November 20, 2012

Ted Sturdevant, Director
Washington State Department of Ecology
PO Box 47600
Olympia, WA 98504-6700

Re:  City of Ridgefield Comprehensive Shoreline Master Program Update
    Response to Conditional Approval

Dear Director Sturdevant:

I am pleased to inform you that the City of Ridgefield has amended its Shoreline Master Program (Ordinance 1102, April 12, 2012) by adopting the single required change and all of the recommended changes identified in the Department of Ecology’s Conditional Approval letter dated November 13, 2012 via Ordinance 1122 on November 15, 2012 (attached). The City also adopted a few alternate proposals correcting references and providing clarification which were discussed with the Department of Ecology (see attached table).

We look forward to receiving the Department of Ecology’s final approval of the City of Ridgefield’s comprehensively updated SMP as amended by Ordinance 1122 including the alternate proposals.

Please contact Marian Lahav, the City’s shoreline planning consultant, at (503) 515-4810 or marian.lahav@gmail.com to discuss any questions or concerns.

Sincerely,

Phil Messina, City Manager
City of Ridgefield

Attachments (2)

- Marian Lahav, Consultant
  Kim Van Zwalenburg, Ecology Shoreline Planner and Project Officer
ORDINANCE NO. 1122

AN ORDINANCE OF THE CITY OF RIDGEFIELD, WASHINGTON RELATING TO IMPLEMENTATION OF SHORELINE MANAGEMENT AS REQUIRED BY REVISED CODE OF WASHINGTON (RCW) CHAPTER 90.58, THE SHORELINE MANAGEMENT ACT; AMENDING THE CITY OF RIDGEFIELD SHORELINE MASTER PROGRAM (SMP) EXCEPT CHAPTER 7, ADMINISTRATION AND ENFORCEMENT SUBJECT TO APPROVAL BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY (ECOLOGY); AMENDING THE MAP ENTITLED “OFFICIAL SHORELINE DESIGNATION MAP, CITY OF RIDGEFIELD, WASHINGTON” SUBJECT TO APPROVAL BY ECOLOGY; AMENDING THE CITY OF RIDGEFIELD SHORELINE MASTER PROGRAM CHAPTER 7, ADMINISTRATION AND ENFORCEMENT NOT SUBJECT TO APPROVAL BY ECOLOGY; PROVIDING FOR CORRECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the State of Washington Shoreline Management Act of 1971 (Chapter 90.58 Revised Code of Washington (RCW)) requires that counties and cities incur certain duties, obligations and responsibilities with regard to implementation of said Act; and

WHEREAS, in 2003 Ecology adopted revised Washington Administrative Code chapters containing state rules (commonly referred to as the “2003 Guidelines” or “Guidelines”) for developing and approving local shoreline master programs; and

WHEREAS, pursuant to 90.58.080 RCW, 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, the City of Ridgefield entered into an interlocal agreement with Clark County, the cities of Battle Ground, Camas, La Center, Vancouver, Washougal and the Town of Yacolt (“Coalition”) to cooperatively and collaboratively update existing shoreline master programs and pre-plan for shorelines in their urban growth areas; and
WHEREAS, through the Coalition’s Shoreline Master Program (SMP) update process, the City of Ridgefield developed a revised Ridgefield SMP including a revised Official Shoreline Designation Map entitled, “Official Shoreline Designation Map, City of Ridgefield, Washington” which is official in electronic format; and

WHEREAS, pursuant to 36.70A.480 RCW, all portions of the revised Ridgefield SMP other than its goals and policies upon approval by Ecology shall be considered a part of the City’s development regulations and shall be implemented under Ridgefield Municipal Code (RMC) Chapter 18.820; and

WHEREAS, pursuant to a first reading on March 22, 2012 and public hearing on April 12, 2012 the City Council adopted the Ridgefield SMP;

WHEREAS, on May 30, 2012, the City of Ridgefield submitted the SMP adopted on April 12, 2012 with supporting documentation to Ecology for review and approval;

WHEREAS, by letter dated July 2, 2012, Ecology informed the City of Ridgefield that the submittal was determined to be complete;

WHEREAS, Ecology notified all interested parties via mailed and e-mailed notices, a media release, and website postings that public comments on the Ridgefield SMP would be accepted from August 16, 2012 – September 17, 2012;

WHEREAS, all comments received during Ecology’s public comment period were duly considered and responses provided;

WHEREAS, by letter dated November 13, 2012, Ecology officially notified the City of Ridgefield of mandatory and recommended amendments to the Ridgefield SMP;
WHEREAS, the SEPA Addendum prepared on November 15, 2012 finds that the proposed amendments do not substantially change the analysis of significant impacts and alternatives in the existing Determination of Nonsignificance (DNS) issued August 31, 2011; and

WHEREAS, the proposed amendments are consistent with the policy of the Shoreline Management Act as they: (1) foster all reasonable and appropriate uses of the shoreline; (2) provide for public access to the shoreline; and (3) protect shoreline ecological functions; and

WHEREAS, because the proposed amendments protect shoreline ecological functions they are expected to result in no net loss of shoreline ecological functions; and

WHEREAS, the proposed amendments are consistent with Ecology’s 2003 Guidelines; and

WHEREAS, the proposed amendments would advance achievement of the goals of the Growth Management Act (GMA) by allowing connections for physical public access to the water; incorporating the final Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) into the Official and Unofficial Shoreline Designation Maps and incorporating FEMA’s required text amendments to RMC 18.280, Critical Areas Protection and 18.750, Flood Control into the SMP; requiring a Shoreline Statement of Exemption for emergency development after the emergency has been abated; clarifying standards for boating uses and facilities; clarifying regulations for retaining native riparian vegetation; and providing additional notices and opportunity for public comment; and

WHEREAS, the proposed amendments are therefore consistent with the Growth Management Act; and

WHEREAS, the proposed amendments would advance Comprehensive Plan policies directing consistency with FEMA guidelines, protection of public health and safety in
geologically hazardous areas and floodplains, and coordination of environmental policies and programs by incorporating RMC 18.280, Critical Areas Protection and RMC 18.750, Flood Control into the SMP and further incorporating FEMA’s required text amendments to those sections into the SMP, and by incorporating the new FEMA FIRM into the Official and Unofficial Shoreline Designation Maps; and

WHEREAS, the proposed amendments would advance achievement of Comprehensive Plan policies supporting healthy and diverse ecosystems, sustainable fish and wildlife populations, critical area protection, water quality, conservation of enhancement of native vegetation by clarifying and adding specificity to regulations about boating uses and facilities and vegetation conservation;

WHEREAS, the proposed amendments would advance achievement of Comprehensive Plan policies supporting local and regional trail systems by providing for public access connections to the water; and

WHEREAS, the proposed amendments are therefore consistent with the policies of the Comprehensive Plan; and

WHEREAS, the proposed amendments ensure consistency with the City’s development regulations by incorporating specificity about shoreline permitting processes including the requirement for a Shoreline Statement of Exemption for emergency development, by specifying permit and construction timelines, and by incorporating critical areas and flood control regulations;

WHEREAS, the proposed amendments are consistent with the City’s development regulations; and
WHEREAS, based on the findings of the proposed amendments' consistency with the policies and requirements of the Act and the Guidelines; the expectation that it will result in no net loss of shoreline ecological functions; its consistency with the Growth Management Act; and its consistency with the City's Comprehensive Plan and development regulations, the proposed amendments would further the public interest based on present needs and conditions; and

WHEREAS, the Planning Commission and City Council held a joint public workshop on November 7, 2012 to discuss the proposed amendments; and

WHEREAS, the Planning Commission held a duly advertised public hearing on November 7, 2012 to consider the proposed amendments including the Official Shoreline Designation Map; and

WHEREAS, following the public hearing the Planning Commission recommended adoption of the proposed amendments including the Official Shoreline Designation Map; and

WHEREAS, this ordinance was considered by the Ridgefield City Council on first reading at a duly advertised public meeting on November 1, 2012; and

WHEREAS, this ordinance was considered by the Ridgefield City Council on second reading at a duly advertised public meeting and public hearing on November 15, 2012;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIDGEFIELD, WASHINGTON HEREBY ORDAINS AS FOLLOWS:

Section 1. Legislative Findings. The recitals set forth above are adopted as the legislative findings of the City Council of the City of Ridgefield in support of adoption of this ordinance.

Section 2. Amending the Ridgefield Shoreline Master Program. The Ridgefield Shoreline Master Program (SMP) except Chapter 7, Administration and Enforcement adopted by
Section 2 of Ordinance No. 1102 on April 12, 2012 is hereby amended as shown in Exhibit A attached hereto, subject to approval by the Washington State Department of Ecology.

Section 3. **Amending the Official Shoreline Designation Map, City of Ridgefield, Washington.** The Official Shoreline Designation Map, “Official Shoreline Designation Map (East), City of Ridgefield, Washington” adopted by Section 2 of Ordinance No. 1102 on April 12, 2012 is official in electronic format and is hereby amended as shown in Exhibit B, subject to approval by the Washington State Department of Ecology.

Section 4. **Amending the Ridgefield Shoreline Master Program Administration and Enforcement Provisions.** The Ridgefield SMP, Chapter 7, Administration and Enforcement, adopted by Section 3 of Ordinance No. 1102 on April 12, 2012 is hereby amended as shown in Exhibit A attached hereto, not subject to approval by the Washington State Department of Ecology.

Section 5. **Corrections.** The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 6. **Severability—Construction.**

1. If any section, subsection, paragraph, 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 shall not affect the validity or constitutionality of any other section, subsection, paragraph, sentence, clause, or phrase of this ordinance.

2. If the provisions of this ordinance are found to be inconsistent with other provisions of the Ridgefield Municipal Code, this ordinance is deemed to control.
Section 7. Effective Date. This ordinance shall take effect and be in full force fourteen (14) days from the date of Ecology’s written notice of final action in accordance with law.


Ron Onslow, Mayor

ATTEST AUTHENTICATED:

Julie Basarab
Deputy City Clerk

APPROVED AS TO FORM:

Chris Sundstrom
City Attorney
<table>
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<tr>
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<tbody>
<tr>
<td>First Reading</td>
<td>November 1, 2012</td>
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<td>Public Hearing</td>
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<td>Date of Publication</td>
<td>November 21, 2012</td>
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<tr>
<td>ITEM</td>
<td>SMP Submittal Provision (Cite)</td>
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| 15   | 5.7(1-3) Page 5-10            | Vegetation Conservation | 1. Where development exists or no development is proposed, existing native vegetation within shoreline jurisdiction shall be retained and allowed to grow naturally in the riparian area. If non-native vegetation is removed, it shall be replaced with native vegetation.  
2. Where development is proposed, removal of native vegetation shall be avoided. Where removal of native vegetation cannot be avoided, it shall be minimized and mitigated to result in no net loss of shoreline ecological functions. Lost functions may be replaced by enhancing other functions provided that no net loss in overall functions is demonstrated and habitat connectivity is maintained. Mitigation shall be provided consistent with an approved mitigation plan.  
3. If non-native vegetation is removed, it shall be replaced with native vegetation within the shoreline jurisdiction. Regulations 4 through 11 are renumbered 3 through 10. | Ridgefield request to clarify that Regulation 1 applies to existing development or where no development is proposed and Regulation 2 applies to development proposals. Regulation #3 is deleted as it is unnecessary.  
The differentiation between #1 and #2 is unnecessary as the SMP would not apply in the first case. The first sentence of #1 is also unnecessary because the principles and requirements of #2 are essentially the same and apply to all uses, activities, development, or redevelopment requiring a shoreline permit or statement of exemption. The second sentence of #1 is repeated in #3. Therefore, #1 deleted and #2 and #3 are restored to the language initially adopted. | 1. Existing native vegetation within shoreline jurisdiction shall be retained and allowed to grow naturally in the riparian area. If non-native vegetation is removed, it shall be replaced with native vegetation.  
21. Removal of native vegetation shall be avoided. Where removal of native vegetation cannot be avoided, it shall be minimized and mitigated to result in no net loss of shoreline ecological functions. Lost functions may be replaced by enhancing other functions provided that no net loss in overall functions is demonstrated and habitat connectivity is maintained. Mitigation shall be provided consistent with an approved mitigation plan.  
22. If non-native vegetation is removed, it shall be replaced with native vegetation within the shoreline jurisdiction.  
Renumber Regulations 2 and 3. |

New 
#A  
Chapter 5A  
18.280.130(C)(1)(a)(vi)  
Page 5A-26  
Vegetation in Geologic Hazard Areas  
Correct reference.  
vi. A plan for revegetation and landscape maintenance to ensure soil stabilization shall be developed and implemented in accordance with the mitigation plan requirements of VMC 20.740.050(F)(chapter 5A, RMC 18.280.050(E-H). |
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<tr>
<th>ITEM</th>
<th>SMP Submittal Provision (Cite)</th>
<th>TOPIC</th>
<th>BILL FORMAT CHANGES (underline = additions; strikethrough = deletions)</th>
<th>RATIONALE</th>
<th>City Alternate Proposal</th>
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<tr>
<td>New #B</td>
<td>Chapter 5A 18.280.130(C)(1)(b) Page 5A-26</td>
<td>Roads in Geologic Hazard Areas</td>
<td>Correct reference.</td>
<td>b. Roads in Landslide and Bank Erosion Hazard Areas. A road through or across a landslide or bank erosion hazard area shall meet the standards of VMC 20.740.130(C)(1)(a) – (f) Chapter 5A, BMC 18.280.130(C)(1)(a) and shall not be: ...</td>
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<td>New #C</td>
<td>Chapter 5A 18.280.140(D)(6)(f) Page 5A-63</td>
<td>Conditions for Variances</td>
<td>Correct reference. Required by FEMA.</td>
<td>f. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except 18.750.040(D)(6)(a), and otherwise complies with the provisions for flood hazard reduction established in Sections 18.750.050(A), 18.750.050(C), and 18.750.050(D).</td>
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<td>New #D</td>
<td>6.3.11.2(6) Page 6-25</td>
<td>Floating Homes</td>
<td>Correct reference</td>
<td>When relocating floating homes legally established in McCuddy's marina prior to January 1, 2011 or for any new marina or marina redevelopment proposal, the following standards apply in addition to those of Section 6.3.11.2(1-5):</td>
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<td>New #E</td>
<td>8(44)</td>
<td>Definitions</td>
<td>Correct reference.</td>
<td>44. Critical Areas - include fish and wildlife habitat conservation areas, frequently flooded areas, geologic hazard areas, critical aquifer recharge areas, streams, and wetlands as designated in Chapter 5A, and critical aquifer recharge areas as designated at RMC 18.280.440, Critical Areas Protection.</td>
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<td>New #F</td>
<td>8(139)</td>
<td>Definitions</td>
<td>Delete reference to VMC Section 14.26.110 and include its text.</td>
<td>139. Potentially Harmful Materials - means hazardous materials as defined at VMC Section 14.26.110 as well as other materials including, but not limited to, the following which, if discharged or improperly disposed, may present a risk to water</td>
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resources any product, substance, commodity or waste in liquid, solid or gaseous form that exhibits a characteristic that presents a risk to water resources. Risk may be due to ignitability, toxicity, reactivity, instability, corrosivity or persistence. This definition extends to all "dangerous wastes" and "hazardous substances" that are defined in WAC 173-303 (State Dangerous Waste Regulations). It also includes the chemicals and/or substances that are defined in the federal Emergency Planning and Community Right to Know Act (EPCRA) and/or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Further, it includes other materials which if discharged or improperly disposed may present a risk to water resources including but not limited to the following: ...