RESOLUTION NO. 3180

A RESOLUTION of the City Council of the City of Bremerton, Washington approving the amended Shoreline Master Program. The resolution will direct the Department of Community Development to forward the documents comprising the updated Shoreline Master Program to the Washington State Department of Ecology for review and approval.

WHEREAS, the people of the State of Washington enacted the Shoreline Management Act (RCW 90.35.080) by a vote of the people in 1971, and

WHEREAS, RCW 90.58.020 directs local governments developing shoreline master programs to give preference to uses in the shorelines in the following order of preference which 1) recognize and protect the State-wide interest over local interest, 2) preserve the natural character of the shoreline, 3) result in long-term over short-term benefit, 4) protect the resources and ecology of the shorelines, 5) increase public access to publicly-owned areas of the shorelines, 6) increase recreational opportunities for the public in the shoreline, and 7) provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary, and

WHEREAS, in 2003, The Department of Ecology adopted new rules, pursuant to RCW 90.58.200, which gave procedural and substantive direction to local jurisdictions for updating shoreline uses and regulations, which became effective January 17, 2004, and

WHEREAS, The Growth Management ACT (RCW 36.70A.480) adds the goals and policies of the Shoreline Management Act as set forth in RCW 900.58.020 as one of the goals of the Growth Management Act without creating an order of priority; and

WHEREAS, the City conducted a comprehensive inventory of the ecological functions and conditions within its shoreline jurisdiction in 2009 to provide a scientific foundation for application of the shoreline environment criteria and assignment of the appropriate shoreline designations, and

WHEREAS, the results of this comprehensive inventory are contained in the document entitled, Shoreline Inventory and Characterization, most recently updated in May 2012, and

WHEREAS, consistent with the requirements of WAC 173-26-186(8)(d), the City conducted an analysis of potential cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions fostered by the policy goals of the SMA. This analysis is contained in the document entitled, “Shoreline Cumulative Effects Analysis” most recently updated in February 2012, and

WHEREAS, the City has utilized the scientific information from the Inventory and the Cumulative Impact Analysis to draft the proposed SMP Update, and

SMP Amendments
WHEREAS, consistent with the requirements of WAC 173-26-224(4)(c), the City has conducted a public access analysis entitled, “Shoreline Public Access Inventory”, most recently updated in April, 2012. This plan establishes an integrated shoreline public access system that identifies public needs and opportunities to provide public access, and

WHEREAS, consistent with the requirements of WAC 173-26-186(8)(c) and 173-26-201 (2)(f), a document entitled “Restoration Plan” most recently updated in February, 2012 has been formulated so that the City’s master program includes goals, policies and actions for restoration of impaired shoreline ecological functions, and

WHEREAS, over the past three years, the City’s Planning Commission has reviewed and revised a number of documents, including the Shoreline Inventory, proposed revisions to shoreline regulations, the Restoration Plan, the Public Access Plan, the Cumulative Effects Analysis, and responded to both governmental agency and public comments, and

WHEREAS, the City developed a public participation plan that provided widespread public notice throughout the SMP Update process. The City has made a concerted effort to generate public involvement, including holding a public open house, having a booth at the Bremerton Blackberry Festival, sending notice in all residents’ utility bills, creating a Citizen Advisory Committee and Technical Advisory Committee, attending monthly coordination meetings with the Technical Advisory Committee, creating a comprehensive and regularly-updated web page devoted to the SMP Update, maintaining a large mailing list in order to keep interested parties informed, holding over 14 workshops and a Public Hearing at the Planning Commission and a series of four televised workshops at the City Council, and

WHEREAS, The City issued a complete Planning Commission Draft of the Shoreline Master Program in May of 2012 and considered and responded to government, agency, and public comments and prepared and issued revised Draft Shoreline Master Programs or elements thereof in June 2012, and

WHEREAS, the City’s Responsible Official issued a Determination of Nonsignificance on the proposed Shoreline Master Program on May 14, 2012 with an appeal deadline of May 29, 2012. No appeals were filed, and

WHEREAS, on May 18, 2012, a draft SMP was circulated to the State Agencies for the requisite 60-day review and comment period. No comments were received, and

WHEREAS, the City of Bremerton Planning Commission considered staff’s recommendations, received testimony, and formulated a recommendation to forward the amendments for City Council at a duly advertised public hearing on May 29, 2012, and

WHEREAS, on September 17, 2012 the public was notified by legal advertisement in the Kitsap Sun of the opportunity to make comment and participate in the public hearing by the City Council; and

SMP Amendments
WHEREAS, City Council took public testimony from interested parties and considered all written and oral arguments at a duly advertised public hearing for the Shoreline Master Program update on October 3, 2012, and

WHEREAS, once the City approves the Shoreline Master Program, it will be sent to the Washington State Department of Ecology for review and approval, a process which may entail further changes and amendments to the documents of the Shoreline Master Program,, and

WHEREAS, upon Department of Ecology approval, the City will adopt the Shoreline Master Program by ordinance, and

WHEREAS, the City considered and responded to government agency and public comments, NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF BREMERTON, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS

SECTION 1. The recitals set forth above are hereby incorporated as if set forth herein in full

SECTION 2. The findings and conclusions adopted by the Planning Commission attached hereto as Exhibit A are adopted and incorporated as if set forth fully herein

SECTION 3. The City Council hereby approves and recommends adoption of the Shoreline Master Program, attached hereto as Exhibit B and Exhibit C and subject to Department of Ecology approval

SECTION 4. The City is authorized to make necessary corrections to the Exhibit B including but not limited to, corrections of scrivener's or clerical errors, references, numbering of sections or subsections and any reference thereto

SECTION 5. After the Department of Ecology completes their review of the Shoreline Master Program the City Council will adopt the program by Ordinance with any changes that the Department of Ecology may provide, if any Only after said Ordinance is adopted shall the Shoreline Master Program go into effect

SECTION 6. Severability If any one or more sections, subsections, or sentence of this Resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Resolution and the same shall remain in full force and effect, and

SECTION 7. Effective Date This resolution shall take effect and be in force ten (10) days from and after its passage, approval and publication as provided by law

PASSED by the City Council of the City of Bremerton, Washington this 3rd day of October, 2012

[Signature]

JIM MCDONALD, Council President

SMP Amendments