RESOLUTION NO. 12-11

A RESOLUTION APPROVING THE CONDITIONAL APPROVAL LETTER ISSUED BY THE DEPARTMENT OF ECOLOGY CONCERNING THE CITY OF BATTLE GROUND SHORELINE MASTER PROGRAM COMPREHENSIVE UPDATE

WHEREAS, on October 30, 2012 the Department of Ecology (Ecology) approved, with revisions, the City of Battle Grounds’ (City) Shoreline Master Program (SMP) comprehensive update approved by the City of Battle Ground by Ordinance No. 12-01 on February 21, 2012; and

WHEREAS, the comprehensive update implements the first SMP, which includes the goals, policies, regulations, shoreline environment designations, and administrative process and definitions; and

WHEREAS, during its formal review process, Ecology conducted a public comment period and determined that some revisions are required for the SMP to be consistent with the Shoreline Management Act (RCW 90.58) and the SMP Guidelines (WAC 173-26); and

WHEREAS, in order for the SMP to go into effect, the City must provide Ecology a written notice agreeing to the revisions, with an effective date of the SMP fourteen (14) days following the date of Ecology’s final action; and

WHEREAS, the City of Battle Ground City Council has reviewed the Ecology documents related to the SMP;

NOW THEREFORE, be it resolved by the City Council of the City of Battle Ground as follows:

Section 1. The City of Battle Ground City Council hereby approves the Department of Ecology Conditional Approval Letter and the changes to the SMP made therein.

ADOPTED by the City Council of the City of Battle Ground, Washington at the regular meeting of the City Council on 3rd day of December 2012.

Shane Bowman, Deputy Mayor

Attest: Kay Kammer, City Clerk

Approved as to form: Brian Wolfe, City Attorney
ATTACHMENT

October 30, 2012 Department of Ecology’s
Conditional Approval Letter and Attachments A, B, C, C1 & C2
October 30, 2012

The Honorable Lisa Walters  
City of Battle Ground  
109 South West First Street, Suite 221  
Battle Ground, WA 98604

Re: City of Battle Ground Comprehensive Shoreline Master Program - Conditional Approval, Ordinance Number 12-01

Dear Mayor Walters:

I would like to take this opportunity to commend the city of Battle Ground (City) for its efforts in developing your proposed first-ever comprehensive Shoreline Master Program (SMP). It is obvious that a significant effort was invested in this update by your staff and engaged community. The SMP will provide a framework to guide development and habitat restoration along the City’s shorelines. In addition, I want to commend you for your close coordination with Clark County and the other municipalities to ensure your SMP contains consistent goals and policies along shared waterbodies and across jurisdictional boundaries.

As we have already discussed with your staff, the Washington State Department of Ecology (Ecology) has identified specific changes necessary to make the proposal approvable. These changes are detailed in Attachment B. Recommended changes are also included in Attachment C. Ecology’s findings and conclusions related to the City’s proposed SMP are contained in Attachment A.

Pursuant to RCW 90.58.090(2)(c) at this point the City may:

- Agree to the proposed changes, or
- Submit an alternative proposal. Ecology will then review the alternative(s) submitted for consistency with the purpose and intent of the changes originally submitted by Ecology and with the Shoreline Management Act.

Final Ecology approval will occur when the City and Ecology agree on language that meets statutory and guideline requirements.
The Honorable Lisa Walters  
October 30, 2012  
Page 2

Please provide your written response within 30 days to the Director's Office at the following address:

    WA State Department of Ecology  
    Attention: Director's Office  
    PO Box 47600  
    Olympia, WA  98504-6700

Ecology appreciates the dedicated work that you, the City Council, the Planning Commission, the staff of your Community Development Department (particularly Robert Maul, Sam Crummett and Dorothy Harrington) and the Clark County Coalition advisory committees have put into the development of your first Shoreline Master Program.

Thank you again for your efforts. We look forward to concluding the SMP approval process in the near future. If you have any questions or would like to discuss the changes identified by Ecology, please contact our Regional Planner, Kim Van Zwalenburg, at (360) 407-6520 or Kim.Vanzwalenburg@eev.wa.gov.

Sincerely,

Ted Sturdevant  
Director

Enclosures (3)

By certified mail [7012 1010 0003 3028 2518]

cc: Robert Maul, City of Battle Ground  
    Paula Ehlers, Ecology  
    Peter Skowlund, Ecology  
    Kim Van Zwalenburg, Ecology