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CITY OF DAYTON

CITY OF DAYTON
COLUMBIA COUNTY, WASHINGTON
ORDINANCE NO. 1882

AN ORDINANCE OF THE CITY OF DAYTON, COLUMBIA COUNTY, WASHINGTON ADOPTING THE SHORELINE MASTER PROGRAM IN ORDER TO SUBMIT THE DOCUMENT TO ECOLOGY FOR REVIEW AND APPROVAL, AND OTHER MATTERS RELATING THERETO.

WHEREAS, Washington's Shoreline Management Act was passed by the State Legislature in 1971 and adopted by voters in 1972 (Ch. 90.58 RCW). The overarching goal of the Act is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines"; and

WHEREAS, RCW 90.58.080 requires local governments to develop or amend master programs for the regulation and uses of the shorelines of the state consistent with the guidelines adopted by the Washington State Department of Ecology (herein "Ecology"); and

WHEREAS, in 2003, Ecology adopted new rules, pursuant to RCW 90.58.200, which gave procedural and substantive direction to local jurisdictions for updating shoreline uses and regulations, and

WHEREAS, on July 22, 1975, the City of Dayton (herein "City") adopted the Shoreline Master Program (herein "SMP") prepared for Columbia County and the incorporated communities of Dayton and Starbuck, Resolution # 724. Pursuant to RCW 90.58.080, the City is required to adopt a comprehensive master program update consistent with the criteria set forth in Ecology's guidelines (Ch.173-26 WAC); and

WHEREAS, the one body of water within the City regulated under the City's SMP is the Touchet River designated as a "shoreline of the state"; and

WHEREAS, early 2014, the City began its SMP update with the assistance of grant funding from Ecology whereby the city contracted with URS (now AECOM) with their subcontractor RLO & Associates, LLC, and

WHEREAS, March 2014, the City established a Public Participation Plan that identified stakeholders and a technical advisory group (TAG) for the purpose of facilitating technical review and public involvement; and

WHEREAS, a comprehensive inventory of the ecological functions and conditions within the city shoreline jurisdiction was conducted to provide a scientific

foundation for application of the shoreline environment criteria and assignment of the appropriate shoreline designations. The results of this comprehensive inventory are contained in the document entitled "Final Shoreline Inventory and Characterization Report", dated November 7, 2014; and

WHEREAS, consistent with the requirements of WAC 173-26-186(8)(d), an analysis of potential cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions was conducted. The results of this analysis are documented in the Shoreline Cumulative Impacts Analysis Report, final dated April 7, 2015; and

WHEREAS, consistent with the requirements of WAC 173-26-221(4), the City has conducted a public access analysis, developed policy and integrated public access provisions into the draft SMP; and

WHEREAS, consistent with the requirements of WAC 173-26-186(8)(c) and WAC 173-26-201(2)(f), the draft SMP includes goals, policies and actions for restoration of impaired shoreline ecological functions and has formulated the Shoreline Restoration Plan document dated June 15, 2015 for adoption as a technical document of the draft SMP, and

WHEREAS, throughout the process of developing the draft SMP, the City made concerted efforts to generate public involvement, including holding three open houses, three days of manned display booth at the Columbia County Fair, seven Planning Commission meetings, two City Council review sessions; a web page devoted to the SMP update; two mailings to all shoreline property owners announcing opportunities to participate in the process, door hanger notice of visioning meetings and an SMP email list notifying interested parties of updates; and

WHEREAS, the City has utilized the scientific information from the visioning meetings as well as the Inventory and Cumulative Impact Analysis to prepare the draft SMP; and

WHEREAS, on April 2, 2015, the Washington State Department of Commerce was notified pursuant to RCW 36.70A.106, providing a 60-day notice of intent to adopt amendments to Dayton development regulations and under the State Environmental Policy Act the City's Responsible Official issued a determination of non-significance for the draft SMP; and

WHEREAS, on April 9, 2015, notice of the Planning Commission public hearing, and study sessions was published in the Waitsburg Times; and

WHEREAS, on May 19, 2015, the Planning Commission held a public hearing, received evidence, public testimony and comments, staff and consultant input, and certain documents and information; and

WHEREAS, on June 16, 2015, the Planning Commission forwarded a recommendation to the City Council which includes the necessary master program elements required by WAC 173-26-191(1)(b), the master program basic requirements set forth in WAC 173- 26-191(2) and the general master program provisions set forth in WAC 173-26-221; and

WHEREAS, on July 27, 2015 City Council received a presentation on the draft SMP by the consultant and staff, and on August 10, 2015 the City Council had opportunity to ask questions during the regular Council Meeting; and

WHEREAS, the City Council has considered the Planning Commission recommendation, public testimony and comments, staff and consultant input, and certain documents and information, including:

1. Shoreline Master Program Update Draft Policies and Shoreline Regulations;
2. Inventory and Characterization Report;
3. Cumulative Impacts Analysis;
4. Shoreline Restoration Plan;
5. Comprehensive Plan Policies,
6. SEPA Determination of Nonsignificance;
7. All other Supporting Documents to Shoreline Master Program update; and

WHEREAS, the City Council finds that the draft SMP includes the necessary master program elements required by WAC 173-26-191(1)(b), the master program basic requirements set forth in WAC 173- 26-191(2) and the general master program provisions set forth in WAC 173-26-221; and

WHEREAS, RCW 36.70A.480 provides that the goals and policies contained in a local shoreline master program shall be considered an element of the City's Comprehensive Plan adopted under the Growth Management Act, (Ch. 36.70A RCW) and that this cannot take effect until after Ecology has approved the document, which will happen at a later date; and

WHEREAS, the City Council desires to repeal the existing SMP, which will occur after this SMP is approved by Ecology, which will happen at a later date.

NOW, THEREFORE, the City Council of the City of Dayton do ordain as follows:

Section 1. Purpose. The purpose of this Ordinance is to approve a revised Shoreline Master Program for submittal to the document to Ecology for review. Following Ecology review and approval, the City will consider the draft SMP for final adoption, including policy as an augmentation to the Comprehensive Plan and regulations to be codification as a new title, DMC Title 15 Shorelines regulations.

Section 2. Findings and Conclusions. The City Council acknowledges that the Planning Commission conducted appropriate investigation and study, held a public hearing on the proposed SMP and recommended approval of the draft SMP. The City Council has read and considered the Planning Commission's findings and conclusions. The City Council adopts the foregoing recitals as findings for this Ordinance, which are incorporated by reference as if set forth in full, and also concludes:

A. The draft SMP is consistent with the goals and policies of the Dayton Comprehensive Plan, and will promote the public health, safety, welfare, and protection of the environment.

B. The policies of the draft SMP are valid and applicable and will further the public health and welfare.

C. The draft SMP will provide the citizens of Dayton a program that is predictable and specific to the community.

D. Public notices were given to offer the public participation opportunities consistent with the adopted City of Dayton Shoreline Master Program Public Involvement Plan and is in compliance with Ch. 90.58 RCW, Ch.173-26 WAC, Washington State Shoreline Management Planning Guidelines.

E. The Planning Commission unanimously recommended that the draft SMP be adopted as presented.

Section 3. Adoption of Shoreline Master Program. The City Council approves the City of Dayton Shoreline Master Program and Appendices 1-4 as attached hereto and recognizes other supporting documents, and authorizes the transmittal of same to the Department of Ecology for review and approval.

Section 4. Resolution # 724. All provisions of the currently-adopted SMP by Resolution 724 shall remain in full force and effect until the Department of Ecology has completed its review and approval process, and the City subsequently adopts an ordinance authorizing the effective date of the draft SMP.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect five days after publication of this Ordinance or a summary thereof in the official newspaper of the City of Dayton as provided by law.

Passed by the City Council, City of Dayton, this 14TH day of SEPTEMBER, 2015.

Craig George, Mayor

ATTESTED:

Trina D. Cole, City Clerk

APPROVED AS TO FORM:

Quinn N. Plant, City Attorney

APPENDICES

1) Shoreline Master Program Update Draft Policies and Shoreline Regulations.
2) Inventory and Characterization Report.
3) Cumulative Impacts Analysis.
4) Shoreline Restoration Plan.