

BACKGROUND:

The SMP update was initiated with a Grant from the Department of Ecology (DOE) to complete an update of the City's SMP to be consistent with state guidelines. The City received the first Grant in May of 2002. Thereafter, the City received two additional Grants from DOE for a total update SMP cost of approximately \$76,000.00.

The City in 2002, contracted with BHC Consultants, to complete the update of the SMP and coordinate the program with the Department of Ecology (DOE). At this time, BHC was under contract with the City for several Public Works Projects and had Staff expertise to complete the update.

The first meeting with the Planning Commission for the update was held in August of 2002. Since that first meeting, the Consultants, City Staff, and the Planning Commission, conducted ten Public Meetings, one Open House, and one Public Hearing in March of 2006. The Public Hearing conducted by the Planning Commission was on the February 2006 Draft SMP. The Planning Commission, after the Public Hearing, forwarded their recommendation to the City Council for approval of the February 2006 Draft SMP.

The City Council conducted a Public Hearing on the Draft SMP on March 9, 2006 which was continued to the March 23, 2006 City Council Meeting, which was again continued to April 13, 2006 City Council Meeting. The City Council continued the Public Hearings for the three meetings to ensure and allow public participation and public comment on the draft document.

The Public Hearing was closed at the April 13, 2006 City Council Meeting and the Draft SMP was forwarded to the Department of Ecology for their final review and coordination with State Attorney General's Office.

The Department of Ecology and the State Attorney General's Office completed their reviews and revisions to the February Draft SMP in April of 2007. The March 29, 2007 Memo provided by Mr. Roger Wagoner and Ms. Aubin Philips, BHC Consultants to the Council, summarized the revisions by the Department of Ecology and the State Attorney General's Office. Therefore, the April 2007 Amended Draft was the Final Draft of the SMP.

Thereafter, to ensure ample opportunities for review of the Final Draft SMP Staff prepared a Schedule for Review and Adoption of the SMP, which included:

- May 1, 2007 Planning Board Update of Program
- May 10, 2007 6 PM Joint City Council & Planning Board Workshop.

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| May 15, 2007 | 4 to 7 PM Public Open House in conjunction with Storm, Water, and Waste Water. |
| May 24, 2007 | City Council Discussion Item |
| June 11, 2007 | City Council Discussion Item 1st Reading - SMP Ordinance |
| June 28, 2007 | City Council 1 st Reading - SMP Ordinance. |
| July 12, 2007 | City Council 2 nd Reading - SMP Ordinance |

A Department of Ecology Representative and BHC Consultants attended and participated in the joint and workshop and discussion item at the May 24, 2007 City Council Meeting to review the Final SMP Draft.

DISCUSSION:

The SMP, as a result of the recent workshops and discussions, has been amended to delete gravel extraction as an allowed use and include gold mining as a permitted activity in the Aquatic Zone. In addition to this change, the SMP incorporates the recommendation of the State Attorney General's Office and the Department of Ecology. Appendix A and B have also been updated to include the recent code changes relating to Flood Damage Protection and Administration and Enforcement and Penalties.

The next steps necessary to complete the adoption process after Council takes final action on the SMP, is outlined on Attachment 3 - "State SMP Approval Process".

In summary, the Department of Ecology (DOE):

1. DOE receives the City of Sultan's SMP as approved by the City Council.
2. DOE opens a 30-day comment period for interested parties and may hold a Public Hearing within the 30-day comment period. (Note: Ordinance 915-07 request DOE to hold a Public Hearing).
3. Within 15-days of the end of the comment period, DOE requests the local government to respond to comments received by DOE.
4. Local government has 45-days to provide DOE with written response to comments.
5. DOE has 30-days to act on SMP and Approve as is, Deny, or require changes.
6. Interested parties notified of a 60-day Appeal period of DOE's action.

Therefore, Final Approval of the SMP, based on DOE's approval process, may realistically occur in late November or December of 2007, unless their action is appealed. Once DOE approves the SMP, City Staff will return to the Planning Board with Amendments to Chapters 16.08 Zoning Districts of the development code to implement the allowed use of gold mining in the Aquatic Zone.

RECOMMENDATION:

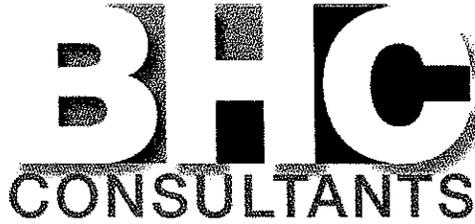
City Staff is requesting the City Council by motion to approve on First Reading Ordinance Number 915-07 adopting a new Shoreline Master Program for the City of Sultan and passing it on for Second Reading and adoption at the July 12, 2007 City Council Meeting.

COUNCIL ACTION:

DATE:

ATTACHMENTS:

- Attachment 1 - Ordinance 915-07 which includes the SMP as Exhibit A of the Ordinance
- Attachment 2 – Ms. Aubin Phillips June 13, 2007 Memo
- Attachment 3 – State SMP Approval Process



MEMO

Date: June 13, 2007
To: Rick Cisar, City of Sultan
From: Roger Wagoner and Aubin Phillips, BHC Consultants
Subject: Addition of Small Scale Mining and Recreational Prospecting to Sultan SMP

The mining section which refers to the mining of sand and gravel has been removed from the Sultan SMP; however the City Council would still like to see gold mining included in the SMP. Since the mining section has been removed, it is proposed that gold mining be included under Recreation Facilities section of Chapter 6 of the SMP. The Recreation Facilities section currently includes policies and regulations for parks, public access, buffers, trespass,

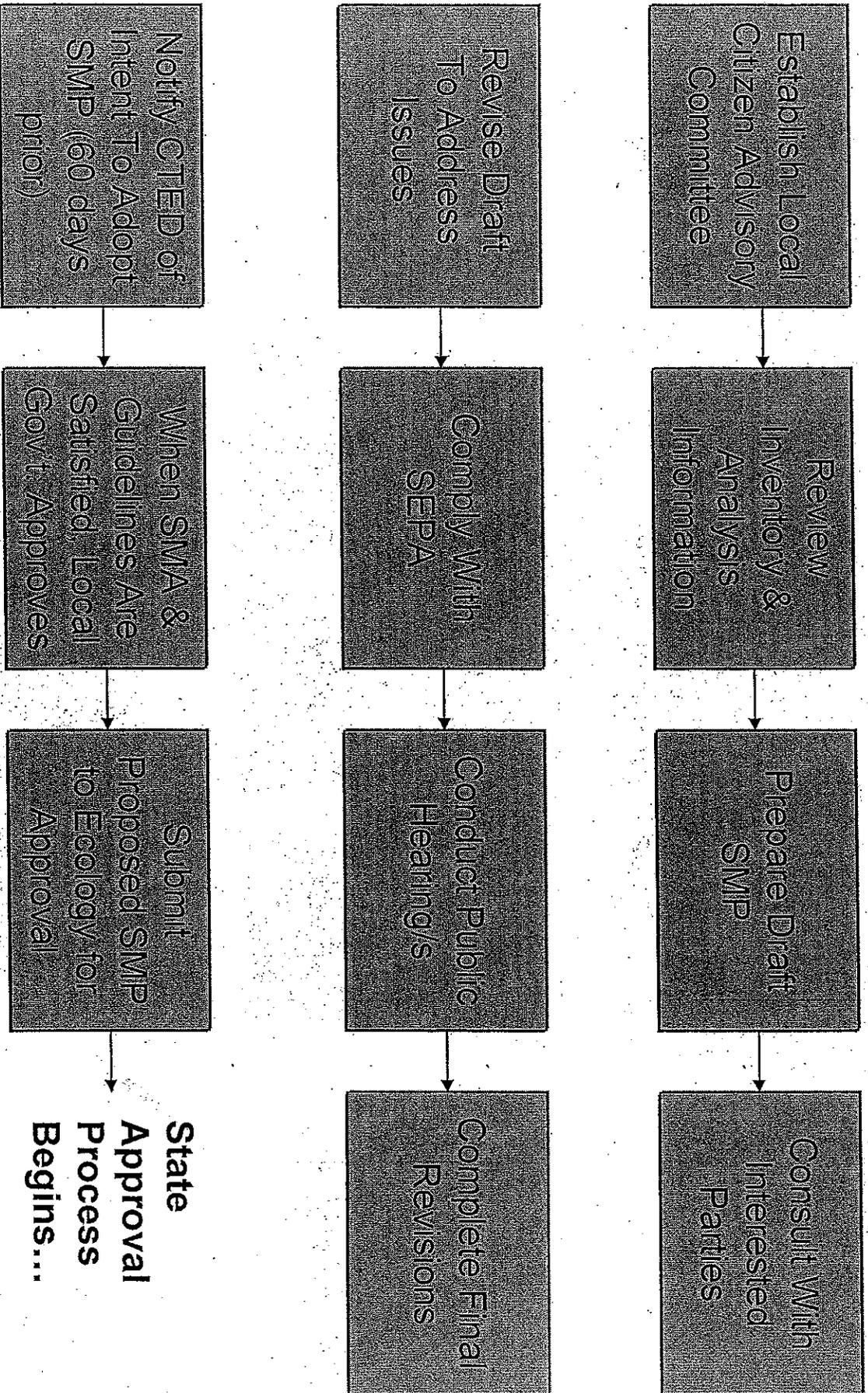
A policy could be added which states that Small Scale, Non-motorized, and Recreational Prospecting would be allowed given DNR access and approval by WDFW through a Hydraulic Project Approval (HPA). Compliance with the *Gold and Fish* pamphlet would also be required for placer mining and mineral prospecting. A regulation could be added that recreational mining shall only be allowed in the aquatic zone, and prospectors must also confirm with Snohomish County and other applicable agencies prior to recreational gold mining. The recreational Facilities Environments section would also need to be updated to reflect this change which is only allowed in the aquatic zone.

Once adopted into the SMP, the City would need to update the development code to reflect these changes during the next update.

Attachment 2

Local SMP Update Process

(WAC 173-26-100)



(WAC 173-26-110)