

11/14/11  
11/21/11

**ORDINANCE NO M-3995**

AN ORDINANCE relating to the City of Vancouver's implementation of shoreline management as required by Revised Code of Washington (RCW) Chapter 90 58 the Shoreline Management Act repealing in its entirety the Vancouver Shoreline Master Program (SMP) and Official Shoreline Designation Map Ordinance No M 3231 as last amended by Ordinance No M 3803 and replacing it with a revised Vancouver Shoreline Master Program and Official Shoreline Designation Map, subject to approval by the Washington State Department of Ecology (Ecology) repealing in its entirety Vancouver SMP Chapter 10, the "Administration and Enforcement" provisions of the Vancouver Shoreline Master Program Ordinance Ordinance No M 3232 as last amended by Ordinance M-3741 and replacing it with a revised Vancouver SMP Chapter 7 Administration and Enforcement, amending Ordinance No M 3643 and as codified as Vancouver Municipal Code (VMC) Chapter 20 760 Shoreline Management Area amending the Vancouver Comprehensive Plan by replacing the Vancouver SMP goals incorporated in Appendix B of the Comprehensive Plan with the goals and policies of the revised Vancouver SMP providing for severability and 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 Vancouver entered into an interlocal agreement with Clark County the cities of Battle Ground Camas La Center Ridgefield 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,

WHEREAS the Legislature provided funding and Ecology provided a grant to support the update

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,

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 Vancouver has developed a revised Vancouver SMP including a revised Official Shoreline Designation Map comprised of two maps Official Shoreline Designation Map (East), City of Vancouver, Washington’ and Official Shoreline Designation Map (West) City of Vancouver Washington both of which are official in electronic format and

WHEREAS, pursuant to 36 70A 480 RCW, the goals and policies of the revised Vancouver 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,

WHEREAS pursuant to 36 70A 480 RCW all portions of the revised Vancouver 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 Vancouver Municipal Code (VMC) Chapter 20 760 and

WHEREAS the Watershed Characterization Inventory and Characterization Report Restoration Plan Management Strategy Shoreline Designation Rationale Cumulative Impact Analysis (countywide and Vancouver specific summary) No Net Loss report and Public Participation Plan are technical supplements and supporting documents upon which the revised Vancouver 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 revised Vancouver 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 revised Vancouver 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 revised Vancouver SMP is expected to result in no net loss of shoreline ecological function and

WHEREAS the revised Vancouver SMP is consistent with Ecology's 2003 Guidelines and

WHEREAS the revised Vancouver 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 VMC Chapter 14.24 Erosion Control VMC Chapter 14.25 Stormwater Control and VMC Chapter 14.26 Water Resources Protection and

WHEREAS the revised Vancouver 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 revised Vancouver SMP would advance achievement of GMA Goal 5 by adopting minimum shoreline jurisdiction on the Columbia River from Wintler Park downstream into the Port of Vancouver Between Wintler Park and the railroad bridge, revised Vancouver SMP regulations support the City's vision for a vibrant, high-intensity mixed use waterfront as envisioned in the City's Comprehensive Plan the Vancouver City Center Vision Subarea Plan, and the Columbia River Renaissance Vision and

WHEREAS the process to develop the revised Vancouver 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 revised Vancouver SMP is consistent with the Growth Management Act and

WHEREAS the revised Vancouver SMP would advance achievement of Comprehensive Plan Policy CD 5 by adopting minimum shoreline jurisdiction on the Columbia River from Wintler Park downstream to the railroad bridge Revised draft Vancouver SMP regulations support the City's vision for a vibrant high intensity mixed use waterfront as envisioned in the City's Comprehensive Plan the Vancouver City Center Vision Subarea Plan and the Columbia River Renaissance Vision, and

WHEREAS the revised Vancouver SMP would advance Comprehensive Plan Policy EN 4 by incorporating policy and regulatory consistency through the collaborative planning process of the Coalition, and

WHEREAS, the revised Vancouver SMP would advance achievement of Comprehensive Plan Policy PFS 3 by providing for visual and physical public access to the water and requiring public access as a component of publicly funded projects and

WHEREAS development of the revised Vancouver SMP achieved Comprehensive Plan Implementation Measure IM 1 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

WHEREAS the revised Vancouver SMP is consistent with the City's development regulations and

WHEREAS the revised Vancouver SMP is consistent with the policies of the Comprehensive Plan and

WHEREAS based on the findings of the revised Vancouver 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 revised Vancouver SMP would further the public interest based on present needs and conditions and

WHEREAS the Planning Commission held ten public workshops to discuss development of the revised Vancouver SMP and

WHEREAS the City Council received one update via memorandum and held two public workshops to discuss development of the revised Vancouver SMP and

WHEREAS the Planning Commission held a duly advertised public hearing to consider recommending adoption of (1) the revised SMP and Shoreline Designation Map with identified corrections (2) a Comprehensive Plan amendment to replace the shoreline management goals incorporated in Comprehensive Plan Appendix B with the goals and policies of the revised SMP and (3) the revisions to VMC Chapter 20 760 Shoreline Management Area with identified corrections and

WHEREAS following the public hearing the Planning Commission recommended adoption of (1) the revised SMP and Shoreline Designation Map with identified corrections (2) a Comprehensive Plan amendment to replace the shoreline management goals incorporated in Appendix B of the Comprehensive Plan with the goals

and policies of the revised SMP, and (3) the revisions to VMC 20 760 Shoreline Management Area with identified corrections and

WHEREAS this ordinance was considered by the Vancouver City Council on first reading at a duly advertised public meeting on November 14, 2011 and

WHEREAS this ordinance was considered by the Vancouver City Council on second reading at a duly advertised public meeting and public hearing on November 21 2011

NOW THEREFORE

BE IT ORDAINED BY THE CITY OF VANCOUVER

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

Section 2 Adoption of Vancouver Shoreline Master Program and Official Shoreline Designation Map The Vancouver Shoreline Master Program (SMP) and Official Shoreline Designation Map Ordinance No M 3231 as last amended by Ordinance No M 3803 are hereby repealed in their entirety and replaced with the revised Vancouver Shoreline Master Program and the Official Shoreline Designation Map comprised of two maps, Official Shoreline Designation Map (East) City of Vancouver Washington and Official Shoreline Designation Map (West), City of Vancouver Washington ” respectively attached hereto as Exhibits A B and C all subject to approval by the Washington State Department of Ecology (Ecology)

Section 3 Adoption of Vancouver Shoreline Master Program Administration and Enforcement Provisions The Administration and Enforcement' provisions of the Vancouver Shoreline Master Program, Vancouver SMP Chapter 10 Ordinance No M 3232 as last amended by Ordinance M 3741 are hereby repealed in their entirety and replaced with revised Vancouver SMP Chapter 7 Administration and Enforcement attached hereto as Exhibit D

Section 4 VMC Amendment Ordinance No M 3643 and as codified as VMC Chapter 20 760 are each amended to read as follows

Chapter 20 760 ~~SHORELINE MANAGEMENT AREA~~

Sections

20 760 010 Purpose

20 760 015 Adoption of Shoreline Master Program

20 760 020 Establishment of Boundaries

20 760 030 Regulation of Uses and Activities

20 760 040 ~~Special~~ Development Standards

20 760 050 Administration and Enforcement

20 760 060 Shoreline Permit Procedures

20 760 070 Changes Amendments or Revisions

Section 20 760 010 Purpose

~~General~~—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 20 760 015 Adoption of Shoreline Master Program

The City of Vancouver hereby adopts the Shoreline Master Program together with the maps entitled ‘ Official Shoreline Designation Map (East), City of Vancouver, Washington ’ and Official Shoreline Designation Map (West), City of Vancouver, 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 20 760 020 Establishment of Boundaries

~~Establishment of boundaries~~—The provisions of the Shoreline Management Master Program together with the maps entitled ~~Shoreline Environment Designations~~Official Shoreline Designation Map (East), City of Vancouver, Washington and “Official Shoreline Designation Map (West), City of Vancouver, Washington shall define the boundaries of ~~the Shoreline Management Area~~shoreline jurisdiction

Section 20 760 030 Regulation of Uses and Activities

~~Regulation of uses~~—The Shoreline Management Master Program together with the maps entitled Official Shoreline Designation Map (East), City of Vancouver, Washington and ‘ Official Shoreline Designation Map (West), City of Vancouver, Washington which comprise the Official Shoreline Designation Map, City of Vancouver, Washington”

shall be used to regulate uses and activities within the ~~Shoreline Management Area~~ shoreline jurisdiction

Section 20 760 040 ~~Special~~ Development Standards

~~Special standards~~—The Shoreline Management Master Program shall provide development standards for uses and activities within the ~~Shoreline Management Area~~ shoreline jurisdiction

Section 20 760 050 Administration and Enforcement

~~Administration and enforcement~~—The Shoreline Management Master Program shall be used to administer and enforce the regulations within the ~~Shoreline Management Area~~ shoreline jurisdiction Enforcement actions shall be carried out and penalties assessed according to the processes and procedures contained in the Shoreline Master Program

Section 20 760 060 Shoreline Permit Procedures

~~Permits~~—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 ~~20 210 VMC Decision Making Procedures in conjunction with Shoreline Management Master Program (Ord M 3232 as amended) permitting procedures where applicable within the Shoreline Management Area (Ord M 3282 § 9 1997)~~

Section 20 760 070 Changes Amendments or Revisions

~~Changes amendments or revisions~~—The Shoreline Management 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 ~~the Shoreline Management Area~~ shoreline jurisdiction

Section 5 Comprehensive Plan Amendment A comprehensive plan amendment replacing the shoreline management goals contained in Appendix B of the Comprehensive Plan with the goals and policies of the revised draft SMP attached hereto as Exhibit E is hereby adopted

Section 6 Severability – Construction

(1) If a section subsection paragraph sentence clause or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this ordinance

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Vancouver Municipal Code this ordinance is deemed to control

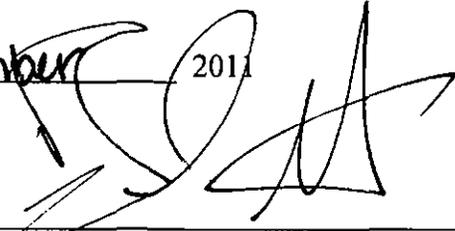
Section 7 Effective Date This ordinance shall take effect and be in full force fourteen (14) days from the date of Ecology's written notice of final action in accordance with law

Read first time *November 14, 2011*

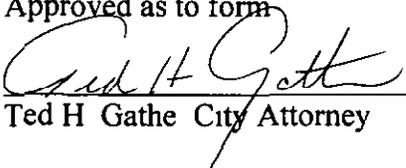
Ayes Councilmembers Harris, Stewart, Smith,  
Campbell, Burkman, Hansen, Mayor  
Nayes Councilmembers N/A Leavitt  
Absent Councilmembers N/A

Read second time November 21, 2011

PASSED by the following vote  
Ayes Councilmembers Harris, Stewart, Smith, Campbell,  
Burkman, Hansen, Mayor Leavitt  
Nayes Councilmembers N/A  
Absent Councilmembers N/A

SIGNED this 21st day of November 2011  
  
\_\_\_\_\_  
Timothy D Leavitt, Mayor

Attest  
  
\_\_\_\_\_  
R Lloyd Tyler City Clerk  
By Carrie Lewellen, Deputy City Clerk

Approved as to form  
  
\_\_\_\_\_  
Ted H Gathe City Attorney

SUMMARY

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The full text of this ordinance will be mailed upon request Contact Raelyn McJilton Records Officer at 360 487 8799 or via [www.cityofvancouver.us](http://www.cityofvancouver.us) (Go to City Government and Public Records)