ORDINANCE NO. 402

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIER, WASHINGTON, APPROVING THE PROPOSED BRIER SHORELINE MASTER PROGRAM UPDATE AND STATING ITS INTENT TO ADOPT THE BRIER SHORELINE MASTER PROGRAM UPDATE AND THE ACCOMPANYING GOALS AND POLICIES, ENVIRONMENTAL DESIGNATIONS, REGULATIONS, RESTORATION PLAN AND CUMULATIVE IMPACTS ANALYSIS, AND DIRECTING THAT THE APPLICABLE SHORELINE MASTER PROGRAM UPDATE MATERIALS BE PROVIDED TO THE STATE DEPARTMENT OF ECOLOGY FOR ITS REVIEW.

WHEREAS, the Washington Shoreline Management Act (RCW 90.58, referred to herein as "SMA") recognizes that shorelines are among the most valuable and fragile resources of the state, and that state and local government must establish a coordinated planning program to address the types and effects of development occurring along shorelines of state-wide significance; and

WHEREAS, the City of Brier ("City") is required to update its Shoreline Master Program (referred to herein as "SMP") pursuant to the SMA and WAC 173-26; and

WHEREAS, there has been public participation with respect to the SMP Update, including but not limited to the following: public meetings and hearings, and a shoreline tour; and

WHEREAS, the Brier Planning Commission, after numerous public meetings and hearings, recommended approval of the SMP Update at its April 18, 2012 meeting; and

WHEREAS, the Brier City Council considered the SMP at the April 3, 2012 workshop; and

WHEREAS, the Brier City Council did conclude that the SMP will result in "no net loss" in shoreline ecological function relative to the baseline due to its implementation and will ultimately produce a net improvement in shoreline ecological function; and

WHEREAS, on May 22, 2012, the Brier City Council concludes that the SMP is consistent with and meets the Guidelines established under WAC Chapter 173.26; and

WHEREAS, the Brier City Council concludes that the SMP is consistent with and implements the Shoreline Management Act (RCW 90.58 and the Growth Management Act (RCW 36.70); and
WHEREAS, the State Department of Ecology is authorized under the SMA to approve, deny or propose modifications to the City's SMP; and

WHEREAS, on March 7, 2012, pursuant to the State Environmental Policy Act, the SEPA Official issued a determination of non-significance for the Shoreline Master Program;

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

Section 1. A new Title 20 of the Brier Municipal Code is created.

Section 2. The City Council directs staff to forward the appropriate documents to the State Department of Ecology for formal review and approval.

Section 3. This ordinance shall be published in the official newspaper of the City after its passage by the City Council. The shoreline master program amendments of this ordinance shall be in effect upon the date of the Department of Ecology's letter to the City approving such amendments.

Section 4. Following receipt of the Department of Ecology's letter to the City approving the shoreline master program amendments of this ordinance, and pursuant to WAC 173-26-120(9), the City Clerk shall publish a notice that the Department has taken final action on such amendments.

Passed by the City of Brier City Council and signed into authentication this 22nd day of May, 2012.

APPROVED:

MAYOR BOB COLINAS

ATTEST:

CITY CLERK

DRAFTED: 04-3-12
INTRODUCED: 04-18-12
PASSED: 05-22-12
POSTED: 05-25-12