

ORDINANCE NO. 680

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOOKSACK, WASHINGTON, ADOPTING A COMPREHENSIVE UPDATE TO THE CITY OF NOOKSACK SHORELINE MANAGEMENT MASTER PROGRAM SUBJECT TO FINAL APPROVAL BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY.

WHEREAS, the November 2001 the Nooksack City Council took action through Ordinance No. 538 to adopt amendments to the City's Shoreline Management Program approved by the Washington Department of Ecology; and

WHEREAS, consistent with amendments to the State Shoreline Management Act, RCW 90.58, enacted by the Legislature and new implementing regulations under WAC 173-26, the City prepared a comprehensive update of the Nooksack Shoreline Management Master Program; and

WHEREAS, following an extensive public process as required by law, including the holding of several public hearings, the Nooksack City Council took action in July 2014 through adoption of Resolution No. 288 stating the Council's intention to adopt the comprehensive update of the City's Shoreline Master Program, subject to review and approval by the Washington Department of Ecology and directing City staff to submit the draft Master Program dated July 21, 2014 to the Department of Ecology for formal review; and

WHEREAS, in September 2014, the City submitted the draft Shoreline Master Program dated July 21, 2014 to the Department of Ecology for formal review along with all required supporting documentation; and

WHEREAS, in November 2015 the City received correspondence from the Department of Ecology detailing required changes to the draft Shoreline Master Program necessary to ensure consistency with the Shoreline Management Act and implementing regulations, and furthermore identifying additional recommended changes to the Master Program; and

WHEREAS, the City has prepared a final draft Shoreline Master Program that incorporates both the required and recommended changes received from the Department of Ecology, said final draft being dated December 7, 2015; and

WHEREAS, a SEPA review and Determination of Nonsignificance of the Nooksack Shoreline Management Master Program was completed on December 21, 2012, and the revisions incorporated since that time will not impact the sufficiency of the aforementioned determination; and

WHEREAS, the City of Nooksack gave public notice on November 25, 2015 that the City Council would hold a public hearing on December 7, 2015 to consider and adopt the updated City of Nooksack Shoreline Management Master Program; and

WHEREAS, a duly advertised public hearing was held on December 7, 2015 where opportunity for public comment was provided and public testimony was received; and

WHEREAS, following the closing of the public hearing, the Nooksack City Council finds that adoption of the comprehensive update to the Nooksack Shoreline Management Master Program is in the public interest and will support and protect the public health, safety and general welfare; **NOW, THEREFORE**,

IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF NOOKSACK, WASHINGTON, as follows:

SECTION 1: The Nooksack Shoreline Management Master Program dated December 7, 2015 as provided in Exhibit A, attached hereto, is hereby adopted in its entirety, including Parts One, Two, Three and Four, subject to final approval by the Washington Department of Ecology.

SECTION 2: Following approval by the Washington Department of Ecology, Part One of the Shoreline Management Master Program as provided in Exhibit A, identified as Shoreline Management Goals and Policies, is hereby adopted as an element of the City of Nooksack Comprehensive Land Use Plan.

SECTION 3: Following approval by the Washington Department of Ecology, Part Two of the Shoreline Management Master Program as provided in Exhibit A, identified as Shoreline Management Regulations, is hereby adopted as part of the City of Nooksack Development Regulations. Chapter 16.04 of the Nooksack Municipal Code – Shoreline Management – is hereby replaced in its entirety to read as set forth in Part Two of the Shoreline Management Master Program adopted herein.

SECTION 4: The previously established chapters from the Nooksack Municipal Code included in Part Three of the Shoreline Management Master Program provided in Exhibit A are adopted by reference as part of the City's Shoreline Master Program. Adoption by reference and incorporation into the Shoreline Master Program of these chapters from the Nooksack Municipal Code shall have no effect upon the ordinances codified as Chapters 15.10 and 16.08 of the Nooksack Municipal Code.

SECTION 5: Following approval by the Washington Department of Ecology, Part Four of the Shoreline Management Master Program provided in Exhibit A, identified as City of Nooksack Official Shoreline Map, is hereby adopted as the official shoreline map of the City of Nooksack, and said map shall remain on file with the office of the Nooksack City Clerk.

SECTION 6: Repealer. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

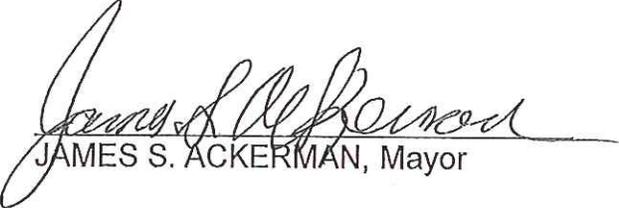
SECTION 7: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance, and each section, subsection, sentence, clause or phrase thereof, separately and independently and, in the event that any one or more sections, subsections, sentences, clauses or

phrases may later be declared invalid or unconstitutional, then any ordinance or ordinances, or parts thereof, amended or repealed by such portion of this Ordinance shall remain in full force and effect.

SECTION 8: Effective date. This ordinance shall take effect and be in force five (5) days after passage, approval, signing and publication/posting, as provided by law.

PASSED by a majority of the whole membership of the City Council of the City of Nooksack, Washington, and there signed and approved by its Mayor, at a regular meeting of said Council held this 7th day of December 2015.

CITY OF NOOKSACK, WASHINGTON


JAMES S. ACKERMAN, Mayor

ATTEST:


VIRGINIA ARNASON
City Clerk

APPROVED AS TO FORM:


THOMAS H. FRYER
City Attorney