

ORDINANCE NO. 2019-018

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON APPROVING AMENDMENTS TO THE ARLINGTON SHORELINE MASTER PROGRAM AS REQUIRED BY RCW 90.58.080(4), PERIODIC REVIEW.

WHEREAS, the State of Washington Shoreline Management Act of 1971 (Chapter 90.58 RCW), recognizes that the shorelines are among the most valuable and fragile resources of the state and that the 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 Shoreline Management Act (SMA) requires the City of Arlington to develop and administer a Shoreline Master Program (SMP); and

WHEREAS, the City of Arlington adopted a comprehensive SMP update as required by RCW 90.58.080(2), which was effective as of August 6, 2012; and

WHEREAS, RCW 90.58.080(4) requires the City of Arlington to periodically review and, if necessary, revise the master program on or before June 30, 2019; and

WHEREAS, the review process is intended to bring the SMP into compliance with requirements of the act or state rules that have been added or changed since the last SMP amendment, ensure the SMP remains consistent with amended comprehensive plans and regulations, and incorporate amendments deemed necessary to reflect changed circumstances, new information, or improved data; and

WHEREAS, the City of Arlington developed a public participation program for this periodic review in accordance with WAC 173-26-090(3)(a) to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines; and

WHEREAS, the City of Arlington has implemented its adopted public participation program, including a public open house, regular postings on the city's website, public meetings with the Planning Commission, notices sent to interested parties and affected jurisdictions, etc.; and

WHEREAS, the City of Arlington used Ecology's checklist of legislative and rule amendments to review amendments to chapter 90.58 RCW and department guidelines that have occurred since the master program was last amended, and determine if local amendments are needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i); and

WHEREAS, the City of Arlington reviewed changes to the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them in accordance with WAC 173-26-090(3)(b)(ii); and

WHEREAS, the City of Arlington considered whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data in accordance with WAC 173- 26-090(3)(b)(iii); and

WHEREAS, the City of Arlington Planning Commission completed a review of staff recommendations and prepared initial amendments; and

WHEREAS, the City of Arlington consulted with the Department of Ecology during the drafting of the amendments. The City of Arlington worked collaboratively with the Department of Ecology to address local interests while ensuring proposed amendments are consistent with the policy of RCW 90.58.020 and applicable guidelines in accordance with WAC 173-26-104; and

WHEREAS, the City of Arlington conducted a formal public comment period in compliance with requirements of WAC 173-26-104; and

WHEREAS, the City published a legal notice for a public hearing on the proposed amendments, including a statement that the hearings were intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii); and

WHEREAS, the Planning Commission took public testimony on the proposed amendments to Arlington's Shoreline Master Program at a public hearing on March 5, 2019; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments and forwarded it to the City Council for review and adoption on March 5, 2019; and

WHEREAS, the City provided Notice of Intent to Adopt to the Washington State Department of Commerce in accordance with WAC 173-26-100(5); and

WHEREAS, a State Environmental Policy Act (SEPA) environmental checklist was prepared based upon Planning Commission recommendation to the City Council, and the City of Arlington SEPA responsible official issued and circulated a copy of the checklist and a Determination of Non-Significance (DNS) on February 15, 2019; and

WHEREAS, after considering all public comments and evidence, the City Council determined that the proposed amendments comply with all applicable laws and rules; and

WHEREAS, this completes the City's required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26).

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

Section 1. The Arlington City Council hereby approves the proposed City of Arlington Shoreline Master Program as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

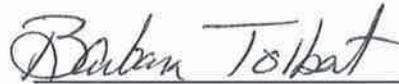
Section 2. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal 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 3. Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 4. Effective Date. The title of this Ordinance, which summarizes the contents of this ordinance, shall be published in the official newspaper of the City. The Ordinance shall take effect and be in full force five (5) days after the date of publication, or upon approval of the proposed City of Arlington Shoreline Master Program as set forth in Exhibit A by the Washington State Department of Ecology pursuant to RCW 90.58.090 and WAC 173-26-120, whichever occurs later.

PASSED by the City Council of the City of Arlington and APPROVED by the Mayor this 17th day of June, 2019.

CITY OF ARLINGTON



Barbara Tolbert, Mayor

ATTEST:



Wendy Van Der Meersche, City Clerk

APPROVED AS TO FORM:



Steven J. Peiffle, City Attorney