

ORDINANCE 1701

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO NORTH BEND MUNICIPAL CODE CHAPTER 14.20, THE CITY'S SHORELINE REGULATIONS; AMENDING NBMC 14.20 PURSUANT TO THE CITY'S PROVIDING PERIODIC REVIEW PROCESS REQUIRED BY RCW 90.58.080(4); REPEALING ARTICLE V OF NBMC CHAPTER 14.20 ENTITLED "CRITICAL AREAS," AND SPECIFICALLY NBMC SECTIONS 14.20.510 THROUGH 14.20.580; ADOPTION OF A REVISED SHORELINE JURISDICTION AND ENVIRONMENT DESIGNATION MAP; DIRECTING THE CODE REVISER TO RENUMBER CERTAIN ARTICLE TITLES CONTAINED IN NBMC CHAPTER 14.20; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of North Bend ("City") is required to develop and administer a Shoreline Master Program ("SMP"); and

WHEREAS, the City adopted a comprehensive SMP update as required by RCW 90.58.080(2), which became effective January 17, 2013; and

WHEREAS, the Shoreline ordinance review process is intended to: bring the SMP into compliance with any changes to state law or regulation since the last SMP amendment, ensure the SMP remains consistent with amended comprehensive plans and regulations, and incorporate amendments deemed necessary to reflect changed circumstances, new information, or improved data; and

WHEREAS, the City hired Environmental Science Associates to support the current SMP update in part through a best available science ("BAS") Consistency Review Memo, Periodic Review Checklist and Gap Analysis; and

WHEREAS, the City developed a public participation program in accordance with WAC 173-26-090(3)(a) to inform, involve, and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines; and

WHEREAS, the City has followed its adopted public participation program, which included a public hearing held by the Planning Commission on August 23, 2018, an

additional public hearing by Planning Commission on January 10, 2019, and the posting of materials on the City's website; and

WHEREAS, the City used the Washington State Department of Ecology's (DOE) checklist of legislative and rule amendments to review amendments to chapter 90.58 RCW and department guidelines that have occurred since the City's SMP was last amended, and to determine if local amendments are needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i); and

WHEREAS, the City reviewed changes to its comprehensive plan and development regulations to determine if they are consistent with its SMP policies and regulations in accordance with WAC 173-26-090(3)(b)(ii) and determined that no comprehensive amendments were necessary; and

WHEREAS, on May 21, 2019, the City Council adopted amendments to NBMC Title 14 related to Critical Areas via Ordinance 1688, that require amendments to NBMC chapter 14.20 to avoid duplicative, outdated, or confusing references; and

WHEREAS, the City revised the Shoreline Jurisdiction and Environment Designation Map associated with these amendments and the map is on file with the City and included as an Attachment to this Ordinance; and

WHEREAS, the City consulted with the DOE early and often during the drafting of the proposed amendments to Chapter 14.20 NBMC. The City worked collaboratively with the DOE to address local interests while ensuring proposed amendments are consistent with the stated policy of RCW 90.58.020 and applicable guidelines in accordance with WAC 173-26-104; and

WHEREAS, the City conducted a formal public comment period in compliance with the requirements of WAC 173-26-104; and

WHEREAS, the City published a legal notice in the Snoqualmie Valley Record on August 10, 2018, and December 7, 2018, for public hearings and public testimony on the proposed Planning Commission recommendation(s), including a statement that the hearings were intended to address the required periodic review in accordance with WAC 173-26-090(3)(c)(ii); and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-Significance was issued by the City for the proposed amendments on July 20, 2018; and

WHEREAS, the City provided Notice of Intent to Adopt to the Washington State Department of Commerce in accordance with WAC 173-26-100(5) on October 11, 2018; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments on January 10, 2019; and

WHEREAS, after considering all public comments and evidence, the City Council determined that the proposed amendments comply with all applicable laws and rules; and

WHEREAS, this completes the City’s required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26); and

WHEREAS, the DOE provided comments to City staff on November 30, 2018, and accepted City Staff’s response and proposed edits on December 20, 2018; and

WHEREAS, City staff submitted the SMP and associated documents to the DOE for review and approval, and approval was granted on July 23, 2019. No further action is necessary for compliance with RCW 90.58.080(4); and

WHEREAS, the Community and Economic Development Committee reviewed the proposed amendments at its September 17, 2019 meeting;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC Chapter 14.20 (Shoreline Regulations), Amended: The following sections and subsections North Bend Municipal Code Chapter 14.20 (Shoreline Regulations) are hereby amended to read as set forth in Exhibit A attached hereto. All other sections and subsections not otherwise repealed in Section 2 of this Ordinance shall remain in full force and effect as currently adopted or hereafter amended:

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|-----------------------|-------------------|
| NBMC 14.20.120 | NBMC 14.20.320(F) |
| NBMC 14.20.130 | NBMC 14.20.330 |
| NBMC 14.20.150 | NBMC 14.20.340(I) |
| NBMC 14.20.190(4) | NBMC 14.20.360(C) |
| NBMC 14.20.190(11) | NBMC 14.20.360(F) |
| NBMC 14.20.190(31) | NBMC 14.20.400(E) |
| NBMC 14.20.190(45) | NBMC 14.20.430(A) |
| NBMC 14.20.190(64) | NBMC 14.20.450(E) |
| NBMC 14.20.190(68) | NBMC 14.20.460(B) |
| NBMC 14.20.190(87) | NBMC 14.20.470(J) |
| NBMC 14.20.230 (B) | NBMC 14.20.470 |
| NBMC 14.20.270(H)-(I) | NBMC 14.20.490(M) |
| NBMC 14.20.280 | NBMC 14.20.500(G) |
| NBMC 14.20.290 | NBMC 14.20.585 |
| NBMC 14.20.300 | NBMC 14.20.620(A) |
| NBMC 14.20.300 | NBMC 14.20.660(B) |
| NBMC 14.20.310(D) | NBMC 14.20.710(A) |
| NBMC 14.20.320(A) | NBMC 14.20.750(A) |
| NBMC 14.20.320(C) | |

Section 2. Repealer: Article V (Critical Areas) of North Bend Municipal Code Chapter 14.20 is hereby repealed in its entirety, and specifically including the following Sections:

- NBMC 14.20.510
- NBMC 14.20.520
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- NBMC 14.20.570
- NBMC 14.20.580

Section 3. Re-Numbering of Articles VI and VII: The Code Reviser is hereby directed to re-number Article VI (Existing Uses, Structures and Lots) to be new Article V, and to re-number Article VII (Administration and Enforcement) to be new Article VI.

Section 4. Revised Shoreline Map Adopted: A revised Shoreline Jurisdiction and Environment Designation Map, a copy of which is attached hereto as Exhibit B and by this reference fully incorporated herein, is hereby adopted to reflect the amendments to NBMC 14.20 adopted in this Ordinance. The revised Shoreline Map adopted in this Section and as amended from time to time, shall be on file with the City Clerk's Office.

Section 5. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Effective Date: This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force fourteen (14) days after Department of Ecology final action as provided by RCW 90.58.090(7).

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 1ST DAY OF OCTOBER, 2019.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Eileen M. Keiffer, City Attorney

Published: October 11, 2019
Effective: _____

ATTEST/AUTHENTICATED:

Susie Oppedal, City Clerk