

**CITY OF GRANITE FALLS
GRANITE FALLS, WASHINGTON**

ORDINANCE NO. 968-2019

**AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, APPROVING
AMENDMENTS TO THE CITY OF GRANITE FALLS SHORELINE MASTER PROGRAM AS
REQUIRED BY RCW 90.58.080(4), PERIODIC REVIEW; PROVIDING FOR SEVERABILITY,
SUMMARY PUBLICATION BY ORDINANCE TITLE, AND AN EFFECTIVE DATE**

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 Granite Falls to develop and administer a Shoreline Master Program (SMP); and

WHEREAS, the City of Granite Falls adopted a comprehensive SMP update as required by RCW 90.58.080(2), which was effective as of August 1, 2012; and

WHEREAS, RCW 90.58.080(4) requires the City of Granite Falls 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 Granite Falls 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 Granite Falls has implemented its adopted public participation program, including a public open house, regular postings on the website, multiple public meetings with the Planning Commission, notices published mailed to interested parties and affected jurisdictions, etc.; and

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

WHEREAS, the City of Granite Falls consulted with the Department of Ecology early and often during the drafting of the amendments. The City of Granite Falls 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 Granite Falls together with their consultants, prepared a Final SMP Periodic Update Report that describes all the substantive changes to the SMP, including compliance with changes to state law and proposed changes due to local circumstances as attached in **Exhibit 1**;

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

WHEREAS, the City provided Notice of Intent to Adopt on November 23, 2018 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 and the City of Granite Falls SEPA responsible official issued and circulated a copy of the checklist and a Determination of Non- Significance (DNS) on September 24, 2018; and

WHEREAS, the City published a legal notice in the Everett Daily Herald on January 11, 2019 for a joint public hearing with the Washington State Department of Ecology and Planning Commission for the Shoreline Master Program periodic update, including a statement that the hearing was 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 periodic update to the Granite Falls Shoreline Master Program at the joint public hearing with Department of Ecology on February 12, 2019; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments at their May 14, 2019 meeting and forwarded it to the City Council for review;

WHEREAS, the City Council held a public hearing on the Granite Falls Shoreline Master Program at their June 5, 2019 meeting to take additional public testimony and no members of the audience provided testimony; and

WHEREAS, the City Council adopted Resolutions 2019-06 at their June 5, 2019 meeting authorizing city staff to forward the Shoreline Master Program to the Department of Ecology for their required review and acceptance prior to City Council formal adoption; 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 GRANITE FALLS, WASHINGTON, DOES ORDAIN AS FOLLOWS:

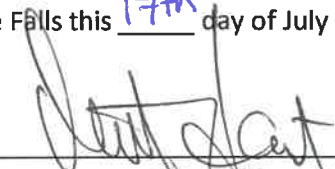
SECTION 1. The Granite Falls City Council hereby approves and adopts the proposed City of Granite Falls Shoreline Master Program periodic update as set forth in **Exhibit 2**, which is attached hereto and incorporated herein by reference.

SECTION 2. The Granite Falls 2012 Shoreline Master Program is hereby amended as set forth in **Exhibit 2** which is incorporated herein by this reference.

SECTION 3. Severability. If 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 4. Effective Date and Publication. The summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect five (5) days after the date of publication, PROVIDED, HOWEVER, the amendments approved in Section 2. of this ordinance shall not apply to applications submitted to the City until fourteen days following the City's receipt of written notice from the Washington State Department of Ecology stating the department has approved the amendments and shall apply to all applications submitted thereafter.

PASSED by the City Council of the City of Granite Falls this 17th day of July 2019.



Matthew Hartman, Mayor

ATTEST/AUTHENTICATION:

By: 
Darla Reese, MMC, City Clerk

APPROVED AS TO FORM:

Thomas H. Graafstra, City Attorney

Published: July 20, 19
Effective Date: