

**ORDINANCE NO. 784-17**

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

**WHEREAS**, in 1975, the Everson City Council took action through Ordinance No. 162 to adopt the City's Shoreline Management Master Program; 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 Everson Shoreline Management 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 Everson City Council took action on September 22, 2015 through adoption of Resolution No. 543-17, stating the Council's intention to adopt the comprehensive update of the City's Shoreline Management Master Program, subject to review and approval by the Washington Department of Ecology, and directing City staff to submit the draft Master Program dated September 2015 to the Department of Ecology for formal review; and

**WHEREAS**, in September 2016, the City submitted the draft Shoreline Management Master Program dated September 2015 to the Department of Ecology for formal review, along with all required supporting documentation; and

**WHEREAS**, in June 2017, the Department of Ecology sent a letter of conditional approval to the City setting forth required changes to the draft Shoreline Management 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**, the City Council reviewed the required and recommended changes that accompanied the letter of conditional approval and found all such changes to be acceptable; and

**WHEREAS**, based on direction from the City Council, the City prepared a final draft Shoreline Management Master Program incorporating all of the required and recommended changes received from the Department of Ecology, said final draft being dated August 2017; and

**WHEREAS**, a SEPA review and Determination of Nonsignificance with respect to the draft Everson Shoreline Management Master Program was issued on September 1, 2015 by the City of Everson, acting as lead agency under RCW 43.21C, 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 Everson gave public notice on July 26, 2017 that the City Council would hold a public hearing on August 8, 2017 to consider the proposed update to the City of Everson Shoreline Management Master Program; and

**WHEREAS**, a duly advertised public hearing was held on August 8, 2017 where opportunity for public comment was provided and public testimony was received; and

**WHEREAS**, following the closing of the public hearing, the Everson City Council finds that adoption of the comprehensive update to the Everson 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 EVERSON, WASHINGTON, as follows:**

**SECTION 1:** The Everson Shoreline Management Master Program dated August 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 Everson 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 Everson Development Regulations. Chapter 16.04 of the Everson 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 Everson 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 Everson Municipal Code shall have no effect upon the ordinances codified as Chapters 15.10 and 16.12 of the Everson 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 Everson Official Shoreline Map, is hereby adopted as the official shoreline map of the City of Everson, and said map shall remain on file with the office of the Everson 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 Everson, Washington, and there signed and approved by its Mayor, at a regular meeting of said Council held this 22<sup>nd</sup> day of August 2017.

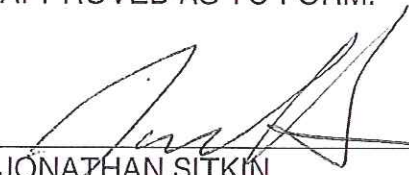
**CITY OF EVERSON, WASHINGTON**

  
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JOHN PERRY, Mayor

ATTEST:

  
\_\_\_\_\_  
JENNIFER BELL  
City Clerk

APPROVED AS TO FORM:

  
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JONATHAN SITKIN  
City Attorney