

ORDINANCE NO. 3455

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW ADOPTING PERIODIC UPDATE AMENDMENTS TO THE LONGVIEW SHORELINE MASTER PROGRAM INCLUDING APPENDIX A CITY OF LONGVIEW SHORELINE CRITICAL AREAS REGULATIONS

WHEREAS, the City of Longview is required to periodically review and, if necessary, revise Longview's 2015 Shoreline Master Program (hereafter "SMP") pursuant to RCW 90.58.080(4) which revisions must be reviewed by the State Department of Ecology (DOE) prior to adoption by the City of Longview; and

WHEREAS, the review process is intended to bring the SMP into compliance with requirements of the act or state rules that have been added or changed 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 of Longview used Ecology's checklist of legislative and rule amendments to review amendments to chapter 90.58 RCW and department guidelines that have occurred since the master program was last amended, and determine if local amendments are needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i); and

WHEREAS, in accordance with WAC 173-26-090(3)(a), a public participation program for this periodic was developed, including but not limited to the following: public meetings before the Longview City Council, consultation with property owners and stakeholders, consultation with affected agencies; notices to interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines; and

WHEREAS, the proposed SMP amendments meet the needs of Longview by balancing the protection of the environment with the protection of private property rights; and

WHEREAS, the City issued a Notice of a Determination of Non-Significance under the State Environmental Policy Act on August 6, 2021; and

WHEREAS, the City of Longview provided Notice of Intent to Adopt to the Washington State Department of Commerce on August 9, 2021 in accordance with WAC 173-26-100(5); and

WHEREAS, the City of Longview consulted with the Department of Ecology early and often during the drafting of the amendments. The City of Longview worked

collaboratively with the Department of Ecology to address local interests while ensuring proposed amendments are consistent with the policy of RCW 90.58.020 and applicable guidelines in accordance with WAC 173-26-104; and

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

WHEREAS, the City of Longview published a legal notice in The Daily News on August 29, 2021 for a joint Planning Commission/Department of Ecology public hearing on the recommended amendments, including a statement that the hearing was intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii); and

WHEREAS, the Longview Planning Commission conducted a joint public hearing with the Department of Ecology on October 6, 2021 and following that hearing recommended approval of the SMP amendments for the City of Longview; and

WHEREAS, the City of Longview received correspondence dated October 26, 2021 from the Department of Ecology announcing Ecology has determined that the City's proposed amendments, subject to and including Ecology's required change, are consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions); 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 of Longview's required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26).

NOW THEREFORE the City Council of the City of Longview do ordain as follows:

SECTION 1. The Shoreline Master Program as amended, attached hereto as Exhibit A and incorporated herein by this reference, including Appendix A City of Longview Shoreline Critical Areas Regulations as amended is hereby adopted; provided manifest and numbering errors shall be corrected prior to publication:

SECTION 2. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance and the same shall remain in full force and effect. The City of Longview hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 3. That nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

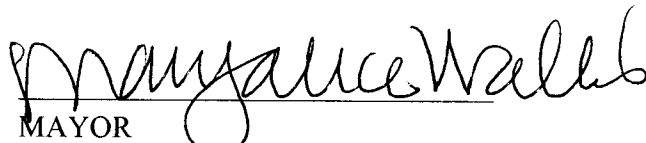
SECTION 4. That the City of Longview City Clerk is hereby ordered and directed to cause this Ordinance to be published.

SECTION 5. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

SECTION 6. Effective Date. The amendments to the SMP adopted through ordinance 3455 shall be effective 14 days after Department of Ecology final action as provided by RCW 90.58.090(7).

Passed by the City Council this 9 day of Dec, 2021.

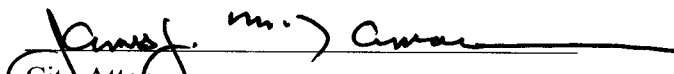
Approved by the Mayor this 9 day of Dec, 2021.


MAYOR

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

Published: December 15, 2021