

ORDINANCE NO. O2014-002

AN ORDINANCE of the City Council of the City of Tumwater, Washington, approving the City of Tumwater Shoreline Master Program

WHEREAS, the state of Washington Shoreline Management Act (Chapter 90.58 RCW) finds that shorelines of the state are among the most valuable and fragile of our natural resources; and

WHEREAS, the Shoreline Management Act requires that local governments prepare and the state adopt Shoreline Master Programs (SMPs) for designated shorelines of the state; and

WHEREAS, the City is one of seven local governments in Thurston County that currently relies upon the policies and regulations found within the 1990 regional SMP; and

WHEREAS, in 2003 the Washington State Department of Ecology (Ecology) adopted new SMP guidelines (WAC 173-26) which require that all local jurisdictions review and update their SMPs; and

WHEREAS, Ecology is required to review and adopt those local SMPs which meet the guidelines; and

WHEREAS, Ecology provided a grant to Thurston Regional Planning Council (TRPC) to work with the cities of Tumwater, Olympia and Lacey in a multi-jurisdictional effort from June 2007 to June 2009 to develop a Shoreline Inventory, Shoreline Analysis and Characterization Report and a draft template SMP; and

WHEREAS, Tumwater planning staff reformatted the template SMP and presented it to the Tumwater Planning Commission on May 24, 2011; and

WHEREAS, the Tumwater Planning Commission held twelve public meetings, including a community open house and a public hearing between May 2011 and April 2012 to discuss shoreline issues specific to Tumwater and to tailor the SMP to address those issues; and

WHEREAS, the Tumwater Planning Commission held a public hearing on the SMP on April 10, 2012 and April 24, 2012, and considered all testimony and evidence before making a recommendation to the City Council; and

WHEREAS, the Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property (Dec. 2006) on takings was reviewed and utilized by the City in objectively evaluating the SMP; and

WHEREAS, the City of Tumwater forwarded the SMP to the State Department of Commerce for review, as required by RCW 36.70A.106. The Department of Commerce received the documents on May 4, 2012; and

WHEREAS, a Determination of Nonsignificance was issued on June 11, 2012, in accordance with the State Environmental Policy Act (SEPA) (Chapter 43.21C RCW) and in compliance with Chapter 16.04 of the Tumwater Municipal Code; and

WHEREAS, the Tumwater City Council held a public hearing on the SMP on June 19, 2012, to accept public testimony relating to this matter; and

WHEREAS, the Tumwater City Council, after considering all of the testimony and evidence, found that the SMP supports the health, safety and welfare and is in the best interests of the residents of the City of Tumwater; and

WHEREAS, the City Council approved Resolution No. R2012-011 accepting the City of Tumwater SMP Update Packet for submittal to Ecology; and

WHEREAS, the City with the assistance of consultant ESA prepared a cumulative impacts assessment as required by the Shoreline Master Program Guidelines (Chapter 173-26 WAC) to assess the cumulative impacts on shoreline ecological functions that would result from future shoreline development and uses that are reasonably foreseeable from the proposed SMP; and

WHEREAS, the City submitted the SMP, Ordinance No. O2012-005 and associated documents including the cumulative impacts assessment to Ecology on May 1, 2013 for formal review; and

WHEREAS, the City worked with Ecology to reach agreement on Ecology-recommended and required changes to the SMP; and

WHEREAS, such changes are incorporated into the final SMP.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City of Tumwater Shoreline Master Program, Exhibit A attached hereto and incorporated herein, is hereby adopted.

Section 2. In accordance with the provisions of the ordinance, the Shoreline Master Program for the Thurston Region (1990) including the Deschutes River Special Area Management Plan for the Tumwater Valley and the Percival Creek Corridor Plan are repealed.

Section 3. Savings Clause. The repeals in Section 2 of this Ordinance do not affect any existing right acquired or liability or obligation incurred under those plans or regulations repealed or under any rule or decision adopted under those plans or regulations nor do they affect any proceeding instituted under them.

Section 4. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 6. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 7. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

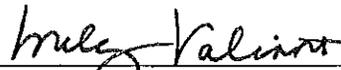
ADOPTED this 18th day of March, 2014.

CITY OF TUMWATER



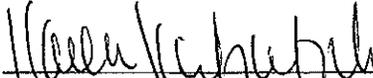
Pete Kmet, Mayor

ATTEST:



Melody Valiant, City Clerk

APPROVED AS TO FORM:



Karen Kirkpatrick, City Attorney

Published: 03-20-2014

Effective Date: 04-19-2014

