ORDINANCE NO. 2012-015

AN ORDINANCE of the City of Arlington, Washington, adopting the City of Arlington Shoreline Master Program Update, including adopting the new shoreline designations map and amending goals, policies and regulations; amending the Comprehensive Plan; and amending Chapters 2.14, 2.16, and 16.12, and Title 18 of the Arlington Municipal Code.

WHEREAS, the Washington Shoreline Management Act (RCW 90.58, referred to herein as “SMA”) recognizes that shorelines are among the most valuable and fragile resources of the state, and that state and local government must establish a coordinated planning program to address the types and effects of development occurring along shorelines of state-wide significance; and

WHEREAS, the City of Arlington (City) adopted a Comprehensive Plan on December 5, 2005, which established goals and policies for managing the land, shorelines and resources areas of the City; and

WHEREAS, in 1974 the City adopted a Shoreline Master Program (Ordinance 96-38), which took effect upon Washington State Department of Ecology approval on November 26, 1996; and

WHEREAS, on December 5, 2011 the City adopted Ordinance 11-030 which adopted new floodplain/floodway management regulations; and

WHEREAS, The City is required to update its Shoreline Master Program pursuant to the SMA and WAC 173-26; and

WHEREAS, extensive public participation was conducted with respect to updating the City’s Shoreline Master Program, including but not limited holding 17 public meetings, open houses, meeting with property owners and soliciting opinions from federal, state, regional and local agencies and other interested parties including the Department of Ecology and local tribes; and

WHEREAS, on October 28, 2011 a Determination of Non-Significance consistent with the State Environmental Policy Act (RCW 43.21C) was published; and

WHEREAS, on October 4, 2011 the Planning Commission held a public hearing on the Shoreline Master Program Update consistent with WAC 173-26-100, at which time members of the public had the opportunity to present testimony and other evidence in favor of or against the proposed amendments; and

WHEREAS, on November 7, 2011 the City Council considered the Planning
Commission's recommendation relating to the Shoreline Master Program Update and associated amendments, and held a duly noticed public hearing on that date consistent with WAC 173-26-100, and all public testimony has been given full consideration; and

WHEREAS, the Department of Ecology has given approval to the City's Shoreline Master Plan update based on changes which have now been incorporated into the City's plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARLINGTON, WASHINGTON, DOES ORDAIN, AS FOLLOWS:

Section 1. The City Council hereby concludes the following with regard to the Arlington Shoreline Master Program as adopted and approved in this ordinance:

A. Implementation of the Shoreline Master Program Update will result in "no net loss" of shoreline ecological functions relative to the established baseline and may ultimately produce an improvement in shoreline ecological functions through incentive-based restoration; and

B. The Shoreline Master Program Update is consistent with and meets the State Shoreline Master Program Guidelines established under Chapter 173-26 WAC; and

C. The Shoreline Master Program Update is consistent with and implements the Shoreline Management Act (Chapter 90.58 RCW) and the Growth Management Act (Chapter 36.70A RCW).

Section 2. The City Council hereby adopts the amended City of Arlington Shoreline Master Program, including new Shoreline Designations Map, a copy of which is attached to this ordinance as Exhibit 1 and incorporated herein by this reference.

Section 3. Chapter 20.92 of the City of Arlington Municipal Code is hereby amended to include the regulations of the Shoreline Master Program, including the Shoreline Designations Map, a copy of which is attached to this ordinance as Exhibit 1 and incorporated herein by this reference.

Section 4. Section 12-7 of the City of Arlington Comprehensive Plan is hereby amended to read as follows:

The City has adopted the Shoreline Master Plan Update 2012 as its Shoreline Master Plan.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this
Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Effective Date. This ordinance shall be published as required by law and shall be effective five days after its publication or fourteen (14) days following Final Action by the Department of Ecology approving the amendment, whichever occurs later.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 6TH DAY OF AUGUST, 2012.

CITY OF ARLINGTON, WASHINGTON

Barbara Tolbert, Mayor

ATTEST/AUTHENTICATED:

Kristin Banfield, City Clerk

APPROVED AS TO FORM:

Steven J. Peiffle, City Attorney

ORDINANCE NO. 2012-015
CERTIFICATION OF ORDINANCE

I, Kristin Banfield, being the duly appointed and acting Clerk of the City of Arlington, Washington, a municipal corporation, do hereby certify that the following Ordinance #2012-015 was approved at the August 6, 2012 City Council meeting.

ORDINANCE #2012-015

“AN ORDINANCE of the City of Arlington, Washington, adopting the City of Arlington Shoreline Master Program Update, including adopting the new shoreline designations map and amending goals, policies and regulations; amending the Comprehensive Plan; and amending Chapters 2.14, 2.16, and 16.12, and Title 18 of the Arlington Municipal Code.”

A true and correct copy of the original ordinance is attached.

Dated this 7th day of August, 2012.

Kristin Banfield
City Clerk for the City of Arlington