CITY OF DuPONT
WASHINGTON
ORDINANCE NO. 12-932

AN ORDINANCE REPEALING THE EXISTING DUPTON SHORELINE MASTER PROGRAM, ADOPTING A NEW DUPTON SHORELINE MASTER PROGRAM AND ADOPTING A SUMMARY FOR PUBLICATION.

WHEREAS, on August 31, 2009, the Washington State Department of Ecology entered into a grant agreement with the City of DuPont to update and adopt the DuPont Shoreline Master Program; and

WHEREAS, the agreement requires DuPont to complete an update of the Shoreline Master Program that is developed and adopted in a manner consistent with the procedural and substantive requirements of the Shoreline Management Act and its implementing rules, including the Shoreline Master Program Guidelines; and

WHEREAS, as required by the grant, the DuPont Planning Agency reviewed the Public Participation Plan on September 28, 2009. No testimony was provided. No written comments were submitted. No recommendations were made; and

WHEREAS, as required by the grant, the DuPont Planning Agency held an open house visioning meeting on September 13 that was continued to September 27, 2010. Testimony was provided. Written comments were submitted and compiled into a report titled, “Community Visioning Process Report for the City of DuPont Shoreline Master Program Update” dated October 2012; and

WHEREAS, as required by the grant, the DuPont Planning Agency reviewed the draft Shoreline Analysis Report and draft DuPont Shoreline Master Program Goals, Policies and Regulations on February 7, that was continued to February 14, and 28, 2011. Testimony was provided. No written comments were submitted. Staff revised the draft document based on Planning Agency recommendations and discussed the changes at the Planning Agency meeting on February 14, 2011; and

WHEREAS, as required by the grant, the DuPont Planning Agency reviewed the draft Restoration Plan on July 18, which was continued to July 25, 2011. Testimony was provided. Written comments were submitted. The Planning Agency made recommendations that were incorporated into the Restoration Plan; and

WHEREAS, as required by the grant, DuPont issued a SEPA decision for the DuPont Shoreline Master Program on January 13, 2012. The comment period closed January 27, 2012. No written comments were submitted. The appeal period closed February 13, 2012. No appeals were filed; and
WHEREAS, DuPont issued a Planning Agency legislative public hearing notice for the DuPont Shoreline Master Program on January 13, 2012. No written comments were submitted; and

WHEREAS, as required by the grant, the DuPont Planning Agency held a public legislative hearing on the DuPont Shoreline Master Program on February 13, 2012. Testimony was provided. Written comments were submitted. The Planning Agency deliberated and recommended the DuPont Shoreline Master Program be forwarded to the City Council for adoption with a recommendation that a new Finding #14 be added to recognize the U.S. Fish and Wildlife Nisqually National Wildlife Refuge and the Washington State Department of Natural Resources Nisqually Reach Aquatic Reserve; and

WHEREAS, as required by the grant, DuPont issued a document titled, “Responsiveness Summary” responding to all comments submitted at the February 13, 2012 Planning Agency hearing and public comment period.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUPONT DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Adoption. The existing DuPont Shoreline Master Program is hereby repealed and a new DuPont Shoreline Master Program, attached as Exhibit A, is hereby adopted as submitted without changes.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 17. Effective Date. The attached Ordinance Summary shall be published in the official newspaper of the City. The Ordinance shall be effective 14 calendar days after Ecology’s written notice of final action to DuPont stating that Ecology has approved the proposal.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 22 DAY OF May, 2012.

CITY OF DUPONT

Michael Grayum, Mayor

ATTEST/AUTHENTICATED

Erin Larsen, City Clerk
SUMMARY FOR PUBLICATION

ORDINANCE NO. XXXX
CITY OF DuPONT

The City Council of the City of DuPont, Washington, on XXX, XX, 2012, passed Ordinance No. XXXX, entitled "AN ORDINANCE RELATING TO THE DUPONT SHORELINE MASTER PROGRAM" AND ADOPTING A SUMMARY FOR PUBLICATION."

The main points of the Ordinance are described as follows:

1. The Ordinance updates the DuPont Shoreline Master Program as required by a grant agreement with the Washington State Department of Ecology.

2. The Ordinance contains policies and regulations consistent with the procedural and substantive requirements of the Shoreline Management Act and its implementing rules, including the Shoreline Master Program Guidelines.

3. The Ordinance will guide development within the Shoreline Management Act jurisdictional lands located within the City of DuPont.

3. The Ordinance approves this Summary for publication.

A copy of the full text of this Ordinance will be posted on the City of DuPont website and will be mailed to any person requesting the same from the City Clerk of the City of DuPont at the Requestor's cost.

Published: XXX, XX, 2012.