

ORDINANCE NO. 6733

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, RELATED TO THE SHORELINE MASTER PROGRAM; AND AMENDING CHAPTER 16.10 OF THE AUBURN CITY CODE, AND REPEALING AND REENACTING CHAPTER 16.08 OF THE AUBURN CITY CODE

WHEREAS, the Washington State Legislature has mandated that the City periodically review its Shoreline Master Program (SMP) and update it as necessary pursuant to the Shoreline Management Act (SMA), Chapter 90.58 RCW, and the Shoreline Master Program Guidelines, WAC 173-26; and

WHEREAS, the Department of Ecology (Ecology) reviewed the City's proposed SMP changes and notified the City that changes to the Critical Areas Ordinance (CAO), Chapter 16.10 ACC, were also needed for consistency with current Best Available Science (BAS) for streams, wetlands, and their buffers. In addition the Department of Health (DOH) recommended that the City's Critical Aquifer Recharge Areas regulations be updated to reflect current State rules and regulations; and

WHEREAS, a SEPA Determination of Nonsignificance (DNS) was issued on August 13, 2019 for the proposed SMP and CAO updates; and

WHEREAS, the SMP and CAO updates have consisted of a joint review process with Ecology pursuant to WAC 173-26-104. The process involved outreach to and consultation with other agencies, tribes, and other interested groups. A joint public comment period was also held with Ecology from August 13, 2019 through September 12, 2019. No comments were received; and

WHEREAS, the City notified the Washington State Department of Commerce of the proposed amendments, per RCW 36.70A.106, on July 25, 2019 (for the SMP) and July 22, 2019 (for the CAO). No comments were received; and

WHEREAS, the Planning Commission held a joint public hearing with Ecology on October 8, 2019 and recommended adoption of the proposed updates to the City Council.

WHEREAS, the Growth Management Act in RCW 36.70A.480 provides that the goals and policies of a local SMP shall be considered an element of a local government's comprehensive plan; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment of the Shoreline Master Program. The City's Shoreline Master Program (SMP) is amended to read as shown in Exhibit A of this Ordinance, and an amended copy shall be on file with the office of the City Clerk.

Section 2. Amendment to City Code. Chapter 16.08 of the Auburn City Code, Shoreline Management Administrative and Permitting Procedures, is repealed in its entirety and replaced with the following section:

"16.08.010 The Shoreline Management Administrative and Permitting Procedures are uncodified and can be found in City's Shoreline Master Program, Ordinance 6733, and on file in the office of the City Clerk".

Section 3. Amendment to City Code. Chapter 16.10 of the Auburn City Code, Critical Areas, is amended to read as shown in Exhibit B of this Ordinance.

Section 4. Submission to Department of Ecology. The Director of Community Development shall submit, according to RCW 90.58, the amended Shoreline

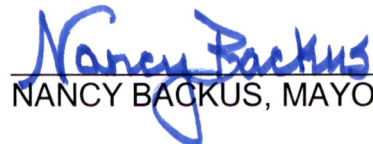
Master Program and associated documents to the Department of Ecology for its review and approval prior to formal adoption.

Section 5. Implementation. The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

Section 6. Severability. The provisions of this Ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

Section 7. Effective date. Sections 1 and 2 of this Ordinance shall be effective and in force 14 days after the notice date of the Department of Ecology final action, as provided by RCW 90.58.090(7). Section 3 shall be effective and in force five days from and after the passage, approval, and publication of this Ordinance as provided by law.

INTRODUCED: NOV 04 2019
PASSED: NOV 04 2019
APPROVED: NOV 04 2019



NANCY BACKUS, MAYOR

ATTEST:



Shawn Campbell, MMC, City Clerk

APPROVED AS TO FORM:



Steven L. Gross, City Attorney

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