CITY OF MOUNTLAKE TERRACE

RESOLUTION NO. 708

A RESOLUTION TO APPROVE THE CITY OF MOUNTLAKE TERRACE’S SHORELINE MASTER PROGRAM 2011 UPDATE, PROVIDE FOR SUBMITTAL OF THE APPROVED SHORELINE MASTER PROGRAM TO THE DEPARTMENT OF ECOLOGY FOR FINAL REVIEW, AND DECLARE INTENT TO ADOPT THE SHORELINE MASTER PROGRAM 2011 UPDATE BY ORDINANCE UPON APPROVAL BY THE DEPARTMENT OF ECOLOGY

WHEREAS, the Shoreline Management Act of 1971 (SMA or Act), codified as Chapter 90.58 RCW, requires all cities and counties with “shorelines of the state” to prepare and adopt a Shoreline Master Program that is based on state laws and rules, but tailored to the specific jurisdiction; and

WHEREAS, according to Substitute Senate Bill (SSB) 6012, passed by the 2003 Washington State Legislature, cities and counties are required to update their SMPs consistent with the state Shoreline Management Act, Revised Code of Washington (RCW) 90.58 and its implementing guidelines, Washington Administrative Code (WAC) 173-26; and

WHEREAS, the City of Mountlake Terrace (“City”) adopted its Shoreline Master Program (SMP) in 1975 and it was last amended in 1993; and

WHEREAS, the City is required to update its SMP pursuant to the SMA and WAC 17-26; and

WHEREAS, the City has incorporated public input into the update process by preparing a Public Participation Plan, holding a public open house, holding public meetings before the Planning Commission, holding a stakeholders meeting, developing a webpage, providing notice of meetings and updates by email, mail, news releases and maintaining an SMP mail list; and

WHEREAS, the updated SMP includes a scientific inventory and characterization report, goals and policies, shoreline environmental designations, regulations and administrative procedures, a restoration plan and cumulative impacts analysis; and

WHEREAS, the updated SMP provides for protection of sensitive shoreline and shoreland within the shoreline jurisdiction area while allowing appropriate uses and modifications; and

WHEREAS, on November 23, 2011, the City’s SEPA responsible official issued a Determination of Non-significance pursuant to WAC 107-11-600(4)(a) and the appeal period expired on December 19, 2011; and
WHEREAS, city staff, the City’s SMP consultant and Department of Ecology staff worked collaboratively to prepare a draft and revisions thereto that responded to Department of Ecology review; and

WHEREAS, on December 12, 2011 the Planning Commission held a public hearing on the draft SMP, and made a recommendation to the City Council to adopt Findings and Conclusions and approve the SMP; and

WHEREAS, on December 19, 2011 the City Council held a public hearing to consider the draft SMP and the Planning Commission’s recommendation, along with any public input and other pertinent information; and

WHEREAS, the City Council intends to approve the Shoreline Master Program 2011 update, submit the approved SMP to Department of Ecology for the required final review, and adopt the SMP 2011 update by ordinance upon approval by the Department of Ecology;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Proposed Shoreline Master Program 2011 Update - Approved. The City of Mountlake Terrace City Council approved the Shoreline Master Program update attached as Exhibit A and incorporated herein by reference.

Section 2. Finding and Conclusions. In support of this resolution, the City of Mountlake Terrace adopts the Findings and Conclusions attached hereto as Exhibit B and incorporated herein by reference.

Section 3. Submit to Department of Ecology. The City Manager or his designee is hereby directed to submit the approved Shoreline Master Program update and all supporting documentation required to accompany the SMP pursuant to WAC 173-26-110 to the Washington State Department of Ecology for formal review and approve in accordance with WAC 173-26-120.

Section 4. Effective Date of Resolution. This resolution shall be effective immediately upon passage by the City of Mountlake Terrace City Council.

Section 5. Effective Date of the Shoreline Master Program. The Shoreline Master Program 2011 Update herein described shall not take effect or be in force until after Department of Ecology has completed final review of the Plan and informed the City of Mountlake Terrace that the Plan has been accepted. The City of Mountlake Terrace must adopt an ordinance to adopt the Plan, as approved by the Department of Ecology, and establish an effective date in the adoption ordinance.
PASSED BY THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE this 19th day of December, 2011, and signed in authentication of its passage this 19th day of December, 2011.

[Signature]
MAYOR JERRY SMITH

ATTEST: [Signature]
CITY CLERK