



PROJECT MEMO

TO:	Cosmopolis Planning Commission	DATE:	March 10, 2023
FROM:	Ali Masterson and Nicole Stickney, AICP Tri-Cities - (509) 380-5883	PROJECT NO.:	2220313.30
		PROJECT NAME:	Cosmopolis SMP Periodic update
SUBJECT:	Cosmopolis Shoreline Master Program (SMP) Periodic Update		

DESCRIPTION OF PROPOSAL

The City of Cosmopolis is conducting a periodic review and updating its Shoreline Master Program (SMP), along with all other jurisdictions in the State of Washington, to comply with State law and updated regulations (RCW 90.58 and WAC 173-26 and WAC 173-27). The State’s Shoreline Management Act (RCW 90.58) requires each SMP to be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. **The purpose of the Planning Commission hearing is to hear public testimony regarding the proposed changes to the SMP, which serves to regulate development located in the City’s shoreline jurisdiction, and make a recommendation to the City Council.**

BACKGROUND

As required by the State Shoreline Management Act, local governments must periodically review and update their shoreline master program which are based on the State’s Shoreline Master Program Guidelines (WAC 173-26) but tailored to the specific circumstances and needs of the local community.

History: The City prepared and adopted its first SMP in the 1970’s following the adoption of the 1971 Shoreline Management Act with the intent of balancing development and protection in the shorelines. In the forty years since, the City’s shorelines have physically changed in many ways. In addition, state laws and rules have advanced as development and conservation practices have evolved. Because of all these changes, the City adopted an update to its SMP in 2017 tailored to local conditions that considers existing and planned development within the City’s shorelines prepared under a grant agreement with the Washington State Department of Ecology.

Some state laws, rules, and guidance have been updated since the 2017 SMP update, which may require amendments to the SMP. The Department of Ecology (Ecology) publishes a checklist of state laws, rules, or other applicable documents published each year that require local governments to review their SMP for conformance. RCW 90.58.080(4) requires the City of Cosmopolis to periodically review and, if necessary, revise the master program on or before June 30, 2023. In 2022, the City’s consultant, AHBL, reviewed the checklist and identified opportunities for amendments.

What is included in the SMP? The SMP includes the City’s vision of how shoreline areas can be used and provides the policy basis and regulations to guide shoreline development, public access, and habitat protection. The goals and policies of the SMP are to be incorporated into the City’s Comprehensive Plan, as required by the State Growth Management Act (RCW 36.70A). The shoreline regulations regulate shoreline areas in harmony with existing

development regulations. The critical area regulations found in Appendix 2 of the SMP regulate development that affects the City's critical areas *within the shoreline jurisdiction*.

Affected area: The Shoreline Management Act defines the extent of the geographic area in the city subject to the SMP, referred to in the SMP as the city's shoreline jurisdiction. The SMP applies to the shorelines of the city including the ordinary high water mark (OHWM) and the western boundary of the state including harbors, bays, estuaries, and inlets, segments of streams or rivers where the mean annual flow is more than twenty (20) cubic feet per second, lakes and reservoirs twenty (20) acres and greater in area and shorelands adjacent to these water bodies including lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the OHWM, adopted Federal Emergency Management Agency (FEMA) floodways and contiguous floodplain areas landward two hundred (200) feet from such adopted FEMA floodways, and all wetlands and river deltas associated with the streams, lakes, and tidal waters subject to the SMA.

The following water bodies are subject to the City of Cosmopolis SMP: the Chehalis River. There are 300 acres and 7 miles of shoreline in Cosmopolis.

How are items to be updated determined? The update is based on a checklist provided by Ecology that details the changes to state laws / rules / guidance which may trigger the need for SMP amendments. The checklist was completed by the City's consultant, AHBL. The update also considers changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The City also considers comments from stakeholders and the public, as well as Ecology and other reviewers (being mindful of budget constraints and the limited scope required during a periodic review).

What's next? After reviewing all comments and testimony given at or prior to the public hearing, the Planning Commission may issue a preliminary recommendation on the SMP update which would become effective if no further comments are received by the city as of the close of the comment period¹. Once the recommendation of the Planning Commission is given to the City Council and the City Council may adopt the SMP and associated documents, and then Ecology will have its final review of the SMP.

Unlike other local regulations, Ecology has final review and approval authority over the City's SMP, including the ability to require changes. This also means that Ecology has the ability to review and require changes to the parts of our critical areas ordinance and any other ordinances incorporated into the SMP.

RELATIONSHIP TO THE COMPREHENSIVE PLAN

The SMP is consistent with the Comprehensive Plan in many ways. The City's adopted Comprehensive Plan last amended 2016 includes the following goals and policies that relate to the SMP:

¹ The hearing will occur on April 10, 2023 but the comment period extends through April 19, 2023. The Planning Commission therefore has the option to (1) meet again following the close of the comment period to make a final recommendation to the City Council, or could (2) potentially avoid a second meeting by passing a motion, making a recommendation to the City Council with the caveat that if staff receives any more comments that should be further reviewed by the Planning Commission the recommendation will be reviewed at a future meeting.

Waterfront Development Goals

One of Cosmopolis's most important potential economic and natural resources is the City's waterfront. The waterfront is used for fishing, recreation, commercial and industrial uses. Grays Harbor is the only deep-water port on the Washington Coast. Cosmopolis has many different types of waterfront areas, including the habitat areas of the Chehalis River, Mill Creek, and the freshwater lake of Mill Creek Lake.

WG-1 Participate in the management of the Grays Harbor estuary for multiple uses.

WG-2 Allow the appropriate development and use of suitable waterfront areas.

WG-3 Encourage the appropriate redevelopment and use of blighted waterfront areas.

WG-4 Increase appropriate public and private use of the waterfront areas of the City.

WG-5 Protect important waterfront areas and resources. Waterfront Development Policies

Waterfront Development Policies

The waterfront development policies outline and describe directions for governmental action and decision making to implement the waterfront development goals. The policies are also applied to specific projects through zoning conditional use reviews, special use permit reviews, re-zone ordinances, State Environmental Policy Act Reviews, discretionary administrative reviews, long and short subdivision reviews and reviews of shoreline permit applications.

WP-1 Waterfront development within the City should be consistent with the findings, conclusions and recommendations contained in the City of Cosmopolis's Shoreline Master Plan, the Grays Harbor Estuary Management Plan, the Port of Grays Harbor's most current Industrial Properties Master Plan, the Washington State Department of Transportation's most current Washington Coastal Corridor Master Plan, and the most current Revitalization Potentials on the Grays Harbor Waterfront report.

WP-2 New developments fronting upon the water should provide appropriate levels of public access. The access should be provided as condition of any discretionary land use approvals granted for the property where an access is identified, or where appropriate through a combination of private and public funding.

WP-3 Public access is necessary to continue the public use of the public shorelines of the City of Cosmopolis. The protection and development of this access is found to be in the public interest of the City.

WP-4 Waterfront access should be provided as condition of any discretionary land use approval granted for a property where a proposed development would:

- a. Generate increased demand for waterfront access; or
- b. Reduce public access to the waterfront.

WP-5 Priority public access facilities should, under appropriate circumstances, be constructed with public funding or a combination of public and private funding.

WP-6 Circulation plans and development of parking areas should be coordinated with the Transit Authority.

WP-7 The City should work with business and property owners to prepare a Market Analysis and a Business Development Master Plan which provides findings, conclusions and recommendations concerning the type and number of businesses needed to achieve a successful development environment for the area.

WP-8 The City and the private sector should examine development of a waterfront park and up-graded boat launch facility at the current boat launch at the foot of 'F' Street along the east bank of the Chehalis River.

PUBLIC NOTICE/ COMMENTS

Public participation is a very important cornerstone of this periodic update process.

This project was launched with Council’s adoption of a public participation plan, which was followed by a letter mailed to stakeholders (persons who own property in the shoreline jurisdiction according to tax records, tribes, etc.) to provide notice and information about the pending update, and gave the opportunity for people to “sign up” to be included on an email notification list. A webpage on the City’s website was established at <https://www.cosmopoliswa.gov/community-resources/economic-development/shorline-master-program.html> and it has been regularly updated.

Public notice of the joint City/ Ecology April 10, 2023 public hearing included (or will include) the following:

- Posting of a notice to the city’s website
- Emailed to the SMP update email list and to individuals/ agencies on the SEPA email list (Joint notice for the public hearing and for the SEPA determination)
- Notification completed by Ecology
- Publication in *The Daily World* newspaper

Additionally, a *Request for Review and Notice of Intent to Adopt Amendment*, as required under RCW 36.70A.106, was submitted to the Washington State Department of Commerce on March 6, 2023.

The official comment period for the SMP is open from March 20 – April 19, 2023. AHBL consultants will compile all comments received in writing in a response matrix, to document the comments as well as a response for each comment.

ENVIRONMENTAL REVIEW

The proposal is subject to environmental review. The City is the lead agency for the proposal under the State Environmental Policy Act (SEPA) and reviewed the proposed non-project action for probable adverse environmental impacts and issued a determination of non-significance (DNS) for this proposal on March 20, 2023.

PAST AND PROJECTED TIMELINE

The processing of this item has included the following thus far:

October 2022:	Council adopted a Public Participation Plan
October 2022:	Completed preliminary draft of the SMP Amendments and ecology checklist
January 2023:	Completed First Draft SMP Amendments and ecology checklist
January 2023:	City solicited early feedback from Ecology

- February 27, 2023: Completed updated draft of the SMP Amendments and ecology checklist
- March 13, 2023: Letters sent to property owners and potentially interested agencies
- March 20, 2021: Newspaper notice published; Issue SEPA Threshold Determination; City and Ecology joint **public comment period begins**

The projected future timeline includes:

- April 10, 2023: Joint Planning Commission/ Ecology Public Hearing at 6:30 p.m.
- April 19, 2023: **Conclusion of public comment period** and City responds to public comments
- June 2023: City Council adoption (tentative)
- June 2023: Submit Application for Final Determination from Ecology
- TBD Final Ecology Approval (Anticipated late June 2023)

FISCAL IMPACT

The City was awarded a grant from Ecology to pay towards the costs associated with the SMP update. The grant funding was provided to only update the SMP itself (there was no funding for updates or changes to reports and research produced as a part of the previous update, such as the Shoreline Inventory and Characterizations report).

SUGGESTED FINDINGS

Written findings will be needed for the City to adopt the SMP amendments under the periodic update. Listed below are DRAFT written findings that will be further developed as the process ensues:

Findings:

1. The State of Washington Shoreline Management Act of 1971 (Chapter 90.58 RCW) requires counties and cities to prepare SMPs to prevent the uncoordinated and piecemeal development on shoreline of the state.
2. Under RCW 90.58.050, the City and Ecology share joint authority and responsibility for the administration of the City's SMP. When the City's updated SMP is approved by Ecology, it has the authority of state law.
3. In 2003, Ecology adopted new rules based on RCW 90.58.200, that became effective January 17, 2004. These rules gave procedural and substantive direction to local jurisdictions for updating shoreline uses and regulations.
4. Ecology adopted and approved the existing City SMP in 2015.
5. The State's Shoreline Management Act (RCW 90.58) requires each SMP to be reviewed and revised, if needed, on an eight-year schedule established by the Legislature and the Cosmopolis

- periodic update is due no later than June 30, 2023.
6. The SMP Guidelines (Chapter 173-26 WAC) are the standards and guidance that establish minimum standards for updating local SMPs.
 7. The City was awarded a grant from Ecology to fund a portion of the update costs.
 8. The proposed SMP is compatible with the City's adopted land use designations, policies, and goals contained with its Comprehensive Plan and its development regulations.
 9. The proposed SMP recognizes private property rights and it is consistent with other property regulations and those rights afforded to property owners.
 10. The City completed environmental review under SEPA issued a Threshold Determination of Non-Significance on March 20, 2023.
 11. The City filed a Growth Management Act 60-day notice of intent to adopt with the State of Washington Department of Commerce on March 6, 2023.
 12. The proposed amendments to the City's SMP were placed on the City website prior to the City's Planning Commission public hearing for public review.
 13. Public hearing notice was published in *The Daily World* on March 20, 2023.
 14. A public hearing before the City's Planning Commission was held on April 10, 2023.
 15. The official comment period for the SMP is open from March 20, 2023 to April 19, 2023 and the joint City / Ecology public hearing occurred during that time period.
 16. All written comments received prior to and during the official comment period will be compiled into a Response Matrix document for the City to consider and document their review and formal responses.
 17. Following completion of the public hearing before the City's Planning Commission, the City Council will hold a hearing to approve the updated SMP.
 18. The City will formally adopt the SMP following review and approval by Ecology and it will then become effective.
 19. The SMP aligns with the City's Comprehensive Plan and the two documents are not in conflict.

ACTION

The Planning Commission should conduct a public hearing to receive public comments on the proposed periodic update to the SMP . A copy of the draft SMP showing proposed amendments in tracked changes is attached to this memo for review. **Additional materials are available on the City's website.**

Suggested Motion:

"I move that the Planning Commission take revocable action to recommend to City Council approval of the SMP Periodic Update package, including the draft amendments that the Commission has reviewed and forward the recommendation with the suggested findings of fact.

However, I further move that if the city receives additional comments between now and the end of the comment period which extends to April 19, 2023, the Planning Commission will instead hold an additional meeting to review the comments and potentially modify the recommendation."

Cc: Darrin Raines, City Administrator