

ORDINANCE NO. 613

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, REPEALING ORDINANCE NO. 512 RELATING TO THE SHORELINE MASTER PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE AND SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, the Council adopted the City's Shoreline Master Program via Ordinance Nos. 466 and 487; and

WHEREAS, in June 2011, the Council enacted Ordinance No. 512, adding a new definition for the term "Boating Facility" and amending the definition of "Boat Launch or Ramp" within the Shoreline Master Program; and

WHEREAS, following enactment, Ordinance No. 512 was transmitted to the Washington Department of Ecology, which informed the City that the definitions adopted in the ordinance were inconsistent with state law and should be removed; and

WHEREAS, the Department of Ecology further advised the City that the Council's intent in enacting the definitions could be achieved through means of an administrative interpretation of those terms; and

WHEREAS, WMC 17.07.080 authorizes the Director of the Development Services Department to issue administrative interpretations; and

WHEREAS, in light of input from the Department of Ecology, Ordinance No. 512 has not been codified in the Woodinville Municipal Code; and

WHEREAS, on the basis of the foregoing, the Council finds that Ordinance No. 512 should be repealed;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1). Repealer. Ordinance No. 512, enacted June 7, 2011, is hereby repealed.

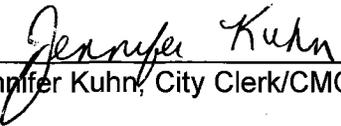
Section 2). Effective date. This Ordinance concerning powers vested solely in the Council, it is not subject to referendum, and shall become effective five (5) days after its passage and publication as required by law. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date by publication of the ordinance title.

**ADOPTED BY THE CITY COUNCIL AND SIGNED IN AUTHENTICATION OF ITS
PASSAGE THIS 5th DAY OF July, 2016.**



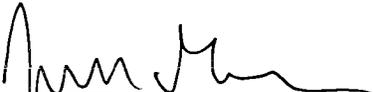
Bernard W. Talmas, Mayor

ATTEST/AUTHENTICATED:



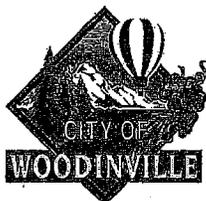
Jennifer Kuhn, City Clerk/CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY



Jeffrey Ganson, City Attorney

PASSED BY THE CITY COUNCIL: 7-5-2016
PUBLISHED: 7-11-2016
EFFECTIVE DATE: 7-18-2016
ORDINANCE NO. 613



MEMORANDUM

Development Services Department

From: Dave Kuhl, AICP, Development Services Department
By: Jenny Ngo, AICP, Senior Planner
Date: June 9, 2016
File No.: DEC16003
Subject: Shoreline Master Program – Non-motorized Boat Launches Interpretation

AUTHORITY

Pursuant to SMP Section 7.6, where judgements must be made because of the nature of language used within the Shoreline Master Program, the Shoreline Administrator shall have the authority to make interpretations and judgements. The Development Services Director is designated as the Shoreline Administrator and has the authority to make interpretations of the Shoreline Master Program.

INTERPRETATION

SMP Use Matrix (Table 6.1): "boat launches/boat canoe launching" and "boat/canoe launching" should be interpreted to include only non-motorized vessels (row boats, canoes, kayaks, and similar vessels).

BACKGROUND

In 2012, City Council adopted Ordinance No. 512, which included further clarifying the "Boat Launch Boat Canoe Launching" use in the Shoreline Use Matrix (Table 6.1) to "Launching for Non-Motorized Boat Canoes." The ordinance was not enacted due to other provisions of the ordinance that was not consistent with WAC 173-27-030(4). Ordinance No. 613 has been initiated to repeal Ordinance No. 512.

CODE

The Shoreline Master Program identifies two use areas for boat and canoe launches. The Shoreline Use Matrix (Table 6.1) lists under Commercial Development as "Boat Launches/Boat Canoe Launching" and under Parks/Recreation as "Boat/Canoe Launching". Both of these are listed as permitted in the Conservancy, Shoreline Residential, and Urban Conservancy environments. In the Aquatic environment, they are a permitted use under Parks/Recreation and a conditional use under Commercial Development.

INTERPRETATION

"Boat launch or ramp" is defined in the Shoreline Master Program as "graded slopes, slabs, pads, planks, or rails used for launching boats by means of a trailer, hand, or mechanical device." No separate definition is provided for "boat launch" or "canoe launch." These facilities are at-grade gravel or paved areas that provide direct access to the water. Watercrafts are typically of a recreational nature and are placed into the water by hand or from a trailer at a boat and canoe launch. Raised ramps, moorage, pilings, overwater structures (such as those

associated with a dock, pier, or marina) are not typical appurtenances of boat and canoe launches.

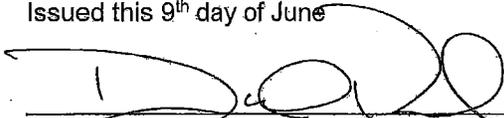
The Shoreline Master Program under Section 8.0 does not anticipate shoreline uses or patterns which include motorized boat uses. Navigability is limited on Little Bear Creek and boat use is restricted to non-motorized recreational watercrafts on the Sammamish River between Bothell and Lake Sammamish. The restriction in the Sammamish River and Little Bear Creek preclude use of boat and canoe launches by motorized boats within the city limits.

Therefore, boat and canoe launches in the City of Woodinville may only be utilized by non-motorized recreational watercrafts. As a matter of clarification, "boat launches/boat canoe launching" and "boat/canoe launching" is interpreted to be read as "non-motorized boat and canoe launches."

APPEAL PROCESS

WMC 17.07.030 designates administrative interpretations as a Type II procedure. Type II applications may be appealed to the Hearing Examiner within 14 days of issuance.

Issued this 9th day of June



Dave Kuhl, Director of Development Services
City of Woodinville