

ORDINANCE NO. 1847-16

AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON AMENDING THE SEDRO-WOOLLEY MUNICIPAL CODE AND COMPREHENSIVE PLAN FOR THE PURPOSE OF ADOPTING AN UPDATED SHORELINE MASTER PROGRAM

WHEREAS, the City of Sedro-Woolley has been operating under the Skagit County Shoreline Master Program (SMP) since 1979, and

WHEREAS, the City of Sedro-Woolley is required to update its Shoreline Master Program pursuant to the Washington State Shoreline Management Act (SMA); and

WHEREAS, the SMA requires that local jurisdictions develop master plans that constitute use regulations for shorelines of statewide significance; and

WHEREAS, the Growth Management Act (GMA) mandates that the City maintain a Comprehensive Plan including goals directed at management of the City shorelines; and

WHEREAS, the GMA requires that Comprehensive Plans and development regulations be consistent; and

WHEREAS, the Planning Commission, acting as the Shorelines Citizens Advisory Committee, held seven public meetings and three public hearings (August 16, 2011, August 21, 2012 and September 17, 2013) and has reviewed and recommended City Council approval of the SMP update documents; and

WHEREAS, the requirements for public participation in the development of this amendment as required by the GMA, SMA and SWMC have all been met; and

WHEREAS, the City Council reviewed the Shorelines Citizens Advisory Committee's recommendation and passed Resolution 890-13 on October 9, 2013 approving the proposed SMP update and the accompanying goals and policies, environmental designations, regulations, critical areas regulations and restoration plan, and directing the SMP update materials be provided to the State Department of Ecology for its review and approval; and

WHEREAS, the State Department of Ecology is authorized under the SMA to approve, deny or propose modifications to the jurisdiction's SMP; and

WHEREAS, the City forwarded the City Council approved SMP to the Department of Ecology for their required 30 day public comment period on December 1, 2014, the comment period began on December 19, 2014, ended on January 23, 2015 and no comments were received; and

WHEREAS, as outlined in WAC 173-26-120, the Department of Ecology made written findings and conclusions regarding the consistency of the amendment proposal with the policy of RCW 90.58 and applicable guidelines; and

WHEREAS, on March 12, 2015 the City received the Department of Ecology's letter approving the SMP update, subject to minor, non-substantive required changes identified by the Department of Ecology and suggested changes by the Department of Ecology; and

WHEREAS, the City incorporated into the SMP update the required and suggested changes and the Department of Ecology approved the revisions; and

WHEREAS, in compliance with the terms, conditions and procedures of the State Environmental Policy Act (SEPA) and Chapter 2.88 SWMC, an environmental assessment of the proposed amendments to the SMP was performed and a determination of non-significance (DNS) was issued November 5, 2013 and no appeals were filed prior to the close of the appeal period on November 19, 2013; and

WHEREAS, pursuant to RCW 36.70A.106, a 60-day notice of intent to adopt a development regulation was sent to the Washington State Department of Commerce on October 25, 2013; and

WHEREAS, City Council concludes that the SMP update will result in no net loss in shoreline ecological function relative to the baseline due to its implementation and will ultimately produce a net improvement in shoreline ecological function; and

WHEREAS, the Sedro-Woolley City Council concludes that the SMP update is consistent with and meets the Guidelines established under WAC 173.26, including conducting open houses and public hearings, notice, consultation with parties of interest and solicitation of comments from tribes, government agencies and the Department of Ecology; and

WHEREAS, with the Sedro-Woolley City Council's adoption of the SMP update will be determined to be final by the Department of Ecology following the Department of Ecology's required 60 day appeal period; and

WHEREAS, the Sedro-Woolley City Council concludes that the SMP is consistent with and implements the SMA (RCW 90.28) and the Growth Management Act (RCW 36.70A); and

WHEREAS, the City Council has concluded that it is in the best interest of the public health, safety and welfare to adopt this ordinance; and

WHEREAS, the City Council adopts the forgoing as its findings of fact justifying its adoption of this Ordinance.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Exhibit 1 attached hereto and incorporated herein in its entirety by this reference is hereby adopted as the City of Sedro-Woolley Shoreline Master Program and the Goals included

in Exhibit 1 shall be incorporated into the Goals and Policies Section of the Land Use Element of the Sedro-Woolley Comprehensive Plan.

Section 2. Exhibit 1 attached hereto and incorporated herein in its entirety by this reference is hereby adopted as the City of Sedro-Woolley Shoreline Master Program and shall be codified under Chapter 17.XX of the Sedro-Woolley Municipal Code. Chapter 17.XX SWMC is added to Title 17 Zoning of the Sedro-Woolley Municipal Code to reference the adoption of a Shoreline Management Program for the City of Sedro-Woolley and shall read as follows:

Chapter 17.XX
City of Sedro-Woolley Shoreline Master Program

17.XX.010 Adopted Shoreline Master Program

The City of Sedro-Woolley Shoreline Master Program is set forth in Exhibit 1 attached to Ordinance No.1847-16. A copy of the Sedro-Woolley Shoreline Master Program and any amendments thereto) is available at the office of the Sedro-Woolley Planning Department.

17.XX.020 Violations – Penalties

Any person violating or failing to comply with any of the provisions contained in this chapter shall be subject to the enforcement provisions contained in Title 18, Code Enforcement.

17.XX.030 Fees

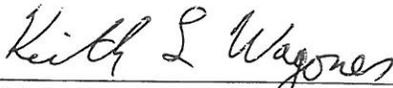
Fees associated with applications for actions under the shoreline management program shall be assessed as designated in the current city of Sedro-Woolley building, planning and engineering fee schedule, as adopted by resolution of the city council and on file with the city clerk.

Section 3. Upon adoption of this ordinance, staff is directed to notify the Department of Ecology of the City's action approving the SMP updates.

Section 4. This ordinance shall be effective 14 days from the date that the Department of Ecology provides written approval of the SMP updates pursuant to RCW 90.58.090.

Section 5. The provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held invalid or unconstitutional or if the application of this ordinance to any person or circumstances shall be held invalid or unconstitutional, such decisions shall not affect the validity of the remaining sections, sentences, clause or phrases of this ordinance.

PASSED by majority vote of the members of the Sedro-Woolley City Council this
11th day of May, 2016, and signed in authentication of its passage this
12th day of May, 2016.



Keith L. Wagoner, Mayor

Attest:



Patsy Nelson, Finance Director

Approved as to form:



Eron Berg, City Attorney

Published: May 16, 2016