

ORDINANCE NO. 2016-09

AN ORDINANCE OF THE CITY OF WALLA WALLA, WASHINGTON, ADOPTING THE CITY OF WALLA SHORELINE MASTER PROGRAM UPDATE, INCLUDING ADOPTING NEW SHORELINE DESIGNATION MAPS AND AMENDING GOALS, POLICIES, AND REGULATIONS; AND TAKING SUCH OTHER ACTION RELATED THERETO

WHEREAS, the City of Walla Walla passed Municipal Ordinance A 2-405 on May 13, 1970 which classified the City of Walla Walla as a nonchartered code city under Title 35A of the Revised Code Washington (RCW); and

WHEREAS, the State of Washington provides a timetable for local governments to amend shoreline master programs through the Revised Code of Washington (RCW) 90.58.080; and

WHEREAS, the City of Walla Walla's current shoreline master program was adopted by Resolution No. 3787 on January 12, 1977, as amended by Resolution No. 4257 on March 25, 1981 and Resolution No. 4767 on February 26, 1986, and has remained essentially unchanged since 1986; and

WHEREAS, in response to RCW 90.58.080, the City of Walla Walla entered into an intergovernmental agreement on April 2013 with Walla Walla County, and the cities of Waitsburg and Prescott, to prepare a cooperative shoreline master program update that allowed the jurisdictions to combine grant resources; and

WHEREAS, pursuant to RCW 90.58.130 and WAC 173-26-100, all reasonable efforts to inform, full involve, and encourage participation of all interested person, private entities, and agencies of federal, state, or local government having interests and responsibilities relating to shorelines of the state and the local master program; and

WHEREAS, a project management team was established to oversee the shoreline master program update process. The project management team consisted of representatives from the four jurisdictions and met seventeen times on a monthly basis as needed; and

WHEREAS, a regional working group was established to review and provide input on the master program development and was comprised of the following individuals and groups:

1. Property Owners (2)
2. Citizens for Good Governance
3. Gardena Farms Irrigation District #13
4. Snake River Salmon Recovery Board
5. Tri-State Steelheaders
6. Walla Walla County Conservation District
7. Port of Walla Walla
8. Washington State Department of Ecology
9. Washington State Department of Fish and Wildlife
10. Walla Walla County Planning Commission
11. City of Prescott Planning Commission
12. City of Waitsburg Planning Commission
13. City of Walla Walla Planning Commission; and

WHEREAS, the Department of Ecology has reviewed the regional draft plan and provided comments July 2015 and November 2015; and

WHEREAS, in response to criteria provided in the State Shoreline Guidelines, the shoreline master program identifies shoreline environmental designations for properties within

200 feet of Mill Creek. The classification system is consistent with that described in WAC 173-26-211(4) and (5) and includes policies and regulations for each environment; and

WHEREAS, visioning sessions were held within Walla Walla County to provide input on the update approach and the City of Walla Walla session was conducted on July 30, 2014; and

WHEREAS, open houses were held prior to the regular Planning Commission meetings on February 1, 2016, March 7, 2016, and April 4, 2016 to gather public input on the draft SMP; and

WHEREAS, the draft SMP was presented to the Walla Walla City Council at a regular workshop meeting on March 14, 2016; and

WHEREAS, the draft SMP was submitted to the Department of Commerce Growth Management Services for the required 60-day notice of intent to adopt on February 18, 2016 and an acknowledgement letter was received on February 19, 2016. No comments were received during the 60-day state review and the requirement of RCW 36.70A.106 has been met; and

WHEREAS, a Determination of Non-Significance was issued on March 17, 2016; and

WHEREAS, the City of Walla Walla Planning Commission reviewed the draft plan at their regular meetings between January 2016 and March 2016; and

WHEREAS, a notice of public hearing was published as required by the Walla Walla Municipal Code on March 17, 2016 as well as posted on the Shoreline Update website on the Walla Walla County website and to an interested citizens list; and

WHEREAS, the City of Walla Walla Planning Commission held a public hearing on the proposed shoreline master program update on April 4, 2016; and

WHEREAS, a responsive summary to the public comments given on the draft shoreline master program update was prepared and reviewed by the City of Walla Walla Planning Commission at a special meeting on April 18, 2016; and

WHEREAS, on May 2, 2016 after considering all of the public testimony and other information received, voted to recommend approval master program update with modifications; and

WHEREAS, the Walla Walla City Council has considered the matter during a regularly and duly called public meeting of said Council, has given said matter careful review and consideration, has considered all of the public testimony and other information received, and finds that good government and the best interests of the City of Walla Walla will be served by passage of this ordinance.

NOW THEREFORE, the City Council of the City of Walla Walla do ordain as follows:

Section 1: The Walla Walla City Council finds that the amended Shoreline Master Program hereby adopted conforms to the requirements of Chapter 90.58 of the Revised Code of Washington and Washington Administrative Code Chapter 173-26 as evidenced in the staff report to the Planning Commission for the April 4, 2016 public hearing which is incorporated herein by reference.

Section 2: The Walla Walla City Council finds that the process used to consider and adopt this ordinance satisfies the public participation requirements of RCW 90.58.130.

Section 3: The Walla Walla City Council hereby approves and adopts the Shoreline Master Program as set forth in Attachment A. Upon its approval by the Washington State Department of Ecology, the City's amended Shoreline Master Program shall supersede and replace the program adopted and amended by Walla Walla Resolution Nos. 3787 (Jan. 12, 1977), 4257 (Mar. 25, 1981), and 4767 (Feb. 26, 1986).

Section 4: The Development Services Department is directed to submit this ordinance and all other required documentation to the Washington State Department of Ecology no later than June 30, 2016. The City of Walla Walla hereby requests that the Washington State Department of Ecology make findings and conclusions that the City's amended Shoreline Master Program is consistent with the policy of RCW 90.58.020 and approve the proposal.

Section 5: The City Manager and the administrative service of the City of Walla Walla is hereby authorized to respond to issues identified by the public, interested parties, groups, and agencies during the Washington State Department of Ecology approval process and directed to return any changes recommended by the Washington State Department of Ecology to the Walla Walla City Council for its review and consideration. Upon approval of the Shoreline Master Program by the Washington State Department of Ecology, the City Manager is authorized to promulgate and implement such administrative procedures as may be necessary to carry out the program.

Section 6: The Walla Walla City Clerk is directed to publish a copy of a summary and notice of adoption of this ordinance as permitted by section RCW 35A.13.200 and 35A.12.160.

Section 7: This ordinance shall take effect in the manner provided by law, and the City's amended Shoreline Master Program shall be in full force upon approval by the Washington State Department of Ecology pursuant to RCW 90.58.090 and WAC 173-26-120.

Section 8: The decision of the Washington State Department of Ecology is appealable to the Eastern Washington Growth Management hearings board by filing a petition as provided in RCW 36.70A.290.

Section 9: If any part of this ordinance is for any reason declared or held to be invalid or unconstitutional by any court or tribunal of competent jurisdiction, such part shall be deemed a separate and distinct and independent provision and such holding shall not affect the validity of the remaining parts hereof.

PASSED by the City Council of the City of Walla Walla, Washington, this 25th day of May, 2016.

Mayor

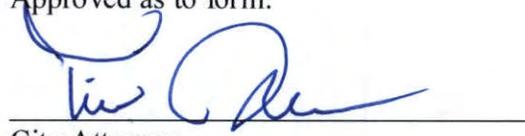


Attest:



City Clerk

Approved as to form:



City Attorney