CITY OF PACIFIC, WASHINGTON
ORDINANCE NO. 2019-2002

AN ORDINANCE OF PACIFIC, WASHINGTON, RELATING TO THE CITY OF PACIFIC'S SHORELINE MANAGEMENT PROGRAM AND RELATED REGULATIONS, AMENDING THE SHORELINE DESIGNATIONS FOR REACHES "A", "E", "F" AND "G" OF THE SHORELINE, REPEALING AND ADOPTING A NEW TITLE 21, SHORELINE MANAGEMENT, AND AMENDING TITLE 23 CRITICAL AREAS TO SPECIFY THE REGULATION OF CRITICAL AREAS WITHIN SHORELINE JURISDICTION AS SET FORTH IN CHAPTER 58 OF TITLE 90 OF THE REVISED CODE OF WASHINGTON; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Washington passed the Shoreline Management Act of 1971 governing the adoption of the Shoreline Master Programs, as currently set forth within Chapter 58 of Title 90 of the Revised Code of Washington, and subject to the Washington State Department of Ecology administrative rules contained within Title 173 of the Washington Administrative Code; and;

WHEREAS, the City applied for and obtained a grant from the Washington State Department of Ecology on July 20, 2009 to assist in the preparation and adoption of the 2011 Pacific Shoreline Master Program; and;

WHEREAS, the City completed the preparation of supporting information and background material for the 2011 Shoreline Master Program; and,

WHEREAS, the City SEPA Responsible Official issued a SEPA threshold determination of nonsignificance for the proposed 2011 Shoreline Master Program, changes to the Comprehensive Plan Land Use Element and changes to Title 21 Shoreline Management and Title 23 Critical Areas which was issued on March 25, 2011, which was not appealed; and

WHEREAS, in accordance with RCW 36.70A.106, a notice of intent to adopt the proposed Pacific Shoreline Master Program, changes to the Comprehensive Plan Land Use Element and amendments to Title 21 and Title 23 was sent to the State of Washington Department of Commerce on March 3, 2011 and acknowledged; and

WHEREAS, the City Planning Commission held a public hearing on the Shoreline Master Program, changes to the Comprehensive Plan Land Use Element and amendments to Title 21 and Title 23 on April 26, 2011, and provided a recommendation to the City Council; and
WHEREAS, the City Council on September 12, 2011 under Resolution 1089 adopted the amended Shoreline Master Program, changes to the Comprehensive Plan Land Use Element and amendments to Title 21 and Title 23 of the Pacific Municipal Code (PMC) and forwarded them to the Department of Ecology; and

WHEREAS, the Department of Ecology reviewed the proposed amendments to the Shoreline Master Program, changes to the Comprehensive Plan Land Use Element and Titles 21 and 23 of the Pacific Municipal Code (PMC) and issued a letter on February 4, 2013 conditionally approving the Shoreline Management Program, changes to the Comprehensive Plan Land Use Element and amendments to Title 21 and 23 of the PMC, subject to further changes; and

WHEREAS, the City sent a letter on February 25, 2013 to the Department of Ecology agreeing with the Department of Ecology’s required changes; and

WHEREAS, on July 20, 2018, the City entered into Agreement SEASMP-1719-Paciif-00022 with the Department of Ecology for grant funds to conduct the periodic review of its Shoreline Master Program and regulations in accordance with RCW36.70A; and

WHEREAS, on February 8, 2019, the City sent to the Department of Commerce (DOC) it’s 60 day Notice of Intent to Adopt Amendments to the Pacific Shoreline Master Program and a new Title 21 Shoreline Management and proposed changes to Title 23 Critical Areas, and receipt of same was acknowledged by DOC on February 12, 2019; and

WHEREAS, on February 8, 2019, the City issued a SEPA Determination of Nonsignificance (DNS) for the proposed changes to reaches “A”, “E”, “F” and “G” of the Pacific White River shoreline designations and for the new Title 21 Shoreline Management and proposed changes to Title 23 Critical Areas, and the SEPA determination was not appealed; and

WHEREAS, the City Planning Commission conducted two public meetings and one public hearing regarding the proposed changes to the Shoreline Master Program on November 27, 2018, February 26, 2019, March 26, 2019 (Public Hearing) and April 23, 2019 (Cont. Public Hearing); and

WHEREAS, the City Planning Commission, after consideration of all comments provided prior to and during the public hearing, has recommended approval of the proposed changes to the Pacific Shoreline Master Program and Titles 21 and 23 of the Pacific Municipal Code; and

WHEREAS, the Pacific City Council at their May 6, 2019 meeting considered the Planning Commission’s recommendation regarding the proposed changes to the
Pacific Shoreline Master Program and changes to Titles 21 and 23 of the Pacific Municipal Code; and

WHEREAS, the Pacific City Council conducted their first reading of the proposed changes to the Shoreline Master Program at their May 13, 2019 meeting and the second reading of the proposed changes to the Shoreline Master Program at their May 27, 2019 meeting; and

WHEREAS, the City Council has determined that the proposed updates to the City of Pacific’s Shoreline Master Program depicted herein are consistent with the City’s Comprehensive Plan, all other relevant City regulations, and applicable laws, and further the goals and policies of the City of Pacific;

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

Section 1. Updates to Shoreline Master Program, Adopted. The City Council approves and adopts the Shoreline Master Program, including changes to the shoreline designations for reaches “A”, “E”, “F” and “G”, as depicted in the following documents which are on file with the City Clerk and incorporated herein by reference as if set forth in full:

Shoreline Inventory and Characterization Report
Shoreline Restoration Plan
Shoreline Cumulative Impacts Analysis
Dept. of Ecology Periodic Review Checklist – Dated 4/30/19


Section 3. Repealer. The City Council hereby repeals Title 21, Shoreline Management in its entirety.

Section 4. Adoption. The City Council hereby adopts a new Title 21 of the Pacific Municipal Code, titled Shoreline Management, as set forth in Exhibit B, attached hereto and incorporated herein by reference as if set forth in full.

Section 5. Amendments. Sections 23.10.030, 23.10.130, 23.10.140, 23.20.010, 23.20.040, 23.20.050, 23.60.050 of the Pacific Municipal Code are hereby amended as set forth in Exhibit C, attached hereto and incorporated herein by reference as if set forth in full.

Section 7. Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 8. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful 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 9. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 10. Effective Date. This Ordinance shall take effect fourteen days from the date of the Department of Ecology’s written notice of final action approving this Ordinance, pursuant to RCW 90.58.090(7).

PASSED BY THE CITY OF PACIFIC COUNCIL AT A REGULAR MEETING THEREOF ON THE 28th DAY OF MAY, 2019.

CITY OF PACIFIC

LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

LAURIE CASSELL CITY CLERK

APPROVED AS TO FORM:

KINNON W. WILLIAMS, CITY ATTORNEY

PUBLISHED:

EFFECTIVE DATE: