SHORELINE MASTER PROGRAM - ADOPTION DRAFT

City of Woodland

June 11, 2015

CITATION

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1. Introduction

1.1 Title

This document shall be known and may be cited as the City of Woodland (City) Shoreline Master Program (this Program).

1.2 Adoption Authority

This Program is adopted under the authority granted by the Shoreline Management Act (SMA, or the Act) of 1971 (Revised Code of Washington [RCW] 90.58) and Chapter 173-26 of the Washington Administrative Code (WAC) as amended.

1.3 Purpose and Intent

A. To guide the future use and development of shorelines in the City in a positive, effective, and equitable manner consistent with the Act;

B. To promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of the City's shorelines; and

C. To experience no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the following policy contained in RCW 90.58.020, Legislative Findings for shorelines of the state:

"It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto. . . .

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements

facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State.

Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."

1.4 Governing Principles

A. The goals, policies, and regulations of this Program are intended to be consistent with the Washington State (State) shoreline master program guidelines in Chapter 173-26 of the WAC. The goals, policies, and regulations are informed by the Governing Principles in WAC 173-26-186 and the policy statements of RCW 90.58.020.

B. Any inconsistencies between this Program and the Act must be resolved in accordance with the Act.

C. Regulatory or administrative actions contained herein in Chapter 8, Shoreline Administration and Permits, must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.

D. The regulatory provisions of this Program are limited to shorelines of the state, whereas the planning functions of this Program extend beyond the designated shoreline boundaries, given that activities outside the shoreline jurisdiction may affect shorelines of the state.

E. The policies and regulations established by this Program must be integrated and coordinated with those policies and rules of the Woodland Comprehensive Plan and development regulations adopted under the Growth Management Act (RCW 36.70A) and RCW 34.05.328, Significant Legislative Rules.

F. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. This Program protects shoreline ecosystems from such impairments in the following ways:

   1. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines;

   2. By including policies and regulations that require mitigation of adverse impacts in a manner that ensures no net loss of shoreline ecological functions. The required mitigation shall include avoidance, minimization, and compensation of

impacts in accordance with the policies and regulations for mitigation sequencing in WAC 173-26-201(2)(e), Environmental impact mitigation;

3. By including policies and regulations to address cumulative impacts and by fairly allocating the burden of addressing such impacts among development opportunities; and

4. By including regulations and regulatory incentives designed to protect shoreline ecological functions, and to restore impaired ecological functions where such functions have been identified.

1.5 Liberal Construction

As provided for in RCW 90.58.900, Liberal Construction, the Act is exempted from the rule of strict construction; the Act and this Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and this Program were enacted and adopted.

1.6 Severability

Should any Section, Subsection, paragraph, sentence, clause or phrase of this Program or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation. The City Council of the City of Woodland (City Council) hereby declares that it would have adopted this ordinance and each Section, Subsection sentence, clause, phrase or portion thereof irrespective of the fact that any one or more Sections, Subsections, clauses, phrases or portions be declared invalid or unconstitutional.

1.7 Relationship to Other Plans and Regulations

A. Proponents of shoreline use or development shall comply with all applicable laws prior to commencing any shoreline use or development.

B. Where this Program makes reference to any RCW, WAC, or other state, or federal law or regulation, the most recent amendment or current edition shall apply.

C. Uses, developments, and activities regulated by this Program may also be subject to the provisions of the following: the City of Woodland Comprehensive Plan; the Washington State Environmental Policy Act (SEPA; RCW 43.21C and WAC 197-11); other provisions of Woodland Municipal Code (WMC), specifically WMC Title 17 Zoning; and various other provisions of local, state, and federal law, as may be amended.

D. In the event this Program conflicts with other applicable City policies or regulations, they must be interpreted and construed so that all the language used is given effect, with no portion rendered meaningless or superfluous, and unless otherwise stated,

the provisions that provide the most protection to shoreline ecological processes and functions shall prevail.

E. Projects and plans in shoreline jurisdiction that have been previously approved through local and state reviews in accordance with the Shoreline Master Program in effect at the time are subject the provisions in place at the time of their approval and shall remain in full force and effects until such time that they expire or are expressly changed by the City and Ecology as appropriate. Major changes that were not included in the originally approved permit will be subject to the policies and regulations of this Program.

1.8 Effective Date

This Program and all amendments thereto shall take effect fourteen (14) days after written notice of approval from the Washington State Department of Ecology (Ecology) and shall apply to new applications submitted on or after that date and to applications that have not been determined to be fully complete by that date.