

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON AMENDING A SUBSECTION OF CHAPTER 15.07, CITY OF MOUNT VERNON SHORELINE MASTER PROGRAM OF THE MOUNT VERNON MUNICIPAL CODE TO REFERENCE A NEW ORDINANCE ADOPTED BY CITY COUNCIL RELATED TO A PERIODIC REVIEW OF THE CITY'S SHORELINE MASTER PROGRAM AND TO UPDATE THE NUMBERING OF THE EXISTING SHORELINE GOALS THAT ARE PART OF THE CITY'S LAND USE ELEMENT OF THE COMPREHENSIVE PLAN

WHEREAS, Chapter 36.70A RCW, the Growth Management Act (GMA) mandates that the City of Mount Vernon maintain a Comprehensive Plan, which is a coordinated land use policy statement of the City, including policies directed at management of the City shorelines; and

WHEREAS, The GMA requires comprehensive plans and development regulations to be consistent and that Comprehensive Plans be both internally and externally consistent.

WHEREAS, The SMA requires that local jurisdictions develop master programs that constitute use regulations for shorelines of statewide significance.

WHEREAS, Chapter 36.70A RCW, the Growth Management Act (GMA) mandates the City of Mount Vernon develop a Comprehensive Plan, which is a generalized, coordinated land use policy statement of the City.

WHEREAS, The GMA requires that the Comprehensive Plan and development regulations be subject to continuing review and evaluation.

WHEREAS, The City has adopted procedures pursuant to the GMA providing for amendments to the Comprehensive Plan no more than once each year and providing for comprehensive review of the cumulative impacts of all proposed amendments.

WHEREAS, On July 8, 2021, notice of the potential adoption of the proposed amendment to the Comprehensive Plan and Municipal Code was duly transmitted to the Washington State Department of Commerce for the mandated sixty-day review, in compliance with RCW 36.70A.106(1).

WHEREAS, On (date to-be inserted) the City of Mount Vernon Planning Commission held an open-record public hearing to consider updates to the City's Shoreline Master Program (SMP). All persons present at the hearings wishing to speak were heard and all written comments were considered, along with the written staff report with its associated exhibits.

WHEREAS, On (date to-be inserted) the City of Mount Vernon City Council held an open-record public hearing to consider updates to the City's Shoreline Master Program (SMP). All persons present at the hearings wishing to speak were heard and all written comments were considered, along with the written staff report with its associated exhibits.

WHEREAS, The Planning Commission and City Council hearings on (dates to-be inserted), were preceded with appropriate notice, issued on (date to-be inserted) distributed via mail/email on (date to-be inserted), and published on (date to-be inserted).

WHEREAS, The amendments to the Comprehensive Plan and Municipal Code Chapter 15.07 with the adoption of an updated Shoreline Master Program reflects the best interests of the citizens of the City of Mount Vernon, Washington, and reflects the desires of the public.

NOW, THEREFORE,

THE CITY COUNCIL OF MOUNT VERNON, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION ONE. RECITALS INCORPORATED. That the City Council adopts the recitals set forth above as findings justifying adoption of this Ordinance and incorporates those recitals as if set forth fully herein.

SECTION TWO. PLANNING COMMISSION RECOMMENDATION ADOPTED. The City Council adopts the Planning Commission's findings of fact and conclusions of law, outlined below, in their entirety.

A. Planning Commission's Findings of Fact:

1. The procedural requirements outlined in MVMC Chapter 14.05, Procedures, have been satisfied by City staff. This includes the Notice of Public Hearing, the environmental review pursuant to the SEPA statute, and receiving expedited review from the State Department of Commerce.

B. Planning Commission's Conclusions of Law:

1. In compliance with all the terms, conditions, and procedures of the State Environmental Policy Act (SEPA) and Chapter 15.06 Mount Vernon Municipal Code, an environmental assessment of the proposed amendment to the Comprehensive Plan was conducted and, upon determination that no probable significant, potentially adverse environmental impacts would result from the amendment, a determination of non-significance was issued and published on July 16, 2021, with no appeals having been filed prior to the close of the appeal period on August 8, 2021.
2. The requirements for public participation in the development of this amendment as required by the GMA and by the provisions of City of Mount Vernon Resolution No. 491 have all been met.
3. All procedural requirements for adoption of the accompanying amendments of the Comprehensive Plan as set forth in Chapter 35A.63 RCW and Chapter 36.70A RCW, and as set forth in the State Environmental Policy Act and Chapter 15.06 of the Mount Vernon Municipal Code have been complied with, and that adequate environmental review has been given.
4. The proposed updates to the Shoreline Master Program are found to be in compliance with both the Washington State Growth Management Act and the Shoreline Management Act.
5. The requirements for public participation in the development of this amendment as required by the State Growth Management Act (GMA) and by the provisions of City of Mount Vernon Resolution No. 491 have all been met.

C. Planning Commission Recommendation to the City Council:

At their public hearing on (insert date) after review of the materials presented by City staff and holding a public hearing the Planning Commission made a unanimous motion to approve the ordinance presented by staff.

SECTION THREE. Section 15.07.010, Adopted shoreline master program, of the Mount Vernon Municipal Code is hereby repealed and reenacted with the new section to read as follows:

15.07.010 Adopted shoreline master program

The city of Mount Vernon shoreline master program is set forth in Exhibit 2 attached to Ordinance No. ~~3535~~ (new ordinance number to be inserted here). A copy of the city of Mount Vernon shoreline master program (and any amendments thereto) is available at the Mount Vernon ~~community and economic~~ development services department and on the city website. (Ord. 3535 § 7, 2011).

SECTION FOUR. The Land Use Element Goals adopted with Ordinance 3535 into the Land Use Element of the Comprehensive Plan are renumbered and shall be re-incorporated into the Land Use Element of the Comprehensive Plan as shown in the accompanying Exhibit 1 that by this reference is incorporated into and made part of this Ordinance.

SECTION FIVE. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

SECTION SIX. City staff is hereby directed to complete preparation of the final ordinance including correction of any typographical edits.

SECTION SEVEN. This ordinance shall be in full force and effect five days after its passage, approval and publication as provided by law.

PASSED AND ADOPTED this _____ day of November, 2021.

SIGNED AND APPROVED this ____ day of _____, 2021.

Jill Boudreau, Mayor

Doug Volesky, Finance Director

Approved as to form:

Kevin Rogerson, City Attorney

Published _____

EXHIBIT 1
RE-NUMBERED SHORELINE GOALS WITHIN THE LAND USE
ELEMENT OF THE COMPREHENSIVE PLAN

Following are the existing Goals adopted as part of the Shoreline Management Master Program. These Goals are being re-numbered and re-adopted into the Land Use Element of the Comprehensive Plan.

SHORELINE ECONOMIC DEVELOPMENT GOALS:

- Goal ~~LU-6~~ 28: Ensure healthy, orderly economic growth by allowing development and/or redevelopment activities in the Shoreline Management Zone (SMZ) that will be an asset to the community and local economy, are consistent with life safety and measures to reduce flood damage, and result in the least possible adverse effect on the quality of the shoreline and surrounding environment.
- Goal ~~LU-7~~ 29: Protect current economic activity and uses in the SMZ that are consistent with the objectives of the Comprehensive Plan and the City of Mount Vernon Downtown and Waterfront Master Plan, and provide environmentally sensitive redevelopment and new development.
- Goal ~~LU-8~~ 30: Seek opportunities that use both economic and environmental analyses to reduce flood risk, support development within the SMZ, and where appropriate, provide improvement of environmental functions.
- Goal ~~LU-9~~ 31: Ensure that economic activity in the SMZ does not harm the quality of the site's environment or adjacent shorelands.
- Goal ~~LU-10~~ 32: Encourage mixed-use development with public access along Mount Vernon's downtown waterfront and in those areas adjacent to the downtown waterfront that are suitable for compatible future redevelopment, consistent with the City's Comprehensive Plan and the 2008 City of Mount Vernon Downtown and Waterfront Master Plan.

SHORELINE USE GOALS:

- Goal ~~LU-11~~ 33: Identify and reserve shoreline and water areas with unique attributes for specific long-term uses, including commercial, industrial, residential, mixed-use, recreational, and open space.
- Goal ~~LU-12~~ 34: Ensure that activities and facilities are located on shorelines in a manner so as to achieve flood damage reduction and support of flood risk management projects.
- Goal ~~LU-13~~ 35: Encourage shoreline uses that maintain or improve and enhance the quality of the environment as it is designated for that area by employing innovative features for purposes consistent with this program.
- Goal ~~LU-14~~ 36: Encourage joint-use activities in proposed shoreline developments.
- Goal ~~LU-15~~ 37: Encourage mixed-use development with public access on Mount Vernon's downtown waterfront consistent with the 2008 City of Mount Vernon Downtown and Waterfront Master Plan and the City's Comprehensive Plan.
- Goal ~~LU-16~~ 38: Ensure that planning, zoning, and other regulatory programs governing lands adjacent to areas of shoreline jurisdiction are consistent with Shoreline Management Act and Growth Management Act policies and regulations and the provisions of the SMP.
- Goal ~~LU-17~~ 39: In determining use priorities in cases where (i) competing uses of the same property are possible, and (ii) such competing uses are consistent with the City's

Comprehensive Plan, give preference to uses that protect and restore ecological functions (where such protection or restoration is technically and economically feasible) and to water-dependent and water-related uses where such new uses will not displace existing lawful, non-water-oriented uses.

Goal LU-18 40: Note that mixed-use projects combining two or more of the categories above are encouraged and should be evaluated with respect to the degree that they achieve a balance of the priorities above and the provisions of the Master Program.

SHORELINE PUBLIC ACCESS GOALS:

Goal LU-19 41: To protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest.

Goal LU-20 42: Base public access on demand projections that take into account the interests of the citizens of the state to visit public shorelines with special scenic qualities or cultural or recreational opportunities.

Goal LU-21 43: Provide, protect, and enhance the public trail system that provides physical and visual access to shorelines, utilizing both private and public lands, increasing the amount and diversity of public access to the State's shorelines consistent with the natural shoreline character, private rights, and public safety.

Goal LU-22 44: To the extent feasible, construct a continuous pedestrian path along the Skagit River shoreline while providing protection of ecological functions.

Goal LU-23 45: Integrate public access to shorelines as a part of the City public trail system consistent with the adopted Park, Recreation & Open Space Plan.

SHORELINE CIRCULATION GOALS:

Goal LU-24 46: Provide, protect, and enhance the existing public trail system that provides physical and visual access to shorelines, utilizing public lands as much as possible, and private lands only in those cases where public access requirements have not already been satisfied through the prior acquisition of private property for construction of flood risk management and related public access projects, all consistent with the character of the natural shoreline, protection of private property rights, and public safety.

Goal LU-25 47: To the extent feasible, site land circulation systems that are not shoreline dependent in a manner that will reduce or eliminate interference with either natural shoreline resources or other appropriate shoreline uses.

SHORELINE CONSERVATION GOALS:

Goal LU-26 48: As a long-term goal, seek no further degradation of environmental functions.

Goal LU-27 49: Ensure that utilization of a natural resource takes place with minimum adverse impact to natural systems and quality of the shoreline environment.

Goal LU-28 50: Preserve the scenic quality of shoreline areas and vistas to the greatest extent feasible in areas outside of the urban core, within the Shoreline Residential, Urban Conservancy, Natural, and Aquatic environmental designations.

Goal LU-29 51: Minimize the loss of native vegetation and preserve tree cover in riparian areas by using conservation best management practices.

Goal LU-~~30~~ 52: To the extent feasible, locate and design development to avoid impacts to shoreline natural resources and the functions provided by these resources. Shoreline development projects should follow best management practices that protect water quality. Encourage owners of shoreline property to control populations of invasive or noxious plants and animals as identified by the State of Washington Invasive Species Council.

SHORELINE RESTORATION GOALS:

Goal LU-~~31~~ 53: Achieve no net loss of ecological functions and strive to improve impaired shoreline ecological functions with the goal of achieving improvement over time, when compared to the status at the time of adoption of the Master Program.

Goal LU-~~32~~ 54: Where appropriate, undertake the restoration of natural ecological functions within the SMZ and associated jurisdictional wetlands.

Goal LU-~~33~~ 55: Reclaim and restore areas that are biologically degraded to the greatest extent feasible while maintaining appropriate use of the shoreline.

Goal LU-~~34~~ 56: Support a comprehensive program of City-initiated ecological enhancements as identified in the Shoreline Restoration Report (Appendix B).

SHORELINE RECREATION GOALS:

Goal LU-~~35~~ 57: Base recreational opportunities on demand projections consistent with the Mount Vernon Park, Recreation & Open Space Plan and the Countywide UGA Open Space Plan.

Goal LU-~~36~~ 58: Increase opportunities in shoreline areas that can reasonably tolerate active or passive recreational uses without diminishing or degrading the integrity and character of the shoreline.

Goal LU-~~37~~ 59: Coordinate with the City Department of Parks and Recreation to implement the goals of the Park, Recreation & Open Space Plan by optimizing opportunities for water-oriented recreation.

Goal LU-~~38~~ 60: Integrate shoreline-related recreational elements into other regional trail systems and into federal, state, and local park and recreation planning.

SHORELINE HISTORIC AND CULTURAL GOALS:

Goal LU-~~39~~ 61: Identify, protect, preserve, and restore important archaeological, historical, and cultural sites located in the SMZ for educational and scientific purposes and enjoyment of the general public.

Goal LU-~~40~~ 62: Encourage educational projects and programs that foster an appreciation of the importance of shoreline management, water-related activities, environmental conservation, and local history.

SHORELINE FLOOD RISK MANAGEMENT GOALS:

Goal LU-~~41~~ 63: Continue to work closely with the Dike Districts, Skagit County, and business and property owners in flood risk management planning.

Goal LU-42 64: Implement the flood risk management planning objectives and projects in the City of Mount Vernon Downtown and Waterfront Master Plan, approved Flood Protection Project, and approved engineering plans.

Goal LU-43 65: Participate in watershed-wide programs to reduce flood hazards and improve shoreline ecology.