

CITY OF DAYTON
COLUMBIA COUNTY, WASHINGTON
ORDINANCE NO. 1910

AN ORDINANCE OF THE CITY OF DAYTON, COLUMBIA COUNTY, WASHINGTON ADOPTING THE SHORELINE MASTER PROGRAM COMPREHENSIVE UPDATE AS AN ELEMENT TO THE DAYTON COMPREHENSIVE PLAN; AMENDING DMC 20-01.010; ESTABLISHING AS PART OF THE DAYTON MUNICIPAL CODE, TITLE 15, THE SHORELINE MANAGEMENT CODE; AND, REPEALING RESOLUTION 724.

WHEREAS, the Washington Shoreline Management Act (RCW 90.58, referred to herein as “SMA”) recognizes that shorelines are among the most valuable and fragile resources of the state, and that state and local government must establish a coordinated planning program to address the types and effects of development occurring along shorelines of state-wide significance; 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, RCW 36.70A.480 provides that the goals and policies contained in a local shoreline master program (SMP) shall be an element of the City's Comprehensive Plan adopted under the Growth Management Act, (Ch. 36.70A RCW); 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, under Ordinance 1882, adopted on September 14, 2015, the City of Dayton (herein “City”) locally adopted the Shoreline Master Program Comprehensive Update for the purpose of forwarding the draft document to the Washington State Department of Ecology for State review and approval; 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 revised April 20, 2016; and

WHEREAS, a city wide re-examination of the proposed Urban Conservancy, Native Conservation Areas (NCAs) width was completed. This review occurred as a result of comments from a property owner of land in the mapped Urban Conservancy Designation. The consulting ecologist determined a reduction of the NCA from 150 feet to 125 feet was appropriate. Ecology concluded that the City's proposed reduction of the NCA a in the Urban Conservancy designation from 150 feet to 125 feet is consistent with the SMA and applicable guidelines; and

WHEREAS, on March 27, 2017, Ecology concluded City's proposed comprehensive SMP update is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). This includes a conclusion that approval of the proposed Shoreline Master Program Comprehensive Update contains sufficient policies and regulations to assure that no net loss of shoreline ecological functions will result from implementation; and

WHEREAS, on April 10, 2017, the Dayton City Council by motion accepted Ecology's recommended reduction to the Urban Conservancy NCA from 150 feet to 125 feet, and

WHEREAS, consistent with Ord. 1882 and subsequent to Ecology's approval of the City's Shoreline Master Program Comprehensive Update, the City is incorporating the goals and policies as an SMP Element of the City's Comprehensive Plan and regulations as a new title to the Dayton Municipal Code (DMC), Title 15 Shoreline Management Code (SMC).

WHEREAS, the City Council desires to repeal the existing 1975, SMP, with an effective date concurrent with the effective date for the newly adopted SMP and SMC.

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

Section 1. The City Council hereby concludes the following with regard to the Shoreline Master Program Comprehensive Update adopted and approved in this ordinance:

A. Implementation of the Shoreline Master Program Comprehensive Update will result in "no net loss" of shoreline ecological functions relative to the established baseline and may ultimately produce an improvement in shoreline ecological functions through incentive-based restoration; and

B. The Shoreline Master Program Comprehensive Update is consistent with and meets the State Shoreline Master Program Guidelines established under Chapter 173-26WAC; and

C. The Shoreline Master Program Comprehensive Update is consistent with and implements the Shoreline Management Act (Chapter 90.58 RCW) and the Growth Management Act (Chapter 36.70A RCW).

Section 2. The City Council hereby adopts the City of Dayton Shoreline Master Program (SMP), as the Shoreline Element of the Dayton Comprehensive Plan, a copy of which is attached to this ordinance as Exhibit 1 and incorporated herein by this reference.

Section 3. The City Council hereby adopts the SMP appendices forwarded to Ecology, as supporting documentation and guidelines for the SMP and SMC. They include the “Inventory and Characterization Report”, “Cumulative Impacts Analysis, Revised”, and “Shoreline Restoration Plan”, copies of which are attached to this ordinance as Exhibits 2-4 and incorporated herein by this reference.

Section 4. The City DMC Title 20, “Comprehensive Plan”, Section 20-01.010, “Establish”, is hereby amended adding a new subsection “C.” to read as follows:

As set forth in Exhibit 5 attached to this Ordinance and incorporated herein by this reference.

Section 5. Title 15, Shoreline Management Code (SMC). The City of Dayton hereby adds a new title to the DMC to read as follows:

As set forth in Exhibit 6 attached to this Ordinance, including a new Shoreline Designations Map (Appendix A), and incorporated herein by this reference.

Section 6. Resolution # 724. All provisions of the currently-adopted SMP by Resolution 724 shall remain in full force and effect until the effective date of this ordinance.

Section 7. 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 8. 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, and provided that Ecology's final action on the Dayton Shoreline Master Program Comprehensive Update has become effective.

Passed by the City Council, City of Dayton, this ____ day of May, 2017, by a vote of ____ for, ____ against, and ____ abstaining.

APPROVED:

Craig George, Mayor

ATTEST:

Trina D. Cole, City Clerk

APPROVED AS TO FORM:

Quinn N. Plant, City Attorney
Menke Jackson Beyer, LLP

EXHIBITS:

- 1 Shoreline Master Program
- 2 Inventory and Characterization Report
- 3 Cumulative Impacts Analysis, Revised
- 4 Shoreline Restoration Plan
- 5 DMC Title 20 Amendment
- 6 Shoreline Management Code with Appendix A - Shoreline Map