

ORDINANCE NO. 1372

AN ORDINANCE OF THE CITY OF RUSTON, RELATING TO SHORELINES, ADOPTING AN UPDATED SHORELINE MASTER PROGRAM FOR THE CITY OF RUSTON, REPEALING CHAPTER 15.01 OF THE RUSTON MUNICIPAL CODE AND REPLACING IT WITH A NEW CHAPTER 15.01 TO THE RUSTON MUNICIPAL CODE ENTITLED "SHORELINE MASTER PROGRAM", AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State of Washington under the Shoreline Management Act (Chapter 90.58 RCW) has mandated that the City of Ruston update the Ruston Shoreline Master Program; and

WHEREAS, the update of the Ruston Shoreline Master Program has been complex: the State has published 288 pages of laws, rules and guidance governing the process and substance of this update; and

WHEREAS, the requirements of the Shoreline Management Act (RCW 90.58.090) mandate that the City's proposed Shoreline Master Program must be approved by the State Department of Ecology (DOE) prior to taking effect; and

WHEREAS, before approval, the Director of DOE must formally conclude that the proposed Shoreline Master Program, when implemented over its planning horizon (typically 20 years), will result in "no net loss of ecological functions necessary to sustain shoreline natural functions"; and

WHEREAS, the City Planning Commission has been studying and working on the Shoreline Master Program Update since December 9, 2009; and

WHEREAS, during the initial course of its work, the Planning Commission held seven (7) public meetings, including three (3) separate public hearings on December 9, 2009, May 25, 2011, and October 10, 2012; and

WHEREAS, the Ruston Planning Commission and Ruston Staff have conducted extensive and careful review of the most current, accurate and complete scientific information available regarding the shorelines within the jurisdiction of Ruston, and concluded that the proposed Shoreline Master Program, when implemented over the next 20 years, will result in no net loss of ecological functions; and

WHEREAS, the SEPA Responsible Official has issued a Determination of Nonsignificance on June 17, 2011; and

WHEREAS, in accordance with RCW 36.70A.106, this amending ordinance was sent on June 23, 2011 to the State Department of Commerce with a request for comment; and

WHEREAS, the State Department of Commerce acknowledged receipt of the ordinance on July 5, 2011; and

WHEREAS, more than sixty (60) days have passed since the ordinance was sent to the Department of Commerce and no comments were returned; and

WHEREAS, on October 10, 2012 the Ruston Planning Commission unanimously recommended to the City Council approval of the Shoreline Master Program; and

WHEREAS, on October 16, 2012 the Ruston City Council considered the Planning Commission's recommendation to approve the updated Shoreline Master Program; and

WHEREAS, on October 16, 2012 the Ruston City Council approved Resolution #528 which expressed the Council's intention to adopt the proposed Shoreline Master Program following final approval by the Department of Ecology; and

WHEREAS, following the approval of Resolution #528, the City of Ruston sent the Shoreline Master Program to the Department of Ecology to obtain final approval prior to final adoption by ordinance; and

WHEREAS, shortly after submission of the Ruston Shoreline Master Program to the Department of Ecology, the Department provided the City of Ruston with required modifications to the City's Shoreline Master Program; and

WHEREAS, the City made the modifications in accordance with the Department of Ecology's input; and

WHEREAS, on November 28, 2012 the Planning Commission considered the Department of Ecology's required modifications and held a fourth public hearing on this issue; and

WHEREAS, following the hearing and deliberations on the required modifications, the Planning Commission unanimously recommended approval of the same; and

WHEREAS, the Department of Ecology completed final review of the City's Shoreline Master Program, as amended, on May 28, 2013; and

WHEREAS, the Department of Ecology has approved the City's Shoreline Master Program in the form attached hereto as Exhibit 1; and

WHEREAS, the updated Shoreline Master Program is now ready for final adoption by the City Council by Ordinance; and

WHEREAS, on June 18, 2013, the City Council held the first reading of this Ordinance; and

WHEREAS, on July 2, 2013, the City Council adopted this Ordinance during its regular meeting at the second reading; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF RUSTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 15.01 of the Ruston Municipal Code entitled “Shoreline Development” is hereby repealed.

Section 2. A new Chapter 15.01 of the Ruston Municipal Code entitled “Shoreline Master Program” attached hereto as Exhibit 1 and incorporated as though fully set forth herein, is hereby adopted.

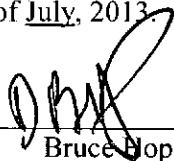
Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 2nd day of July, 2013.

APPROVED by the Mayor this 2nd day of July, 2013.



Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:



Judy Grams, City Clerk

APPROVED AS TO FORM:

Office of the City Attorney

FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

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