

## ORDINANCE NO. 2665

### AN ORDINANCE OF THE CITY OF ENUMCLAW, KING COUNTY, WASHINGTON CONCERNING THE ENUMCLAW SHORELINE MASTER PROGRAM PERIODIC REVIEW REQUIRED BY RCW 90.58.080(4).

**Whereas**, the Shoreline Management Act (SMA) requires the City of Enumclaw to develop and administer a Shoreline Master Program (SMP); and

**Whereas**, RCW 90.58.080(4) requires the City of Enumclaw to periodically review and, of 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 Enumclaw 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 Enumclaw has followed its adopted public participation program, including (describe key components of the program, e.g., public workshops, website, comment periods, etc.); and

**Whereas**, the city 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 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 Enumclaw Planning Commission completed a review of staff recommendations and prepared initial amendments; and

**Whereas**, the City of Enumclaw consulted with the Department of Ecology early and often during the drafting of the amendments. The city 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 Enumclaw conducted a formal public comment period in compliance with requirements of WAC 173-26-104, and

**Whereas**, the City of Enumclaw published a legal notice in Courier Herald on April 3, 2019 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); and

**Whereas**, the City of Enumclaw conducted a formal public comment period in compliance with requirements of WAC 173-26-104, and

**Whereas**, the Planning Commission took public testimony on the proposed Planning Commission recommendation(s) at a public hearing on April 25, 2019, and

**Whereas**, a State Environmental Policy Act (SEPA) environmental checklist was prepared, and the City of Enumclaw SEPA responsible official issued and circulated a copy of the checklist a Determination of Non-significance (DNS), a notice of public hearing with the Planning Commission and mailed to all affected properties on April 3, 2019, and

**Whereas**, the Planning Commission reviewed the public testimony and written comments on the proposed SMP revisions, and suggested revisions to the proposed amendments, and

**Whereas**, the Planning Commission recommended approval of the proposed amendments and forwarded their recommendation to the City Council for review and adoption on April 25, 2019, and

**Whereas**, a City Council Public Hearing Notice was posted in the Courier Herald on August 14, 2019, and

**Whereas**, the City Council received public testimony at the public hearing of August 26, 2019, and

**Whereas**, after considering all of the 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 of Enumclaw's required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26), and

**Now, therefore, the City Council of the City of Enumclaw, King County, Washington do ordain as follows:**

**Section 1:** Review and Evaluation. The City Council hereby finds that the review and evaluation required by RCW 90.58.080(4) have occurred, as described in the recitals above.

**Section 2:** Revisions. That the city's Shoreline Master Program is hereby amended to read as set forth in Exhibit "A" attached to this ordinance and incorporated herein by this reference. The Enumclaw Municipal Code is hereby amended to read as set forth in Exhibit "B."

**Section 3:** Adoption. The City 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 4:** Submission to Department of Ecology. The Community Development Director is directed to submit the SMP and associated documents to the Department of Ecology for their review and approval prior to formal adoption. Once approved by the Department of Ecology no further action is necessary for compliance with the periodic review update due on June 30, 2019.

**Section 5:** Severability. If any section, sentence, clause or phrase of this ordinance should be held 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 6:** Effective Date. The amendments to the SMP adopted through this Ordinance shall be effective 14 days after the Department of Ecology final action as provide by RCW 90.58.090(7).

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Jan Molinaro  
INTRODUCED \_\_\_\_\_

PASSED \_\_\_\_\_  
APPROVED \_\_\_\_\_  
PUBLISHED \_\_\_\_\_

Attested:

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Maureen Burwell  
City Clerk

Approved as to form:

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Brett Vinson for Michael J. Reynolds  
City Attorney