ORDINANCE NO. 1102

AN ORDINANCE OF THE CITY OF RIDGEFIELD, WASHINGTON REPEALING THE CLARK COUNTY SHORELINE MASTER PROGRAM, REVISING RIDGEFIELD MUNICIPAL CODE CHAPTER 18.820 AND ADOPTING THE RIDGEFIELD SHORELINE MASTER PROGRAM AND THE MAP ENTITLED “OFFICIAL SHORELINE DESIGNATION MAP, CITY OF RIDGEFIELD, WASHINGTON”

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 the Washington State Department of Ecology (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, the Washington State Legislature provided funding and Ecology provided a grant to support the update; and,

WHEREAS, the City of Vancouver entered into a grant agreement with Ecology on behalf of itself and the Coalition to receive and manage the grant funds and the update process; and,

WHEREAS, the Coalition engaged in an extensive, early, and continuous public participation program that included maintaining a project website with automatic updates to registrants; maintaining a dedicated phone line and e-mailbox; regular meetings of a Shoreline Stakeholders Advisory Committee and a Technical Advisory Committee advertised in three local newspapers and on the project website; regular updates to the Coalition jurisdictions’ Planning Commissions, City and Town Councils, and Board of County Commissioners; four series of open houses in locations throughout the County; five mailings to every shoreline property owner in the County and interested parties; media releases; displays at the Clark County Fair in each of the three project years; a public “First Tuesday” event sponsored by the Vancouver Planning Commission; a public “Shorelines Forum” sponsored by the Building Industry
Association of Clark County and the Clark County Association of Realtors; and several presentations to interest groups; and,

WHEREAS, through the Coalition's Shoreline Master Program (SMP) update process, which included responding to over eight hundred comments from Ecology, the public, staff, and a group of independent scientists, the City of Ridgefield has developed a Ridgefield SMP including a map entitled "Official Shoreline Designation Map, City of Ridgefield, Washington," which is official in electronic format; and,

WHEREAS, pursuant to 36.70A.480 RCW, the goals and policies of the Ridgefield SMP upon approval by Ecology shall be considered an element of the Comprehensive Plan, and pursuant to 36.70A.130 RCW a comprehensive plan amendment to incorporate the goals and policies of the approved SMP may be scheduled separately from the regular update that is to occur no more than once each year; and,

WHEREAS, pursuant to 36.70A.480 RCW, all portions of the 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, the Watershed Characterization, Inventory and Characterization Report, Restoration Plan, Management Strategy, Shoreline Designation Rationale, Cumulative Impact Analysis (countywide and Ridgefield-specific summary), No Net Loss report, and Public Participation Plan are technical supplements and supporting documents upon which the Ridgefield SMP adopted herein is based; and,

WHEREAS, notice of intent to adopt a revised SMP was provided to Ecology and the Washington State Department of Commerce at least sixty (60) days prior to final adoption as required under RCW 36.70A.106, WAC 365-196-630, WAC 173-26-100; and,

WHEREAS, the Ridgefield SMP, including the "Administration and Enforcement" chapter, has been reviewed through SEPA, and the proposed amendments would not cause probable significant adverse environmental impacts; and,

WHEREAS, the Ridgefield SMP is consistent with the policy of the Shoreline Management Act because it: (1) incorporates coordinated planning by the Clark County Coalition jurisdictions; (2) fosters all reasonable and appropriate uses of the shoreline; (3) provides for public access to the shoreline; and (4) protects shoreline ecological functions; and,

WHEREAS, the Ridgefield SMP is expected to result in no net loss of shoreline ecological function; and,

WHEREAS, the Ridgefield SMP is consistent with Ecology's 2003 Guidelines; and,
WHEREAS, the Ridgefield SMP would advance achievement of Growth Management Act (GMA) Goal 10 by regulating development on parcels with critical areas or their buffers in shoreline jurisdiction and by consistency with RMC Chapter 18.280, Critical Areas Protection, and RMC Chapter 18.755, Erosion Control; and,

WHEREAS, the Ridgefield SMP would advance achievement of GMA Goal 9 by providing for visual and physical public access to the water and requiring public access as a component of publicly-funded projects; and,

WHEREAS, the process to develop the Ridgefield SMP advanced achievement of GMA Goal 11 because it was based on early and continuous public participation. Comments were solicited through broadly disseminated informational notices, a project website, open houses, presentations to various groups, elected and appointed officials, committee meetings, and a dedicated phone line and e-mailbox; and,

WHEREAS, the Ridgefield SMP is consistent with the Growth Management Act; and,

WHEREAS, the Ridgefield SMP would advance Comprehensive Plan Environment Policies EN-1, EN-2, EN-3, EN-4 and EN-5 by requiring environmental protection, stewardship, and restoration and enhancement of habitat areas within shoreline jurisdiction; and,

WHEREAS, development of the Ridgefield SMP achieved Comprehensive Plan Land Use Policy LU-19 as it was based on early and continuous public participation. Comments were solicited through broadly disseminated informational notices, a project website, open houses, presentations to various groups, elected and appointed officials, committee meetings, and a dedicated phone line and e-mailbox; and,

WHEREAS, the Ridgefield SMP is consistent with the City’s development regulations; and,

WHEREAS, the Ridgefield SMP is consistent with the policies of the Comprehensive Plan; and,

WHEREAS, based on the findings of the Ridgefield SMP’s consistency with the policies and requirements of the Act and the Guidelines; its consistency with the Growth Management Act and the City’s Comprehensive Plan and development regulations; and the expectation that it will result in no net loss of shoreline ecological functions from the baseline established in the Inventory and Characterization Report which documents present conditions, it is also found that the Ridgefield SMP would further the public interest based on present needs and conditions; and,

WHEREAS, the Ridgefield Planning Commission held four public workshops to discuss development of the Ridgefield SMP; and,

WHEREAS, the Ridgefield City Council held six public workshops to discuss development of the Ridgefield SMP; and,
WHEREAS, the Ridgefield Planning Commission held a duly advertised public hearing to consider recommending adoption of the Ridgefield SMP and Shoreline Designation Map; and,

WHEREAS, following the public hearing the Ridgefield Planning Commission recommended adoption of the Ridgefield SMP and Shoreline Designation Map; and,

WHEREAS, this ordinance was considered by the Ridgefield City Council on first reading at a duly advertised public meeting on March 22, 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 April 12, 2012;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RIDGEFIELD, WASHINGTON HEREBY ORDOINS 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. Adoption of Ridgefield Shoreline Master Program and Official Shoreline Designation Map. The Clark County Shoreline Master Program (SMP) and Official Shoreline Designation Map, adopted as part of Ordinance No. 676 as last amended by Ordinance No. 802, are hereby repealed in their entirety and replaced with the Ridgefield Shoreline Master Program, and the map entitled “Official Shoreline Designation Map, City of Ridgefield, Washington,” respectively attached hereto as Exhibits A and B all subject to approval by the Washington State Department of Ecology (Ecology).

Section 3. Adoption of Ridgefield Shoreline Master Program Administration and Enforcement Provisions. The “Administration and Enforcement” provisions pertaining to shoreline management defined within Ridgefield Municipal Code Section 18.820.130, Violations and Penalties, Ordinance No. 676 as last amended by Ordinance 802, are hereby repealed in their entirety and replaced with the Ridgefield SMP Chapter 7, “Administration and Enforcement” attached hereto as Exhibit C.

Section 4. Ridgefield Municipal Code Amendment. Ridgefield Municipal Code Chapter 18.820 is amended to read as follows:

Chapter 18.820

SHORELINE MANAGEMENT

Sections:
18.820.010 Purpose.
18.820.015 Adoption of Shoreline Master Program.
18.820.020 Establishment of Boundaries.
18.820.030 Regulation of Uses and Activities.
18.820.040 Development Standards.
18.820.050 Administration and Enforcement.
18.820.060 Shoreline Permit Procedures.
18.820.070 Changes, Amendments or Revisions.

Section 18.820.010 Purpose.
The purpose of this Chapter and the Shoreline Master program (SMP) is to implement the goals, policies, regulations, and procedures set forth by the Shoreline Management Act of 1971, as amended, and all applicable provisions contained in the Washington Administrative Code.

Section 18.820.015 Adoption of Shoreline Master Program.
The City of Ridgefield hereby adopts the Shoreline Master Program together with the map entitled “Official Shoreline Designation Map, City of Ridgefield, Washington” as its Shoreline Master Program as required by RCW Chapter 90.58, the Shoreline Management Act of 1971, as amended, and all applicable provisions contained in the Washington Administrative Code.

Section 18.820.020 Establishment of Boundaries.
The provisions of the Shoreline Master Program together with the map entitled “Official Shoreline Designation Map, City of Ridgefield, Washington” shall define the boundaries of shoreline jurisdiction.

Section 18.820.030 Regulation of Uses and Activities.
The Shoreline Master Program together with the map entitled “Official Shoreline Designation Map, City of Ridgefield, Washington” shall be used to regulate uses and activities within shoreline jurisdiction.

Section 18.820.040 Development Standards.
The Shoreline Master Program shall provide development standards for uses and activities within shoreline jurisdiction.

Section 18.820.050 Administration and Enforcement.
The Shoreline Master Program shall be used to administer and enforce the regulations within shoreline jurisdiction. Enforcement actions shall be carried out and penalties assessed according to the processes and procedures contained in the Shoreline Master Program.

Section 18.820.060 Shoreline Permit Procedures.
Shoreline permits, including Shoreline Substantial Development Permits, Shoreline Statements of Exemption, Shoreline Conditional Use Permits, and Shoreline Variances shall be processed according to the procedures contained in the Shoreline Master Program.
Section 18.820070 Changes, Amendments or Revisions. The Shoreline Master Program process for changes, amendments or revisions to the Shoreline Master Program, Shoreline Substantial Development Permits, Shoreline Statements of Exemption, Shoreline Conditional Use Permits, or Shoreline Variances shall be used within shoreline jurisdiction.

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

Section 7. Effective Date. This ordinance shall take effect and be in full force fourteen (14) days from the date of the Washington State Department of Ecology’s written notice of final action in accordance with law.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF RIDGEFIELD, WASHINGTON THIS 12TH DAY OF APRIL 2012.

Ron Onslow, Mayor

ATTEST/AUTHENTICATED:

Kay Kammer,
Administrative Services Director
City Clerk

APPROVED AS TO FORM:

Chris Sundstrom
City Attorney