

**ATTACHMENT A: FINDINGS AND CONCLUSIONS – ADDENDUM**  
**COMPREHENSIVE UPDATE TO THE CITY OF MEDINA SHORELINE MASTER PROGRAM**

City's February 10, 2014 Response to Ecology's May 16, 2013 decision,  
Prepared by Joe Burcar on March 14, 2014

**Brief Description of Proposed Amendment:**

The City of Medina (City) submitted to Ecology on August 24, 2012 a comprehensive amendment to their Shoreline Master Program (SMP). On May 16, 2013, the Department of Ecology (Ecology) conditionally approved the City's SMP listing 49 required changes and 12 recommended changes. The City provided a response to Ecology dated February 10, 2014, accepting some of the changes and requesting Ecology review of a number of alternatives to the original required and recommended changes. This addendum to Ecology's conditional decision documents the City's acceptance of some of Ecology's changes and considers the consistency of the City's proposed alternatives to the remainder of changes included in Ecology's May 16, 2013 decision.

**FINDINGS OF FACT**

Ecology's *Findings and Conclusions* (Attachment A) supporting the May 16, 2013 conditional approval of the City's SMP, identified the following (general) issues as relevant to the decision:

**Vegetation Conservation** – Citing inconsistency between the City's locally adopted SMP and WAC 173-26-221 (5), vegetation conservation; WAC 173-26-201 (2) (e), mitigation sequencing; and WAC 173-26-186 (8) (b), no net loss of shoreline ecological function; Ecology required changes to vegetation management provisions in the SMP to ensure consistency with mitigation sequencing and no net loss of shoreline ecological functions requirements from the SMP-Guidelines.

**Fish and Wildlife Habitat Conservation Areas and Critical Areas** – Ecology's decision also noted a conflict with the SMP's exclusion of "shorelines of the state" from designation and protection as a Fish and Wildlife Habitat Conservation Area. Therefore, pursuant to RCW 36.70A.170 (WAC 173-26-221), Ecology required changes to the SMP to ensure critical areas protection consistent with WAC 365-190-130.

**City's Response**

The City's February 10, 2014 response accepted a number of the original changes attached to Ecology's May 16, 2013 conditional approval, but also requested Ecology consideration of a number of alternative proposals as provided in *Attachment B-Revised* and *Attachment C-Revised*. As a part of this response, the City either accepted Ecology's change or proposed an alternative along with a rationale supporting each of their requests. The following provides a summary of sections of the SMP and corresponding item numbers listed in *Attachment B-Revised*:

**General SMP Standards** - See items 1 – 9 in *Attachment B-Revised*. The City accepted some of Ecology's changes and proposed alternatives to a number of general SMP provisions, definitions, review criteria and the use table in the updated SMP.

**Setback Standards** - See items 10 – 16 in *Attachment B-Revised*. The City proposed alternatives to Ecology's changes to shoreline setback provisions in the updated SMP.

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**Overwater/In-water Uses and Structures** - See item 17 – 24 in *Attachment B-Revised*. The City proposed alternatives to Ecology’s changes to SMP provisions regulating new construction or replacement of overwater/in-water structures including piers, docks, buoys, moorage piles and floats.

**Covered Moorage Standards** - See items 25 –27 in *Attachment B-Revised*. The City proposed alternatives to Ecology’s changes to SMP provisions regulating new construction, relocation, repair or replacement of covered moorage structures and boatlifts.

**Shoreline Stabilization Standards** - See items 28 – 32 in *Attachment B-Revised*. The City accepted some of Ecology’s changes and proposed alternatives to a number of shoreline stabilization provisions within the updated SMP.

**Dredging Standards** - See item 33 in *Attachment B-Revised*. The City accepted Ecology’s required change related to dredging standards.

**Vegetation Conservation Standards** - See item 34 – 39 in *Attachment B-Revised*. The City proposed alternatives to Ecology’s changes to vegetation conservation provisions within the updated SMP.

**Nonconforming Development Standards** - See items 40 and 41 in *Attachment B-Revised*. The City proposed alternatives to Ecology’s changes to nonconforming provisions within the updated SMP.

**Fish and Wildlife Conservation Areas and Critical Areas Standards** - See items 42 – 49 in *Attachment B-Revised*. The City accepted some of Ecology’s changes and proposed alternatives to a number of critical areas provisions within the updated SMP.

**Ecology’s Review of Alternatives**

In accordance with WAC 173-26-120 (7) (ii), Ecology reviewed the City’s alternatives and finds the amendments to be consistent with the Shoreline Management Act (SMA), the SMP Guidelines and the intent of Ecology’s conditional approval dated May 16, 2013. *Attachment B-Revised* and *Attachment C- Revised* provide details related to each item, including a reference to the subject provisions, Ecology’s (original) Required Changes, the City’s response, and Ecology’s Final Action (i.e., decision on City’s proposed alternatives).

**CONCLUSIONS OF LAW**

Consistent with RCW 90.58.090(2)(e)(ii), the City’s proposed alternatives provided in *Attachment B-Revised* and *Attachment C-Revised* have been reviewed and are found to be consistent with the Shoreline Management Act and the Shoreline Master Program Guidelines and the purpose and intent of Ecology’s May 16, 2013 decision.

Related to Vegetation Conservation provisions, the City’s response accepts or proposes alternatives consistent with WAC 173-26-221 (5), vegetation conservation, WAC173-26- 201 (2) (e), mitigation sequencing, and WAC 173-26-186 (8) (b), no net loss of shoreline ecological function.

Related to Fish and Wildlife Habitat Conservation Areas and Critical Areas provisions in the updated SMP, the City’s response accepts or proposes alternatives consistent with to RCW 36.70A.170 (WAC 173-26-221).

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Based on the preceding, Ecology concludes that the City’s proposed alternative language as identified in *Attachment B-Revised* and *Attachment C-Revised* are consistent with the Shoreline Management Act, the purpose and intent of Ecology’s original changes provided within the May 16, 2013 decision, and approve these alternatives.

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**

Ecology approval of the City’s proposed comprehensive SMP amendment together with Ecology acceptance of alternative language is effective 14-days after the date of the Ecology Director’s letter notifying the City of Ecology’s final action.

**Attachments:**

- Attachment B-Revised
- Attachment C-Revised
- City of Medina revised Cumulative Impact Analysis (dated February 2014)
- City of Medina response (dated February 10, 2014)
- Interested Parties List