



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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July 12, 2019

The Honorable Erin Sitterley
City of SeaTac
4800 South 188th Street
SeaTac, WA 98188-8605

Re: Final Ecology Approval of City of SeaTac Shoreline Master Program Periodic Review Amendment

Dear Mayor Sitterley:

The Department of Ecology (Ecology) is pleased to announce final approval of the City of SeaTac's (City) Shoreline Master Program (SMP) periodic review amendment. The Department of Ecology (Ecology) finds the City's SMP is consistent with the policy and procedural requirements of the Shoreline Management Act of 1971 (SMA) and the Shoreline Master Program Guidelines.

Ecology approves the City's SMP periodic review amendment as submitted.

The enclosed Attachment A, Findings and Conclusions provides more information about our decision. This is Ecology's final action and there will be no further modifications to the proposal.

The amendment adopted by this action concludes the City's periodic review under RCW 90.58.080(4). Ecology's approval affirms the amendment is consistent with the applicable provisions of the SMA and its implementing rules, including periodic review requirements of WAC 173-26-090.

The amended SMP is effective 14 days from the date of this letter. This 14-day period was established by legislative action in 2011 and is intended to provide lead time for the City to prepare to implement approved amendments to the SMP.

Ecology is required to publish a newspaper notice that the City's SMP amendments have

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received final approval. The publication of this notice, in the form of a legal advertisement, will begin a 60-day appeal period. We will provide a copy of the notice to the City for its records.

If you have any questions, please contact our Senior Shoreline Planner, Kim Van Zwalenburg, at kim.vanzwalenburg@ecy.wa.gov or (360) 407-6520.

Sincerely,



Maia D. Bellon
Director

Enclosures

By Certified Mail [9489 0090 0027 6019 1351 97]

cc: Jennifer Kester, City of SeaTac
Joe Burcar, Ecology
Perry Lund, Ecology
Kim Van Zwalenburg, Ecology

ATTACHMENT A: FINDINGS AND CONCLUSIONS FOR PROPOSED PERIODIC REVIEW OF SEATAC'S SHORELINE MASTER PROGRAM

SMP Final Submittal accepted 7/1/2019, Ordinance No. 19-1015
Prepared by Kim Van Zwalenburg on 7/1/2019

Brief Description of Proposed Amendment

The City of SeaTac (City) has submitted a Shoreline Master Program (SMP) amendment to Ecology for approval to comply with periodic review requirements.

FINDINGS OF FACT

Need for amendment

The proposed amendment is needed to comply with the statutory deadline for a periodic review of the SeaTac Shoreline Master Program pursuant to RCW 90.58.080(4). The City's SMP was comprehensively updated in 2011 and applies to Angle Lake. It has not been amended since.

SMP provisions to be changed by the amendment as proposed

The City prepared a checklist and an analysis that documents proposed revisions. The revisions bring the SMP into compliance with requirements of the Shoreline Management Act or state rules that have been added or changed since the SMP was comprehensively updated, ensure the SMP remains consistent with comprehensive plans and regulations, and include changes deemed necessary to reflect changed circumstances, new information, or improved data.

The City SMP is currently available as a standalone document. Portions of the SMP have also been codified in Title 18 of the SeaTac Municipal Code (SMC) and general shoreline policies are included in the Environment Element in Chapter 9 of the Comprehensive Plan.

The following sections of the City's SMP are amended:

- Section 1.2 is revised to include language addressing the periodic review process.
- Chapter 2 Definitions. Changes are made for consistency with revisions to the Shoreline Management Act or implementing rules, and for consistency with the City's LID ordinance. The amendment:
 - Revises: best management practices; development; floodway; grassy swale; impervious surface; landscaping; nonconforming development; nonconforming use; qualified professional; recreational facilities; substantial development.
 - Adds: bioretention, low impact development; low impact development, best management practices; low impact development principles; nonconforming lot; permeable pavement; rain garden; surface water design manual, vegetated LID BMPs.
 - Deletes: AKART; biofiltration system; NEPA
 - Add a list of acronyms.

- Section 4.1 Introduction is revised to remove reference to Environmentally Sensitive Areas consistent with the conclusion made in SeaTac’s 2008 Shorelines Analysis Report that no sensitive areas were located in shoreline jurisdiction.
- Sections 5.4.5, 5.5.5, 5.6.5 and 5.8.5 Development Standards for each environment designation are revised for consistency with the Act when allowing for heights over thirty-five feet.
- Section 7.4 Dredging and Fill is revised to remove exemption language from the applicability section.
- Section 7.5.2 Exemptions (for overwater structures) is revised to reference SMP section 8.4.1 Exemptions and remove specific exemption language.
- Section 8.3 Exceptions is added to address those developments not required to obtain shoreline permits or local review
- Section 8.4.1 Exemptions is revised with updated monetary thresholds and reference to WAC 173-27-040.
- Section 8.4.3 Review Criteria for all Development is revised to include special procedures for WSDOT projects.
- Section 8.8 Master Program Review is added to address the requirement to periodically review the SMP.
- Section 8.9 Amendments to Master Program is revised adding language about the effective date.

SMP Figure 1: Shoreline Management Environmental Designations map is revised for legibility and renamed: Figure 1. Shoreline Environment Designation Map. No environment designations are changing.

Changes made throughout the SMP include incorporation of the City’s 2016 update to their Low Impact Development (LID) regulations, replacing references to the “Hughes property” with parcel numbers, and updates to:

- Table of Contents
- Titles/positions consistent with the City’s current administrative organization
- Document organization and numbering
- Obsolete or incorrect citations and references.
- Typographical errors

Amendment History, Review Process

The City prepared a public participation program in accordance with WAC 173-26-090(3)(a) to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines.

The City used Ecology’s checklist of legislative and rule amendments to review amendments to chapter 90.58 RCW and department guidelines that have occurred since the master program was last amended, and determine if local amendments were needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i).

The City reviewed changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them in accordance with WAC 173-26-090(3)(b)(ii).

The City considered whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data in accordance with WAC 173-26-090(3)(b)(iii).

The City consulted with Ecology and solicited comments throughout the review process.

The City held a joint local/state comment period on the proposed amendments following procedures outlined in WAC 173-26-104. The comment period began on February 19, 2019 and continued through March 21, 2019. A public hearing before the Planning Commission and Ecology was held on March 5, 2019.

The City provided notice to local parties, including a statement that the hearings were intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii). The record provided by the City indicates notice of the hearing was published on February 19, 2019 in the Seattle Times. Ecology distributed notice of the joint comment period to state interested parties. Tribal notification was sent on February 12, postcards were mailed on February 13 and general email notice was sent on February 15, 2019. The City received no comments on the proposed amendment.

The proposed SMP amendment was submitted to Ecology for initial state review on April 19, 2019 and verified as complete on the same day. Ecology prepared an initial determination that the amendment was consistent with the policy of the SMA and applicable guidelines. A written statement of initial concurrence was sent to the City on April 23, 2019.

With passage of Ordinance No 19-1015 on June 11, 2019, the City Council authorized staff to forward the proposed amendment to Ecology for formal approval.

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

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 173-26-020 definitions). This included review for compliance with the SMP amendment criteria found in WAC 173-26-201(2)(c) along with review of the SMP Periodic Review Checklist completed by the City and submitted to Ecology.

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) on March 6, 2019 for the proposed SMP amendment. The record shows notice was published in the Seattle Times on March 6, 2019. Ecology did not comment on the DNS.

Other Studies or Analyses supporting the SMP update

Ecology also reviewed supporting documents prepared for the City in support of the SMP amendment. These documents include a public participation plan, a periodic review checklist, and a Gap Analysis Report produced by the City's consultant.

CONCLUSIONS OF LAW

After review of the complete record submitted and all comments received, Ecology concludes that the City's proposed amendment 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.

Ecology concludes that the proposed amendment satisfies the criteria for approval of amendments found in WAC 173-26-201(1)(c). This includes the conclusion that approval of the amendment will not foster uncoordinated and piecemeal development of the state's shorelines (WAC 173-26-201(2)(c)(i) and will assure no net loss of shoreline ecological functions will result from implementation of the amended master program (WAC 173-26-201(2)(c)(iv)).

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 and WAC 173-26-104 regarding public and agency involvement in the SMP review and amendment process 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 SMP submittal to Ecology was complete pursuant to the requirements of WAC 173-26-090, WAC 173-26-104, and WAC 173-26-110.

Ecology concludes that it has complied with the procedural requirements for review and approval of shoreline master program amendments as set forth in RCW 90.58.090 and WAC 173-26-104, WAC 173-26-110, and WAC 173-26-120.

Ecology concludes that with this action the City has completed the required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26).

DECISION AND EFFECTIVE DATE

Based on the preceding, Ecology has determined the proposed amendment is consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules. With this approval, Ecology affirms the City has completed the requirement for a periodic review under RCW 90.58.080(4). Ecology approval of the proposed amendment is effective 14 days from Ecology's final action approving the amendment.