ORDINANCE NO. 2013-02-005

AN ORDINANCE REPEALING BELLINGHAM MUNICIPAL CODE (BMC) CHAPTER 16.40, SHORELINES, AND ADOPTING THE CITY’S 2013 SHORELINE MASTER PROGRAM AS BMC TITLE 22, SHORELINE MASTER PROGRAM.

WHEREAS, the Shoreline Management Act (RCW 90.58) requires local governments with Shorelines of the State within their boundaries to adopt and periodically update their shoreline master programs. (SMP); and

WHEREAS, in RCW 90.58.080 the City of Bellingham was directed to update its SMP on or before December 1, 2005; and

WHEREAS, in November 2004, the City completed its Shoreline Characterization and Inventory (SCI) which included a landscape, watershed and individual reach analysis for the Shorelines of the State within the City of Bellingham; and

WHEREAS, the SCI also included analysis on the existing ecological function of each individual reach as well as restoration and improvement opportunities to be implemented into the SMP's Restoration Plan; and

WHEREAS, the Planning Department assembled a Technical Review Committee that included representatives from various State and Local Agencies to provide comments on the preliminary draft SMP; and

WHEREAS, in November 2005 the Planning Commission held a public hearing on the initial draft SMP; and

WHEREAS, the Planning Commission held four additional public hearings followed by seven work sessions; and

WHEREAS, on April 26th, 2007 the Planning Commission forwarded the draft SMP to City Council for their consideration; and

WHEREAS, on April 26th, 2007 the SEPA official issued a Programmatic Determination of Non-Significance on the draft SMP and forwarded that determination to the appropriate agencies; and
WHEREAS, on June 6th, 2007 the City forwarded the draft SMP to the Department of Community, Trade and Economic Development for their review in accordance with RCW 36.70A.106; and

WHEREAS, on July 16, 2007 the City Council held a public hearing on the draft SMP followed by 5 work sessions where staff was directed to make revisions to certain sections and conduct one final public hearing; and

WHEREAS, on July 27th, 2009 the City Council held a public hearing on the draft SMP in order to consider public comments; and

WHEREAS, additional work sessions were held on September 14th, September 21st, October 5th and October 19th, 2009; and

WHEREAS, on November 23rd, 2009 a final public hearing on the November 2009 SMP was held; and

WHEREAS, on December 14th, 2009 the Bellingham City Council approved Ordinance #2009-12-078 which approved the SMP at the local level and directed the Planning Director to prepare a complete SMP submittal to the Department of Ecology; and

WHEREAS, on April 2, 2010 the City of Bellingham submitted a formal SMP comprehensive update package to the Department of Ecology’s Bellingham Field Office for their review; and

WHEREAS, on August 19th, 2010 the Department of Ecology accepted for review the City’s SMP comprehensive update package; and

WHEREAS, on May 25th, 2011 the Department of Ecology held their public hearing on the City’s SMP and took public comment; and

WHEREAS, the comment period was held open from May 16th through June 24th, 2011; and

WHEREAS, on May 14th, 2012 the Department of Ecology’s Bellingham Field Office submitted required and recommended revisions to the City of Bellingham regarding it’s SMP update; and

WHEREAS, on May 21st, 2012 those revisions were presented to the Bellingham City Council which directed that those revisions should be forwarded to the Shorelines Division of Department of Ecology (headquarters in Lacey, WA); and

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WHEREAS, on December 17th, 2012 the Department of Ecology's Director issued conditional approval of the City's SMP update subject to required and recommended revisions; and

WHEREAS, on January 28th, 2013 the Bellingham City Council agreed with the Department of Ecology's required and recommended revisions and directed the Planning and Community Development Director to send written notice of agreement to the Department of Ecology; and

WHEREAS, on January 29th, 2013 the Planning and Community Development Director sent the formal written notice of agreement to the Department of Ecology; and

WHEREAS, the Department of Ecology considers the City's updated SMP approved upon receipt of the City's written notice of agreement.

NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:


Section 2. The City of Bellingham's 2013 Shoreline Master Program attached as EXHIBIT 1 is adopted and codified in the Bellingham Municipal Code as Title 22, Shoreline Master Program.

PASSED by the City Council this 11th day of February, 2013.

[Signature]
Council President

APPROVED by me this 15th day of February, 2013.

[Signature]
Mayor

ATTEST: [Signature]
Finance Director
APPROVED AS TO FORM:

[Signature]

Office of the City Attorney

Published: February 15, 2013