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CITY OF LYNNWOOD

ORDINANCE NO. 2890

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING THE LYNNWOOD SHORELINE MASTER PROGRAM INCLUDING THE SHORELINE ENVIRONMENT DESIGNATION MAP CONSISTENT WITH THE REQUIREMENTS OF THE WASHINGTON STATE SHORELINE MANAGEMENT ACT (CHAPTER 90.58 RCW), CREATING A NEW CHAPTER 17.20 OF THE LYNNWOOD MUNICIPAL CODE, AUTHORIZING THE MAYOR TO TRANSMIT THE SHORELINE MASTER PROGRAM TO BE REVIEWED AND APPROVED BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

WHEREAS, the City of Lynnwood is a municipal corporation organized under the laws of the State of Washington; and,

WHEREAS, the City Council is authorized by RCW 35A.11.020 to adopt and enforce ordinances of all kinds relating to municipal affairs and appropriate to the good government of the City; and,

WHEREAS, in 1971 the State Legislature enacted the Shoreline Management Act requiring cities and counties throughout the state to adopt Shoreline Master Programs; and,

WHEREAS in RCW 90.58.020 the legislature declared that local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the statewide interest over local interest;
- (2) Preserve the natural character of the shoreline;
- (3) Result in long term over short term benefit;
- (4) Protect the resources and ecology of the shoreline;
- (5) Increase public access to publicly owned areas of the shorelines;
- (6) Increase recreational opportunities for the public in the shoreline;
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

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and;

WHEREAS, the City of Lynnwood has approximately 750 linear feet of shoreline along the Puget Sound which is subject to the requirements of the Washington State Shoreline Management Act (RCW 90.58); and,

WHEREAS, the Growth Management Act, RCW 36.70A.480, provides that the goals and policies of the Shoreline Master Program shall be considered an element of the City's Comprehensive Plan, and other portions of the Shoreline Master Program shall be considered part of the City's development regulations; and,

WHEREAS, in 2003 the Washington State Department of Ecology (DOE) adopted new rules pursuant to RCW 98.58.080 to carry out provisions of the Shoreline Management Act; and

WHEREAS, RCW 90.58.080 directs local governments to develop or amend their shoreline master programs consistent with the required elements of the guidelines adopted by DOE in accordance with a schedule established in that section; and,

WHEREAS, DOE's new rules for the adoption of Shoreline Master Programs are set forth in WAC 173-26 and these new rules provide direction to local jurisdictions concerning the regulation of uses on Shorelines of the State; and,

WHEREAS, RCW 36.70A.130(2)(a)(iii) provides that adoption or amendment of a Shoreline Master Program under the procedures set forth in chapter 90.58 RCW is exempt from the requirement that comprehensive plans be amended no more frequently than once per year; and,

WHEREAS, in August 2010 the proposed City of Lynnwood Shoreline Master Program was sent to the State Department of Commerce and other State agencies for the 60-day review process in accordance with RCW 36.70A.106; and,

WHEREAS, on October 7, 2010, the City of Lynnwood Environmental Review Committee issued a Determination of Non-Significance for the proposed Shoreline Master Program; and,

WHEREAS, on October 27, 2010, the Lynnwood Planning Commission held a duly noticed public hearing to take testimony on the proposed Shoreline Master Program; and,

WHEREAS, at the public hearing, the City of Lynnwood Planning Commission heard public testimony and took evidence and exhibits entitled Lynnwood Shoreline Master Program; SMP Glossary; SMP Map Portfolio; Shoreline Inventory, Analysis & Characterization Report; Shoreline Cumulative Impacts Report; Shoreline Restoration

91 Plan and Shoreline Environmental Designations Map completed by the City in support of
92 the Shoreline Master Program into consideration and,
93

94 WHEREAS, following the public hearing, the City of Lynnwood Planning
95 Commission recommended adoption of the SMP to the Lynnwood City Council; and,
96

97 WHEREAS, on May 23, 2011 the City of Lynnwood City Council held a duly
98 noticed public hearing to take testimony on the proposed Shoreline Master Program;
99

100 WHEREAS, the City Council finds that it is in the interest of the public health,
101 safety and welfare to adopt this ordinance, now therefore,
102

103 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO
104 ORDAIN AS FOLLOWS:

105 **Section 1. Shoreline Master Program Adoption.** The City of Lynnwood
106 Shoreline Master Program entitled, "Lynnwood Shoreline Master Program", dated
107 _____, 2011, is hereby adopted as the Shoreline Master Program for the City of
108 Lynnwood, and is by this reference incorporated herein as fully set forth.

109 **Section 2. Shoreline Environment Designation Map Adopted.** The City
110 Council adopts the "Shoreline Environment Designations Map", attached hereto as
111 Exhibit 2, and is by this reference incorporated herein.
112

113 **Section 3. New Title 17.20 of the Lynnwood Municipal Code** entitled
114 "Shoreline Master Program" is hereby created as follows:
115

116 **Chapter 17.20**
117 **SHORELINE MASTER PROGRAM**
118

119 **17.20.005 Authority and Adoption by Reference**

120 This chapter and that certain document known as "The City of Lynnwood Shoreline
121 Master Program" are hereby adopted as the shoreline master program for the City of
122 Lynnwood under authority of Chapter 90.58 RCW and Chapter 173-16 WAC as now or
123 hereafter amended.
124

125 **17.20.010 Purpose**

126 The Washington Shoreline Management Act of 1971 recognizes that the shorelines of the
127 state and of the City of Lynnwood are among the most valuable, scarce and fragile of our
128 natural resources. It is the intent of the Shoreline Master Program to manage the
129 shoreline giving preference to water-dependent and water-related uses, and to encourage
130 development and other activities to co-exist in harmony with natural conditions. Uses
131 that result in long term, over short-term benefits are preferred, as are uses which promote
132 sustainable development.
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136 **17.20.015 Applicability**

137 A. General: Pursuant to RCW 35.21.160, the policies and regulations of the
138 Lynnwood Shoreline Master Program apply to all shorelines as defined in RCW 90.58
139 lying within the City of Lynnwood and to the waters and underlying tidelands of the
140 Puget Sound extending to the limits of the City of Lynnwood.

141

142 **17.20.020 Relationship to Other Plans, Codes and Documents:**

143 The Shoreline Master Program has been developed as a both a policy plan and a
144 regulatory program.

145 A. The Shoreline Master Program is a part of and is intended to be consistent with
146 the City of Lynnwood Comprehensive Plan.

147 B. It is the intent of the City that those subsections of Section 4: "General Policies";
148 Section 5: "Specific Shoreline Uses" and Section 6 "Shoreline Modification" entitled
149 "Regulations" and all of Section 7 "Administrative Regulations" shall be regulatory in
150 nature and mandatory and that no use, development or activity is allowed unless it
151 specifically complies with each applicable provision thereof.

152 C. The remainder of the Shoreline Master Plan is intended to serve as the policy for
153 shoreline uses, developments and activities, the basis of the regulatory sections, and to
154 assist the City in determining whether to grant, modify or deny any proposed use,
155 development or activity.

156 D. The definitions in the Glossary (Appendix A) to the Shoreline Master Plan shall
157 apply in the Shoreline Master Plan and this Title unless from the context another meaning
158 is clearly intended. The definitions in Chapter 90.58 RCW are hereby adopted by
159 reference and also apply in this Title. If there is a difference between the Glossary and
160 RCW 90.58 the more detailed definition shall apply unless such would lead to an
161 inconsistency in which case the definitions supplied by RCW 90.58 shall apply.

162 E. The uses, developments and activities regulated in this chapter may also be
163 regulated by the Lynnwood Zoning Code, various other provisions of the Lynnwood
164 Municipal Code and state and Federal laws. All uses, developments and activities within
165 the shoreline jurisdiction shall comply with all requirements of all applicable regulations.
166 In the event of a conflict between regulations, the most restrictive regulation shall apply.

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168

169 **Section 4. Submission of the Adopted Shoreline Master Program to the**
170 **State.** The Mayor is hereby authorized to transmit the adopted Shoreline Master Program
171 to the State Department of Ecology for review and approval in accordance with
172 Washington Administrative Code 173-26-110.

173

174 **Section 5. Severability.** If any section, sentence, clause or phrase of this
175 ordinance should be held to be invalid or unconstitutional by a court of competent
176 jurisdiction, such invalidity or unconstitutionality shall not affect the validity or
177 constitutionality of any other section, sentence, clause or phrase of this ordinance.

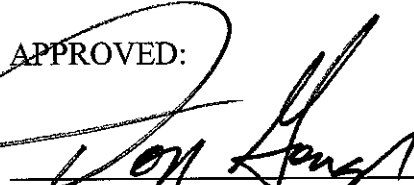
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179 **Section 6. Publication and Effective Date.** This ordinance or a summary
180 thereof consisting of the title shall be published in the official newspaper of the City, and
181 shall take effect and be in full force five (5) days after publication.

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PASSED BY THE CITY COUNCIL, the 23rd day of May 2011 and approved by
the Mayor this 1st day of June, 2011.

APPROVED:



Don Gough
Mayor

ATTEST/AUTHENTICATED:



Lorenzo Hines Jr.
Finance Director

APPROVED AS TO FORM:



Rosemary Larson
City Attorney

FILED WITH ADMINISTRATIVE SERVICES:

PASSED BY THE CITY COUNCIL: 6/1/11 5/23/11 44

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NUMBER: 2890

CERTIFICATE

I, the undersigned, Lorenzo Hines, the duly appointed Finance Director of the City of Lynnwood, Washington, hereby certify that the ordinance here to attached is a full, true and correct copy of Ordinance 2890 of the City of Lynnwood, Washington:

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING THE LYNNWOOD SHORELINE MASTER PROGRAM INCLUDING THE SHORELINE ENVIRONMENT DESIGNATION MAP CONSISTENT WITH THE REQUIREMENTS OF THE WASHINGTON STATE SHORELINE MANAGEMENT ACT (CHAPTER 90.58 RCW), CREATING A NEW CHAPTER 17.20 OF THE LYNNWOOD MUNICIPAL CODE, AUTHORIZING THE MAYOR TO TRANSMIT THE SHORELINE MASTER PROGRAM TO BE REVIEWED AND APPROVED BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

The said ordinance was passed by the Council of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on 6/22/11.

DATE: 7-8-11


Finance Director
City of Lynnwood, Washington

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 2890

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

June 21, 2011

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Snoll

Principal Clerk

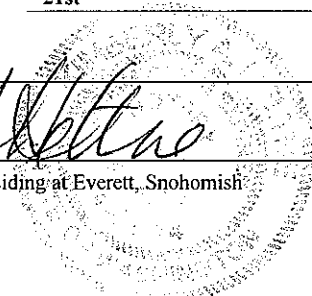
Subscribed and sworn to before me this

21st

day of June, 2011

L. Hines Jr.

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.



CITY OF Lynnwood
SUMMARY OF ORDINANCE NO. 2890
of the City of Lynnwood, Washington.
On the 23rd day of May, 2011, the City Council of the City of Lynnwood, Washington, passed Ordinance No. 2890. A summary of the content of said ordinance, consisting of the title, provides as follows:
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING THE LYNNWOOD SHORELINE MASTER PROGRAM INCLUDING THE SHORELINE ENVIRONMENT DESIGNATION MAP CONSISTENT WITH THE REQUIREMENTS OF THE WASHINGTON STATE SHORELINE MANAGEMENT ACT (CHAPTER 90.58 RCW), CREATING A NEW CHAPTER 17.20 OF THE LYNNWOOD MUNICIPAL CODE, AUTHORIZING THE MAYOR TO TRANSMIT THE SHORELINE MASTER PROGRAM TO BE REVIEWED AND APPROVED BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.
The full text of this Ordinance will be mailed upon request.
DATED this ____ day of June 2011.
Lorenzo Hines Jr.
Finance Director.
Published: June 21, 2011.