**ORDINANCE NO. \_\_\_\_\_\_\_\_\_\_**

**An ordinance of the CITY OF Moses Lake, washington, adopting the 2023 shoreline master program periodic review as required by RCW 90.58.080(4)**

Recitals:

1. The Shoreline Management Act (SMA) requires the City of Moses Lake to develop and administer a Shoreline Master Program (SMP).
2. Moses Lake’s comprehensive SMP update as required by RCW 90.58.080(2), which was effective as of January 17, 2017.
3. RCW 90.58.080(4) requires Moses Lake to periodically review and, if necessary, revise the master program on or before June 30, 2023.
4. 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.
5. The City of Moses Lake developed a public participation program for this periodic review 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.
6. The City of Moses Lake used the Department of 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).
7. The City of Moses Lake conducted a formal public comment period in compliance with requirements of WAC 173-26-104.
8. The City published a legal notice in the Columbia Basin Herald on January 13, 2023, for a public hearing on the proposed Planning Commission recommendations, including a statement that the hearings were intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii).
9. The City’s SEPA responsible official circulated a State Environmental Policy Act (SEPA) environmental checklist for review. A Determination of Nonsignificance (DNS) was issued on February 10, 2023.
10. The Moses Lake Planning Commission took public testimony on the proposed Planning Commission recommendations at a public hearing on February 16, 2023.
11. The Moses Lake Planning Commission reviewed the public testimony and written comments on the proposed SMP revisions, and suggested revisions to the proposed amendments.
12. The Moses Lake Planning Commission recommended approval of the proposed amendments and forwarded it to the City Council for review and adoption on February 16, 2023.
13. The City of Moses Lake provided Notice of Intent to Adopt to the Washington State Department of Commerce in accordance with WAC 173-26-100(5).
14. After considering all public comments and evidence, the Moses Lake City Council determined that the proposed amendments comply with all applicable laws and rules.
15. This completes the City of Moses Lake’s required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26).

THE CITY COUNCIL OF THE CITY OF MOSES LAKE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Review and Evaluation. The City Council hereby finds that the review and evaluation required by RCW 90.58.080(4) have occurred, as described in the recitals above.

Section 2. Revisions. That Shoreline Master Program Periodic Update and maps are hereby amended to read as set forth in Exhibit 1 attached to this ordinance and incorporated herein by this reference.

Section 3. Adoption. The Council hereby adopts the above referenced SMP revisions and finds the amended SMP consistent with the requirements of RCW 90.58 and WAC 173-26, as they apply to these amendments.

Section 4. Submission to Department of Ecology. The City of Moses Lake is directed to submit the SMP and associated documents to the Department of Ecology for their review and approval prior to formal adoption. If/Once approved by the Department of Ecology no further action is necessary for compliance with RCW 90.58.080(4) for the periodic review update due on June 30, 2023.

Section 5. Severability. If any section of this ordinance is found to be unconstitutional or invalid as written or as applied to any particular person or circumstances, no other section of the ordinance shall be deemed to be invalid, but rather, should be deemed to have been enacted independently and without regard to the section affected.

Section 6. Effective Date. The amendments to the SMP adopted through Ordinance XX\_\_\_\_\_\_ shall be effective 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 Moses Lake and signed by its Mayor on June 27, 2023.

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Don Myers, Mayor

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| ATTEST:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Debbie Burke, City Clerk | APPROVED AS TO FORM:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Katherine L. Kenison, City Attorney |

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|  | Martinez | Swartz | Myers | Fancher | Madewell | Eck | Skaug |
| Vote: |  |  |  |  |  |  |  |

Date Published: <Monday after Council>

Date Effective: (Saturday/5 days later unless otherwise regulated)