

**ORDINANCE NO. 1708**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMAS, WASHINGTON, ADOPTING A COMPREHENSIVE UPDATE TO THE CITY OF SUMAS SHORELINE MANAGEMENT MASTER PROGRAM, SUBJECT TO FINAL APPROVAL BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY.**

**WHEREAS**, in 1998, the Sumas City Council took action through Ordinance No. 1257 to adopt amendments to the City's Shoreline Master Program, and said amendments were subsequently approved by the Washington Department of Ecology; and

**WHEREAS**, consistent with amendments to the State Shoreline Management Act, RCW 90.58, enacted by the Legislature and new implementing regulations under WAC 173-26, the City prepared a comprehensive update of the Sumas Shoreline Master Program; and

**WHEREAS**, following an extensive public process as required by law, including the holding of several public hearings before the City Planning Commission and City Council, the Sumas City Council took action in July 2014 through adoption of Resolution No. 742 stating the Council's intention to adopt the comprehensive update of the City's Shoreline Master Program, subject to review and approval by the Washington Department of Ecology and directing City staff to submit the draft Master Program dated July 28, 2014 to the Department of Ecology for formal review; and

**WHEREAS**, in September 2014, the City submitted the draft Shoreline Master Program dated July 28, 2014 to the Department of Ecology for formal review, along with all required supporting documentation; and

**WHEREAS**, in November 2016, the Department of Ecology sent correspondence to the City setting forth required changes to the draft Shoreline Master Program necessary to ensure consistency with the Shoreline Management Act and implementing regulations, and furthermore identifying additional recommended changes to the Master Program; and

**WHEREAS**, in May 2017, the City sent a formal response to the Department of Ecology based on direction received from the City Council in which the City accepted the majority of the required changes, but also provided proposed alternative language for some of Ecology's required changes; and

**WHEREAS**, in June 2017, the Department of Ecology informed the City in writing that the alternative language proposed by the City regarding required changes to the draft Sumas Shoreline Master Program were acceptable to Ecology; and

**WHEREAS**, the City has prepared a final draft Shoreline Master Program that incorporates all of the required changes agreed to by the City and the Department of Ecology and incorporates some, but not all, of the recommended changes received from the Department of Ecology, said final draft being dated July 24, 2017; and

**WHEREAS**, a SEPA review and Determination of Nonsignificance of the Sumas Shoreline Management Master Program was issued by the City on December 21, 2012, and the City SEPA Official has confirmed that the revisions incorporated since that time do not impact the sufficiency of the aforementioned determination; and

**WHEREAS**, the City of Sumas gave public notice on July 12, 2017 that the City Council would hold a public hearing on July 24, 2017 to consider the proposed update to the City of Sumas Shoreline Management Master Program; and

**WHEREAS**, a duly advertised public hearing was held on July 24, 2017 where opportunity for public comment was provided and public testimony was received; and

**WHEREAS**, following the closing of the public hearing, the Sumas City Council finds that adoption of the comprehensive update to the Sumas Shoreline Management Master Program is in the public interest and will support and protect the public health, safety and general welfare; **NOW, THEREFORE**,

**IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUMAS, WASHINGTON, as follows:**

**SECTION 1:** The Sumas Shoreline Management Master Program dated July 24, 2017 as provided in Exhibit A, attached hereto, is hereby adopted in its entirety, including Parts One, Two, Three and Four, subject to final approval by the Washington Department of Ecology.

**SECTION 2:** Following approval by the Washington Department of Ecology, Part One of the Shoreline Management Master Program as provided in Exhibit A, identified as Shoreline Management Goals and Policies, is hereby adopted as an element of the City of Sumas Comprehensive Land Use Plan.

**SECTION 3:** Following approval by the Washington Department of Ecology, Part Two of the Shoreline Management Master Program as provided in Exhibit A, identified as Shoreline Management Regulations, is hereby adopted as part of the City of Sumas Development Regulations. Chapter 15.04 of the Sumas Municipal Code is hereby replaced in its entirety to read as set forth in Part Two of the Shoreline Management Master Program adopted herein.

**SECTION 4:** The previously established chapters from the Sumas Municipal Code included in Part Three of the Shoreline Management Master Program provided in Exhibit A are adopted by reference as part of the City's Shoreline Master Program. Adoption by reference and incorporation into the Shoreline Master Program of these chapters from the Sumas Municipal Code shall have no effect upon the ordinances codified as Chapters 14.30 and 15.20 of the Sumas Municipal Code as they currently exist or are hereafter amended.

**SECTION 5:** Following approval by the Washington Department of Ecology, Part Four of the Shoreline Management Master Program provided in Exhibit A, identified as City of Sumas Official Shoreline Map, is hereby adopted as the official shoreline map of the City of Sumas, and said map shall remain on file with the office of the Sumas City Clerk.

**SECTION 6:** Repealer. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 7:** Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance, and each section, subsection, sentence, clause or phrase thereof, separately and independently and, in the event that any one or more sections, subsections, sentences, clauses or phrases may later be declared invalid or unconstitutional, then any ordinance or ordinances, or parts thereof, amended or repealed by such portion of this Ordinance shall remain in full force and effect.

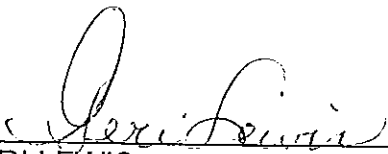
**SECTION 8:** Effective date. This ordinance shall take effect and be in force five (5) days after passage, approval, signing and publication/posting, as provided by law.

PASSED by a majority of the whole membership of the City Council of the City of Sumas, Washington, and there signed and approved by its Mayor, at a regular meeting of said Council held this 14<sup>th</sup> day of August 2017.

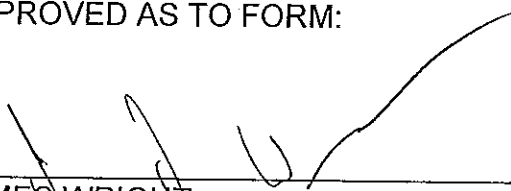
**CITY OF SUMAS, WASHINGTON**

  
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ROBERT BROMLEY, Mayor

ATTEST:

  
\_\_\_\_\_  
GERI LEWIS  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JAMES WRIGHT  
City Attorney