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CLARK COUNTY
WASHINGTON

COMMUNITY PLANNING

Planning Commission Recommendations to the Clark County Board of Commissioners

FROM: Ron Barca, Acting Chair
Clark County Planning Commission

DATE: August 19, 2014

SUBJECT: CPZ2014-00008 SMP Limited Amendment

RECOMMENDATION: **Approval** of a SHORELINE MASTER PROGRAM LIMITED AMENDMENT to add Carty Lake to the list of lakes subject to the SMP required by the law (WAC 173-20 & RCW 90.58), remove an inconsistency between the use table and prohibited uses related to dredging for restoration, and includes Washington Administrative Code (WAC 173-26-241) language regarding non-water oriented commercial uses.

INTRODUCTION

This limited amendment to the Shoreline Master Program (SMP) in Clark County Code Chapter 40.460 adds Carty Lake to the list of lakes subject to the SMP required by the law (WAC 173-20 & RCW 90.58), removes an inconsistency between the use table and prohibited uses related to dredging for restoration, and includes Washington Administrative Code (WAC 173-26-241(d)(ii)) language regarding non-water oriented commercial uses.

BACKGROUND

Clark County adopted an updated shoreline master program (SMP) in July 2012. It was approved by the Department of Ecology (Ecology) in August 2012 and took effect in September 2012. SMP policies are included in Chapter 13 of the comprehensive plan. SMP regulations are included in Clark County Code Chapter 40.460. In addition to requirements for shoreline development to maintain shoreline ecological function, the regulations also include a list of shorelines along streams and lakes that are subject to the SMP.

In the course of implementing the SMP, a conflict in the regulations was discovered through a development proposal on Carty Lake relating to dredging and dredge material disposal. Ecology also noted that Carty Lake is not on the list of lakes subject to shoreline jurisdiction, but should be. An inconsistency exists relating to dredging for restoration between prohibited uses (40.460.240.G) and Table 40.460.620-1. And lastly, Washington Administrative Code (WAC) language was erroneously omitted from the

2012 SMP relating to non-water oriented commercial uses that are physically separated from the shoreline by another property or public right of way. To address these issues, a limited amendment to the Clark County SMP is proposed. The amendment will correct inconsistencies in accordance with WAC 173-26-201, process to prepare or amend shoreline master programs.

RECOMMENDATION

The Planning Commission heard this matter on August 7, 2014 and voted **4-1** to recommend approval of the proposal. The Planning Commission recommends that the Board of Clark County Commissioners **APPROVE** the following actions:

1. Amend 40.460.210 C. adding Carty Lake to the list of lakes subject to the SMP
2. Delete 40.460.240 G
3. Revise Dredging definition 40.460.800
4. Amend 40.460.430 (E) (4) (f)
5. Amend footnote 2 in Table 40.460.620-1
6. Amend 40.460.630 (D) (4)