



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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AUG 22 2019

MOUNTLAKE TERRACE

August 16, 2019

The Honorable Kyoko Matsumoto Wright  
City of Mountlake Terrace  
6100 219<sup>th</sup> Street SW, Suite 200  
Mountlake Terrace, WA 98043

**Re: Final Ecology Approval of the Mountlake Terrace Shoreline Master Program Update**

Dear Mayor Matsumoto Wright:

The Department of Ecology (Ecology) is pleased to announce final approval of the Mountlake Terrace Shoreline Master Program (SMP) amendment. Ecology finds the City of Mountlake Terrace (City) program consistent with the policy and procedural requirements of the Shoreline Management Act (RCW 90.58) and its implementing rules.

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

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

The SMP is effective 14 days from the date of this letter. This time period was established by the state legislature and is intended to provide lead time for the City to prepare to implement the new SMP.

Ecology is required to publish a newspaper notice that the City's SMP has received final approval. The publication of this notice, in the form of a legal ad, will begin a 60-day appeal period. We will provide a copy of the legal ad to the City for its records.



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If you have any questions, please contact our regional planner David Pater at (360) 255-4375 or [david.pater@ecy.wa.gov](mailto:david.pater@ecy.wa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Maia D. Bellon", followed by a horizontal line extending to the right.

Maia D. Bellon  
Director

Enclosure

By Certified Mail [9489 0090 0027 6019 1352 41]

cc: Edith Duttlinger, City of Mountlake Terrace  
Joe Burcar, Ecology  
David Pater, Ecology

**ATTACHMENT A: FINDINGS AND CONCLUSIONS  
FOR PROPOSED PERIODIC REVIEW OF MOUNTLAKE TERRACE  
SHORELINE MASTER PROGRAM**

SMP Submittal accepted July 31, 2019, Resolution No. 812  
Prepared by Department of Ecology on August 9, 2019

The City of Mountlake Terrace (City) submitted Shoreline Master Program (SMP) amendments to Ecology for review to comply with periodic review requirements pursuant to RCW 98.58.80 (4)(b).

The City's shoreline is approximately 60% of the Lake Ballinger shoreline with the remaining 40% of the lake located within the City of Edmonds. Uses with the City's shoreline consist of two city parks, a golf course, undeveloped Lake Ballinger Island and a few residential lots. The upland shoreland environment is predominately Conservancy and a small section of Residential. Ballinger Island is designated Natural. Lake Ballinger is designated Aquatic environment

## FINDINGS OF FACT

### Need for amendment

The proposed amendments are needed to comply with the statutory deadline for a periodic review of the City's Shoreline Master Program pursuant to RCW 90.58.080(4). The City prepared a periodic review checklist that documents proposed revisions. The amendment brings the SMP into compliance with requirements of the Shoreline Management Act (Act) or state rules that have been added or changed since the last SMP amendment to ensure that the SMP remains consistent with amended comprehensive plans, regulations, and incorporation of revisions deemed necessary to reflect changed circumstances, new information, or improved data.

### SMP provisions to be changed by the amendment as proposed

The proposed SMP amendments focus on consistency with updated State shoreline laws that changed since the City's last SMP update in 2013. This included minor updates to the administrative chapter (MC 16.10.90), definitions and incorporation of 2018 Critical Areas Regulations (MC 16.15).

### 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. Outreach included a public workshop and joint (state/local) review hearing at the City's Planning Commission.

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 amendment following procedures outlined in WAC 173-26-104. The comment period began on March 25, 2019 and continued through April 24, 2019. A public hearing before the Planning Commission was held on April 8, 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). Affidavits of publication provided by the City/County indicate notice of the hearing was published on in the Everett Herald on March 15, 2019.

Ecology distributed notice of the joint comment period to state interested parties on March 15, 2019.

No comments were received on the proposed amendments.

The proposed SMP amendment was received by Ecology for initial state review and verified as complete on July 31, 2019.

Ecology provided an initial determination memo describing the specific areas of concern and changes necessary on June 6, 2019. One minor change was required, as described below:

SMP definitions section (Ch.7) and City code section 16.10. Update the definition of "Development" for consistency with WAC 173-27-030 (6) as follows:

"Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the act at any stage of water level. "Development" does not include dismantling or removing structures if there is no other associated development or re-development.

City staff indicated that the SMP definitions will be moved to city code section 16.10.

City staff updated the definition of Development in city code section 16.10 prior to SMP local adoption.

With passage of Resolution #812, on June 17, 2019, the City authorized staff to forward the proposed amendments 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 includes review for compliance with the SMP amendment criteria found in WAC 173-26-201(1)(c) along with review of the SMP Periodic Review Checklist completed by the City.

#### 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 22, 2019 for the proposed SMP amendments. Ecology did not comment on the DNS.

#### Other Studies or Analyses supporting the SMP amendment

Ecology also reviewed supporting documents prepared for the City in support of the SMP amendment. These documents include a public participation plan and a periodic review checklist.

## CONCLUSIONS OF LAW

After review of the complete record submitted and all comments received, Ecology concludes that the City proposed 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 amendment satisfies the criteria for approval of amendments found in WAC 173-26-201(1)(c). This includes the conclusion that approval of the SMP amendment will not foster uncoordinated and piecemeal development of the state's shorelines (WAC 173-26-201(1)(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(1)(c)(iv)).

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 an open house, a public hearing, notice

and 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 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 state review of the amendment 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 amendments are consistent with Shoreline Management Act policy, the applicable guidelines and implementing rules. Ecology approval of the proposed amendments is effective 14 days from Ecology's final action approving the amendment.