

TOWN OF SOUTH PRAIRIE

ORDINANCE NO. 580-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SOUTH PRAIRIE, PIERCE COUNTY, WASHINGTON ADOPTING A PERIODIC UPDATE TO THE SOUTH PRAIRIE SHORELINE MASTER PROGRAM, ESTABLISHING SEVERABILITY AND SETTING AN EFFECTIVE DATE.

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 adopting a Shoreline Management Program in 2015 (Ordinance 549); and

WHEREAS, the Shoreline Management Act requires the Town of South Prairie to complete a comprehensive update to its Shoreline Master Program to comply with WAC 173-26; and

WHEREAS, the Town of South Prairie forwarded a draft of the updates to the Washington State Department of Ecology on April 9, 2019; and

WHEREAS, the SEPA Responsible Official issued a SEPA DNS for the updated Shoreline Master Program on April 10, 2019 and no SEPA appeal was filed; and

WHEREAS, the Town of South Prairie forwarded a draft of the updates to the Washington Department of Commerce for review on April 10, 2019;

WHEREAS, the Town of South Prairie property advertised and held Public Hearing on the Draft Shoreline Master Plan Update on June 4, 2019 and received no public comment:

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH PRAIRIE, WASHINGTON, AS FOLLOWS:

Section 1. The Town Council hereby adopts the Town of South Prairie Shoreline Master Program, dated June 2019, included as Attachment A, and the Department of Ecology's Periodic Review Checklist, included as Attachment B, each attached hereto and incorporated by this reference, which includes 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 is now substituted by Attachment A. However, the existing 2015 No Net Loss Report (Ord. 549, Attachment B) and the Cumulative Impacts Analysis (Ord. 549, Attachment C) are retained and herein incorporated by reference as if set forth in full. These documents were considered in the development of the prior version of the Town of South Prairie Shoreline Master Program.

Section 3. Severability. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 4. 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 the Town of South Prairie Shoreline Management Plan pursuant to RCW 90.58.090(7).

Passed by the Town Council on the 4th day of June 2019.

Approved by the Mayor on the 4th day of June 2019.


Stu Terry, Mayor

ATTEST:


Betty Garrison, Clerk-Treasurer

APPROVED AS TO FORM:

Carol Morris, City Attorney

