RESOLUTION NO. 701
CITY OF ROY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROY, PIERCE COUNTY, WASHINGTON, APPROVING THE CITY’S PROPOSED SHORELINE MASTER PROGRAM UPDATE PACKAGE AND SUBMITAL TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY.

WHEREAS, the Shoreline Management Act (SMA) finds that shorelines of the state are among the most valuable and fragile of our natural resources; and

WHEREAS, the SMA requires that local governments prepare, and the state adopt, Shoreline Master Programs (SMPs) for designated shoreline of the state; and

WHEREAS, the City of Roy (City) adopted its first SMP by adopting the Pierce County SMP by reference, pursuant to Ordinance No. 179, on December 9, 1974; and

WHEREAS, the City adopted its Growth Management Act (GMA) Comprehensive Plan in 2004, its Critical Area Regulations in 2004, and its Land Development (Zoning and Subdivision) Code in 2009, and as a result, the existing Master Program requires updating to conform to these newer GMA plans and regulations; and

WHEREAS, new state guidelines require that all jurisdictions review and update their Shoreline Master Programs (WAC 173-26); and

WHEREAS, the Washington State Department of Ecology (Ecology) is required to review and adopt those local Master Programs that meet the guidelines; and

WHEREAS, in 2009 Ecology provided a grant to the City of Roy to help undertake the SMP update; and

WHEREAS, the Roy Planning Commission began its work on the City’s Shoreline Master Program Update on December 15, 2009; and

WHEREAS, in accordance with an adopted Public Participation Plan, the Roy Planning Commission conducted a series of public open houses on May 18, 2010, September 21, 2010, and February 15, 2011, to disseminate information about the SMP Update process and receive input on various technical reports and proposed shoreline policies and regulations; and

WHEREAS, the Roy Planning Commission reviewed and commented on draft documents for the City, which are reflected in the final shoreline related reports listed below:

- Final Shoreline Inventory and Characterization - July 2010,
- Proposed Shoreline Master Program - August 2011,
- Final Shoreline Cumulative Impact Analysis - August 2011,
- Final Shoreline Restoration Plan – January 2012; and

WHEREAS, a summary of these documents was prepared for consideration by the Planning Commission as part of the public hearing review process; and
WHEREAS, a Public Hearing Notice was published in the Nisqually Valley News on December 30, 2011 and January 6 and 20, 2012, posted at City Hall and the US Post Office in Roy, and placed on the City Hall reader board; and

WHEREAS, a Public Hearing Notice was mailed directly to owners of property located within regulated shoreline areas and to agencies, organizations and other stakeholders with potential interests in the proposal and shoreline planning in the community; and

WHEREAS, Public Hearing Information was included with a City of Roy public utility mailing on January 3, 2012 to holders of utility accounts being served by the City; and

WHEREAS, a Public Hearing on the Proposed Shoreline Master Program update package was held before the Roy Planning Commission on January 24, 2012; and

WHEREAS, the Roy Planning Commission reviewed and considered all oral testimony and written comments accepted from the public at this hearing;

WHEREAS, the Roy Planning Commission determined that the proposed SMP is compatible with the City's adopted land use designations, policies and goals contained within its Comprehensive Plan and its development regulations; and

WHEREAS, the Roy Planning Commission determined that the proposed SMP recognizes private property rights and is intended to be consistent with other property regulations and those rights afforded to property owners; and

WHEREAS, the Roy Planning Commission recommended approval of the Proposed Shoreline Master Program update package, and forwarded it to the City Council for their consideration following the Commission's January 24, 2012 public hearing; and

WHEREAS, the Washington State Department of Commerce requires a 60-Day notification of an action to adopt or modify development regulations or comprehensive plans required under the Growth Management Act and said notification was provided to Commerce on February 15, 2012; and

WHEREAS, an environmental checklist was prepared based upon the Proposed Shoreline Master Program, and the City's SEPA responsible official issued and circulated a copy of said checklist and a Determination of Non-Significance (DNS), with a 14-day comment period, on March 2, 2012, and no comments or appeals have been received challenging the adequacy of the DNS; and

WHEREAS, the Roy City Council reviewed the Planning Commission's recommendation regarding the Proposed Shoreline Master Program update package on March 12, 2012 and April 23, 2012, and determined that it should be forwarded to the Washington State Department of Ecology (DOE) for its review and consideration.

NOW, THEREFORE

Section 1. The City Council of the City of Roy accepts the Proposed Shoreline Master Program dated August 2011 and its associated supporting documents as the SMP update package in substantially the form on file in the City Clerk-Treasurer's Office.

Section 2. The City Council of the City of Roy directs that said package be submitted to the DOE for approval prior to formal adoption by the City Council.
Section 3. All acts consistent with this resolution are hereby authorized.

Introduced, passed and approved this 23rd day of April, 2012.

KAREN YATES, MAYOR

ATTEST:

DEBRA DEARINGER, CITY CLERK-TREASURER

APPROVED AS TO FORM:

CATHY PARKER, CITY ATTORNEY