ORDINANCE NO. 2083
CITY OF SUMNER, WASHINGTON

AN ORDINANCE adopting amendments to the City of Sumner Shoreline Master Program and amending Section 1 of Ordinance No. 992, adopted on March 17, 1975.

WHEREAS, the Shoreline Management Act became state law in 1971 and governs shorelines of statewide significance which includes the White (Stuck) and Puyallup Rivers that run through the City of Sumner; and

WHEREAS, Ordinance No. 992, adopted March 17, 1975, created Shoreline Management Use Regulations at Sumner Municipal Code, Title 16, Division II; and

WHEREAS, the City of Sumner has conducted an extensive public process in amending the Shoreline Master Program starting in April 2001 and included thirteen public meetings; and

WHEREAS, the amendments to the Shoreline Master Program were developed using best available science and give special consideration to anadromous fisheries and critical habitat as required in RCW 36.70A; and

WHEREAS, the proposed amendments to the Shoreline Master Program are consistent with the Sumner Comprehensive Plan and Sumner Critical Areas Ordinance; and

WHEREAS, pursuant to WAC 197-11, the City of Sumner issued a Determination of Non-significance on August 22, 2002 on the amended Shoreline Master Program and notified parties with jurisdiction and the Department of Ecology; and

WHEREAS, on September 5, 2002 the City of Sumner Planning Commission held a duly-advertised public hearing on the amended Shoreline Master Program and on November 7, 2002 recommended to the City Council approval of amendments to the Shoreline Master Program; and

WHEREAS, on January 21, 2003 the City Council held a public hearing on Resolution No. 1079 declaring an intent to adopt the amendments before it was transmitted to the Washington State Department of Ecology; and

WHEREAS, the amendments to the Shoreline Master Program are consistent with the mandates of the U.S. Fish and Wildlife Service and the National Marine Fisheries Service; and

WHEREAS, on March 17, 2003 the City Council approved Resolution No.1079 indicating an intent to adopt the Shoreline Master Program and on April 25, 2003 the City of Sumner forwarded the Shoreline Master Program to the Washington State Department of Ecology for their review and approval; and

WHEREAS, The Department of Ecology conducted a public hearing on July 1, 2003 and concurred further modifications to the Shoreline Master Program including reductions in buffer widths for certain properties outside of the Action Area of the agreement with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service on the North Sumner Interchange; and

WHEREAS, The Department of Ecology agreed that the City could make additional amendments to the Shoreline Master Program prior to final approval by the Department of Ecology; and

WHEREAS, on November 17, 2003, the City Council adopted Resolution 1107 approving the Draft Shoreline Master Program and indicating an intent to adopt the final Amended Shoreline Master Program following approval by the Department of Ecology (DOE); and

WHEREAS, The Department of Ecology approved the Shoreline Master Program on February 9, 2004; and

WHEREAS, the amended Shoreline Master Program, accurately reflects the needs and desires of the citizens to protect shorelines of Sumner;

NOW, THEREFORE,
THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON

DO ORDAIN AS FOLLOWS:

Section 1. That Section 1 of Ordinance No. 992, adopted March 17, 1975, which adopted the Sumner Shoreline Master Program, is hereby amended and adopted and the amendments are incorporated by reference in the attached City of Sumner Shoreline Master Program approved by the Department of Ecology on February 9, 2003, Exhibit 1.

Section 2. That if any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decisions shall not affect the validity of the remaining portion of this ordinance.

Section 3. This ordinance shall become effective five (5) days after its passage, approval, and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting this 17th day of May, 2004.

Barbara Spiner
Mayor

Attest:

Susan B. Clary, CMC
City Clerk

Approved as to form:

Pat Bosman
City Attorney

First Reading: 5/17/04
Date Adopted: 5/17/04
Date of Publication: 5/21/04
Effective Date: 5/26/04