

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MCCLEARY
CONCERNING THE SHORELINE MASTER PROGRAM
PERIODIC REVIEW REQUIRED BY RCW 90.58.080(4)**

R E C I T A L S:

WHEREAS, the Shoreline Management Act (SMA) requires the City of McCleary to develop and administer a Shoreline Master Program (SMP) to guide and manage the development of the areas within the Acts jurisdiction; and

WHEREAS, the City of McCleary adopted a comprehensive SMP update as required by RCW 90.58.080(2), which went into effect in July 2016; and

WHEREAS, RCW 90.58.080(4) requires the City of McCleary to periodically review and, if necessary, revise the master program on or before June 30, 2023; and

WHEREAS, the review process is intended to bring the SMP into compliance with requirements of the SMA 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 McCleary contracted with The Watershed Company to provide consulting assistance for the periodic review of the SMP using grant funding from the Department of Ecology; and

WHEREAS, the City of McCleary set forth a public participation program for the 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 McCleary has followed its adopted public participation program, including, but not limited to, posting project documents on the City's website; and

WHEREAS, Ecology's checklist of legislative and rule amendments was used 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, changes to the comprehensive plan and development regulations were reviewed 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, whether any amendments are needed to reflect changed circumstances, new information or improved data in accordance with WAC 173-26-090(3)(b)(iii) was considered; and

WHEREAS, a draft of proposed SMP amendments and supporting materials were submitted to the Department of Ecology for an initial determination of consistency, and the submittal was deemed complete on May 2, 2023; and

WHEREAS, the Department of Ecology determined that the City's proposed amendments are consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through -251 and -020, Definitions), and did not set forth any required or recommended changes; 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 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 McCleary, Washington do ordain as follows:

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 1 attached to this ordinance and incorporated herein by this reference. The remaining portions of the City's SMP shall remain unchanged.

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 Director of Public Works is directed to submit the SMP and associated documents to the Department of Ecology for final approval. 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 update due on June 30, 2023.

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

SECTION VI: 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: This Ordinance shall take effect upon the fifth day following date of publication.

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

SECTION IX: This Ordinance shall take effect upon the 5th day following the date of publication.

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

CITY OF McCLEARY:

CHRIS MILLER, Mayor

ATTEST:

LINDSAY BLUMBERG, Deputy Clerk-Treasurer

APPROVED AS TO FORM:

CHRISTOPHER JOHN COKER, City Attorney