

**ORDINANCE NO. 2732
CITY OF SUMNER, WASHINGTON**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER,
WASHINGTON, AMENDING THE CITY'S SHORELINE MASTER PROGRAM
IN ORDER TO ADOPT REQUIRED AND RECOMMENDED CHANGES
PROPOSED BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY.**

WHEREAS, RCW 90.58.080 of the State Shoreline Management Act ("SMA") requires local governments, including the City of Sumner, to review their master programs at least once every eight years and to make revisions as necessary to assure compliance with applicable laws and guidelines and to assure consistency with the governing comprehensive plan and development regulations; and

WHEREAS, City of Sumner Planning Department undertook this review utilizing as guidance, a checklist provided by the Washington State Department of Ecology ("Ecology"), and made recommendations to the City Council for proposed revisions to the Shoreline Master Program ("SMP") that would provide, among other things, consistency with the City's 2015 Comprehensive Plan, updated Town Center Plan, updated critical areas regulations, and updated floodplain regulations; and

WHEREAS, following extensive public participation by way of an open house and several opportunities for public comment, and following SEPA review with a DNS issued on April 8, 2019, the City Council passed Ordinance 2692 on June 17, 2019 approving revisions and amendments to the City's SMP subject to Ecology's final approval of the same; and

WHEREAS, the City provided its SMP periodic review and revisions (as amended by Ordinance 2692) to Ecology for review and approval. Ecology then initiated a statewide comment period; and

WHEREAS, following the close and completion of Ecology's statewide comment period, by letter dated March 5, 2020, Ecology granted the City conditional approval of its SMP periodic review and amendments as adopted in Ordinance 2692 subject to the adoption of additional recommended and required changes, outlined in the attached Exhibit B; and

WHEREAS, in response to Ecology's March 5, 2020 letter of conditional approval, the City proposed alternative amendment language with respect to one of Ecology's recommendations and Ecology thereafter approved the same; and

WHEREAS, all the revisions proposed by and reflected in this Ordinance have been reviewed and approved by Ecology; and

WHEREAS, the City Council now desires to further update the City's SMP to adopt Ecology's recommended and required revisions.

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

Section 1. The City of Sumner's Shoreline Master Program is hereby updated and amended consistent with Exhibit A, which is appended hereto and titled "Attachment B: City of Sumner Shoreline Master Program Periodic Review Amendment, Ecology Required and Recommended Changes," subject to Section 2.

Section 2. The City of Sumner’s Shoreline Master Program is further amended as follows:

Chapter 6.VII/ Critical Areas General Regulations

8. Shoreline development or uses, including the subdivision of land, ~~shall~~ should not be established in shoreline jurisdiction when it would be reasonably foreseeable that the development or use would require structural flood hazard works for protection within the channel migration zone or the floodway. A list of uses and activities that may be appropriate and or necessary in floodway or CMZ can be found in WAC 173-26-221(3)(c)(i).”

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make the necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 4. Severability – Construction. If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Sumner Municipal Code, the provisions of this ordinance shall control.

Section 5. Effective Date. This ordinance shall be in full force and effect fourteen (14) days from and after its approval by Ecology, and publication, as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this 15th day of June, 2020.

DocuSigned by:
William L. Pugh
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Mayor William L. Pugh

APPROVED AS TO FORM:
DocuSigned by:
Andrea Marquez
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City Attorney Andrea Marquez

ATTEST:
DocuSigned by:
Michelle Converse
9BA22DE678404D1

City Clerk Michelle Converse

First Reading:
Date Adopted: June 16, 2020
Date of Publication:
Effective Date:

