

ORDINANCE NO. 1778

AN ORDINANCE OF THE CITY OF KETTLE FALLS, WASHINGTON, PROVIDING FOR THE ADOPTION OF A SHORELINE MASTER PROGRAM (SMP)

WHEREAS, Chapter 90.58, RCW requires all local governments with shorelines of the state within their boundaries to develop and administer a Shoreline Master Program (SMP); and

WHEREAS, Chapter 90.58, RCW requires local governments to develop or amend a Shoreline Master Program for regulation of uses on the shorelines of the state consistent with the guidelines of Title 173-26, Washington Administrative Code (WAC); and

WHEREAS, Chapter 36.70A, RCW requires local governments planning under the Growth Management Act (GMA), to adopt the goals and policies of the Shoreline Management Act (SMA) as a shoreline element of the Comprehensive Plan; and

WHEREAS, Stevens County opted to fully plan under the Growth Management Act (GMA) on September 28, 1993; and

WHEREAS, Stevens County, the City of Kettle Falls, the Town of Marcus and the Town of Northport formed a partnership to consistently implement the requirements of the Shoreline Management Act (SMA). As a part of the formal adoption process, each jurisdiction is required to adopt the SMP in accordance with their respective legislative requirements; and

WHEREAS, Chapter 36.70A.480, RCW provides that upon approval of a local Shoreline Master Program (SMP) by the Department of Ecology, critical areas within shoreline jurisdiction shall be regulated under the SMP.

BE IT HEREBY ORDERED AND RESOLVED BY THE CITY OF KETTLE FALLS, WASHINGTON:

FINDINGS

The Council of the City of Kettle Falls has made a reasoned decision on the adoption of a Shoreline Master Program based upon the following findings:

1. The Shoreline Master Program (SMP) includes Development Regulations, an Inventory, Analysis and Characterization Report (IAC), Cumulative Impacts Analysis Report, Restoration Plan and Public Access Plan.
2. WAC 173-26-030 encourages public participation and provides for early and continuous involvement in the process. In October 2015, Stevens County notified approximately 21,600 property owners within the County of the update process. (SMP Index #8) A website (www.stevenssmpupdate.com) containing information, draft documents and scheduled events was established and maintained throughout

the process. Information regarding available materials and scheduled events was also posted to the Land Services page of the Stevens County Web site. (SMP Index 3, 10, 27, 33, 39, 40, 56, 60, 67, 69, 73, 83, 85, 87, 118, 132 and 139) A contact list of interested parties was established and maintained throughout the process. Notification of workshops/meetings was distributed to the contact list throughout the process. (SMP Index 1A, 7, 35, 36, 37, 53, 57, 59, 61, 74, 79, 86, 90, 94 and 117)

3. Beginning in October 2015, 16 public workshops/meetings were held to receive comments on the proposed SMP. At least one workshop/meeting was held in or within the vicinity of each jurisdiction. (SMP Index 6, 17, 18, 19, 20, 48, 50, 54, 64, 81, 89, 92, 93, 123, 124 and 127)
4. Pursuant to WAC 173-26-100, the formal local adoption process began on January 23, 2019. Notice of the Public Comment Period, SEPA DNS and Public Hearings was given to interested parties on the SMP update contact list and required agencies on January 23, 2019. (SMP Index 135 and 142) Legal notice was published in the *Chewelah Independent* on January 21 and 28, 2019. (SMP Index 141) Legal notice was also published in the *Statesman Examiner* on January 23 and 30, 2019. (SMP Index 140) The notice and associated file information was posted on the Land Services (SMP Index 139) and SMP Update websites.
5. Pursuant to RCW 36.70A.106, notice of the SMP was given to the Department of Commerce on January 22, 2019. Commerce acknowledged receipt of the materials (ID #25716) on January 23, 2019. This satisfies the requirement for a 60-day notice prior to adoption. (SMP Index 137)
6. Pursuant to WAC 197-11-340 and WAC 173-26-100, a SEPA DNS was issued for the SMP on January 23, 2019 along with the Notice of Public Comment and Hearings. The SEPA DNS was posted on the DOE SEPA Register (Ecology SEPA Number 201900373). Legal notice for the SEPA DNS was published in the *Chewelah Independent* and *Statesman Examiner* as cited in Finding #4. (SMP Index 138)
7. Comments from agencies or members of the public were received throughout the update process. Oral comments received during workshops/meetings were addressed and/or incorporated into draft documents. A matrix with a synopsis of written comments and a response was developed and published on the SMP Update website. (SMP Index 134 and 172)
8. Pursuant to the Kettle Falls Municipal Code and WAC 173-26-100, public hearings were held in each local jurisdiction. The City of Kettle Falls Planning Commission recommended adoption of the SMP on February 11, 2019 and the City Council considered the matter on March 5, 2019. (SMP Index 152 and 155) The Stevens County Planning Commission at a public hearing on February 14, 2019 recommended that the Board of County Commissioners adopt the SMP. (SMP Index 153) The Council for the Town of Marcus considered the matter on February 19, 2019. (SMP Index 154) The Council for the Town of Northport considered the matter on March 20, 2019. (SMP Index 167)

9. Pursuant to RCW 36.70A.480, the goals and policies of the SMP are to be incorporated into the Kettle Falls Comprehensive Plan. This action is anticipated to occur in conjunction with the GMA update process scheduled for 2020.
10. Pursuant to RCW 90.58.030 and 36.70A.480, the WA State Legislature intended that critical areas within the jurisdiction of the Shoreline Management Act were to be governed by the Shoreline Management Act. The Council of the City of Kettle Falls finds that the proposed SMP includes development regulations that protect critical areas within shoreline jurisdiction have been incorporated into the SMP regulations.
11. The Council of the City of Kettle Falls held an open record public hearing on March 5, 2019. An opportunity for public testimony was given. After discussion, the Council voted to consider adoption of the SMP after the conclusion of the public process.
12. The Council of the City of Kettle Falls considered the this ordinance at the first reading at a regularly scheduled meeting on May 7, 2019 and at the second reading on May 21, 2019.

NOW, THEREFORE BE IT ORDAINED,

That concurrent with the Department of Ecology adoption, the Shoreline Master Program (SMP) shall be adopted as Kettle Falls Municipal Code _____, Shoreline Master Program Development Regulations.

BE IT FURTHER ORDAINED that concurrent with the Department of Ecology adoption of the SMP, the SMP companion documents consisting of the Inventory, Analysis and Characterization Report, the Cumulative Impacts Analysis Report, the Restoration Plan and the Public Access Plan shall be adopted as referenced attachments.

BE IT FURTHER ORDAINED that concurrent with the Department of Ecology adoption of the SMP, critical areas *within* shoreline jurisdiction shall be regulated by the SMP Development Regulations and the critical areas *outside* shoreline jurisdiction shall continue to be regulated by the Kettle Falls Municipal Code Critical Areas Regulations.

BE IT FURTHER ORDAINED that should any section, 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 resolution 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.

BE IT FURTHER ORDAINED this Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force upon the adoption by the Department of Ecology.

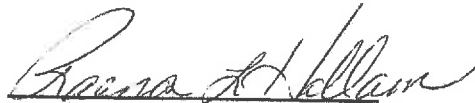
Passed and adopted by the City Council of the City of Kettle Falls in regular session at Kettle Falls, Washington, by the following vote, then signed by the mayor and attested to by its Clerk in authorization of such passage the 21st day of May, 2019.

APPROVED:



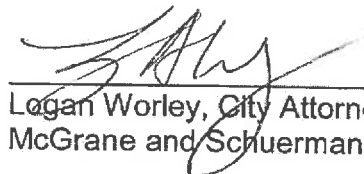
John Ridlington, Mayor

ATTEST:



Raena L. Hallam, Clerk/Treasurer

Approved as to form:



Logan Worley, City Attorney
McGrane and Schuerman, PLLC

The foregoing ordinance was presented for adoption by Council Member Dale Drake and seconded by Council Member John Andrew.

Upon vote, there were: 3 YEA; 0 NAY; 0 ABSTAIN; and 2 ABSENT