

CITY OF GRANITE FALLS, WASHINGTON

ORDINANCE NO. 844 - 2013

AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON ADOPTING THE DEPARTMENT OF ECOLOGY APPROVED CITY OF GRANITE FALLS 2012 SHORELINE MASTER PROGRAM UPDATE AND THE ACCOMPANYING ENVIRONMENT DESIGNATIONS, GOALS AND POLICIES, SHORELINE REGULATIONS, AND CRITICAL AREA REGULATIONS, UNDER THE PROCEDURES SET FORTH IN CHAPTER 90.58 RCW;

WHEREAS, the Washington Shoreline Management Act, Chapter 90.58 RCW, (“SMA” or the “Shoreline Management Act”) recognizes that shorelines are among the most valuable and fragile resources of the State, and that 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 City of Granite Falls (“City”) is required to update its Shoreline Master Program (“SMP” or “Shoreline Master Program”), adopted in 2005, pursuant to the Shoreline Management Act and Chapter 173-26 WAC; and

WHEREAS, the City has updated its Shoreline Master Program under a grant (No. G1100006) from the Washington State Department of Ecology (“Ecology” or the “Department of Ecology”); and

WHEREAS, the Department of Ecology is authorized under the Shoreline Management Act to approve, deny or propose modifications to the City’s SMP; and

WHEREAS, the South Fork of the Stillaguamish River is classified as a unique shoreline by the State due to its mean annual flow, and is known as a Shoreline of Statewide Significance; and

WHEREAS, the areas under State shoreline jurisdiction include, in general, the area around and within 200 feet of the shorelines South Fork of the Stillaguamish River and Pilchuck River; and

WHEREAS, the City has engaged in extensive public participation with respect to the Shoreline Master Program Update preceding the local adoption process, including but not limited to the following: a public workshop and public meetings and public hearings before the City of Granite Falls Planning Commission and City Council; and

WHEREAS, on January 31, 2011, the City issued a Final Draft Shoreline Analysis Report, an inventory and characterization of the City’s shorelines to be used to record the existing or baseline conditions upon which the development of shoreline master program

provisions are examined to ensure the adopted regulations provide no net loss of shoreline ecological functions; and

WHEREAS, on April 6, 2011, the City issued a Final Shoreline Restoration Planning Element, a summary of baseline shoreline conditions, restoration goals and objectives, and a discussion of existing or proposed programs and projects that positively impact the shoreline environment; and

WHEREAS, on March 22, 2012, the City issued a No Net Loss Report confirming the goals, policies and regulations of the proposed 2012 Shoreline Master Program with mitigation for impacts pursuant to the Restoration Plan will result in “no net loss” in shoreline ecological function relative to the baseline due to its implementation and will ultimately produce a net improvement in shoreline ecological function; and

WHEREAS, on December 6, 2012, the City issued a Final Cumulative Analysis for City of Granite Falls shorelines, an inventory and characterization of the City’s shorelines to assess ecological functions and ecosystem-wide processes operating within the City’s shoreline jurisdiction and to serve as a baseline from which future development actions in the shoreline jurisdiction will be measured; and

WHEREAS, on March 21, 2012, the City issued a Final Draft 2012 Shoreline Master Program and on June 7, 2012, issued a Preliminary Final 2012 Shoreline Master Program, including goals and policies, environmental designations, shoreline and critical area regulations for river shorelines within the City and in the Urban Growth Area, and replacing the previous Snohomish County Shoreline Master Program adopted by reference in 2005; and

WHEREAS, it is anticipated that the City will consider and enact code amendments and comprehensive plan amendments related to the 2012 Shoreline Master Program shortly after the adoption of the Shoreline Master Program; and

WHEREAS, the adoption of code amendments and comprehensive plan amendments for sections relating to shoreline areas is necessary to retain consistency between the Granite Falls Municipal Code, the GMA Comprehensive Plan and the Shoreline Master Program; and

WHEREAS, on March 23, 2012, the City issued a State Environmental Policy Act (SEPA) Determination of Non-Significance for the adoption of the Shoreline Master Program and related code amendments and comprehensive plan amendments and published the notice in the Everett Daily Herald; and

WHEREAS, the City submitted the proposed comprehensive plan amendments and code amendments related to the 2012 Shoreline Master Program to the Washington State Department of Commerce on March 27, 2012 for its 60-day review and received documentation of completion of the procedural requirement on June 6, 2012; and

WHEREAS, the Granite Falls Planning Commission, after review of the proposed the 2012 Shoreline Master Program, held a duly noticed public hearing on June 26, 2012, and all

public testimony was given full consideration before a recommendation was made to the City Council to consider the adoption of the 2012 Shoreline Master Program; and

WHEREAS, on July 11, 2012, the Granite Falls City Council reviewed the Planning Commission's recommendation relating to the proposed 2012 Shoreline Master Program and on August 15, 2012 held a duly noticed public hearing, and all public testimony was given full consideration; and

WHEREAS, on September 5, 2012 the Granite Falls City Council adopted Resolution 2012-08, a resolution approving the proposed 2013 Shoreline Master Program and directing that the applicable Shoreline Master program update materials be provided to the Washington State Department of Ecology for its review and approval;

WHEREAS, In response to a request by the Washington State Department of Ecology, the City issued a Final Shoreline Analysis Report on April 5, 2013 that included the recently released channel migration zone mapping information; and

WHEREAS, on April 24, 2013, the Washington State Department of Ecology issued a letter approving the Granite Falls 2012 Shoreline Master Program as submitted, and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS DO ORDAIN AS FOLLOWS:

Section 1. Conclusions. The City Council hereby concludes the following with regard to the 2012 Shoreline Master Program adopted and approved in this ordinance:

- A. Implementation of the 2012 Shoreline Master Program will result in "no net loss" in shoreline ecological function relative to the established baseline and will ultimately produce a net improvement in shoreline ecological function; and
- B. The 2012 Shoreline Master Program is consistent with and meets the State Shoreline Guidelines established under Chapter 173-26 WAC; and
- C. The 2012 Shoreline Master Program is consistent with and implements the Shoreline Management Act (Chapter 90.58 RCW) and the Growth Management Act (Chapter 36.70A RCW).

Section 2. Shoreline Master Program Adopted. The Snohomish County Shoreline Management Master Program adopted by reference in 2005 is hereby repealed and replaced in its entirety, and the City of Granite Falls 2012 Shoreline Master Program including the Shoreline Environment Designation Map (Appendix A) and the Critical Areas Regulations within Shoreline Jurisdiction (Appendix B), as set forth in **Exhibit A** (attached to this ordinance and incorporated by reference) is hereby adopted.

Section 3. Formal Review and Approval. The City Planner or designee shall forward the adopted Shoreline Master Program documents to the Washington State Department of

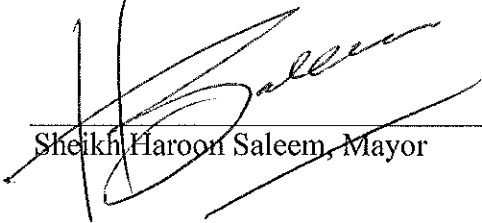
Ecology, pursuant to local approval submittal requirements in WAC 173-26-110, for formal review and approval.

Section 4. Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

Section 5. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after its passage and publication as provided by law.

PASSED by the City Council this 3rd day of July, 2013.

SIGNED by the Mayor this 3rd day of July, 2013.



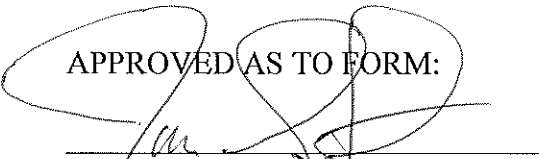
Sheikh Haroon Saleem, Mayor

ATTEST/AUTHENTICATE:



Darla Reese, CMC, City Clerk *bja*

APPROVED AS TO FORM:



Thom Graafstra, City Attorney

FILED WITH THE CITY CLERK: July 3, 2013
PASSED BY THE CITY COUNCIL: July 3, 2013
PUBLISHED: July 8, 2013
EFFECTIVE DATE: July 13, 2013
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