RESOLUTION NO. 1115

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF STEILACOOM,
APPROVING A PROPOSED SHORELINE MASTER PROGRAM AND
RELATED DOCUMENTS

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 Town of Steilacoom (Town) adopted its first SMP by Ordinance
991 on September 1, 1987; 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 Town of Steilacoom to help
undertake the SMP update; and

WHEREAS, the Steilacoom Planning Commission began its work on the Town’s
Shoreline Master Program Update in October, 2009; and

WHEREAS, the Steilacoom Town Council approved a Public Participation Plan
for the SMP on December 3, 2009; and

WHEREAS, the Town entered into a contract with the firm of ESA Adolfson
(ESA) to assist with the technical aspects of the SMP; and

WHEREAS, in accordance with the Public Participation Plan, notice for all of the
public hearings, public meetings, and public workshops before the Steilacoom
Planning Commission were advertised in the Tacoma News Tribune, posted at
the Community Center, Public Safety Building, Public Works Building, and at the
Town kiosk on Lafayette Street, 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 emailed to persons, agencies, organizations and other parties
who have provided the Town with their email addresses because of their interest
in planning generally and in the shoreline program update specifically; and
WHEREAS, the Steilacoom Planning Commission conducted a shoreline public
open house on June 14, 2010 and conducted a series of shoreline community
visioning forums on July 26, 2010, August 18, 2010, and August 23, 2010; and

WHEREAS, the Steilacoom Planning Commission conducted a public hearing on
draft shoreline environmental designations on November 8, 2011; and

WHEREAS, the Steilacoom Planning Commission conducted a series of public
meetings on draft shoreline regulations on February 14, 2011, February 28,
2011, March 14, 2011 and March 28, 2011 which culminated in a First Draft
SMP, and

WHEREAS, the Steilacoom Planning Commission conducted public meetings to
review comments on the First Draft on August 8, 2011 and September 12, 2011;
and directed staff to undertake a Second Draft SMP to reflect the comments
received on the First Draft, and

WHEREAS, the Steilacoom Planning Commission conducted two public
workshops on the proposed Second Draft SMP on October 10, 2011 and
October 24, 2011, and

WHEREAS, the Steilacoom Planning Commission held public hearings on
November 14, 2011, December 12, 2011 and January 9, 2012 on the Second
Draft SMP, and directed staff to make certain alterations based on the public
hearings, and

WHEREAS, the Steilacoom Planning Commission held public hearings on April
23, 2012 and May 14, 2012 on the revisions; and

WHEREAS, the Steilacoom Planning Commission recommended approval of the
Proposed Shoreline Master Program, Final Shoreline Environmental
Designations Map, Final Cumulative Impact Analysis and Final Shoreline
Restoration Plan Element, and forwarded it to the Town Council for their
consideration following the Commission’s May 14, 2012 public hearing; and

WHEREAS, at the Town Council’s suggestion, the Planning Commission
determined that certain alterations to the Town’s Critical Areas Ordinance were in
order prior to adoption of the Proposed Shoreline Master Program, and

WHEREAS, the Planning Commission held a public hearing regarding the
proposed alterations to the Critical Areas Ordinance on July 9, 2012, and
recommended approval those alterations to the Town Council, and
WHEREAS, adoption of the alterations to the Critical Areas Ordinance require some alterations to the language in the Proposed Shoreline Management Program, 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 that notification was provided to Commerce on May 15, 2012; and

WHEREAS, an environmental checklist was prepared based upon the Proposed Shoreline Master Program, and the Town's SEPA responsible official adopted the Preliminary and Final Environmental Impact Statements prepared for the Town's Comprehensive Plan and development ordinances, prepared an addendum to that EIS describing the proposed SMP and issued a Determination of Non-Significance (DNS) on July 12, 2012, with a comment period ending on July 31, 2012, and no comments or appeals have been received challenging the adequacy of the DNS; and

WHEREAS, a Public Hearing Notice was published in the Tacoma News Tribune on September 7, 2012, and Public Hearing Notices were posted at the Community Center, Public Safety Building, Public Works Building, and on the Town kiosk on Lafayette Street on September 6, 2012; 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 on September 6, 2012; and

WHEREAS, a Public Hearing Notice was emailed to persons, agencies, organizations and other parties who have provided the Town with their email addresses because of their interest in planning generally and in the shoreline program update specifically on September 6, 2012; and

WHEREAS, the Steilacoom Town Council held a public hearing on the Planning Commission’s recommendation regarding the Proposed Shoreline Master Program and related documents on September 18, 2012 and determined that certain amendments to the recommendation should be made; and

WHEREAS, the amended Proposed Shoreline Master Program and related documents should be forwarded to Ecology for its review and consideration;

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF STEILACOOM, WASHINGTON,

Section 1. The Council approves the amendments to the Proposed Shoreline Management Program dated May 2012 as contained in Exhibit 1, attached hereto.
Section 2. The Council declares its intent to adopt the Proposed Shoreline Master Program as amended herein after approval by the Washington State Department of Ecology.

Section 4. The Council directs Town staff to forward to the Washington State Department of Ecology the Proposed Shoreline Master Program as amended herein, the Final Shoreline Environmental Designations Map, the Final Shoreline Inventory and Characterization Report, the Final Cumulative Impact Analysis and the Final Restoration Plan Element, all attached hereto, as part of the Town's submittal under WAC 173-26-110.

PASSED this 18th day of September, 2012

Ron Lucas
MAYOR

ATTEST:

Paul Lovetess
Town Clerk

APPROVED AS TO FORM:

Lawrence Hoffman
Town Attorney
Exhibit 1.

Section 1. SMC 16.08.520 B (1) of the Proposed Shoreline Management Program is amended to read as follows.

B. Regulations

1. Subject to the exceptions listed below, the Town's Critical Areas regulations in Chapter 16.16 SMC, codifying Ordinance 1308, adopted October 5, 2004 and amended by Ordinance 1616, adopted January 6, 2009, and Ordinance 1485, adopted September 18, 2012 are incorporated by reference, except that permit, nonconforming use, appeal and enforcement provisions shall be governed by this Master Program and not Chapter 16.16 SMC.

Section 2. SMC 16.08.560 B of the Proposed Shoreline Management Program is amended to read as follows.

B. Regulations

1. Identification of wetlands and delineation of their boundaries pursuant to critical areas provisions in this Master Program shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the Town meeting the wetland designation criteria in that procedure are subject to the provisions of this Master Program.

2. Notwithstanding the wording in SMC 16.16.410 as incorporated into the Master Program, allowed activities within wetlands may require a shoreline permit or authorization.

3. Proposals to alter wetlands or wetland buffer areas shall include the mitigation sequencing analysis of SMC 16.08.590. Any approved alteration to a wetland or wetland buffer area shall be based upon the wetland rating, scientific and technical information and the mitigation sequencing analysis, and shall demonstrate how no net loss of wetland area and function is to be achieved.

4. Standard buffers for wetlands shall be as set forth in SMC 16.16.430 as incorporated into the Master Program.

5. Mitigation for unavoidable impacts to wetlands and wetland buffers shall be as set forth in SMC 16.16.440 as incorporated into the Master Program.

Section 3. SMC 16.08.100 B(3) of the Proposed Shoreline Management Program is amended to read as follows.

(3) Amount of penalty. The penalty shall not exceed one thousand dollars for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.
Section 4. SMC 16.08.210 A (5)(a) of the Proposed Shoreline Management Program is amended to read as follows.

a) **Purpose.** The purpose of the Urban Conservancy Environment designation is to protect and restore relatively undeveloped or unaltered shorelines to maintain open space, floodplains, or habitat, while allowing a variety of compatible uses. This designation shall apply to shorelines that retain important ecological functions, even if partially altered. These shorelines are suitable for low intensity development, uses that are a combination of water related or water-enjoyment uses, or uses that allow substantial numbers of people access to the shoreline. The designation shall apply to the area surrounding the Cliff Avenue Waterway, the area surrounding the Fifth Street Waterway, Sunnyside Beach, and the area between the commercial and industrial development in Chambers Bay.

Section 5. SMC 16.08.300 I(3)(b)(iii) of the Proposed Shoreline Management Program is amended to read as follows.

(iii) Will not extend more than twenty-five hundred linear feet within the shorelines of the state.

Section 6. SMC 16.08.320 A(6) of the Proposed Shoreline Management Program is amended to read as follows.

6. Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his/her own use or for the use of his/her family, which residence does not have a building height that exceeds 35 feet from average grade and meets all requirements of the Steilacoom Municipal Code (SMC) and this Master Program;

Section 7. SMC 16.08.320 A(7) of the Proposed Shoreline Management Program is amended to read as follows.

7. Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of one or more single and multi-family residences. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. This exception applies if either: (A) in salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction will be considered a substantial development for the purposes of this Master Program;
Section 8. SMC 16.08.570 B(2) of the Proposed Shoreline Management Program is amended to read as follows.

The party undertaking the emergency action shall notify the Town of the existence of the emergency and emergency action(s) as soon as possible, not to exceed one (1) working day following commencement of the emergency action.

Section 9. SMC 16.08.610 B(1)(b) of the Proposed Shoreline Management Program is amended to read as follows.

Clearing invasive, non-native shoreline vegetation listed on the Pierce County Noxious Weed List is permitted. The disturbed areas must be promptly revegetated using native species.

Section 10. SMC 16.08.610 B(2)(c) of the Proposed Shoreline Management Program is amended to read as follows.

Prior to granting a shoreline permit or determining that a proposed use/development is exempt from permitting, the Town shall evaluate site development plans to assess vegetation impacts and identify opportunities for vegetation enhancement. As needed, the Town shall condition approval of new developments to ensure the following

Section 11. SMC 16.08.910 B(3)(c) of the Proposed Shoreline Management Program is amended to read as follows.

A method of controlling the fill placement operations to ensure structural integrity of the fill so that a future purchaser will be protected from the need to undertake costly improvements to remedy latent site defects; and

Section 12. The definition of “substantial development” in SMC 16.08.050 of the Proposed Shoreline Management Program is amended to read as follows.

Substantial Development. Substantial development means any development of which the total cost or fair market value exceeds $6,416.00, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold referenced in this subsection shall be adjusted for inflation by the Office of Financial Management every five years, as specified in RCW 90.58.030(3)(e) and WAC 173-27-040 as now or hereafter amended.