

ORDINANCE NO. 2009-12-078

AN ORDINANCE APPROVING THE 2009 SHORELINE MASTER PROGRAM AT THE LOCAL LEVEL AND DIRECTING THE PLANNING DIRECTOR TO PREPARE A COMPLETE SHORELINE MASTER PROGRAM SUBMITTAL TO THE DEPARTMENT OF ECOLOGY.

WHEREAS, the Shoreline Management Act (RCW 90.58) requires local governments with Shorelines of the State within their boundaries to develop a shoreline master program. (SMP); and

WHEREAS, in RCW 90.58.080 the City of Bellingham was intended to adopt their SMP on or before December 1, 2005; and

WHEREAS, in November 2004, the City completed its Shoreline Characterization and Inventory (SCI) which included a landscape, watershed and individual reach analysis for the Shorelines of the State within the City of Bellingham; and

WHEREAS, the SCI also included analysis on the existing ecological function of each individual reach as well as restoration and improvement opportunities to be implemented into the SMP's Restoration Plan; and

WHEREAS, the Planning Department assembled a Technical Review Committee that included representatives from various State and Local Agencies to provide comments on the preliminary draft SMP; and

WHEREAS, in November 2005 the Planning Commission held a public hearing on the initial draft SMP; and

WHEREAS, the Planning Commission held four additional public hearings followed by seven work sessions; and

WHEREAS, on April 26th, 2007 the Planning Commission forwarded the draft SMP to City Council for their consideration; and

WHEREAS, on April 26th, 2007 the SEPA official issued a Programmatic Determination of Non-Significance on the draft SMP and forwarded that determination to the appropriate agencies.

WHEREAS, on June 6th, 2007 the City forwarded the draft SMP to the Department of Community, Trade and Economic Development for their review in accordance with RCW 36.70A.106; and

WHEREAS, on July 16, 2007 the City Council held a public hearing on the draft SMP followed by 5 work sessions where staff was directed to make revisions to certain sections and conduct one final public hearing; and

WHEREAS, on July 27th, 2009 the City Council held a public hearing on the draft SMP in order to consider public comments; and

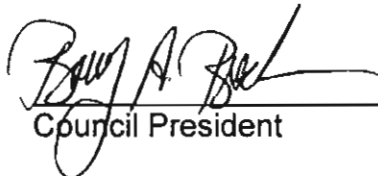
WHEREAS, additional work sessions were held on September 14th, September 21st, October 5th and October 19th, 2009; and

WHEREAS, on November 23rd, 2009 a final public hearing on the November 2009 SMP was held.

NOW THEREFORE, BE IT RESOLVED BY THE BELLINGHAM CITY COUNCIL:

1. The November 2009 Shoreline Master Program attached as EXHIBIT 1 is approved at the local level.
2. The Planning Department shall forward a complete SMP submittal to the Washington State Department of Ecology for their review per the requirements specified in WAC 173-26-120.
3. The November 2009 SMP shall not be implemented until the Department of Ecology issues their final approval.
4. The existing 1989 Shoreline Master Program shall remain in effect until the Department of Ecology issues their approval.
5. Upon approval by the Department of Ecology, the City's 1989 SMP shall be repealed and the new SMP (Bellingham Municipal Code; Title 22) shall be codified upon adoption of a new ordinance.

PASSED by the City Council this 14th day of December, 2009.



Council President

City of Bellingham
City Attorney
210 Lottie Street
Bellingham, Washington 98225
360-676-6903

APPROVED by me this 14th day of December, 2009.

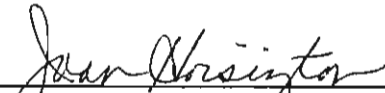


Mayor

ATTEST: 

Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published: December 18, 2009