

**ATTACHMENT A: FINDINGS AND CONCLUSIONS  
FOR PROPOSED LIMITED AMENDMENT TO THE TOWN OF STEILACOOM  
SHORELINE MASTER PROGRAM**

SMP Submittal accepted August 28, 2017, Resolution No. 1154  
Prepared by Kim Van Zwalenburg on October 5, 2017

**Brief Description of Proposed Amendment:** Steilacoom has submitted a limited amendment to their Shoreline Master Program (SMP)<sup>1</sup>, incorporating recent updates to critical area provisions, to Ecology for approval. to incorporate recent critical area amendments into the SMP including changes related to the 2014 wetlands rating system, updated Flood Insurance Rate Maps, clarification of fish and wildlife habitat areas and added definitions.

## **FINDINGS OF FACT**

**Need for amendment.** Steilacoom recently updated their Critical Area Ordinance (CAO), codified in Steilacoom Municipal Code (SMC) Chapter 16.16. Changes adopted in 2016 (Ordinance No. 1541) incorporate the 2014 update to the wetlands rating system. 2017 changes adopted a new Flood Study and updated Flood Insurance Rate Maps (Ordinance No. 1562). The proposed SMP amendments will incorporate these recent revisions to the town's critical area regulations eliminating the need for the town to maintain two sets of regulations. An additional amendment to the CAO, adopted concurrently with Resolution 1154, updates the reference to the federal wetland delineation manual.

### **SMP provisions to be changed by the amendments as proposed:**

The following sections of the existing Steilacoom SMP are proposed for change:

- SMP Table of Contents, Part 7 and 16.08.520 B(1) are revised to correct references to Ordinances 1380 and 1450, and adding references to Ordinances 1541, 1562 and 1567.
- Appendix A of the SMP is revised to include amended CAO language.
  - Article II Wetlands:
    - 16.16.400 is revised to reference the federal wetland delineation manual
    - 16.16.405 is a new section identifying regulated activities
    - 16.16.410 addressing removal of non-native invasive species is revised
    - 16.16.420 addressing critical area report requirements for wetlands is rewritten
    - 16.16.430 wetland performance standards, including buffer provisions, are rewritten consistent with the 2014 rating system changes to scoring
    - 16.16.440 compensatory performance standards is rewritten to include the credit/debit mitigation method, in lieu fees, alternative mitigation plans, mitigation ratios and long term maintenance plans
    - 16.16.450 is revised to require expert documentation for the need to place subdivision roads and utilities within a wetland and/or buffer
    - 16.16.460 is added addressing stormwater management and wetland impacts
    - 16.16.470 is added addressing removal of invasive species.
  - Article IV Frequently Flooded Areas
    - 16.16.600 is revised updating the flood insurance study and rate map.
    - 16.16.630 rewrites language addressing areas without base flood elevation data

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<sup>1</sup> The SMP is codified as Chapter 16.08 of the Steilacoom Municipal Code.

- Article V Fish and Wildlife Habitat Conservation Areas
  - 16.16.800 new subsection B is added addressing artificially created features.
- Article VII Definitions
  - Definitions for ‘flood insurance study’ and ‘native vegetation’ are modified
  - Definitions are added for: appeal; area of special flood hazard; elevation certificate; enhancement; existing manufactured home park or subdivision; expansion to an existing manufactured home park or subdivision; increased cost of compliance; invasive species; new construction; new manufactured home park or subdivision; noxious weed; start of construction; structure; variance

**Amendment History, Review Process:** The record shows the local planning process began in March 2017. The Planning Commission held a public hearing on April 10, 2017 and Town Council held a public hearing on July 18, 2017. Notice of the hearing was published July 8, 2017 in *The News Tribune*. With passage of Resolution No. 1154, the Town Council authorized town staff to forward the proposed amendments to Ecology for approval.

The proposed SMP amendments were received by Ecology for state review and verified as complete on August 28, 2017. Notice of the state comment period was distributed to state and local interested parties identified by the Town on September 6, 2017, in compliance with the requirements of WAC 173-26-120 (2) and as follows: the state comment period began on September 19, 2017 and continued through October 4, 2017 for a total of 15 days.<sup>2</sup> Ecology staff determined the proposed amendment is relatively straightforward and non-controversial and a shorter comment period is justified.

Notice of the comment period, including a description of the proposed amendments 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/SteilacoomLimitedAmend.html>  
and as part of the written notice. Ecology received no comments.

**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 Town 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 amendments have 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, which was completed by the Town and submitted to Ecology for review along with other amendment materials.

**Consistency with Limited Amendment Criteria:** The proposed amendments have also been reviewed for compliance with WAC 173-26-201(1)(c) of the SMP Guidelines.

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<sup>2</sup> Per RCW 90.58.090 (2)(a), the comment period shall be at least 30 days unless the department determines the level of complexity or controversy involved supports a shorter period.

- The proposed amendments will not foster uncoordinated and piecemeal development of the state's shorelines (WAC 173-26-201(1)(c)(iii)).
- The amendments are consistent with all applicable policies and standards of the Act (WAC 173-26-201(1)(c)(iv)).
- All procedural rule requirements for public notice and consultation have been satisfied (WAC 173-26-201(1)(v)).
- The master program guidelines analytical requirements and substantive standards have been satisfied, as applicable to the amendments.
- The amendments will not result in a net loss of shoreline ecological functions (WAC 173-26-201(1)(c)(vi)).

**Consistency with SEPA requirements:** The Town submitted evidence of SEPA compliance in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed amendment on March 21, 2017.

**Other studies or analyses supporting the limited amendments:** Ecology also reviewed the following additional documents prepared by the Town in support of the SMP amendments:

- *SEPA Determination of Non-Significance, March 21, 2017*
- *Staff Report to Planning Commission, March 30, 2017*
- *Town Planning Commission minutes, April 10, 2017*
- *Staff Report to Town Council, July 12, 2017*
- *Town Council Minutes, July 18, 2017*
- *Summary of Proposed Changes*

**Summary of issues identified by Ecology as relevant to its decision:** None

## CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted, Ecology concludes that the Town's proposed SMP 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 are consistent with the criteria for approving limited amendments in WAC 173-26-201(1)(c).

Ecology concludes that the Town has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

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

Ecology concludes that the Town's limited amendment 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.

### **DECISION AND EFFECTIVE DATE**

Based on the preceding, Ecology has determined the proposed limited amendment is consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules. Ecology approval of the proposed limited amendment will be effective 14 days from the date of this approval.