.58.030(2)(d)(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 city'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 the policy of the Shoreline Management Act, the applicable Guidelines and implementing rules.

As provided in RCW 90.58.090(7), the proposed master program will become effective 14 days from Ecology's final action approving the amendment.