

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 713 repealing Shoreline Municipal Code Chapter 16.10.
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Steven Szafran, AICP, Senior Planner Paul Cohen, Planning Manager Rachael Markle, AICP, Director
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

After the City of Shoreline was incorporated in 1995, the City Council passed Ordinance 23, adopting by reference King County Code Title 25 as the City's Interim Shoreline Management Plan (Interim SMP) as required by Washington's Shoreline Management Act, 90.58 RCW. The Interim SMP was codified under SMC Chapter 16.10.

In 2012, in response to the Washington State Department of Ecology's new guidelines for shoreline management, the City initiated an update which resulted in the passage of Ordinance 668 in 2013. This ordinance adopted a new Shoreline Master Program (SMP), including it within the City's Comprehensive Plan and codifying the SMP and its regulations at SMC Title 20, Division II.

However, at the time of Ordinance 668's passage, an ordinance repealing SMC Chapter 16.10 was inadvertently not done. In order to remove the now defunct Interim SMP and SMC provision, a repealing ordinance must be passed by the City Council.

RESOURCE/FINANCIAL IMPACT:

The proposed amendment have no direct financial impact to the City.

RECOMMENDATION

Staff recommends approval of Ordinance No. 713.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

Shortly after the City of Shoreline was incorporated in 1995, the City Council passed Ordinance 23, adopting by reference King County Code Title 25 as the City's Interim Shoreline Management Plan (Interim SMP) as required by Washington's Shoreline Management Act, 90.58 RCW. The Interim SMP was codified under SMC Chapter 16.10.

In 2012, in response to the Washington State Department of Ecology's new guidelines for shoreline management, the City initiated an update which resulted in the passage of Ordinance 668 in 2013. This ordinance adopted a new Shoreline Master Program (SMP), including it within the City's Comprehensive Plan and codifying the SMP and its regulations at SMC Title 20, Division II.

However, at the time of Ordinance 668's passage, an ordinance repealing SMC Chapter 16.10 was inadvertently not done. In order to remove the now defunct Interim SMP and SMC provision, a repealing ordinance must be passed by the City Council,

Planning Staff currently processes amendments to SMC Title 20 pursuant to SMC 20.30.070 which requires Planning Commission review and public hearing prior to submittal for approval by the City Council. While this action does not pertain to SMC Title 20, it does relate to the City's old land use and development regulations and to a division of SMC Title 20 for shoreline development and, therefore, Planning Staff elected to process the repealing action in the same manner as any SMC Title 20 amendments.

The Planning Commission held two study sessions on the repealing amendment in 2016 - on September 15 and November 17 - and a Public Hearing on the proposed amendment on December 1, 2016.

- The staff report for the September 15th discussion can be found here: <http://www.shorelinewa.gov/home/showdocument?id=27891>
- The staff report for the November 17th discussion can be found here: <http://www.shorelinewa.gov/home/showdocument?id=29497>
- The staff report for December 1st Public Hearing can be found here: <http://www.shorelinewa.gov/home/showdocument?id=29611>

The staff report for the January 9, 2017 Council meeting is included as a reference and can be found here:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2017/staffreport010917-9a.pdf>

The City has provided the Washington State Department of Commerce with notice of its intent to repeal SMC Chapter 16.10 and has also provided the Washington State Department of Ecology with notice of its intent to repeal this chapter.

PROPOSED AMENDMENT

This proposed amendment will repeal SMC Chapter 16.10 in its entirety.

Adopted by Ordinance 23, SMC 16.10 was the chapter that regulated the City's Shoreline Master Program and referred to King County's regulations as Shoreline did not have its own program. The Council adopted the City's own Shoreline Master Program in 2013, via Ordinance 668, making Chapter 16.10 unnecessary. The current Shoreline Master Program is contained in SMC Title 20, Division II.

The Council did not have any issues or concerns with the Planning Commission recommendation to repeal SMC Chapter 16.10.

RESOURCE/FINANCIAL IMPACT

The proposed amendments have no direct financial impact to the City.

RECOMMENDATION

Staff recommends approval of Ordinance No. 713.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 713

Attachment A, Exhibit A – Municipal Code Amendment

ORDINANCE NO. 713

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
REPEALING SHORELINE MUNICIPAL CODE CHAPTER 16.10
SHORELINE MANAGEMENT PLAN.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70C RCW; and

WHEREAS, on June 26, 1995, the Shoreline City Council adopted Ordinance No. 23, incorporating by reference King County Code Title 25 as the City's interim shoreline management code; and

WHEREAS, on February 28, 2000, the Shoreline City Council adopted Ordinance No. 230 establishing Title 20 Unified Development Code of the Shoreline Municipal Code; and

WHEREAS, on August 5, 2013, the Shoreline City Council adopted Ordinance No. 668 enacting the City of Shoreline's Shoreline Master Program, incorporating it into the City's Comprehensive Plan, and establishing Shoreline Municipal Code Title 20 Division II Shoreline Master Plan; and

WHEREAS, the provisions of Ordinance No. 668 are now codified as Chapters 20.200, 20.210, 20.220, and 20.230 of the Shoreline Municipal Code; and

WHEREAS, given the enactment of Title 20 Division II, the provisions of Shoreline Municipal Code Chapter 16.10 Shoreline Management Plan are no longer necessary and should be repealed in their entirety; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to repeal Shoreline Municipal Code Chapter 16.10; and

WHEREAS, pursuant to RCW 90.58 and WAC 173-26, the City has provided the Washington State Department of Ecology with notice of its intent to repeal Shoreline Municipal Code Chapter 16.10; and

WHEREAS, on November 17, 2016, the City of Shoreline Planning Commission reviewed the proposal to repeal the code provisions; and

WHEREAS, on December 1, 2016, the City of Shoreline Planning Commission held a public hearing on the proposal to repeal the code provisions so as to receive public testimony; and

WHEREAS, at the conclusion of public hearing, the City of Shoreline Planning Commission voted unanimously to approve the proposal to repeal the code provisions; and

WHEREAS, on January 9, 2017, the City Council held a study session on the proposal to repeal the code provisions; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City provided public notice of the proposal to repeal the code provisions and the public hearing as provided in SMC 20.30.070; and

WHEREAS, the City Council has determined that the provisions of Shoreline Municipal Code Chapter 16.10 are no longer necessary and should be repealed;

THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Repeal. Shoreline Municipal Code Chapter 16.10 Shoreline Management Plan is repealed in its entirety as set forth in Exhibit A to this Ordinance.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON THE 6th DAY OF FEBRUARY, 2017.

Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret King
City Attorney

Date of Publication: , 2017
Effective Date: , 2017

**ORDINANCE NO. 713
MUNCIPAL CODE AMENDMENT**

**Chapter 16.10
SHORELINE MANAGEMENT PLAN**

Sections:

~~16.10.010— Authority to adopt.~~

~~16.10.020— Adoption of administrative rules.~~

~~16.10.030— Adoption of certain other laws.~~

~~16.10.040— Reference to hearing bodies.~~

~~16.10.010 Authority to adopt.~~

~~Pursuant to RCW 35.21.180, 35A.11.020, 35A.21.160 and 90.58.280, the city adopts by reference Title 25 of the King County Code (Exhibit A, attached to the ordinance codified in this chapter) as presently constituted, as the interim shoreline management code. Exhibit A is hereby incorporated by reference as if fully set forth herein. [Ord. 93 § 1, 1996; Ord. 23 § 1, 1995]~~

~~16.10.020 Adoption of administrative rules.~~

~~Pursuant to Chapter 25.32 KCC of the shoreline management plan, there are hereby adopted by reference any and all implementing administrative rules now in effect regarding shoreline management that have been adopted either pursuant to King County Code Chapter 2.98, Rules of county agencies, or Title 23, Enforcement, or elsewhere in the King County Code except that, unless the context requires otherwise, any reference to the “county” or to “King County” shall refer to the city of Shoreline, and any reference to county staff shall refer to the city manager or designee. [Ord. 23 § 2, 1995]~~

~~16.10.030 Adoption of certain other laws.~~

~~To the extent that any provision of the King County Code, or any other law, rule or regulation referenced in the shoreline management code is necessary or convenient to establish the validity, enforceability or interpretation of the shoreline management code, then such provision of the King County Code, or other law, rule or regulation, is hereby adopted by reference. [Ord. 23 § 3, 1995]~~

~~16.10.040 Reference to hearing bodies.~~

~~To the extent that the shoreline management code refers to planning commissions, board of appeals, hearing examiner, or any other similar body, the city council shall serve in all such roles, but retains the right to establish any one or more of such bodies, at any time and without regard to whether any quasi-judicial or other matter is then pending. [Ord. 23 § 4, 1995]~~