ORDINANCE 1675

AN ORDINANCE OF THE CITY OF OAK HARBOR ADOPTING THE SHORELINE MASTER PROGRAM UPDATE IN COMPLIANCE WITH THE SHORELINE MANAGEMENT ACT (RCW 90.58) AND THE STATE SHORELINE MANAGEMENT ACT GUIDELINES (WAC 173-26)

WHEREAS, the Shoreline Management Act of 1971, codified as Chapter 90.58 (“SMA”), 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, under state law (RCW 36.70A.480(1)), the goals and policies of Oak Harbor’s shoreline master program are part of its comprehensive plan and all other parts of the shoreline master program including use regulations are part of the City’s development regulations, and;

WHEREAS, the shoreline master program shall be adopted pursuant to the procedures of chapter 90.58 RCW rather than the goals, policies, and procedures set forth in this chapter for the adoption of a comprehensive plan or development regulations, and;

WHEREAS, in February 1972, the City of Oak Harbor adopted its SMA-based Shoreline Master Program (“SMP”), and;

WHEREAS, in 1995, the City of Oak Harbor updated its Shoreline Master Program and no updates have since been completed, and;

WHEREAS, effective January 17, 2004, the regulations implementing the SMA promulgated under Chapter 173-26 WAC (“the SMA guidelines”) were substantially revised and the City’s current program requires a comprehensive master program update in order to achieve the procedural and substantive requirements of the SMA guidelines, and;

WHEREAS, the “Shoreline Advisory Committee” met on eight separate occasions to review and discuss drafts of the Shoreline Master Program during the period July, 2011 through March, 2012, and;

WHEREAS, on July 20, 2011 stakeholders were invited to attend a Shoreline Visioning Meeting to review the findings of the Shoreline Inventory and Characterization Report and identify future planning concerns for Oak Harbor’s shorelines and;

WHEREAS, on April 11, 2012 shoreline property owners were invited to attend a Shoreline Property Owner’s Meeting and;

WHEREAS, on September 7, 2012 the City’s SEPA responsible official issued a Determination of Nonsignificance (“DNS”) pursuant to WAC 197-11-600(4)(a) and the DNS was not appealed and;

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WHEREAS, the Planning Commission met on four separate occasions to discuss the Shoreline Master Program and recommended approval of it to the City Council on September 25, 2012 and;

WHEREAS, the Governmental Services Standing Committee met to discuss the Shoreline Master Program on 12 separate occasions and;

WHEREAS, the Public Works and Utilities Standing Committee met to discuss the Shoreline Master Program on four separate occasions and;

WHEREAS, Oak Harbor City Council held a public hearing on November 7, 2012 which was continued to November 20, 2012 to consider the draft SMP and;

WHEREAS, the City Council concluded the public hearing on November 20, 2012 and;

WHEREAS, the State Department of Ecology conducted a 30-day public comment period on the City of Oak Harbor draft Shoreline Master Program and forwarded comments to the City of Oak Harbor on April 15, 2013 which the City has responded to in full, and;

WHEREAS, the State Department of Ecology provided a conditional approval of the City’s draft Shoreline Master Program subject to meeting those conditions on October 1, 2013 and to which the City has responded in full; and

WHEREAS, the City Council conducted a public hearing on December 3, 2013 to consider final adoption of the Shoreline Master Program.

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

Section One. Chapter 19.56 of the Oak Harbor Municipal Code last amended by Ordinance 1555 section 24 in 2009 is hereby amended to read as follows:

Chapter 19.56
SHORELINE MANAGEMENT

Sections:
19.56.010 Purpose.
19.56.020 Conditions for Issuance of Shoreline Permits.
19.56.030 Administration.
19.56.040 Map.
19.56.070 Penalties.

19.56.010 Purpose
(1) It is the purpose of this chapter to protect the City of Oak Harbor’s shorelines and the rights of property owners through administration of the City’s Shoreline Master Program.
19.56.020 Conditions for Issuance of Shoreline Permits.

(1) From the effective date of the ordinance codified in this chapter, a permit shall be granted only when the proposed development is consistent with:

(a) The applicable shoreline master program adopted by reference, a copy of which is on file with the city clerk’s office and which shall be made available for public inspection, and;

(b) The Shoreline Management Act

(2) A permit shall be denied if the proposed development is not consistent with the above enumerated policies.

19.56.030 Administration.
The Director of Development Services is the Shoreline Administrator and vested with the duty of administering the rules and regulations relating to the shoreline development permits and may prepare and require the use of such forms as are essential to its administration.

19.56.040 Map.
Shorelines of the state located within Oak Harbor are designated on an official “Shoreline Environment Designations” map to be kept in the Development Services Department.

19.56.070 Penalties.
The city attorney shall bring such injunctive, declaratory, or other actions available under the Shoreline Management Act as are necessary to ensure that no uses are made of the shorelines of the state located within Oak Harbor in conflict with the provisions and programs of this chapter.

Section Two. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.

Section Three. Effective Date. This Ordinance shall be in full force and effect five days after publishing.

PASSED by the City Council this 3rd day of December 2013.

CITY OF OAK HARBOR

SCOTT DUDLEY, MAYOR

Attest:

Valerie J. Loffler, City Clerk

Approved as to Form:

Grant K. Weed, Interim City Attorney

Published: 12/07/13

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