Ordinance No. 12-01

AN ORDINANCE relating to the implementation of shoreline management as required by Revised Code of Washington (RCW) Chapter 90.58, the Shoreline Management Act; adopting a Battle Ground Shoreline Master Program and Official Shoreline Designation Map, subject to approval by the Washington state Department of Ecology (Ecology); and providing for an effective date.

WHEREAS, the State of Washington Shoreline Management Act of 1971 (RCW 90.58 [Act]) required counties and cities to prepare shoreline master programs (SMPs) to prevent the uncoordinated and piecemeal development on shorelines of the state consistent with the Act; and

WHEREAS, the SMP Guidelines (WAC 173-26) are the standards and guidance that were adopted in 2003 by the Department of Ecology that local governments must follow in drafting their local shoreline management programs; and

WHEREAS, pursuant to RCW 90.58.080, Clark County and its municipalities with shorelines of the state as defined by 90.58.030 RCW are required to review and update their shoreline master programs for consistency with the required elements of the 2003 Guidelines; and

WHEREAS, Battle Ground joined together with the cities located within the county to form the Clark County Coalition through an inter-local agreement for the purposes of developing SMPs that were consistent in their goals and policies; and

WHEREAS, the Department of Ecology provided funding for updating the SMPs in the form of a grant managed by the City of Vancouver; and

WHEREAS, pursuant to WAC 173-26-201(2)(a), the Clark County Coalition identified and assembled the most current, accurate, and complete scientific and technical information applicable to the shoreline issues of concern in Clark County, with the result being the Shoreline Inventory and Characterization Report, Volume 2, attached as Exhibit # 4; and

WHEREAS, a Shoreline Stakeholders Advisory Committee (SSAC) was formed for the specific purpose of assisting the Clark County Coalition in reviewing and updating the Coalition Shoreline Management Program (SMP) by focusing discussions on key policy issues that are important to the many diverse interests and perspectives of stakeholder groups in the county; and

WHEREAS, an official Technical Advisory Committee (TAC) consisting of government and agency representatives was formed for the specific purpose of identifying and verifying sources of best available science, and identifying key technical issues that are important to the many agencies and governments in Clark County; and

WHEREAS, and Independent Science Review Panel (ISRP) was formed to assist the Clark County Coalition and the TAC with the use of best available science in policy and regulation development; and

WHEREAS, the SSAC conducted twenty-five open public meetings between October 2009 and June 2011 to review and comment on all of the draft SMP code amendments, the draft Shoreline Area Designation map amendments, as well as draft SMP background documentation; and
WHEREAS, the TAC conducted sixteen open public meetings between October 2009 and June 2011 to review and comment on the draft SMP code and map amendments, as well as the information presented in the draft SMP Update Background Information: Volume 1 – Shoreline Inventory and Characterization Report, the Restoration Plan, and the Cumulative Effects Analysis; and

WHEREAS, the Clark County Coalition mailed information via the US Postal Service to every record owner of real property within proposed shoreline jurisdiction in September 2006; February and June, 2010; and February, June, and August 2011; advising them about the SMP update, and about open houses and opportunities to comment; and

WHEREAS, Clark County and its cities hosted SMP public workshops in October 2009 and March 2010 to inform interested citizens of the intent, scope, and status of the SMP update process, to develop a vision for shoreline use, and to obtain preliminary public comments and questions; and

WHEREAS, a Clark County Coalition draft SMP was released for public review and comment on March 1, 2011 and the public was invited to submit comments and/or recommend changes within an official 30-day comment period; and

WHEREAS, public workshops were held on March 15, 16, and 17, 2011 in the cities of Battle Ground, Vancouver, and Camas, respectively to introduce and discuss important changes and additions in the March 1, 2011 draft SMP; and

WHEREAS, the Clark County Coalition’s Shorelines Master Program (SMP) update process, which included responding to over eight hundred comments from Ecology, responded to more than 500 comments on the March 2011 draft SMP; and

WHEREAS, the Department of Commerce 60-day review period was from March 4 to May 3, 2011; and

WHEREAS, the June 2011 draft Battle Ground SMP was released on July 6, 2011; and

WHEREAS, the Battle Ground SEPA Official issued a determination of non-significance under the State Environmental Policy Act on the proposed Battle Ground Shoreline Management Program update on August 9, 2011; and

WHEREAS, Battle Ground staff responded to more than 175 comments on the June 2011 draft SMP, including comments from the Departments of Ecology, Transportation, and Fish and Wildlife, Clark Public Utilities, Independent Science Review Panel, Development and Engineering Advisory Board, and subsequently prepared a February 2012 draft Battle Ground SMP; and

WHEREAS, a duly-advertised public hearing was held before the Battle Ground Planning Commission on August 24th and October 12th, 2011 at which testimony was received and considered, and the Battle Ground Planning Commission recommended that the City Council approve the draft SMP; and
WHEREAS, a duly-advertised public hearing was held before the City Council for the City of Battle Ground on February 21, 2012;

NOW, THEREFORE, be it hereby Ordained by the City Council of the City of Battle Ground, Washington, as follows:

The City of Battle Ground February 2012 Shorelines Master Plan as found in Exhibit “1,” attached hereto, and the supporting documents, “Exhibits 2 through 7,” shall be and is hereby adopted.

The effective date of this ordinance shall be 14 days after the date of ecology’s written notice of final action in accordance with law.


CITY OF BATTLE GROUND

Lisa Walters, Mayor

Attest:

Tamara Gunter, Acting City Clerk

Approved as to form:

Brian H. Wolfe, City Attorney

EXHIBITS:
Exhibit 1: February 2012 Draft Battle Ground Shoreline Master Program
Exhibit 2: Management Strategy
Exhibit 3: Public Participation Plan
Exhibit 4: Shoreline Inventory and Characterization Report Volume 2
Exhibit 5: Shoreline Restoration Plan
Exhibit 6: Shoreline Designation Rationale
Exhibit 7: No Net Loss Report and Cumulative Impact Analysis (County-wide and City of Battle Ground Specific summary)