**Attachment B: Ecology Required Changes: Battle Ground Shoreline Master Program, Ordinance No. 12-01, adopted February 21, 2012.** The following changes are required to comply with the SMA (RCW 90.58) and the SMP Guidelines (WAC 173-26, Part III):

<table>
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<tr>
<th>ITEM</th>
<th>DRAFT SMP Submittal PROVISION (Cite)</th>
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<th>BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)</th>
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<tr>
<td>1</td>
<td>2.1 Applicability Section 2.1(1) Page 2-1</td>
<td>Shoreline jurisdiction</td>
<td>1. This Program shall apply to all of the shorelands and waters within the Battle Ground City and UGA limits that fall under the jurisdiction of RCW 90.58. The City is pre-designating shorelines within its adopted UGA. Until annexation, development in these areas will continue to be regulated by the Clark County SMP. The City’s SMP will apply concurrent with annexation and no additional procedures are required by Ecology at the time of annexation (WAC 173-26-150) unless a re-designation is occurring as specified per Table 4.4.5 and Table 4-1.</td>
<td>Urban Growth Areas are addressed in the second paragraph. Until annexation, the Program does not apply within the UGAs.</td>
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<td>2</td>
<td>2.7 Shoreline Conditional Use Permit, page 2-11</td>
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<td>4. Other uses not specifically identified in this Program are considered “unclassified uses” and may be authorized through a conditional use permit if the applicant can demonstrate that the proposed use is consistent with the requirements of this section, purpose of the shoreline designation and compatible with existing shoreline improvements or that extraordinary circumstances preclude reasonable use of the property. However, uses specifically prohibited by this Program may not be authorized. 5. Uses specifically prohibited by this Program may not be authorized.</td>
<td>The identified change is needed to ensure consistency with WAC 173-27-160 Review criteria for conditional use permits.</td>
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<td>3</td>
<td>5.3.1 Applicable Critical Areas Page 5-3</td>
<td>Frequently Flooded Areas ordinance citation</td>
<td>Revise #2 as follows: 2. Frequently Flooded Areas, BGMC Chapter 18.310 as adopted by Ordinance 04-025 12-06, dated December 6, 2004 July 16, 2012</td>
<td>Consistent with WAC 173-26-221(2)(a), SMPs must provide for management of critical areas located within shoreline jurisdiction. The City has chosen to do so by incorporating critical area regulations by reference. The Federal Emergency Management Agency issued new digital Flood Insurance Rate Maps on...</td>
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ITEM | DRAFT SMP Submittal PROVISION (Cite) | TOPIC | BILL FORMAT CHANGES (underline = additions; strikethrough = deletions) | RATIONALE
--- | --- | --- | --- | ---
4 | 5.8 Vegetation Conservation | Extent of the vegetation conservation area | 1. Existing vegetation within shoreline jurisdiction shall be retained in the riparian area between the OHWM of waters to the one-hundred-year floodplain or one-hundred (100) feet whichever is greater, the following distances if greater:
   a) Salmon Creek Critical Area Buffer of two-hundred-fifty (250) feet
   b) Morgan Creek Critical Area Buffer of one-hundred (100) feet | March 5, 2012. In order to remain compliant with the National Flood Insurance Program Battle Ground is required to update their flood hazard ordinance. By incorporating the changes now, the City can avoid the need for an SMP amendment.
   The City has requested that the new Flood hazard ordinance be included as referenced.
   Consistent with RCW 90.58.030(2)(f)(ii), the City is choosing not to extend shoreline jurisdiction to include buffers necessary to protect critical areas. However, as written, this section appears to extend SMP requirements for vegetation conservation across the entire critical area buffer of 250’ on Salmon Creek.
   Any proposal will have to be consistent with both the critical area ordinance provisions (including the buffers) and the SMP. The most protective provision will be implemented (BGSMP 6.2 (2)).

5 | Table 6-1 Shoreline Use, Modification and Development Standards Page 6-2 | Commercial Uses | Section 6.3.4 Commercial Uses shall read as follows:
   1. Commercial uses are a prohibited use within the City shoreline jurisdiction.
   Delete the following:
   1. Where allowed, water-oriented commercial uses are preferred over non-water-oriented commercial uses. | To ensure consistency within the SMP between the text and Table 6-1. The table indicates Commercial uses are prohibited in the Urban Conservancy designation but the text in 6.3.4 beginning on page 6-13 indicates otherwise. The City clarified (by email received)

Table 6-1 Shoreline Use, Modification and Development Standards Page 6-2

5.8 Vegetation Conservation

5.8.1 General

5.8.2 Extent of vegetation conservation area

1. Existing vegetation within shoreline jurisdiction shall be retained in the riparian area between the OHWM of waters to the one-hundred-year floodplain or one-hundred (100) feet whichever is greater, the following distances if greater:
   a) Salmon Creek Critical Area Buffer of two-hundred-fifty (250) feet
   b) Morgan Creek Critical Area Buffer of one-hundred (100) feet
2. An applicant for a new commercial use or development shall demonstrate that:
   a. there will not be a net loss of ecological function by reason of the use or development; and
   b. The use or development will have no significant adverse impacts to other shoreline resources or other shoreline uses.

3. Where allowed, non-water-oriented commercial uses may be permitted only as a part of a mixed-use development that includes water-oriented uses and/or provides a significant public benefit such as public access and/or ecological restoration. Non-water-oriented commercial uses allowed under this provision may occupy:
   a. Up to a total of 20% of the ground floor area of the portion(s) of the structure(s) within shoreline jurisdiction; and
   b. Up to a total of 20% of the ground floor façade(s) of the structure(s) facing the shoreline; and
   c. Up to a total of 20% of the ground floor area of the portion(s) of the structure(s) within shoreline jurisdiction above the ground floor, and up to a total of 20% of the upper floor façade(s) of the structure(s) facing the shoreline.

4. Loading, service areas, and other accessory uses shall be located landward of a commercial structure or underground whenever possible, but shall in no case be waterward of the structure. Loading and service areas shall be screened from view with native plants.

5. Where non-water-oriented commercial uses are allowed as a conditional use, the following must be demonstrated:
   a. The proposed use does not displace a current water-oriented use and will not interfere with adjacent water-oriented uses; and
   b. The proposed use will be of substantial public benefit by increasing the public use, enjoyment, ecological function, and/or access to the shoreline.
   c. The proposed use will be of substantial public benefit by increasing the public use, enjoyment, and/or access to the shoreline consistent with protection of shoreline ecological function.

9/28/2012) the intent was to prohibit commercial uses. WAC 173-26-191(1)(e)

6 | Table 6-1 Shoreline Use, Modification and Development Standards | Industrial Uses | Revise Table 6-1 to show water-dependent industrial uses as prohibited (X) in the Aquatic Environment. | For consistency within the SMP the revision is needed. The table shows water-dependent industrial uses as
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<td>6.3.10 Recreational Development Page 6-17</td>
<td>Trail impacts</td>
<td>Rewrite the last paragraph of regulation 12 as follows: A trail project, any portion of which encroaches closer than fifty (50) feet, shall maintain no net loss of shoreline ecological function and include shoreline restoration where feasible designed to result in a demonstrable increase in shoreline ecological functions. Rewrite regulation 14 as follows: When regional or local joint shared-use or other impervious surface trails are proposed in the Natural or Urban Conservancy shoreline designations, the project shall include shoreline restoration designed to result in a demonstrable increase in maintain no net loss of shoreline ecological functions and include shoreline restoration where feasible beyond the required mitigation necessary to maintain no net loss. The applicant shall maintain, monitor, and adapt the restoration as necessary to ensure success.</td>
<td>For consistency with WAC 173-26-201(2)(e)(ii)(A) changes are required to clarify that mitigation can only be required to achieve no net loss. This allows for flexibility to ensure that mitigation in excess of that necessary to assure no net loss of shoreline ecological functions (restoration beyond mitigation) is voluntary.</td>
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<td>8</td>
<td>Chapter 8 Definitions Page 8-4</td>
<td>Date of filing</td>
<td>“Date of filing” – means • For a substantial development permit the date of actual receipt by Ecology of the County’s decision. • For a variance or conditional use permit, the date of filing is the date Ecology’s decision is transmitted to the County. • For a variance or conditional use permit decision in conjunction with a shoreline substantial development permit, the date of filing is the date of actual receipt by Ecology of the County’s decision. Ecology’s decision is transmitted to the City. Changes correct typographical errors and ensure consistency with RCW 90.58.140(6)</td>
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<td>9</td>
<td>Chapter 8 Definitions Page 8-8</td>
<td>Floodway</td>
<td>“Floodway” means the area, as identified in a master program, that either: (i) has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occur with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state; This clarifies the application of the FEMA floodway the City will be using for purposes of the SMP and shoreline jurisdiction consistent with RCW 90.58.030(2)(b)</td>
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<td>10</td>
<td>Appendix A – Battle Ground Shoreline Designation Map and Extent of the 100-year floodplain and floodway</td>
<td>Adopt the updated shoreline designation map to incorporate the changes to the floodplain and floodway resulting from the adoption of the new digital Flood Insurance Rate Maps (dFIRMs).</td>
<td>Issuance of the new dFIRMs by the Federal Emergency Management Agency has resulted in minor</td>
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<td>official shoreline designation map</td>
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<td>changes in the extent of the floodplain and floodway which determine the extent of the shoreline jurisdiction. RCW 90.58.030(2); WAC 173-26-211(2)</td>
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