AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON APPROVING THE PROPOSED CITY OF LAKE STEVENS 2011 SHORELINE MASTER PROGRAM AND THE ACCOMPANYING ENVIRONMENT DESIGNATIONS, GOALS AND POLICIES, REGULATIONS, CUMULATIVE IMPACTS ANALYSIS, RESTORATION PLAN, AND NO NET LOSS REPORT SUMMARY UNDER THE PROCEDURES SET FORTH IN CHAPTER 90.58 RCW; AND DIRECTING THAT THE APPLICABLE SHORELINE MASTER PROGRAM UPDATE MATERIALS BE PROVIDED TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY FOR ITS REVIEW.

WHEREAS, the Washington Shoreline Management Act (Chapter 90.58 RCW, ("SMA" or the "Shoreline Management Act") 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 Lake Stevens ("City") is required to update its Shoreline Master Program ("SMP" or "Shoreline Master Program"), adopted in 1974, pursuant to the Shoreline Management Act and Chapter 173-26 WAC; and

WHEREAS, the City is updating its Shoreline Master Program under a two year grant (No. G1000027) from the Washington State Department of Ecology ("Ecology" or the "Department of Ecology") to complete a comprehensive shoreline master program update (LS2009-11); and

WHEREAS, the Department of Ecology is authorized under the Shoreline Management Act to approve, deny or propose modifications to the City’s SMP; and

WHEREAS, Lake Stevens is classified as a unique shoreline by the State due to its size of 1,014 acres, and is known as a Shoreline of Statewide Significance; and

WHEREAS, the areas under State shoreline jurisdiction include, in general, the area around and within 200 feet of the shoreline of Lake Stevens, the shorelines of Catherine Creek and Little Pilchuck Creek where the creeks run at least 20 cubic feet per second, and three associated wetland complexes, Stevens Creek, Lundeen Creek and Stitch Lake; and

WHEREAS, the City has engaged in extensive public participation with respect to the Shoreline Master Program Update preceding the Local Adoption Process, including but not limited to the following: a Shoreline Citizens Advisory Committee, three public open houses, two Council workshops, four Council Subcommittee Meetings, four briefings to Planning Commission, four briefings to City Council, emails to interested parties, postcard notices to shoreline property owners, published notices in the local newspapers, and meetings with residents and developers, as requested; and

WHEREAS, on February 15, 2010, the City issued a Draft Shoreline Analysis Report, an inventory and characterization of the City’s shorelines to be used to record the existing or baseline
conditions upon which the development of shoreline master program provisions are examined to ensure the adopted regulations provide no net loss of shoreline ecological functions; and

WHEREAS, on April 19, 2011, the City issued a Final Draft Cumulative Analysis for City of Lake Stevens shorelines and on November 17, 2011, issued a Preliminary Final Cumulative Analysis for City of Lake Stevens shorelines, an inventory and characterization of the City’s shorelines to assess ecological functions and ecosystem-wide processes operating within the City’s shoreline jurisdiction and to serve as a baseline from which future development actions in the shoreline jurisdiction will be measured; and

WHEREAS, on April 19, 2011, the City issued a Final Draft 2011 Shoreline Master Program and on November 17, 2011, issued a Preliminary Final 2011 Shoreline Master Program, including goals and policies, environmental designations for areas within the City and in the Urban Growth Area, and regulations, and replacing the previously adopted 1974 Shoreline Master Program; and

WHEREAS, on April 19, 2011, the City issued a Final Draft Shoreline Restoration Plan for the City of Lake Stevens shorelines and on November 17, 2011, issued a Preliminary Final Shoreline Restoration Plan, listing restoration goals and objectives and discussing existing or potential programs and projects that positively impact the shoreline environment; and

WHEREAS, a No Net Loss Report confirms the goals, policies and regulations of the proposed 2011 Shoreline Master Program with mitigation for impacts pursuant to the Restoration Plan 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, it is anticipated that the City will consider and enact code amendments and comprehensive plan amendments related to the 2011 Shoreline Master Program shortly after the adoption of the Shoreline Master Program; and

WHEREAS, the adoption of code amendments and comprehensive plan amendments for sections relating to shoreline areas is necessary to retain consistency between the Lake Stevens Municipal Code, the GMA Comprehensive Plan and the Shoreline Master Program; and

WHEREAS, on April 15, 2011, the City issued a State Environmental Policy Act (SEPA) Determination of Non-Significance for the adoption of the Shoreline Master Program and related code amendments and comprehensive plan amendments and published the notice in the Everett Herald; and

WHEREAS, in taking the actions set forth in this ordinance, the City has complied with the requirements of the State Environmental Policy Act, Chapter 43.21C RCW; and

WHEREAS, the City submitted the proposed comprehensive plan amendments and code amendments related to the 2011 Shoreline Master Program to the Washington State Department of Commerce on April 5, 2011 for its 60-day review and received documentation of completion of the procedural requirement on June 6, 2011; and

WHEREAS, the Lake Stevens Planning Commission, after review of the proposed comprehensive plan amendments, code amendments and 2011 Shoreline Master Program, held duly noticed public hearings on May 4 and 18, 2011, and all public testimony was given full consideration before a recommendation was made to the City Council; and
WHEREAS, on May 23, June 13, July 11, November 21, and November 28, 2011, the Lake Stevens City Council reviewed the Planning Commission’s recommendation relating to the proposed 2011 Shoreline Master Program and associated comprehensive plan amendments and code amendments and held duly noticed public hearings, and all public testimony has been given full consideration.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS DO ORDAIN AS FOLLOWS:

Section 1. Conclusions. The City Council hereby concludes the following with regard to the 2011 Shoreline Master Program adopted and approved in this ordinance:

A. Implementation of the 2011 Shoreline Master Program will result in “no net loss” in shoreline ecological function relative to the established baseline and will ultimately produce a net improvement in shoreline ecological function; and

B. The 2011 Shoreline Master Program is consistent with and meets the State Shoreline Guidelines established under Chapter 173-26 WAC; and

C. The 2011 Shoreline Master Program is consistent with and implements the Shoreline Management Act (Chapter 90.58 RCW) and the Growth Management Act (Chapter 36.70A RCW).

Section 2. Shoreline Master Program Adopted. The Snohomish County Shoreline Management Master Program dated September 1974 is hereby repealed and replaced in its entirety, and the City of Lake Stevens 2011 Shoreline Master Program and associated documents, as set forth in the following Exhibits 1 through 5 (attached to this ordinance and incorporated by reference) are hereby adopted:

1. Exhibit 1 -- 2011 Shoreline Master Program including the Shoreline Environment Designation Map (Appendix A) and the Critical Areas Regulations Within Shoreline Jurisdiction (Appendix B).

2. Exhibit 2 -- Shoreline Analysis Report for City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek.

3. Exhibit 3 -- Cumulative Impacts Analysis for City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek.

4. Exhibit 4 -- The Shoreline Restoration Plan for City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek.


Section 3. The City Planning Director or designee shall make final revisions to the documents as adopted at the November 28 public hearing and any necessary format, numbering, or reference changes necessary to finalize adopted documents.

Section 4. The City Planning Director or designee shall forward the adopted Shoreline Master Program documents to the Washington State Department of Ecology, pursuant to local approval submittal requirements in WAC 173-26-110, for formal review and approval.
Section 5. Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

Section 6. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force following approval of the updated Shoreline Master Program by the Washington State Department of Ecology.

PASSED by the City Council of the City of Lake Stevens this 28th day of November, 2011.

Vern Little, Mayor

ATTEST/AUTHENTICATION:

Norma J. Scott, City Clerk/Admin Asst

APPROVED AS TO FORM:

Grant K. Weed, City Attorney

First Reading: May 23, 2011
Second Reading: July 11, 2011
Third Reading: November 21, 2011
Fourth Reading: November 28, 2011
Published: December 7, 2011
Effective Date:
Exhibit 1

2011 Shoreline Master Program including the Shoreline Environment Designation Map (Appendix A) and the Critical Areas Regulations Within Shoreline Jurisdiction (Appendix B)
Exhibit 2

Shoreline Analysis Report for City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek
Exhibit 3

Cumulative Impacts Analysis for City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek
Exhibit 4

The Shoreline Restoration Plan for City of Lake Stevens Shorelines: Lake Stevens, Catherine Creek, and Little Pilchuck Creek
Exhibit 5

No Net Loss Report Summary