RESOLUTION NO. 009-12

A RESOLUTION OF THE CITY OF PORT ORCHARD,
WASHINGTON, APPROVING THE SHORELINE MASTER
PROGRAM UPDATE AND DIRECTING STAFF TO FORWARD
THE SHORELINE MASTER PROGRAM TO THE DEPARTMENT
OF ECOLOGY FOR STATE REVIEW AND APPROVAL
PURSUANT TO WAC 173-26-110 AND WAC 173-26-120.

WHEREAS, the Shoreline Management Act of 1971, codified at chapter
90.58 RCW ("SMA"), requires all cities and counties with "shorelines of the state"
to prepare and adopt a Shoreline Master Program that is based on state laws and
rules, but tailored to the specific jurisdiction; and

WHEREAS, on October 12, 1976, the City of Port Orchard adopted its
SMA-based Shoreline Master Program ("SMP" – Resolution 1160A) and the
SMP had been amended in substance since its adoption on May 11, 1981
(Resolution 1240) and October 14, 1991 (Resolution 1586); and

WHEREAS, effective January 17, 2004, the regulations implementing the
SMA promulgated under chapter 173-26 WAC (the "SMA guidelines") were
substantially revised and the City’s current program requires a comprehensive
master program update in order to achieve the procedural and substantive
requirements of the SMA guidelines; and

WHEREAS, a Shoreline Advisory Committee was formed and met on
September 15, 2010 to formulate regulations and recommendations to the
Planning Commission; and

WHEREAS, the Planning Commission conducted public meetings and
held discussions on March 15, 2010, April 19, 2010, September 20, 2010,
December 19, 2011 in the formulation of the draft Shoreline Master Program; and

WHEREAS, the Planning Commission conducted Public Hearings on
and testimony in the formulation of the draft Shoreline Master Program as shown in “Exhibit A”; and

WHEREAS, on January 12, 2012, the draft SMP was circulated for review to interested parties and state agencies; and

WHEREAS, on January 13, 2012, the City’s SEPA responsible official issued a Determination of Nonsignificance (“DNS”) pursuant to WAC 197-11-600(4)(a). The DNS was revised on January 25, 2012, to extend the comment deadline by one week. There were no comments and the DNS was not appealed; and

WHEREAS, the Port Orchard City Council held Work-study sessions on the Shoreline Master Program on November 15, 2011, and February 21, 2011; and

WHEREAS, the Port Orchard Planning Commission on February 27, 2012 conducted a public hearing and collected testimony regarding the Draft Shoreline Master Program Document shown in “Exhibit A” and approved Planning Commission Resolution 001-12, recommending approval to the City Council; and

WHEREAS, the Port Orchard City Council held a Work-study session on the Shoreline Master Program on February 21, 2011; and

WHEREAS, the Washington State Department of Ecology provided the City of Port Orchard with a letter on April 23, 2012 requesting suggested revisions to the Draft Shoreline Master Program document; and

WHEREAS, the City Council held a public hearing on April 24, 2012 to collect comments and testimony on the Draft Shoreline Master Program; and

WHEREAS, the City Council at their regular meeting on April 24, 2012 discussed the Draft Shoreline Master Program Document and the late receipt of the April 23, 2012 letter from the Washington State Department of Ecology, and remanded the SMP approval process back to City staff and the Planning Commission to attempt to resolve the Washington State Department of Ecology items of concern; and

WHEREAS, the City staff prepared a matrix of proposed changes in response to selected items identified by the Washington State Department of Ecology, for the Draft Shoreline Master Program Document and presented to the Port Orchard Planning Commission at their May 18, 2012 regular meeting; and

WHEREAS, the Port Orchard Planning Commission held a public meeting at their May 18, 2012 regarding the Washington State Department of
Ecology proposed recommended alterations, and the staff prepared matrix of revisions to the Draft Shoreline Master Program Document; and

WHEREAS, the Port Orchard Planning Commission at their May 18, 2012 regular meeting and upon deliberation of the issues regarding the Draft Shoreline Master Program Document, unanimously approved Planning Commission Resolution 002-12 recommending approval of the Draft Shoreline Master Program Document including the recommended matrix of revisions as identified in Exhibit B; and

WHEREAS, the Port Orchard City Council held a public hearing on June 12, 2012 to collect comments and testimony on the Draft Shoreline Master Program; and

WHEREAS, the purpose of this resolution is to provide the approval necessary to forward the proposed SMP update to the Washington State Department of Ecology for review and comment prior to the City’s formal adoption of the SMP in accordance with WAC 173-26-110; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

THAT:

Section 1. Proposed Shoreline Master Program Update - Approved. The Port Orchard City Council approves the Shoreline Master Program update attached as Exhibit A including the revisions identified in Exhibit B, and incorporated herein by reference.

Section 2. Findings and Conclusions. In support of this resolution, the Port Orchard City Council adopts the Findings and Conclusions attached hereto as Exhibit B and incorporated herein by this reference.

Section 3. Submittal to Department of Ecology. The Development Director is hereby directed to submit the approved Shoreline Master Program update and all supporting documentation required to accompany the Shoreline Master Program update pursuant to WAC 173-26-110 to the Washington State Department of Ecology for formal review and approval in accordance with WAC 173-26-120.

PASSED by the City Council of the City of Port Orchard, SIGNED by the Mayor and attested by the City Clerk in authentication of such passage this 12th day of June 2012.
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ATTEST:

Timothy C. Matthes, Mayor

Brandy Rinearson, CMC, City Clerk

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