RESOLUTION NO. R2012-011

A RESOLUTION of the City Council of the City of Tumwater, Washington, accepting the City of Tumwater Proposed Shoreline Master Program Update Package and Submittal to the Washington State Department of Ecology.

WHEREAS, the state of Washington Shoreline Management Act (Chapter 90.58 RCW) finds that shorelines of the state are among the most valuable and fragile of our natural resources; and

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

WHEREAS, the City is one of seven local governments in Thurston County that currently relies upon the policies and regulations found within the 1990 regional SMP; and

WHEREAS, in 2003 the Washington State Department of Ecology (Ecology) adopted new SMP guidelines (WAC 173-26) which require that all local jurisdictions review and update their SMPs; and

WHEREAS, Ecology is required to review and adopt those local SMPs which meet the guidelines; and

WHEREAS, Ecology provided a grant to Thurston Regional Planning Council (TRPC) to work with the cities of Tumwater, Olympia and Lacey in a multi-jurisdictional effort from June 2007 to June 2009 to develop a Shoreline Inventory, Shoreline Analysis and Characterization Report and a draft template SMP; and

WHEREAS, Tumwater planning staff reformatted the template SMP and presented it to the Tumwater Planning Commission on May 24, 2011; and

WHEREAS, the Tumwater Planning Commission held twelve public meetings, including a community open house and a public hearing between May 2011 and April 2012 to discuss shoreline issues specific to Tumwater and to tailor the SMP to address those issues; and

WHEREAS, the Tumwater Planning Commission held a public hearing on the SMP and Ordinance No. O2012-005 related to the SMP on April 10, 2012 and April 24, 2012, and considered all testimony and evidence before making a recommendation to the City Council; and

Resolution No. R2012-011 – Page 1 of 3
WHEREAS, the Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property (Dec. 2006) on takings was reviewed and utilized by the City in objectively evaluating the SMP; and

WHEREAS, the City of Tumwater forwarded the SMP and Ordinance No. O2012-005 to the State Department of Commerce for review, as required by RCW 36.70A.106. The Department of Commerce received the documents on May 4, 2012; and

WHEREAS, a Determination of Nonsignificance was issued on June 11, 2012, in accordance with the State Environmental Policy Act (SEPA) (Chapter 43.21C RCW) and in compliance with Chapter 16.04 of the Tumwater Municipal Code; and

WHEREAS, the Tumwater City Council held a public hearing on the SMP and Ordinance No. O2012-005 on June 19, 2012, to accept public testimony relating to this matter; and

WHEREAS, the Tumwater City Council, after considering all of the testimony and evidence, finds that the SMP and Ordinance No. O2012-005 support the health, safety and welfare and are in the best interests of the residents of the City of Tumwater;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUMWATER AS FOLLOWS:

Section 1. Acceptance. The SMP, Ordinance No. O2012-005 and associated documents including the Shoreline Inventory and Shoreline Analysis and Characterization Report attached hereto as Exhibit “A”, are hereby accepted.

Section 2. Submission. City staff is directed to submit the SMP, Ordinance No. O2012-005 and associated documents to Ecology for approval prior to formal adoption by the Tumwater City Council.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of this Resolution is hereby ratified and affirmed.

Section 4. Severability. The provisions of this Resolution are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Resolution or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the Resolution, or the validity of its application to other persons or circumstances.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption and signature as provided by law.
RESOLVED this 19th day of June, 2012.

CITY OF TUMWATER

Pete Kmet, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney