ORDINANCE NO. 2013 – 018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEQUIM, WASHINGTON, AMENDING THE SHORELINE MASTER PROGRAM (SMP) ADOPTED BY ORDINANCE 2012-019, WHICH REPLACED THE SHORELINE MASTER PROGRAM ADOPTED BY ORDINANCE 96-032 AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, the State of Washington passed the Shoreline Management Act of 1971 governing the adoption of Shoreline Master Programs, as currently set forth within Chapter 58 of Title 90 of the Revised Code of Washington, and subject to the Washington State Department of Ecology administrative rules contained within Title 173 of the Washington Administrative Code; and

WHEREAS, the City applied for and obtained a grant from the Washington State Department of Ecology in January of 2010 to assist in the preparation and adoption of the 2012 Sequim Shoreline Master Program; and,

WHEREAS, the City has completed the preparation of supporting information and background material for the 2012 Shoreline Master Program; and,

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non Significance for the proposed 2012 Shoreline Master Program was issued on May 9, 2012; and,

WHEREAS, in accordance with RCW 36.70A.106, a notice of intent to adopt the proposed Sequim Shoreline Master Program was sent to the State of Washington Department of Commerce and acknowledged on August 21, 2012; and,

WHEREAS, the public process for the proposed Shoreline Management Program has provided for extensive public participation opportunities at fifteen public meetings and hearings before the Planning Commission and City Council as well as a number of public open houses and presentations before local realtor groups and environmental entities; and,

WHEREAS, the Planning Commission held nine public meetings regarding the Shoreline Master Program and has recommended adoption of the Shoreline Master Program to the Council; and

WHEREAS, the City Council held a public hearing on the Shoreline Master Program on September 10, 2012 which was continued to November 13, 2012; and

WHEREAS, the City Council considered the Planning Commission's recommendations, public comment, and other available information; and

WHEREAS, final approval of a City Shoreline Master Program requires approval of the Washington State Department of Ecology; and

WHEREAS, Sequim staff have worked with the Washington State Department of Ecology to reach agreement on a final Program; and

WHEREAS, final approval of the City of Sequim Shoreline Master Program by the State Department of Ecology requires amendments to the Program and to Appendixes A and C to the Program adopted in Ordinance 2012-019; and

WHEREAS, no amendments to Appendixes B and D were required by the State Department of Ecology;

NOW, THEREFORE, the City Council of the City of Sequim, Washington, do ordain as follows:

Section 1. The 2012 Sequim Shoreline Master Program is amended as set forth in Exhibit(s) A, B, and C, listed as follows:

A. City of Sequim Shoreline Master Program, dated October 2013 – Attachment 7 to Agenda Bill 3.

B. Appendix A, Shoreline Management Program, Critical and Environmentally Sensitive Areas Protection, dated October 28, 2013 – Attachment 8 to Agenda Bill 3.

C. Appendix C, City of Sequim Restoration Plan, dated October 2013 – Attachment 9 to Agenda Bill 3.

Section 2. **Codification of the Shoreline Master Program:** The City Council authorizes the Community Development Director and City Clerk to prepare a codification of the regulatory provisions of the Sequim Shoreline Master Program as Title 19 of the Sequim Municipal Code for ease of use and reference and note up a public hearing for adoption of the codification by the Council.

Section 3. Corrections: The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. **Severability:** If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. **Effective Date:** This Ordinance shall become effective five days after publication of the ordinance, or a summary thereof, in the official newspaper of the City.

Ken Hays

Ken Hays, Mayor

Attest:

Karen Kuznek-Reese, MMC
City Clerk

10/28/13
Approved Date

11/6/2013
Publication Date

11/11/2013
Effective Date

Approved as to form:

Craig Ritchie, City Attorney