

SECTION 1: INTRODUCTION

USE OF THIS DOCUMENT

Ecology's *Findings and Conclusions* (Attachment A), including reference to *Attachment B* (Required Changes), provide the factual basis for Ecology's decision on the City of Edmonds (City) updated Shoreline Master Program (SMP). The document is divided into four sections providing introductory information (Section 1), findings related to the City's submittal (Section 2), amendment history and review process (Section 3), and conclusions (Section 4).

DESCRIPTION OF PROPOSED AMENDMENT

Edmonds submitted to Ecology for review a comprehensive amendment to their SMP to comply with the Shoreline Management Act (SMA) at RCW 90.58 and the SMP Guidelines (Guidelines) at WAC 173-26 (Part Three). The updated master program provides locally tailored shoreline management policies, environment designations, regulations, and administrative provisions, as well as local ordinances Chapters 23.40 through 23.90 ECDC (Critical Areas Regulations) incorporated as part of the SMP. Additional reports and supporting information and analyses noted throughout this document were considered by Ecology during review of the City's submittal.

NEED FOR THE AMENDMENT

The proposed amendment is needed to comply with a statutory deadline requiring a comprehensive update to local Shoreline Master Programs pursuant to RCW 90.58.080, and for compliance with planning and procedural requirements of WAC 173-26 and 27.

This SMP update is also needed to address land use changes that have occurred along city's shorelines since the most recent County SMP amendment in October 2000. The proposed amendment also ensures the SMP is consistent with land use management policies and environmental protections provided by the City's Comprehensive Plan, and the May 2016 Critical Areas Regulations (Ch. 23.40-23.90, Ordinance 4026).

SECTION 2: FINDINGS OF FACT

AMENDMENT HISTORY, LOCAL REVIEW PROCESS

The City indicates the proposed SMP amendments originated from a local planning process that began in October 2005. The record shows that the Edmonds Planning Board held nine meetings open to the public on June 22, July 27, August 24, October 12, November 11, and December 14, 2011, January 25, May 9, and October 24, 2012. The Planning Board also conducted a public hearing on November 14, 2012. The Edmonds City Council held nine public meetings in December 4, 2012, February 26, March 26, April 23 October 8 and December 17, 2013 and September 2, 2014. Affidavits of publication provided by the City indicates notice of the hearings was published in the Everett Herald on October 31st 2012. The Edmonds City Council held eight public meetings on December 4, 2012, February 26, March 26, April 23 October 8 and December 17, 2013, September 2, October 21, 2014. The City Council also conducted two public hearings on June 4, 2014 and September 16, 2014. Affidavits of publication provided by the City indicates notice of the hearings was published in the Everett Herald on May 19, 2013, and September 4, 2013; all public meetings and hearings were advertised on the City of Edmonds web site. After adoption of Resolution #1326, on November 18, 2014, Edmonds City Council authorized 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 January 21, 2015.

Finding

Ecology finds that Edmonds satisfied the SMP-Guideline standards related to the local public process, [WAC 173-26-090, -100, and -201(3) b)], and submittal of the SMP to the Department for review (WAC 173-26-110).

INVENTORY AND CHARACTERIZATION (WAC 173-26-201)

Documentation of current shoreline conditions is a key part of the SMP development process and addressing the no net loss standard of the state SMP Guidelines (WAC 173-26-186). As the first step on addressing this requirement, Edmonds developed a final Inventory and Characterization Report dated November 2007. This report documents existing shoreline conditions and informs development of the City's SMP (environment designations, policies and regulations) and restoration plan.

In addition to an inventory and characterization of environmental conditions, the City's Characterization report, together with the Cumulative Impact Analysis, address Ecology's other analytical requirements (WAC 173-26-201(3)(d)(iii) – (ix). For example, Chapter 4 of the Characterization report provide a shoreline use analysis [WAC 173-26-201(3)(d)(ii)], as well as public access opportunities [WAC 173-26-201(3)(d)(v)].

The City's Inventory and Characterization Report and companion map portfolio provides an ecosystem-wide (watershed) and shoreline segment-level analysis of existing shoreline environmental and land use conditions. Ecosystem-wide processes are presented in addition to near shore physical and biological characteristics. Nine shoreline segments are further analyzed based in part on previous habitat assessments of biological, geomorphologic, hydrological and landscape characteristics. The map portfolio encompasses land use, biological and geologic elements of the city's shoreline.

Descriptions of current shoreline conditions below are categorized into three geographic marine shoreline planning reaches and Lake Ballinger. Edmonds has no rivers or streams that meet minimum state shoreline jurisdiction. Edmonds has five miles of Puget Sound shoreline and 3947 feet of Lake Ballinger shoreline.

Edmonds Marsh: additional analysis was required for the Edmonds Marsh due in part to new information which became available later in the SMP process. This additional information which is discussed in section three, led to a tidal classification of the marsh as a Shoreline of the State due to saltwater tidal influence.

Finding

Ecology finds that the City's 2007 Inventory and Characterization report provides a sufficient assessment of existing shoreline environmental and land uses conditions consistent with State Guideline requirements of (WAC) 173-26-201 (3) (c) and (d). The analysis provides the SMP update process an adequate basis for developing shoreline environment designations, policies and regulations, and future protection and restoration opportunities in city shoreline jurisdiction.

SHORELINE ENVIRONMENT DESIGNATIONS (WAC 173-26-211)

Ecology guidelines at WAC 173-26-211 require local governments to classify shoreline areas into environment designations based on the existing use pattern, biological and physical character of the shoreline, and the goals and aspirations of the community as expressed in the comprehensive plan. The

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Inventory and Characterization Report is used to determine the relative degree of impairment and biophysical capabilities and limitations for individual shoreline reaches.

Based on this assessment, along with consideration of anticipated future development, zoning and other regulatory overlays, jurisdictions may apply the designation criteria provided in WAC 173-26-211 to determine which shoreline environment designation should be assigned, or develop their own tailored designation criteria.

Edmonds current 2000 SMP has six designations (natural, urban mixed use, conservancy saltwater and freshwater, urban railroad and suburban residential shoreline residential environment). The city’s updated SMP used Ecology’s recommended designations with sub-designations under Shoreline Residential for unique communities, as follows:

Proposed Designation	% of total ¹
Natural (Edmonds Marsh /Shell Creek) ³	n/a
Conservancy	1%
Shoreline Residential I ²	32%
Shoreline Residential II ²	3%
Shoreline Residential III ² (Lake Ballinger)	13%
Urban Railroad	37%
Urban Mixed Use ²	15%
Aquatic I & II	n/a
¹ Percentage estimate of total linear shore land area	
² The SMP includes three residential and three urban mixed use sub-designations	
³ Natural designation includes only wetlands	

Consistent with Ecology’s guidelines, each designation includes a purpose statement, designation criteria, management policies and regulations.

Edmonds did an excellent job incorporating shoreline inventory and characterization information for delineating shoreline environments. The parallel designations of Urban Railroad and Shoreline Residential encompasses nearly 70% of the City shoreline. The presence of the Burlington Northern railroad dominates the City’s Puget Sound shoreline. The 100 feet of shoreline jurisdiction bordering Puget Sound is the railroad right of way, while the upland 100 feet is shoreline residential I and II. Residential sub-designations are divided based on lot zoning for marine shoreline and Lake Ballinger (Residential III).

The Urban Mixed Use Environment is divided into four sub-designations based in part on city zoning and predominant land uses. The urban center shorelines west of the railroad tracks are predominantly

water oriented uses (marina), while the urban mixed shorelines east of the railroad are more mixed use commercial and residential development. Ecology has included one recommended change to the use table that would provide more flexibility within the mixed use environment. Adopting this change would preclude the need for future SMP amendments should the city modify zoning for that area.

The Aquatic Environment is divided into Aquatic I (low intensity) and Aquatic II (high intensity), with Aquatic II covering the marine waters adjacent to water dependent uses (marina and ferry terminal). Aquatic I borders the marine shoreline south of the marina and the railroad/residential shoreline and Lake Ballinger.

As described in the SMP Shoreline development table (24.40.080) permitted, conditional, and prohibited uses are established for each shoreline environment designation in a manner that limits impacts to ecological functions while allowing for appropriate development. Several land uses are prohibited in certain shoreline designations due to their potential to have substantial impacts to shoreline ecological functions or public health and safety. For example commercial uses and parking are prohibited in the residential environment. Conditional uses are activities that may be allowed in specific instances as long as the impacts of the use do not result in an overall degradation of the shoreline environment. Some of the shoreline designations outline a variety of conditional uses including but not limited to aquaculture, dredging, groins and jetties. These uses warrant a higher level of scrutiny due to variations in project proposals, location, and their potential for impacts to shoreline ecological functions, public health, and safety.

In comparison the current Edmonds SMP shoreline development table outlines more general use and modification categories for all shoreline environments. The table structure is similar to the SMP update. The new SMP update outlines more distinct use and modification categories. For example, boating and moorage facilities have five subcategories under the new SMP while the current SMP only defines moorage structures and facilities singularly. Aquaculture is not included in the current SMP use table, and new SMP requires a Conditional Use Permit.

Finding

Ecology finds the City conducted a comprehensive process for developing Shoreline Environment Designations, using relevant information from the Inventory and Characterization Report. Ecology finds that with the exception of required change identified in Attachment B, the city's proposed designations and use and modifications classification table (24.40.080) are consistent with WAC 173-26-211.

GENERAL MASTER PROGRAM PROVISIONS (WAC 173-26-221)

The SMP Guidelines in WAC 173-26-221 list general use provisions that are intended to apply broadly to all of types of shoreline development regulated by master programs. Edmond's general provisions are located primarily under General Policies and Regulations (**Section 24.40**).

Critical area regulations are adopted by reference in Section 24.40.020. These include regulations for wetlands, geologically hazardous areas, and fish and wildlife habitat conservation areas. Frequently flooded areas are addressed under 24.40.030.

The Shoreline Use and Development Regulations (**Section 24.40**) also address Ecology's general requirements for archaeological sites and public access.

These provisions must be met by any use, development, or activity regardless if a shoreline permit is required or not. For example: If vegetation removal is necessary, the regulations require minimization and compensatory mitigation.

The City's *Cumulative Impact Analysis* analyzes the adequacy of SMP policies and regulations to address future development. It includes a table of potential shoreline alterations, associated ecological impacts and outlines specific SMP policies and regulations that addresses impacts. It also explains how the regulations address mitigation sequencing to avoid, minimize and compensate for impacts.

SMP Sec. 24.40.090 (Shoreline Bulk and Dimensional Standards) outlines setbacks by shoreline environment and use, maximum impervious surface limits and height limitations are also key standards. Edmonds shoreline is mainly built out with minimal existing vegetative buffers. Bulk and dimensional standards overlaid with the vegetation conservation regulations (24.40.50) are key measures to ensure no net loss of ecological functions in the city's suburban and commercial shorelines.

Finding

Ecology finds that with the exception of required changes identified in Attachment B, the general policies and regulations are consistent with WAC 173-26-221.

SHORELINE USE PROVISIONS (WAC 173-26-241)

The SMP Guidelines in WAC 173-26-241 are intended to both recognize existing uses and ensure that future development will be appropriately managed consistent with the underlying policies of the SMA. Avoidance of use conflicts through coordinated planning and prioritization of "preferred" shoreline uses is a primary tenant of the SMA (RCW 90.58.020). Updates to local SMPs are intended to support these goals through development of appropriate master program provisions, based on the type and scale of future shoreline development anticipated within a particular jurisdiction.

Edmond's SMP update regulates shoreline uses under **Section 24.60**. Consistent with WAC 173-26-186(5), the City master program reflects the principle that the regulation of private property needs to be consistent with all relevant constitutional and other legal limitations. As described under "Environment Designations" above, the updated SMP includes varying degree of flexibility within each shoreline environment especially with the use of sub-designations for residential and mixed use commercial shorelines. The natural and conservancy environments though small in size tend to have the most restrictions when it comes to allowed uses with many uses simply either not allowed or not applicable to these shoreline environments. The SMP Use matrix addresses applicable uses required by Ecology guidelines, and also includes subsets of the more prevalent uses such as boating facilities (marinas, ramps) and water dependent and non-water dependent commercial uses.

Finding

Ecology finds that with the exception of required changes identified in Attachment B, including modifications to aquaculture use provisions, the City has established a system of use regulations consistent with WAC 173-26-241 and related environment designation provisions that accommodate preferred and priority uses, protect property rights while implementing the policies of the SMA, reduce use conflicts, and assure no net loss of shoreline ecological functions.

SHORELINE MODIFICATIONS (WAC 173-26-231)

The SMP Guidelines in WAC 173-26-231 define "shoreline modifications" as: "...generally related to construction of physical elements such as a pier, floating structure, shoreline stabilization, dredged basin, or fill..." WAC 173-26-231(2)(b) states (as a general principle) that master programs should: "Reduce the adverse effects of shoreline modifications, and as much as possible, limit shoreline modifications in number and extent." These shoreline modification principles and standards contained

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in WAC 173-26-231 are reinforced through associated requirements for mitigation sequencing (WAC 173-26-201(2)(e) and the no net loss of shoreline ecological function standard (WAC 173-26-186).

Edmond's SMP regulates shoreline modifications under **Section 24.50**, and address shoreline stabilization, moorage facilities (docks, piers and floats); filling, dredging and breakwaters, jetties and groins, and habitat restoration and enhancement.

The primary changes from the existing SMP address are defined pier and dock dimensional standards consistent with Federal and other State resource agencies guidance; and more prescriptive shoreline stabilization regulations for new and replacement structures.

The SMP update incorporates the fundamental mitigation strategy required by Ecology guidelines by requiring applicants for stabilization proposals to demonstrate first that the project is needed to protect existing structures. The section also prioritizes soft shore stabilization over hard stabilization options, and requires a site-specific geotechnical report for new stabilization. Report requirements are also outlined in the regulations. Where stabilization is needed, the least impacting alternative type must be used. The SMP requires that construction will not substantially disrupt littoral drift or near shore ecological functions. "Soft shore" approaches such as upland drainage control, vegetation protection, relocation of structures or improvements, or beach nourishment are a priority over hard stabilization options (bulkheads).

Finding

Ecology finds that with the exception of required changes identified in Attachment B, the City's Shoreline Modification standards are consistent with mitigation sequencing principles provided for in WAC 173-26-201(2)(e); requirements in WAC 173-26-231, relating to shoreline modifications; and the Boating Facilities requirements of WAC 173-26-241(c).

CUMULATIVE IMPACT ANALYSIS

Addressing no net loss of ecological functions is a critical element in any SMP update. WAC 173-26-201(2)(c) (Protection of Shoreline Ecological Functions) requires that: "Master programs shall contain policies and regulations that assure at minimum, no net loss of ecological functions necessary to sustain shoreline natural resources." A cumulative impacts analysis documents how an SMP update addresses no net loss of ecological functions.

Upon completion of the final draft SMP in 2014, Edmonds finalized its cumulative impact analysis (CIA) to assess potential impacts resulting from anticipated future development allowed by the updated SMP.

The City CIA outlines ecological functions at risks and connects them to shoreline alterations and new applicable SMP regulations and policies. Impaired ecological functions and reasonable foreseeable development is outlined for each shoreline segment.

As described in the sections above, proposed general regulations and the integrated Critical Areas Ordinance (CAO) address most commonly expected future impacts to ensure regulations achieve no net loss of ecological functions. The CAO standards have been reviewed and revised for compliance with SMA and SMP guidelines requirements. A shoreline use and modification matrix provides shoreline environment-specific classifications of permitted and prohibited activities. A shoreline bulk and dimensional standards table standards outlines shoreline setbacks, height and impervious surface limits and for various uses. More stringent stabilization and pier/dock standards are other key SMP elements. Edmonds also relies on non-regulatory incentives, intergovernmental coordination, and enforcement in their multi-faceted approach to managing shorelines.

Finding

Ecology finds that the City's Cumulative Impact Analysis presents an adequate analysis of shoreline uses and modifications per WAC 173-201(3)(d)(iii).

RESTORATION PLAN

Pursuant to WAC 173-26-201(2)(c) and (f), local governments are directed to identify restoration opportunities as a component of the SMP-update process, as well as establish implementation goals that coordinate and facilitate appropriate publicly and privately initiated restoration projects.

Edmonds prepared a November 2014 shoreline restoration plan. The plan is a multifaceted approach to restoring shoreline ecological functions. It includes policies which link the plan to the shoreline master program. The plan outlines restoration programs at the regional and city level including on- going projects.

The plan also includes a comprehensive table of possible restoration opportunity areas. Projects are tied to restoration objectives and timelines. Projects vary from beach nourishment, creosote pier removal, nearshore and riparian enhancement, and culvert replacement. Implementation strategies include project evaluation, monitoring and adaptive management. Potential funding opportunities are also outlined.

Finding

Ecology finds that the Final Shoreline Restoration Plan is based on appropriate technical information available to the City during the SMP update. The plan fulfills the requirements of WAC 173-26-201(2)(c) and (f).

OTHER STUDIES OR ANALYSES SUPPORTING THE SMP UPDATE

Ecology reviewed a large number of reports, studies and information related to the City SMP update, all of which are included in the master file record, or are listed as “references” at the end of this document. Key supporting documents include the:

- *April 2006 public participation plan,*
- *August 2007 shoreline inventory and characterization,*
- *November 2014 cumulative impacts analysis,*
- *November 2007 shoreline use analysis, and*
- *November 2014 restoration plan.*

CONSISTENCY REVIEW

Consistency with the Shoreline Management Act (RCW 90.58): The proposed amendments have been reviewed for consistency with the policy and procedural requirements of RCW 90.58.020 and the approval criteria of RCW 90.58.090.

Consistency with applicable guidelines (WAC 173-26): 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 -020 definitions). This included review of a SMP Submittal Checklist, which was completed by the City.

Consistency with SEPA Requirements: The City submitted evidence of compliance with RCW 43.21C, the State Environmental Policy Act (SEPA) in the form of a SEPA checklist and issued a Determination of Non-Significance (DNS) for the proposed SMP amendments on August 22, 2014. Notice of the SEPA

determination was published in the Everett Herald on August 26, 2014. Ecology did not comment on the DNS.

SECTION 3: DEPARTMENT OF ECOLOGY REVIEW PROCESS

The proposed SMP amendments were received by Ecology for state review and verified as complete on January 21, 2015. This action initiated formal state review of the proposed SMP. Notice of the state comment period was distributed to state task force members and interested parties identified by the City on February 19, 2015, in compliance with the requirements of WAC 173-26-120. The state comment period began on February 25, 2015 and continued through March 27, 2015.

SUMMARY OF ISSUES RAISED DURING THE ECOLOGY PUBLIC REVIEW PROCESS

Ecology received 143 comments from 31 citizens and 3 government agencies, one tribe and one corporation. Consistent with SMP-Guideline review requirements in WAC 173-26-120, Ecology provided the City with a summary of comments. The *Responsiveness Summary* (Attachment C) includes responses by the City to SMP topics raised by the comments pursuant to [WAC 173-26-120\(6\)](#). The following is a summary of the most common issues raised and both the City of Edmonds responses.

Summary of Comments:

The majority of comments focused on the size of the proposed Edmonds marsh buffer and setback and the associated *Urban Mixed Use IV Interim Shoreline Environment Designation*.

The majority of citizen comments were in support of the City's 100 foot buffer (50 ft.) and setback (50 ft.). Some requested clarification about the previous 150 ft. buffer/setback proposal. Most comments expressed concerns with the long term ecological health and future restoration of the marsh, its wildlife habitat value and importance as a community amenity. Another common issue of concern is with possible Port of Edmonds redevelopment plans for Harbor Square and tall buildings being located close to the marsh.

Most agency and corporation comments were not in favor of the 100 foot marsh buffer and setback and recommended a 50 ft. or 25 buffer with no setback. Comments expressed concerns that the proposed buffer /setback was not supported by the most current scientific or biological information.

A few comments expressed that the proposed 100-foot buffer/setback was derived from a Department of Ecology grant funding guidance document (Appendix L). Other agency comments challenged the validity of the interim designation for Urban Mixed Use IV environment. Concerns with impacts to future site development of the Harbor Square and UnoCal clean-up site bordering the Edmonds Marsh were also expressed.

Tribal comments questioned the intention of the Urban Mixed Use IV interim designation, the finalization process and its potential to undermine future restoration. Concerns with the accuracy of the shoreline jurisdiction boundaries of stream mouth estuarine areas were also stated.

Summary of City Response to comments:

The City of Edmonds SMP was developed in accordance with WAC 173-26 as documented in the SMP submittal checklist submitted to the Department of Ecology. One of the guiding factors for the SMP regulations is that the SMP result in no net loss of ecological functions. The City's Cumulative Impacts Analysis submitted in support of the SMP documents how the City's SMP meets the no net loss requirement.

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The Edmonds Marsh is specifically mentioned in three separate policies in the Edmonds SMP: Shoreline Use Policies (SMP 24.20.050.C.12; the marsh is a high priority for studies); Conservation Element (SMP 24.20.060.C.1; the City should work to maintain the marsh); and Historic, Cultural, Scientific and Educational Policies (SMP 23.20.070.C.2; the marsh should be preserved). Additionally, three restoration projects related to the Edmonds Marsh (channel improvements, culvert replacement and Willow Creek daylighting) are identified in the Restoration Plan.

Given the importance of Edmonds Marsh in the SMP and current efforts to secure funding for projects such as the Willow Creek daylighting project, the City's proposed SMP included "interim standards" for development around the marsh. The city adopted an "Interim" Urban Mixed Use IV environment for an area where there is no preexisting shoreline regulation because the area is new to the shoreline jurisdiction. The City noted the absence of any language about expiration in the regulation. The city's use of "interim" in this context was not intended to be construed as an interim official control under RCW 90.58.590 but rather as an expression of legislative intent to revisit this environment within the two-year period and adopt some kind of amendment, either by removing the "interim" descriptor if no substantive changes are desired or by adopting a substantive amendment to the regulations for this environment.

Because one of the city's main restoration strategies is to qualify for grant funding, the city believed the SMP needed to be consistent with funding guidelines in Appendix L. The City's proposed 100-foot setback was intended as a regulation designed to restore ecological functions and also for its indirect effect on the city's ability to obtain grant funding to restore the marsh.

The City noted that their proposed 100-foot setback regulation only has direct effect if and when redevelopment occurs near the marsh.

The Port of Edmonds currently has no applications for constructing new buildings at Harbor Square within shoreline jurisdiction. Once the SMP becomes affective, all new development within shoreline jurisdiction will be subject to the City's SMP.

SUMMARY OF ISSUES IDENTIFIED BY ECOLOGY AS RELEVANT TO ITS DECISION

Ecology has reviewed the locally adopted SMP for consistency with applicable SMP-Guideline requirements, and considered the city's response to issues raised during Ecology's public comment period (Attachment D).

The following topics are issues relevant to Ecology's final decision on updates to the Edmonds SMP. Required or recommended changes to address each of the following topic areas are included in Required Changes (Attachment B).

EDMONDS MARSH SHORELINE JURISDICTION DETERMINATION

The 2007 Edmonds Shoreline Inventory and Characterization only included the Edmonds Marsh within shoreline jurisdiction as an associated wetland. Additional information gathered in 2010 indicated that a portion of the marsh has tidal inundation. This resulted in inclusion of the uplands bordering the western part of the marsh within shoreline jurisdiction.

In late 2010 Ecology staff conducted water level, salinity and hydraulic continuity assessments at the Edmonds Marsh. Based on these assessments, it was concluded that the ordinary high water mark (OHWM) of Puget Sound extended well into the western portion of the West Marsh (midpoint between SR 104 and the railroad right-of-way; the West Marsh lies to the west of SR 104), including the day-

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lighted portion of Willow Creek to the west of the railroad tracks (Figure 1). Based on this, portions of the marsh should be classified as a shoreline of the state.

The determination was based on the predominance of salt-tolerant vegetation (salt grass [*Distichlis spicata*] and pickleweed [*Salicornia depressa*]), tidal fluctuations, and a continuous and contiguous water surface within this portion of the marsh (Figure 1). The salinities measured and dominant plants seen in the western portion of the marsh in December 2010 confirm, as well as aerial photographs and a previous marsh characterization, that tidal exchange is a current and ongoing process in this portion of the marsh. WAC 173-22-030(a)(ii) defines the OHWM in low energy tidal environments as the landward limit of salt-tolerant vegetation; tolerant of salinities ≥ 0.5 parts per thousand (ppt). Saltgrass and pickleweed are tolerant of salinities greater than 30 ppt.



Figure 1. Approximate location of Edmonds Marsh water elevation stations, January 2011 shown on 2002 aerial photograph. Highest observed tidal height at Seattle (11.54 feet) produced a 0.5 foot elevation rise at western monitoring station (blue dot), while no change in water levels was registered at the two eastern stations (red dots). Note tidal channels and mud flats in western portion of marsh and transition to more salt-sensitive vegetation to the east of tidal channels.

A number of studies have been done at the marsh, as well as the former UnoCal site, and these assessments have found no surface water connection (except for flexible pipes) between the former UnoCal detention pond and the marsh proper or Willow Creek. Based on these assessments, Ecology does not recommend this pond be designated as an associated wetland.

The portion of Edmonds Marsh east of SR 104 (East Marsh) should be designated as an associated wetland. The East Marsh is associated due to proximity and influence to the West Marsh. Primarily, the hydraulic continuity to the West Marsh is via the Shellbarger Creek culverts.

EDMONDS MARSH BUFFERS

Edmonds Marsh is a relatively important shoreline wetland that includes estuarine and freshwater wetland communities, as well as Willow Creek, which discharges to Puget Sound immediately downstream from the marsh. A stand of intact forest is found to the southeast of the marsh between State Route 104 and Pine Street. Scattered trees are also found along the eastern and northern edges of the marsh. For terrestrial species, the habitat potential for Edmonds Marsh and adjoining buffers is significantly constrained by the intense urban development surrounding the marsh. There are virtually no intact habitat corridors linking the marsh to other large blocks of habitat (Figure 2), which limits access for large mammals. This also limits the habitat suitability as breeding habitat for large birds such as raptors.

The ongoing discharge of inadequately treated storm water to Edmonds Marsh, as well as Puget Sound immediately downstream, is currently the greatest ecological threat to the marsh. Harbor Square on the north side of the marsh generates a considerable amount of storm water. Upgrading storm water treatment at Harbor Square and impervious surfaces that drain to the marsh is an important and necessary step in improving water quality in the marsh and Willow Creek.

While restoring the buffer at Harbor Square could contribute to improving water quality, retrofitting the storm water treatment system would provide a much greater ecological lift and require a smaller footprint. Unfortunately, the habitat benefits of a wider buffer are limited by the marsh's relative isolation within a highly developed urban landscape. A densely planted strip of trees and shrubs would provide a visual and physical screen and some additional habitat for birds, although planting trees on the levee between the Marsh and Harbor Square may not be compatible with levee maintenance requirements.



Figure 2. Edmonds Marsh and Willow Creek west of SR 104 with intact buffers outlined in red. Note tidal channels draining the western portion of the marsh.

Figure 3 depicts the proposed shoreline jurisdiction for the Edmonds Marsh. The extent of tidally-influenced salt marsh (i.e. salt-tolerant vegetation) is shown with the pink line. East of this line the marsh is classified as associated wetland.

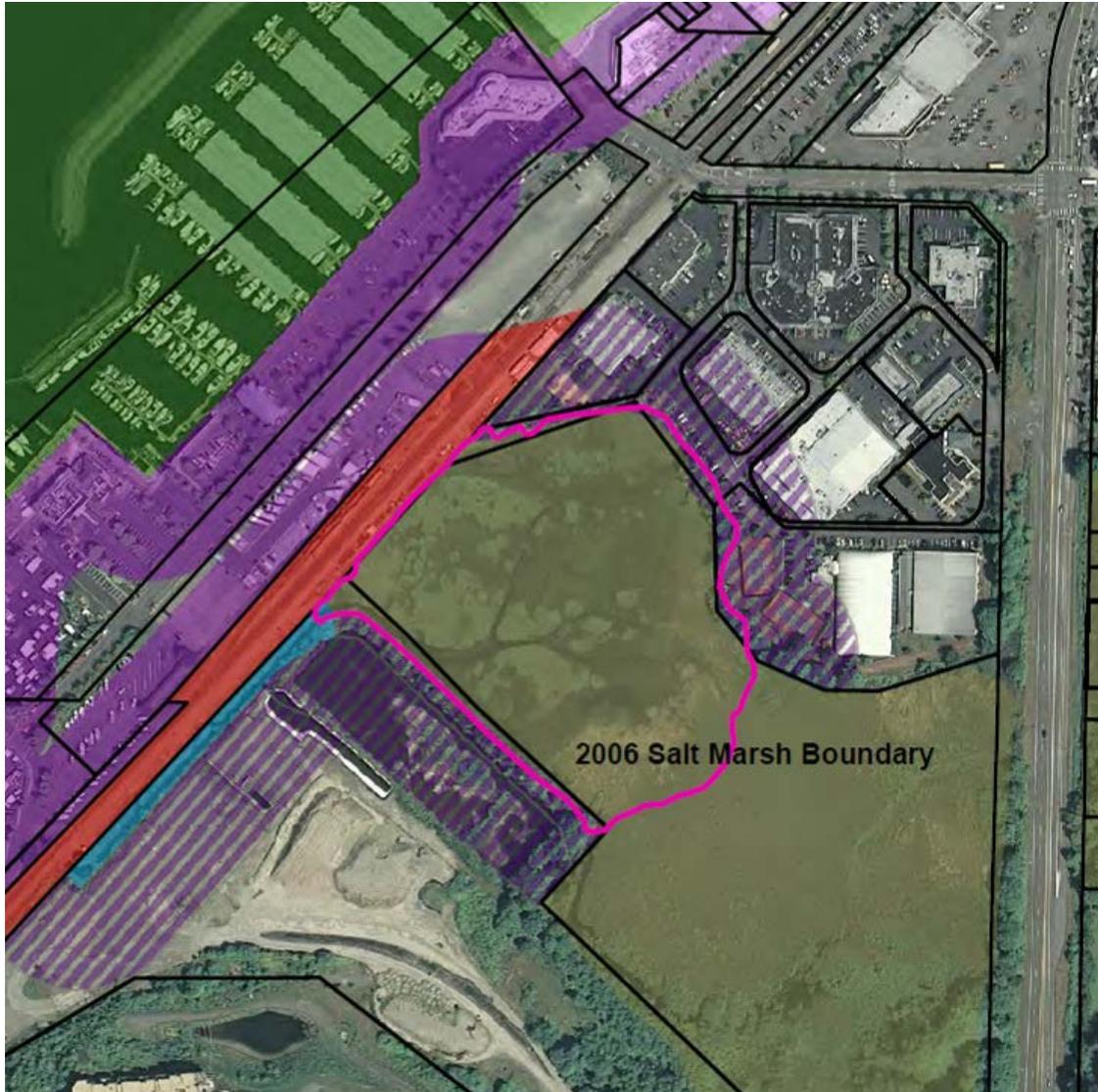


Figure 3. Approximate extent of salt marsh (and OHWM) in 2006 in West Marsh.

Due to the degraded condition and constraints on the Edmonds Marsh, Ecology has classified the marsh as a Category II wetland within the locally adopted Shoreline Master Program (SMP; Section 24.40.020 (2)):

Category II wetlands are: 1) estuarine wetlands smaller than 1 acre, or disturbed estuarine wetlands larger than 1 acre; 2) inter-dunal wetlands larger than 1 acres; 3) disturbed coastal lagoons or 4) wetlands with a moderately high level of functions (scoring between 51-69 points). Category II wetlands have standard buffer width of 75 feet.

SMP-required change number three requires a 50-foot buffer with a minimum 15-foot structural buffer setback. A 50-foot buffer is consistent with existing conditions on the intensely developed north side of the marsh and present constraints. As discussed above, the presence of the levee also limits the water quality benefits that a buffer would provide.

The main benefit of restoring a buffer on the marsh would be some increased habitat area for urban-tolerant wildlife species, as well as providing a more natural barrier between the marsh and urban development at its edge.

A minimum 15-foot building setback would help preserve the integrity of a restored buffer. A larger setback may encourage intensive uses such as parking, which is incompatible within a buffer setback.

In summary: Ecology considers the Edmonds Marsh to be classified as a class II wetland under the City of Edmonds Critical Areas Ordinance (CAO; see wetland classification, ECDC 24.40.020). This estuarine wetland has been significantly disturbed by urban development (significant reduction in size due to fill, fragmentation, and isolation from adjacent wetlands, chronic storm water, and hydraulic separation from Puget Sound). The CAO wetland buffer table prescribes a 75-foot buffer for a class II wetland. The City CAO also requires a 15-foot buffer setback (ECDC 24.40.280, Building Setbacks). The recommended Ecology buffer setback is consistent with the CAO. The recommended 50-foot buffer is less than the CAO wetland classification. Ecology’s analysis concludes that a 50-foot buffer is appropriate for Edmonds Marsh given the environmental impact issues outlined above and the current configuration of the Harbor Square Business Park.

URBAN MIXED USE IV SHORELINE ENVIRONMENT DESIGNATION (SMP 34.30.070)

Proposed required changes to this SMP section remove the classification of the Urban Mixed-Use IV designation as an “interim” designation, and delete the accompanying rationale.

The interim designation is no longer necessary given the proposed 50 foot marsh buffer and 15 foot buffer setback (Changes 2 and 3). The changes are consistent with the Planning Commission draft SMP which is tailored to existing conditions. The changes are consistent with the guidelines requirement to base master programs on available scientific and technical information [WAC 173-26-201(2)(a)].

One of the original objectives of the interim designation was to provide time to secure buffer enhancement grant funding for the proposed 100 foot marsh buffer /setback. An August 19, 2015 letter from Ecology’s Water Quality Program (attachment F) clarifies that the buffer enhancement grant eligibility for the Edmonds Marsh is a minimum 35 foot buffer width.

Further marsh studies can continue with an SMP that incorporates the required changes. Redevelopment of the Harbor Square and the Chevron sites (Edmonds Crossing Ferry Terminal) are more likely to occur along with needed buffer enhancement and storm water treatment improvements which will improve the ecological functions of the Edmonds Marsh.

Note that Ecology included a recommended change to the SMP use table that would provide the city with zoning flexibility within the Urban Mixed Use IV environment (see Appendix C). Adopting this change would preclude the need for future SMP amendments should the City modify zoning for that area.

SECTION 4: CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and all comments received, Ecology concludes that the City’s SMP proposal, subject to and including Ecology’s required changes (itemized in **Attachment B**), is 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 the proposed SMP, subject to required changes, contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions that is anticipated to result from

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implementation of the new master program amendments [WAC 173-26-201(2)(c)]. Ecology has also provided a recommended change in Appendix C the City may consider.

Ecology concludes that the City has chosen *not* to exercise its option pursuant to RCW 90.58.030(2)(f)(ii) to increase shoreline jurisdiction to include land necessary for buffers for critical areas located 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.

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 have complied with the requirements of RCW 90.58.130 and WAC 173-26-090 regarding public and agency involvement in the SMP 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 SMP 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 WAC 173-26-120.

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendments are consistent with the policy of the Shoreline Management Act, the applicable guidelines and implementing rules, once required changes set forth in **Attachment B** are accepted by Edmonds. As provided in RCW 90.58.090(2)(e)(ii) the City may choose to submit an alternative to all or part of the changes required by Ecology. If Ecology determines that the alternative proposal is consistent with the purpose and intent of Ecology's original changes and with RCW 90.58, then the department shall approve the alternative proposal and that action shall be the final action on the amendment. The master program will take effect fourteen days from the date of Ecology's written notice of final action to the local government.

SECTION 5: REFERENCES

City of Edmonds Shoreline Master Program Public Comment Summary, June 2015 (Attachment C)

Department of Ecology Water Quality grant funding guidance document (Appendix L) from Department of Ecology's Funding Guidelines for Water Quality Financial Assistance (Attachment D)

Department of Ecology Water Quality Program, Ben Rau correspondence to Edmonds, August 19, 2015 (Attachment E)