

# APPENDIX F: Ordinance 2336 – Shoreline Master Program Update

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CITY OF SNOHOMISH  
Snohomish, Washington

## ORDINANCE 2336

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON, RELATING TO UPDATING THE SHORELINE MASTER PROGRAM IN ACCORDANCE WITH THE WASHINGTON STATE SHORELINE MANAGEMENT ACT OF 1971; ADOPTING A NEW SHORELINE MASTER PROGRAM PENDING APPROVAL OF THE PROGRAM BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY; AMENDING SNOHOMISH MUNICIPAL CODE BY REPEALING AND REPLACING CHAPTER 14.250 – SHORELINE MANAGEMENT; AMENDING THE CITY OF SNOHOMISH COMPREHENSIVE PLAN BY DELETING GOALS EP5 – EP12 AND ALL OF THE UNDERLYING POLICIES AND ADDING A NEW SHORELINE ELEMENT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

**WHEREAS**, the Shoreline Management Act of 1971, codified at chapter 90.58 RCW (“SMA”), recognizes that shorelines are among the most valuable and fragile resources of the state, and requires all cities and counties with “shorelines of the state” to prepare and adopt a Shoreline Master Program in coordination with the state that is based on state laws and rules, but tailored to the specific jurisdiction; and

**WHEREAS**, the City of Snohomish adopted its SMA-based Shoreline Master Program (“SMP”) in 1976 and the SMP has not been amended in substance since its adoption; and

**WHEREAS**, the SMA requires cities to update their SMP; and

**WHEREAS**, the Growth Management Act (“GMA”) of the State of Washington requires SMPs be consistent with locally adopted Comprehensive Plans; and

**WHEREAS**, effective January 17, 2004, the regulations implementing the SMA promulgated under chapter 173-26 WAC (the “SMA guidelines”) were substantially revised and are administered by the Washington State Department of Ecology (“DOE”), and the City’s current SMP requires a comprehensive update in order to achieve procedural and substantive requirements of the SMA guidelines; and

**WHEREAS**, this Shoreline Master Program (“SMP”) amendment is intended to satisfy the statutory requirements of RCW 90.58.080(2)(a)(i) to comprehensively update the City’s SMP and the statutory requirements of RCW 90.58.080(4)(b)(i) to take action to review and, if necessary, revise the City’s SMP on or before June 30, 2019; and

**WHEREAS**, the draft SMP was noticed in accordance with City of Snohomish procedures and regulations as provided for in SMC 14.15.070 and on Dec. 5, 2011 a 60-day notice was sent to the Washington State Department of Commerce as required by RCW 36.70A.106, followed by another 60-day notice sent to the Washington State Department of Commerce on June 8, 2017; and

**WHEREAS**, the proposed amendments to the City’s Development Code were publicly noticed and circulated for review and comment in accordance with the City’s normal review and permitting procedures on January 13, 2017; and

**WHEREAS**, pursuant to the State Environmental Policy Act, the City of Snohomish was designated as the lead agency for review of the proposed amendment. A Determination of Non-Significance was issued pursuant to WAC 197-11-355 on Dec. 16 2011. No appeal of the determination was received so the determination stands; and

**WHEREAS**, the City has the authority under RCW Title 35A, to adopt regulations related to the protection, mitigation and management of shorelines; and

**WHEREAS**, the Planning Commission held a public hearing to consider the latest draft SMP documents on July 12, 2017 which was continued to Aug. 2, 2107, and all people wishing to be heard were heard; and

**WHEREAS**, following the public hearing and pursuant to SMC 14.15.090, the Planning Commission made written findings and issued a recommendation to the City Council to approve the proposed amendments as set forth herein, except the Planning Commission's recommendation was no wetland buffer should exceed 100 feet in width, finding the proposed amendments are internally consistent with the City's Comprehensive Plan, the Growth Management Act, and the State Environmental Policy Act, and are in the interest of the public health, safety, and welfare of Snohomish residents; and

**WHEREAS**, on Nov. 7, 2017, the City Council held a public hearing on the proposed SMP documents and the Planning Commission recommendation, and all persons wishing to be heard were heard; and

**WHEREAS**, on Nov. 7, 2017, the City Council approved Ordinance 2336 with an effective date 14 days after the city receives written notice from the Washington State Department of Ecology of final action approving the update Shoreline Master Program; and

**WHEREAS**, on April 27, 2018, the Department of Ecology sent written notice to the city of conditional approval of the updated Shoreline Management Program requiring certain changes to the proposed Chapter 14.250 Snohomish Municipal Code, Shoreline Management, before written notice of final action approving the Shoreline Master Program can be provided; and

**WHEREAS**, on May 2, 2018, the Planning Commission held a public hearing to consider amendments to Ordinance 2336 in order to obtain final approval from the Department of Ecology for the Shoreline Master Program, and all persons wishing to be heard were heard; and

**WHEREAS**, following the May 2, 2018 public hearing and pursuant to SMC 14.15.090, the Planning Commission made amended written findings regarding amending Ordinance 2336 and issued a recommendation to the City Council to approve an amended Ordinance 2336 as set forth herein, finding the provisions in the proposed Ordinance 2336 are internally consistent with the City's Comprehensive Plan, the Growth Management Act, and the State Environmental Policy Act, and are in the interest of the public health, safety, and welfare of Snohomish residents; and

**WHEREAS**, on May 15, 2018, the City Council discussed the proposed amended Ordinance 2336 and the Planning Commission recommendation, and all persons wishing to be heard were heard; and

**WHEREAS**, the City Council found the proposed amendments to be consistent with the City of Snohomish Comprehensive Plan, the Washington State Growth Management Act and the

State Environmental Policy Act, and are in the interest of the public health, safety, and welfare of Snohomish residents.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SNOHOMISH, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1. Shoreline Management Master Program repealed.** The City of Snohomish Shoreline Management Master Program adopted by Resolution 425 on Dec. 7, 1976, and as amended by Resolutions 427 and 428 on Dec. 21, 1976, and Resolution 494 on April 1, 1980, and as integrated in the Comprehensive Plan by Ordinance 1966 on Dec. 31, 2000, is hereby repealed in its entirety.

**Section 2. Updated Shoreline Master Program adopted.** The City of Snohomish Shoreline Management Program Update, is hereby adopted to read as set forth in Exhibit A, attached hereto and incorporated herein by reference, and shall be forwarded to the Washington State Department of Ecology for approval. The program will go into effect 14 days from the date of the Department of Ecology's written notice of final action approving the SMP.

**Section 3. Chapter 14.250 SMP – Shoreline Development repealed and replaced.** Chapter 14.250 SMP – Shoreline Development, is hereby repealed in its entirety and replaced with a new Chapter 14.250 SMP – Shoreline Management to read as set forth as Section 4, “Shoreline Management” in Exhibit A and incorporated herein by reference, effective 14 days from the date the Department of Ecology's written notice of final action approving the SMP.

**Section 4. City of Snohomish Comprehensive Plan Goals EP5 – EP12 and underlying policies deleted.** Comprehensive Plan Goals EP5 – EP12, and all of the underlying policies of those goals are hereby repealed.

**Section 5. City of Snohomish Comprehensive Plan Shoreline Element.** A new Shoreline Element is hereby adopted and added to the City of Snohomish Comprehensive Plan to read as set forth in Section 3, “Shoreline Element” in Exhibit A and incorporated herein by reference, and shall become effective 14 days from the date the Department of Ecology's written notice of final action approving the SMP.

**Section 6. Findings, Conclusions, and Analysis.** In support of the amendments approved in this ordinance, the Snohomish City Council adopts the findings, conclusions, and analysis contained in the Planning Commission's Findings of Fact and Conclusions, attached hereto as Exhibit B and incorporated herein by reference.

**Section 7. Severability.** If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

**Section 8. Authority to make necessary corrections.** The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance and attachments including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 9. Effective Date.** This ordinance shall be effective 14 days after the Department of Ecology's written notice of final action approving the City of Snohomish SMP.

**RE-ADOPTED** by the City Council and **APPROVED** by the Mayor this 15<sup>th</sup> day of May, 2018.

CITY OF SNOHOMISH

By \_\_\_\_\_  
JOHN T. KARTAK, MAYOR

ATTEST:

APPROVED AS TO FORM:

By \_\_\_\_\_  
Pat Adams, CITY CLERK

By \_\_\_\_\_  
GRANT K. WEED, CITY ATTORNEY

Date of Publication: \_\_\_\_\_

Effective Date: \_\_\_\_\_