

DRAFT

**AN ORDINANCE ADOPTING AMENDMENTS TO THE
SHORELINE MASTER PROGRAM AND PROVIDING
FOR AN EFFECTIVE DATE.**

R E C I T A L S:

1. Voters of the State of Washington enacted the Shoreline Management Act (RCW 90.58) by a vote of the people in 1971.
2. The Growth Management Act (RCW 36.70A.480) adds the goals and policies of the Shoreline Management Act as set forth in RCW 90.58.020 as one of the goals of the Growth Management Act without creating an order of priority.
3. The Shoreline Management Act (SMA) requires the City of Montesano to develop and administer a Shoreline Master Program (SMP).
4. The City adopted a comprehensive SMP update as required by RCW 90.58.080(2), upon approval of an ordinance in 1992.
5. RCW 90.58.080(4) requires the City of Montesano to periodically review and, if necessary, revise the master program on or before June 30, 2023.
6. 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.
7. The City 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.
8. The City of Montesano has followed its adopted public participation program, including maintaining a project website.
9. The City of Montesano 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

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program was last amended, and determine if local amendments are needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i).

10. The City of Montesano 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).

11. The City of Montesano 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).

12. The City of Montesano Planning Commission completed a review of staff recommendations and reviewed proposed initial amendments.

13. The City of Montesano consulted with the Department of Ecology early and often during the drafting of the amendments. The City of Montesano 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.

14. The City of Montesano conducted a formal public comment period in compliance with requirements of WAC 173-26-104.

15. The City's SEPA responsible official issued a revised Determination of Nonsignificance (DNS) on August 25, 2022.

16. The City of Montesano published a legal notice in the Daily Planet on September 1, 2022 for a public hearing on the proposed Planning Commission recommendation(s), including a statement that the hearings were intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii).

17. The Planning Commission took public testimony on the proposed Planning Commission recommendation at a public hearing on October 19, 2022.

18. The Planning Commission reviewed the public testimony and written comments on the proposed SMP revisions (and there were none).

19. The Planning Commission recommended approval of the proposed amendments and forwarded it to the City Council for review and adoption on October 19, 2022.

20. Following the Planning Commission review, a few further amendments were prepared in response to feedback from Ecology received pursuant to the Initial Determination review, and a new footnote to Table 4-1 Shoreline Buffers to address the Shoreline Buffer requirements for recreational uses at Reach 6 (which is degraded).

21. The City provided Notice of Intent to Adopt to the Washington State Department of Commerce in accordance with WAC 173-26-100(5).

22. After considering the record and all public comments and evidence, the Council hereby determines that the proposed amendments comply with all applicable laws and rules and adopts the findings of fact as provided by the Planning Commission.

23. This completes the City required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26).

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL
OF THE CITY OF MONTESANO:

Section I. Review and Evaluation. The Council hereby finds that the review and evaluation required by RCW 90.58.080(4) have occurred, as described in the recitals above.

Section II. Revisions. That the SMP is hereby amended to read as set forth in Exhibit A attached to this ordinance and incorporated herein by this reference.

Section III. Adoption. The Council hereby adopts the above referenced SMP revisions and finds the amended SMP consistent with the requirements of RCW 90.58 and WAC 173-26, as they apply to these amendments.

Section IV. Submission to Department of Ecology. The city's consultant AHBL is directed to submit the SMP and associated documents to the Department of Ecology for their review and approval prior to formal adoption. If/Once approved by the Department of Ecology no further action is necessary for compliance with RCW 90.58.080(4) for the periodic review.

Section V. Effective Date. The amendments to the SMP adopted through this ordinance shall be effective 14 days after Department of Ecology final action as provided by RCW 90.58.090(7).

Section VI: Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section VII: Corrections by the CFO/City Clerk or Code Reviser. Upon approval of the Mayor and City Attorney, the CFO/City Clerk and the Code Reviser are authorized to make necessary

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corrections to this Ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance number and section/subsection numbering.

PASSED THIS ____ DAY OF _____ 2023, by the City Council of the City of Montesano, and signed in approval therewith this ____ day of _____ 2023.

CITY OF MONTESANO:

VINI E. SAMUEL, Mayor

ATTEST:

GRETCHEN SAGEN, CFO / City Clerk

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney

PUBLISHED: _____

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