

RESOLUTION NO.

A RESOLUTION OF THE CITY OF OLYMPIA, WASHINGTON ACCEPTING AMENDMENTS TO THE CITY'S SHORELINE MASTER PROGRAM AND OTHER ASSOCIATED PLANS, REGULATIONS AND DOCUMENTS FOR TRANSMITTAL TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY.

WHEREAS, the Washington State Department of Ecology (DOE) asks for a resolution as part of the City's submittal of the City's Shoreline Master Program (SMP) amendments to DOE; and

WHEREAS, the state of Washington Shoreline Management Act (Chapter 90.58 RCW) finds that the 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) and any subsequent amendments for designated shorelines of the State; and

WHEREAS, planning staff presented the Olympia Planning Commission with amendments to the City's SMP on January 9, 2017, and held a public hearing on January 23, 2017, on this document; and

WHEREAS, the Planning Commission considered all testimony and evidence presented before they concluded their deliberations and forwarded recommendations to the City Council; and

WHEREAS, the Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property (December 2006) was reviewed and used by the City in objectively evaluating the amendments to the SMP; and

WHEREAS, the City of Olympia forwarded the amendments to the SMP to the Washington State Department of Commerce for review on January 11, 2017, as required RCW 36.70A.106; and

WHEREAS, the Olympia City Council, after considering all of the testimony and evidence, finds that the amendments to the SMP will protect the health, safety and welfare of the City and are in the best interests of the residents and the environment of the City of Olympia;

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

Section 1. Amendment of SMP Section 1.6. Shoreline Master Program section 1.6 is hereby amended to read as follows:

1.6 Regulations Adopted by Reference

The Critical Areas regulations ~~in effect on October 1, 2013~~ adopted by Council as of December 12, 2017, contained in the Olympia Municipal Code (OMC) Chapters 18.32 and 16.70, are integral and applicable to this Shoreline Program, and are hereby adopted by reference; provided that the reasonable use provisions set forth in OMC 18.66.040 shall not be available within the shoreline jurisdiction. Instead, applicants may apply for a shoreline variance when seeking relief from critical areas regulations within shorelines. Similarly, Section 18.06.100 A.2.C -- West Bay Drive Building Height and View Blockage Limits (Ordinance 6646, passed on July 14, 2009), is hereby adopted by reference to the extent that the height and use regulations identified therein are applicable to the shoreline jurisdiction area.

Section 2. Submission to Department of Ecology. The City Manager or his designee is directed to submit the Shoreline Master Program amendments and associated documents, including the Shoreline Master Program Checklist, Ordinance 7030, Ordinance 7090, Ordinance 7108, and other required information to the Washington State Department of Ecology for its review of the Shoreline Master Program amendments prior to formal adoption by the Olympia City Council.

Section 3. Intent to Adopt. The Council declares its intent to adopt the amendments to the Shoreline Master Program after approval by Ecology.

Section 4. Effective Date. This Resolution shall become effective immediately upon adoption and signature as provided by law.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of December 2017.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber

DEPUTY CITY ATTORNEY