

**CITY OF SPOKANE VALLEY
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 14-020**

**AN ORDINANCE OF THE CITY OF SPOKANE VALLEY, SPOKANE COUNTY,
WASHINGTON ADOPTING THE SHORELINE MASTER PROGRAM IN ORDER TO
SUBMIT THE DOCUMENT TO ECOLOGY FOR REVIEW AND APPROVAL, AND
OTHER MATTERS RELATING THERETO.**

WHEREAS, in 1972, the public adopted the Shoreline Management Act, codified at Chapter 90.58 RCW (SMA), by way of referendum to “prevent the inherent harm in an uncoordinated and piecemeal development of the state’s shorelines”; and

WHEREAS, RCW 90.58.080 requires local governments to develop or amend master programs for the regulation and uses of the shorelines of the state consistent with the guidelines adopted by the Washington State Department of Ecology (Ecology); and

WHEREAS, RCW 90.58.020 directs local governments developing shoreline master programs to give preference to uses in the shorelines in the following order of preference which: 1) recognize and protect the State-wide interest over local interest; 2) preserve the natural character of the shoreline; 3) result in long-term over short-term benefit; 4) protect the resources and ecology of the shorelines; 5) increase public access to publicly-owned areas of the shorelines; 6) increase recreational opportunities for the public in the shoreline; and 7) provide for any other element as defined in RCW 90.5 8.100 deemed appropriate or necessary; and

WHEREAS, in 2003, Ecology adopted new rules, pursuant to RCW 90.58.200, which gave procedural and substantive direction to local jurisdictions for updating shoreline uses and regulations, which became effective January 17, 2004; and

WHEREAS, when it incorporated in 2003, the City of Spokane Valley (City) adopted Spokane County’s then-existing Shoreline Master Program as the City’s Shoreline Master Program (SMP). Pursuant to RCW 90.58.080, the City is required to adopt a comprehensive master program update consistent with the criteria set forth in Ecology’s guidelines (WAC 173-26); and

WHEREAS, two bodies of water within the City are regulated under the City’s SMP, including the Spokane River and Shelley Lake. The Spokane River is designated as a “shoreline of statewide significance” and Shelley Lake, is designated as a “shoreline of the state”; and

WHEREAS, in the fall of 2009, the City began its SMP update without the assistance of grant funding from Ecology; and

WHEREAS, the City conducted a comprehensive inventory of the ecological functions and conditions within its shoreline jurisdiction to provide a scientific foundation for application of the shoreline environment criteria and assignment of the appropriate shoreline designations; and

WHEREAS, the results of this comprehensive inventory are contained in the document entitled City of Spokane Valley Shoreline Master Program Update Inventory and Characterization Report, dated April 4, 2010, Amended September 7, 2010 and accepted by Resolution No. 10-014 (Inventory); and

WHEREAS, in 2011, the City established a Shoreline Advisory Group (SAG) to develop the goals and policies to direct the development of the SMP and the regulations; and

WHEREAS, consistent with the requirements of WAC 173-26-224(4)(c), the City has conducted a public access analysis, as set forth in the Public Access Plan accepted by Resolution No. 13-001 which plans for an integrated shoreline public access system that identifies public needs and opportunities to provide public access; and

WHEREAS, consistent with the requirements of WAC 173-26-186(8)(c) and 173-26-201(2)(f), a document entitled Shoreline Restoration Plan, accepted December 11, 2012 by Resolution No. 12-012 ("Restoration Plan") has been formulated so that the City's SMP includes goals, policies and actions for restoration of impaired shoreline ecological functions; and

WHEREAS, consistent with the requirements of WAC 173-26-186(8)(d), the City conducted an analysis of potential cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions fostered by the policy goals of the SMA. The cumulative impact analysis is contained in the City of Spokane Valley, Shoreline Master Program Update - Cumulative Impacts Analysis, prepared June 3, 2013, and revised September 26, 2014 (Cumulative Impact Analysis); and

WHEREAS, throughout the SMP update process, the City has made a concerted effort to generate public involvement, including holding five open houses, 29 Planning Commission meetings, and 32 City Council meetings; creating a web page devoted to the SMP update; sending two mailings to all shoreline property owners making them aware of opportunities to participate in the process, and maintaining an email list in order to keep interested parties informed; and

WHEREAS, the City has utilized the scientific information from the Inventory and the Cumulative Impact Analysis to draft the proposed SMP update; and

WHEREAS, on September 19 and 26, 2014, notice of the Planning Commission public hearing was published in the Valley News Herald; and

WHEREAS, on September 26, 2014, the Planning Commission held a study session; and

WHEREAS, on October 9, 2014, the Planning Commission held a public hearing, received evidence, information, public testimony, and a staff report with a recommendation followed by deliberations; and

WHEREAS, on October 23, 2014, the Planning Commission continued deliberations and made their final recommendation for approval of the SMP; and

WHEREAS, on October 23, 2014, the Planning Commission approved the findings and recommendations; and

WHEREAS, on October 27, 2014, the Washington State Department of Commerce was notified pursuant to RCW 36.70A.106, providing a 60-day notice of intent to adopt amendments to Spokane Valley development regulations; and

WHEREAS, on November 3, 2014 the City's Responsible Official under the State Environmental Policy Act issued a determination of non-significance for the proposed SMP Update; and

WHEREAS, on November 4, 2014, City Council reviewed the proposed SMP at a Study Session; and

WHEREAS, on November 17, 2014, the City Council held a public hearing on the proposed SMP Update; and

WHEREAS, the City Council has considered public testimony and comments, staff and consultant input, and certain documents and information, including: 1) the Inventory; 2) the Cumulative Impacts Analysis; 3) City of Spokane Valley Shoreline Master Program, Comprehensive Plan Policies, 4) Shoreline Master Program Update, Draft Shoreline Regulations; 5) the Restoration Plan; 6) the Public Access Plan; 7) SEPA Determination of Nonsignificance; 8) All other Supporting Documents to Shoreline Master Program update; and

WHEREAS, the City Council finds that this SMP update includes the necessary master program elements required by WAC 173-26-191(b), the master program basic requirements set forth in WAC 173-26-191(2) and the general master program provisions set forth in WAC 173-26-221; and

WHEREAS, RCW 36.70A.480 provides that the goals and policies contained in a local shoreline master program shall be considered an element of the City's Comprehensive Plan adopted under the Growth Management Act, chapter 36.70A RCW and that this cannot take effect until after Ecology has approved the document, which will happen at a later date; and

WHEREAS, the City Council desires to repeal the existing SMP, which will occur after this SMP is approved by Ecology, which will happen at a later date.

NOW, THEREFORE, the City Council of the City of Spokane Valley ordains as follows:

Section 1. Purpose. The purpose of this Ordinance is to adopt a revised Shoreline Master Program in order to submit the document to Ecology for review and approval. After Ecology approves the Shoreline Master Program, the City will then consider it for final adoption, including partial codification.

Section 2. Findings and Conclusions. The City Council acknowledges that the Planning Commission conducted appropriate investigation and study, held a public hearing on the proposed SMP and recommended approval of the amendment. The City Council has read and considered the Planning Commission's findings. The City Council adopts the foregoing recitals as findings for this Ordinance, which are incorporated by reference as if set forth in full, and also makes the following conclusions:

Conclusions:

A. The Council finds compliance with SVMC 17.80.150(F) for the SMP. The SMP is consistent with the goals and policies of the Spokane Valley Comprehensive Plan, and will promote the public health, safety, welfare, and protection of the environment.

B. The Council finds the following public notices were given to offer the public participation opportunities consistent with the adopted City of Spokane Valley Shoreline Master Program Public Involvement Plan:

1. Appointment of a citizen based Shoreline Advisory Group which met twice a month over a six month period, to assist in the preparation of the draft Goals and Policies;
2. Appointment of a Technical Advisory Group consisting of representatives from a wide variety of resource agencies and interest groups;
3. Numerous public meetings and public hearings before the Planning Commission;
4. Numerous postings of public notices, draft SMPs and technical documents, meeting notices on the City website;
5. Emailing from City staff to numerous interested persons and agencies;
6. Individual notification of the August 28, 2009 and October 23, 2009 public meetings to notify potentially-impacted shoreline landowners of the public

- meetings, and individual mailing of the Shoreline Inventory Activities to potentially- impacted shoreline landowners;
7. Display advertisements published on five separate dates in the Spokesman Review and/or Spokane Valley Herald newspaper inviting persons to open house meetings throughout the draft development process; and
 8. Notices posted on the City's website of all public meetings regarding the Draft SMP planning effort.

C. The policies of the SMP are valid and applicable and will further the public health and welfare.

D. The SMP will provide the citizens of Spokane Valley a program that is predictable and specific to their community.

E. The process employed by the City in preparing and reviewing the SMP is in compliance with chapter 90.58 RCW, WAC 173-26, Washington State Shoreline Management Planning Guidelines, and the adopted City of Spokane Valley Shoreline Master Program Public Involvement Plan.

F. The Planning Commission unanimously recommended that the Draft SMP be adopted as presented.

Section 3. Adoption of Shoreline Master Program. The City Council adopts the City of Spokane Valley Shoreline Master Program, Appendices and Supporting Documents as set forth in Exhibit 1, attached hereto for the purpose of submission to the Department of Ecology for review and approval.

Section 4. Other sections unchanged. All provisions of the currently-adopted SVMC 21.50 shall remain in full force and effect until the Department of Ecology has completed its review and approval process, and the City subsequently adopts an ordinance authorizing the effective date of the SMP.

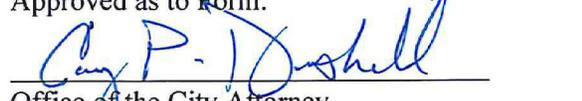
Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect five days after publication of this Ordinance or a summary thereof in the official newspaper of the City of Spokane Valley as provided by law.

Passed by the City Council this 9th day of December, 2014.

ATTEST:


 City Clerk, Christine Bainbridge
 Approved as to Form:


 Office of the City Attorney
 Date of Publication: 12-12-2014
 Effective Date: 12-17-2014


 Mayor, Dean Grafos