

**ATTACHMENT A: FINDINGS AND CONCLUSIONS  
FOR PROPOSED COMPREHENSIVE UPDATE TO THE CITY OF STANWOOD  
SHORELINE MASTER PROGRAM**

SMP Submittal accepted June 5, 2013, Ordinance No.1322  
Prepared by Barbara Nightingale on August 6, 2014

**Brief Description of Proposed Amendment:**

The City of Stanwood has submitted to Ecology for approval, a comprehensive update to their Shoreline Master Program (SMP) to comply with the Shoreline Management Act (SMA) and SMP Guidelines requirements. The updated master program submittal contains locally tailored shoreline management policies, regulations, environment designation maps, administrative provisions as well as the City's local Critical Areas Ordinance 1164 (2004), which are adopted by reference as part of the SMP. The submittal includes a shoreline characterization report with analysis of conditions and supporting information, a cumulative impacts analysis identifying foreseeable future development and ecological effects through implementation of this SMP, and a restoration plan to guide restoration actions.

**Background and Location**

The City of Stanwood is located in the northwest portion of Snohomish County and is surrounded by unincorporated Snohomish County, to the north, south and east. West of the City is Camano Island, which is located in Island County. State Route 532 connects Camano Island and Stanwood to the I-5 corridor. Stanwood lies within the Stillaguamish River watershed where both the north and south fork of the Stillaguamish drain south to Port Susan Bay and north to Skagit Bay. These north and south forks of the Stillaguamish are also referred to as the West Pass, draining to Skagit Bay, and South Pass, draining to Port Susan Bay. The existing City limits extend only as far west as the western extent of the South Pass, draining to Port Susan Bay. The Stillaguamish West Pass is presently outside the City limits but within the City's Urban Growth Area (UGA). This portion of West Pass extends west from South Pass to the SR 532 Bridge crossing West Pass.

Stanwood shoreline jurisdiction includes approximately one mile of the Stillaguamish River, a Shorelines of Statewide Significance (SSWS), and approximately one mile of Church Creek on the eastern edge of Stanwood City Limits. The combined linear extent of both the Stillaguamish River and Church Creek is approximately two miles of state shoreline along the north shore of the Stillaguamish River and largely western shorelines of Church Creek.

**FINDINGS OF FACT**

**Need for amendment.** The proposed amendment is necessary to comply with the statutory deadline for a comprehensive update of the City's local Shoreline Master Program pursuant to RCW 90.58.080 and 100. This amendment is also needed for compliance with the planning and procedural requirements of the SMP Guidelines contained in WAC 173-26 and 27. The original Stanwood SMP was approved by Ecology in 1977 and was last amended in 1998. The SMP has never been comprehensively updated. This SMP update is needed to address land use changes that have occurred along the City's shorelines over the past 37 years, to provide consistency between the City's 2004 Critical Areas Ordinance (Ordinance 1164 dated 2004), Comprehensive Plan and Flood Management Plan. This SMP update provides regulations and planning tools for shoreline development in the future, in a manner that achieves no net loss of ecological functions.

The City's Shoreline Cumulative Effects Analysis (Parametrix 2012) reflects that the updated SMP provisions will result in increases in ecological functions with provisions appropriately striking a balance between providing shoreline ecological functions and providing for appropriate private use of parcels that are generally 200 to 300 feet deep, as measured from the OHWM. A major additional advantage of this update is that it provides guidance on the "ecological enhancement" which is required for non-water-dependent uses which are expected to develop in this area.

This comprehensive SMP update is intended to entirely replace the City's existing SMP. This updated SMP increases, by 100%, the linear extent of shorelines to be covered and regulated by the City, as it now includes Church Creek. According to the City's *Shoreline Inventory & Analysis Report* (Parametrix, 2010), the updated SMP will cover approximately 18.6 acres of the Stillaguamish River and Church Creek shoreline planning areas within city limits and an additional 11.3 acres in the UGA. The planning area includes both the City's existing municipal boundary as well as the Urban Growth Area (UGA). The Stillaguamish is a "Shoreline of Statewide Significance", with a mean annual flow of 1000 cubic feet per second (cfs) or more and Church Creek is listed as a "Shorelines of the State" pursuant to RCW 90.58.030, as mean annual flow of the creek has been found to be greater than 20 cubic feet per second (cfs) (USGS 1998).

Therefore, the aquatic areas on the north side of the Stillaguamish River and Church Creek, adjacent floodplains within 200-feet of the levee (flood control structures) along the north side of the river, and wetland areas associated with the Stillaguamish within the City's jurisdictional boundaries are subject to compliance with the Shoreline Management Act (RCW 90.58). The City chose not to include the optional expansion of the SMP to critical area buffers extending outside of SMA jurisdiction. Therefore, these critical areas and buffers will continue to be managed by the City's existing Critical Areas Ordinance. However, as referenced above, the City has pre-designated future annexation areas as part of this SMP update pursuant to WAC 173-26-150. Therefore, once the UGA areas are formally annexed, the City will not need to amend the SMP, as the SMP designations for these areas will be established through approval of this SMP amendment and will become effective upon annexation.

**CURRENT CONDITIONS DOCUMENTED:**

Documentation of current shoreline conditions is vital to achieving the no net loss standard of the state SMP-Guidelines (WAC 173-26-186). To complete this component of the SMP update, the City provided a *Shoreline Inventory and Analysis* dated October 2010 (Parametrix, 2010), which provides a description of existing shoreline conditions, including identification of preliminary restoration and protection opportunities within the City. This report serves as the primary tool in developing the following SMP components: (1) proposed environment designations, (2) identification of existing and future uses appropriate for locating within shoreline jurisdiction, (3) identification of relevant policies and regulations to include in the updated SMP for management of future shoreline development consistent with the SMP-Guidelines, and (4) necessary protection measures to include in the updated SMP to ensure that no net loss of shoreline ecological functions results from future shoreline development.

The combination of the City's *Shoreline Inventory and Analysis*, *Cumulative Effects Analysis and Restoration Plan* provide both an ecosystem-wide (watershed) and a reach-level analysis of existing shoreline (natural and built) environment conditions as well as recommendations related to future protection and/or restoration opportunities (Parametrix, 2010, 2012).

**Description of Shorelines of the State** The 2003 Guidelines, WAC 173-26, require an inventory be developed to inform updated policies and regulations. The following descriptions of current shoreline conditions are based on the City's *Shoreline Inventory and Analysis Report* (Parametrix, 2010) and the *Cumulative Effects Analysis* (Parametrix, 2012) prepared as part of the City's Comprehensive SMP update.

**Stillaguamish River** meanders along the City’s southwestern boundary, with approximately one mile of river shoreline in Stanwood’s jurisdiction. Under RCW 90.58.030, the river meets the definition of “shoreline of statewide significance” based on a mean annual flow of 1,000 cfs or more (1998 USGS Report). Stanwood shoreline jurisdiction is limited to the north side of the river.

**Reach A –2200 feet – Shoreline Conservancy**

This reach is in the UGA and is largely wetland area. The shoreline adjacent to the water is bisected by a railroad spur serving Twin City Foods in Reach B. Existing conditions are largely riparian wetland with little to no impervious surface. The SMP includes standard wetland buffers for wetland area and buffers from the river for 40 feet (20% of lot depth).

**Reach B – 1100 feet – High Intensity**

This reach is largely occupied by Twin City Food processing facility, parking lot, holding areas, and an automobile repair shop and warehouses. Existing Twin City building (200,000 sq feet) is located at OHWM. In the event of redevelopment, proposed buffers would be 40 feet with public access provided parallel to the entire shoreline. One small section, at the landward edge of this section used for mini-storage and separated from the shoreline by Saratoga Drive, fronting Highway 532 is designated as Isolated, given its separation from the shoreline.

**Reach C – 450 feet- High Intensity**

This reach is a narrow strip of City-owned land comprised mainly of impervious parking lots. As this is publicly owned , the SMP designates it for public access per SMP 17. 150.21(2)(e).

**Reach D – 415 feet –High Intensity**

Vacant sawmill site. Requirements for buffers [SMP 17.150.22(4)] includes a minimum 40-foot critical area buffer with restoration to a more natural river configuration with fill removal. The Irvine Slough area, in this reach, requires a minimum 35-foot buffer.

**Reach E – 750 feet – High Intensity**

City- owned parcel used for sewage lagoons.

**Reach F – 400 feet- Urban Conservancy**

This reach includes the southeast corner of the sewage lagoon, located 75 feet from the shoreline and separated from the shoreline by a levee.

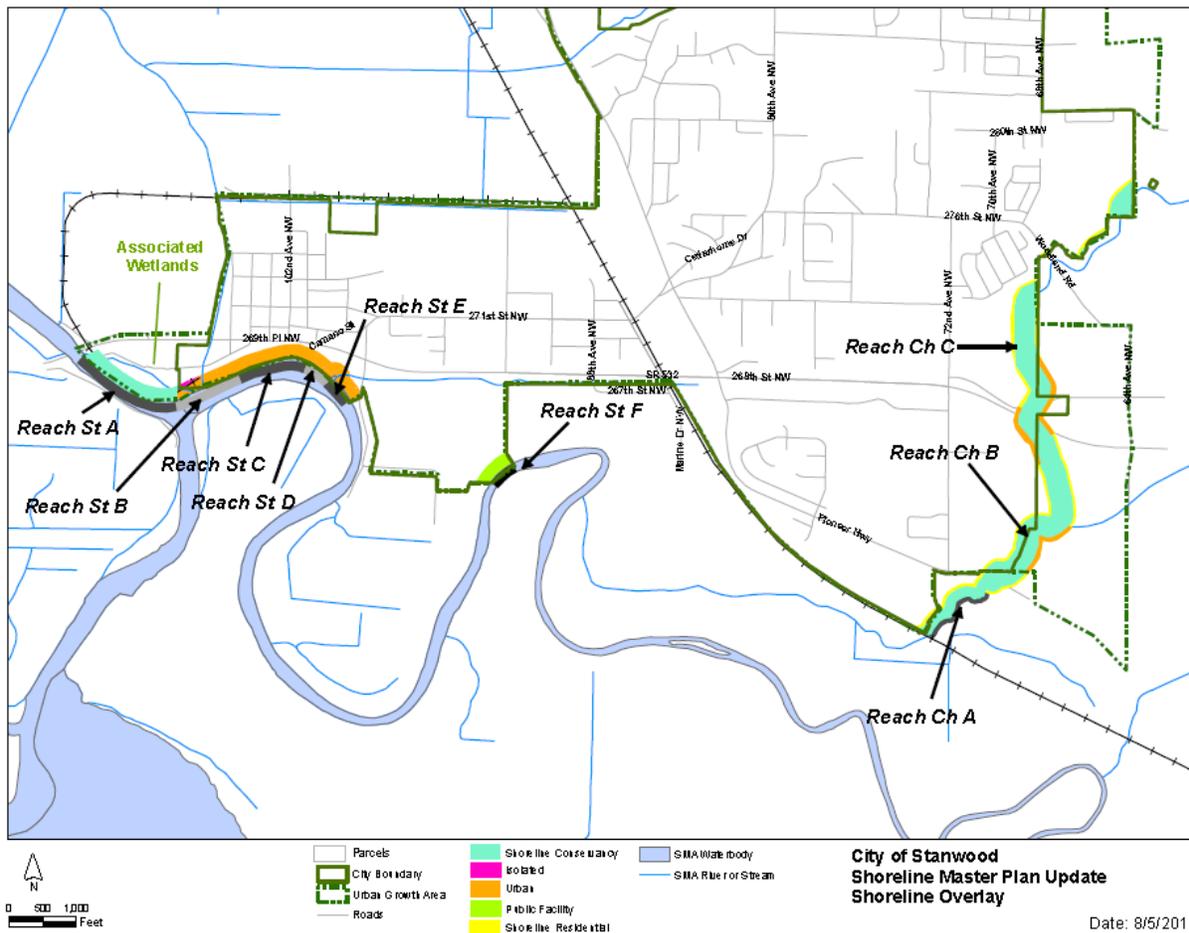
**Church Creek** meanders along the eastern edge of the City for over one mile. Church Creek meets the RCW 90.58.030 definition of “Shoreline of the State” as depicted in the USGS Report (1998) as exceeding 20-cfs mean annual flow, but less than the 1000-cfs (Parametrix, 2010). The Church Creek shoreline is limited to only the western edge of Church Creek located within Stanwood City Limits or its Urban Growth Areas. The City has recently mapped the full extent of Church Creek consistent with the Snohomish County SMP and designated the Aquatic area and the shoreline area Urban Conservancy. See Figure 1 below.

The City notes that shoreline jurisdiction, as determined by defining shorelands to be: the floodway + 200-feet or the floodplain within 200-feet of the Ordinary High Water Mark (OHWM) are essentially the same, as existing flood control facilities limit the floodway to within a few feet of the OHWM (Parametrix, 2010).

For the purposes of characterizing shoreline functions within shoreline management areas of the Stillaguamish and Church Creek, the river and the creek are divided into separate shoreline segments. Church Creek has parallel designations with the small landward edges having one designation and the majority of the shoreline jurisdiction designated Urban Conservancy. The City has divided the planning area into four separate shoreline segments A through D. These reaches differ only in the designation on the outermost area of the 200-foot shoreline jurisdiction, as shown below in Figure 1 (Parametrix, 2014).

As described below, Ecology required changes the full extent of Church Creek’s shoreline jurisdiction consistent with the relevant USGS data and as adopted by the 2012 Snohomish County SMP.

**Figure 1: City of Stanwood Shoreline Planning Area (2014), adapted from Parametrix 2010**



Land uses within the planning area adjacent to the Stillaguamish River are generally characterized as “...a mix of agricultural, industrial, commercial, non water-dependent, and sewage treatment lagoons.” (Parametrix, 2010). According to the City, most of the City’s shoreline areas are privately owned.

**Shoreline Ecological Functions:** The City’s *Shoreline Inventory and Analysis* (Parametrix, 2010) describes the current condition of shoreline ecological functions within the City’s jurisdictional area as largely affected by impacts throughout the watershed (i.e. outside of the City’s jurisdiction) as Stanwood is located very low within the Stillaguamish watershed and therefore water quality and water quantity functions are outside of the City’s control.

*Ecology finds that the City's 2010 Inventory and Analysis report provided a sufficient assessment of existing shoreline conditions to provide a basis for protection and restoration opportunities within the City's shoreline jurisdiction consistent with WAC 173-26-201 (3) (c) and (d).*

**Shoreline Environment Designations:** Assignments of Environment Designation are a fundamental aspect of the SMP update. Every stretch of shoreline has characteristics that can be used to determine what degree of natural shoreline ecological functions have been altered over time. The SMP update must factor in how lands have been used historically, including a general distinction between presently developed areas compared to relatively undisturbed shoreline areas. SMP-Guideline criteria provided in WAC 173-26-211 typically serve as the primary determinant for assignment of different shoreline environment designations, along with reference to zoning and other regulatory or built environment overlays.

Through development of the updated SMP, the City identified the High Intensity, Isolated, Shoreline Residential, Urban Conservancy, and Aquatic environment designations as appropriate to protect ecological functions and manage future shoreline development. According to the City's Cumulative Effects Analysis (Parametrix, 2011), the existing land-use pattern within shoreline jurisdictional areas consisting primarily of open space, public recreation and other low-intensity uses, are well established, are consistent with the City's *Comprehensive Plan* and therefore are not anticipated to change in the future. The City concluded that through implementation of the updated Shoreline Environment Designations, Shoreline Modification Standards, and applicable Use Standards the SMP will result in no net loss of shoreline ecological functions (Parametrix, 2011).

*Ecology finds that a substantive basis for designation of Shoreline Environments was conducted and the proposed designations are consistent with WAC 173-26-211.*

**Shoreline Uses:** As described in the City's *Cumulative Effects Analysis* (Parametrix, 2011), the City does not anticipate any significant changes to current uses that are currently well established within the City's boundaries. Therefore, the City concludes that the updated SMP is consistent with existing pattern of development, which primarily consists of Open Space, Public Recreation and other Low-Intensity Land-Uses.

*Ecology finds that the City has adequately considered SMA preferred uses and the potential for use conflicts consistent with WAC 173-26-201 (3) (d) (ii).*

**Shoreline Modifications:** Pursuant to WAC 173-26-231, "... Shoreline modifications are generally related to construction of physical elements such as a dike, breakwater, dredged basin, or fill, but they can include other actions such as clearing, grading, application of chemicals, or significant vegetation removal." 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 are reinforced through associated Mitigation Sequencing (WAC 173-26-201.2.e) and No Net Loss (WAC 173-26-186) requirements of the SMP-Guidelines.

The City's Cumulative Effects Analysis (Parametrix 2011) concludes the updated SMP provides development standards applicable to Shoreline Modifications such as grading and shoreline stabilization which are consistent with mitigation sequencing requirements and no net loss standards from the SMP-Guidelines.

*Ecology finds the City's Shoreline Modification standards are consistent with mitigation sequencing principles provided for in WAC 173-26-201 (2) (e) and requirements in WAC 173-26-231, relating to shoreline modifications.*

**Cumulative Impact Evaluation:** The City prepared a *Cumulative Effects Analysis* to support a final conclusion related to the programs consistency with the No Net Loss of shoreline ecological function policy goal of the SMP-Guidelines.

*Subject to the City's acceptance of the Required Changes (Attachment B), Ecology finds the City's Cumulative Effects Analysis (Parametrix 2012) provides adequate analysis of anticipated development and potential effects on shoreline ecological functions. This finding is based on review of analysis of Shoreline setback standards, setback reduction standards, Shoreline stabilization standards, which are shown to satisfy no net loss of shoreline ecological function requirements as provided by the SMP Guidelines.*

**Restoration Plan:** Pursuant to WAC 173-26-201 (2) (c), "Master programs shall also include policies that promote restoration of ecological functions, as provided in WAC 173-26-201 (2) (f), where such functions are considered impaired based on as jurisdictions Inventory and Characterization as described in WAC 173-26-201(3) (d) (i).

The City has identified priority restoration planning actions in a *Shoreline Restoration Plan* (Parametrix, 2012). The plan builds on information gathered through the City's *Inventory and Characterization Report* and provides a framework to guide future improvements to shoreline ecological functions of impaired shoreline areas within the City of Stanwood.

*Ecology finds that the Shoreline Restoration Plan is based on appropriate technical information available to the City during the SMP update. The Final Restoration Plan can serve as an effective tool for the City, non-profit organizations and the public to collectively improve shoreline conditions over time. Such restoration efforts are understood to help achieve the no-net-loss standard of the SMP-Guidelines (WAC 173-26-186).*

#### **AMENDMENT HISTORY AND REVIEW PROCESS:**

The City initiated the comprehensive SMP update consistent with a scope of work described within *SMA Grant No. G1000055*. The grant agreement provided \$44,000 in state funding to be allocated to the City between July 1<sup>st</sup>, 2009 and February 2013. Throughout this time period, the City provided Ecology with quarterly progress reports and deliverables listed within the grant agreement.

The City prepared an inventory of shoreline features, characterizing shoreline conditions throughout the City's jurisdictional area. Based on the *Shoreline Inventory and Analysis (Parametrix 2010)*, the City then prepared shoreline environment designations, corresponding policies and regulations as part of the *Draft SMP*. Finally, the City prepared a *Restoration Plan* and *Cumulative Effects Analysis (Parametrix 2012)* to analyze anticipated future development based on the draft SMP policies and regulations.

The City's SMP update process began through hosting of "Public Information Meetings" with the City's Planning Commission. The City held seven workshops, study sessions or open house events with either the Planning Commission or the City Council. Notice was provided to the general public and all stakeholders with interest in the SMP-update. The Planning Commission held a final Public Hearing on May 21, 2012. The Commission finished their review of the SMP by forwarding a recommendation to the City Council to consider the draft SMP for local approval. The City Council reviewed the draft SMP through three City Council Workshops and one public hearing on August 9, 2012 and passed Ordinance 1322 on October 30, 2012, authorizing City staff to forward the SMP on to Ecology for formal review and adoption of the updated SMP.

Independent of the public process described above, notice throughout the SMP-update was also provided on the City's website, as well as mailings and advertisements that were distributed to interested parties to encourage participation throughout the development of the SMP.

Ecology received an initial submittal of the SMP amendment on April 4, 2013 which Ecology determined to be incomplete due to lack of proof of publication of SEPA notice. On May 7, 2013, consistent with WAC 173-26-120 Ecology sent a complete submittal letter to the City, initiating formal state review of the SMP amendment.

*Ecology finds the City satisfied the minimum SMP-Guideline standards related to public process (WAC 173-26-201 (3) b) and submittal (WAC 173-26-110) of the SMP to the Department for review.*

## **DEPARTMENT OF ECOLOGY REVIEW PROCESS**

Notice of the State (Ecology) comment period was distributed to state task force members, tribal councils, and 280 local interested parties, identified by the City, in compliance with the requirements of WAC 173-26. In addition to individual notices mailed to interested parties, Ecology also provided notice on the agencies Public Involvement Calendar and created a webpage that provides information related to the City's SMP update and notice of the Ecology comment period. Ecology provided an opportunity for the public to submit comments on the City's SMP between July 10, 2013 and August 12, 2013. Ecology received comments from two parties on the City's SMP update during the public comment period. Comments focused on buffers and setbacks with one party asserting that buffers of 40 feet were acceptable, in order to provide for public access on the limited undeveloped land and the other party claiming larger buffers were needed to protect ecological functions.

### **Summary of Issues Identified by Ecology as Relevant To Its Decision:**

Based on review of locally approved SMP for consistency with applicable SMP-Guideline requirements, Ecology's final decision on the City's SMP included required changes listed in Attachment B.

Required changes include:

- Changes to definitions to be consistent with WAC 173-26, WAC 173-27, and RCW 90.58.030
- Changes to aquaculture policies and regulations for consistency with WAC 173-26
- Clarification of mitigation requirements, wetland buffers and delineation, and location of stormwater facilities

The changes also include a requirement for amended jurisdiction map to include the full extension of Church Creek within the City's jurisdiction consistent with the relevant USGS study as adopted by the Snohomish County SMP. Pursuant to WAC 173-18-044, the list within the county's SMP is the official list of shorelines, and the extent of Church Creek is established in the 2012 Snohomish County SMP official map. Figure 1 of this document reflects the required change of the extent of shoreline jurisdiction determined for Church Creek.

City staff and the City Council have been working on alternative language and acceptance of required changes over the past months.

*Therefore, Ecology finds that the SMP is consistent with the SMP Guidelines, provided the City accepts "Required Changes" listed within Attachment B.*

**Consistency with Chapter 90.58 RCW:** The proposed amendments have been reviewed for consistency with policy and procedural requirements of RCW 90.58.020 and the approval criteria of RCW 90.58.090.

**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 -020 definitions; see especially WAC 173-26-201, WAC 173-26-221 General Master Program provisions, WAC 173-26-231 Shoreline Modifications and WAC 173-26-241 Shoreline Uses. This included review of the final SMP Submittal Checklist dated August 2011, which was completed by the City and 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 April 24, 2013. This notice was published in the Stanwood Camano News on April 24, 2013. Notice of the SEPA determination was also circulated to the public and agencies and published in the SEPA register. No comments objecting to the DNS were received from any parties. Ecology did not comment on the DNS.

**Other studies supporting the SMP update:** In addition to multiple drafts of the proposed SMP (Policies & Regulations), Ecology reviewed the following reports, studies, map portfolios and data prepared by the City in support of the SMP amendment:

- *City of Stanwood Shoreline Inventory & Analysis* (Parametrix, 2010);
- *City of Stanwood SMP Update Cumulative Effects Analysis* (Parametrix, 2011);
- *City of Stanwood SMP Update Restoration Plan* (Parametrix, 2012); and
- Final SMP-checklist dated August 2013.

## **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 implementation of the new master program amendments (WAC 173-26-201 (2) (c)).

Ecology concludes that the proposed SMP amendment, subject to the required changes in Attachment B satisfy the intent of the provision for no net loss of shoreline ecological functions (WAC 173-26-201 (2)) (c).

Ecology concludes that the City of Stanwood chose not to exercise the 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 of Stanwood has complied with the requirements of RCW 90.58.100 regarding the SMP amendment process and contents.

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

Ecology concludes that the City of Stanwood 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 amendment is consistent with the policies of the Shoreline Management Act, the applicable guidelines and implementing rules, once changes set forth in **Attachment B** are formally accepted by the City. Ecology's approval of the proposed amendment including required changes will become effective 14-days after the date at which Ecology receives written notice that the City has agreed to the required changes.

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.