

ORDINANCE NO. 549

AN ORDINANCE OF THE TOWN OF SOUTH PRAIRIE, PIERCE COUNTY, WASHINGTON, REVISING THE SOUTH PRAIRIE SHORELINE MASTER PROGRAM AND ADOPTING A SUMMARY FOR PUBLICATION

WHEREAS, the foundation for shoreline management is the Shoreline Management Act, chapter 90.58 RCW, which was enacted by the Washington State Legislature in 1971 and ratified by a vote of the people in 1972; and

WHEREAS, the Shoreline Management Act 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, the Town Council of South Prairie previously satisfied the requirements of the Shoreline Management Act by utilizing the Pierce County Shoreline Master Program to regulate the shorelines within the Town of South Prairie; and

WHEREAS, the Shoreline Management Act requires the Town of South Prairie to complete a comprehensive update to its Shoreline Master Program; and

WHEREAS, on October 2, 2012, the Town Council of South Prairie approved Resolution 320, which adopted a draft Shoreline Master Program, dated May 2012, and authorized staff to forward the proposed amendments to Ecology for approval; and

WHEREAS, on November 30, 2012, the Town of South Prairie submitted the draft Shoreline Management Program and background documents to the Department of Ecology for review and adoption, as required by the Department of Ecology; and

WHEREAS, on April 3, 2015, the Department of Ecology notified South Prairie that nineteen (19) changes were required to the SMP in order for it to be consistent with the Shoreline Management Act and applicable regulations and that four (4) changes were recommended for clarity; and

WHEREAS, on May 7, 2015, the Town Council of South Prairie agreed to make the required and recommended changes.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF SOUTH PRAIRIE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. The Town Council hereby adopts the Town of South Prairie Shoreline Master Program, dated May 2015, included as Attachment A, attached hereto and incorporated by this reference, which includes within it Appendix A (the Environmental Designation Map and the Shoreline Buffer Map), Appendix B (the Critical Areas Regulations), and Appendix C (the Restoration Plan), which are also attached hereto and incorporated by this reference.

Section 2. The Town Council hereby repeals earlier versions of the Town of South Prairie Shoreline Master Program, which are now substituted by Attachment A.

Section 3. The Town Council hereby adopts the Shoreline Buffer Map included as Attachment A, Appendix A, attached hereto and incorporated by this reference, establishing the shoreline buffers for all areas within the jurisdiction of the Town of South Prairie Shoreline Master Program.

Section 4. The Town Council hereby adopts the No Net Loss Report included as Attachment B, attached hereto and incorporated by this reference, and the Cumulative Impacts Analysis included as Attachment C, attached hereto and incorporated by this reference, which were considered in developing and approving the Town of South Prairie Shoreline Master Program.

Section 5. Should any section, paragraph, sentence, clause or phrase of this Ordinance or the attachments, or their application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance or the attachments be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance and the attachments or their application to other persons or circumstances.

Section 6. This Ordinance shall take effect and be in force fourteen (14) days from the date of the Department of Ecology's written notice of final action to the Town of South Prairie stating that the Department of Ecology has approved Town of South Prairie Shoreline Management Program pursuant to RCW 90.58.090(7).

PASSED by the Town Council and approved by the Mayor this 5th day of May, 2015.