Brief Description of Proposed Amendment: Clark County (County) has submitted a comprehensive update to their Shoreline Master Program (SMP). The County locally adopted the SMP by Ordinance No. 2011-11-14 on November 22, 2011 and Ecology accepted the submittal as complete on March 1, 2012. On June 27, 2012, Department of Ecology Director Ted Sturdevant sent a letter to Marc Boldt, Chair of the Clark County Board of County Commissioners, approving the SMP with conditions. The County responded in a letter dated August 1, 2012 accepting 15 of 17 Required Changes (see alternative language for items 3 and 14 on Attachment B - Revised). The County accepted 25 of 30 Recommended Changes (see alternative language for items 5, 10, 22 and 27 on Attachment C - Revised). The Board of County Commissioners, by adoption of Ordinance No. 2012-07-16, also codified the SMP into Clark County Code Title 40 as Chapter 40.460 Shoreline Master Program and adopted the SMP goals and policies into Chapter 13 of the Clark County Comprehensive Growth Management Plan. Codification eliminated the need for Recommended Change #4 and also resulting in minor editing changes and typographical corrections.

FINDINGS OF FACT

The County accepted all Required Changes except items #3 and #14 in which they provided alternative language:

- **#3 Applicable Critical Areas:** The required change listed specific dated ordinances which will be part of the SMP by reference. The County’s alternative language provides the correct ordinance number and date for adoption of the updated flood hazard ordinance.

- **#14 Definition for “shoreline jurisdiction”:** Required change #14 defines “shoreline jurisdiction”. The County’s alternative language is an edit to a citation as a result of the codification of the SMP into Clark County Code Title 40, chapter 40.460.

The Board of County Commissioners adopted 25 of 30 recommended changes. Item #4, which corrected formatting errors, is no longer applicable because of the codification of the SMP. The County provided alternative language for the following recommended changes:

- **#5 Unclassified conditional uses:** Ecology suggested the change to be more consistent with WAC 173-26-160. The County’s alternative language represents minor edits.

- **#10 Flood Hazard Areas:** The recommended changes were incorporated at the request of the County in response to requirements of the Federal Emergency Management Agency. Subsequent to Ecology’s conditional approval, FEMA requested additional minor editing changes.

- **#22 Legally established residential structures:** This recommended change was at the request of the County. Additional editing resulted in alternative language.
• **#27 Dikes and Levees**: Ecology suggested language to improve consistency with WAC 173-26-221(3)(c)(ii) clarifying that these structures are only allowed when nonstructural methods are infeasible and mitigation takes place. The County’s alternative language strikes the explicit WAC citation.

**CONCLUSIONS OF LAW**

**Applicable critical areas**: The alternative language provides the correct ordinance number and adoption date for inclusion of the County’s new flood hazard ordinance into the SMP consistent with WAC 173-26.

**Definition of “shoreline jurisdiction”**: The alternative language was necessitated by the County’s codification of the SMP. The definition remains consistent with RCW 90.58.

**Unclassified conditional uses**: The alternative language is consistent with the provision in WAC 173-26-160 and the applicant is explicitly required to address the conditional use review criteria.

**Flood Hazard Areas**: The alternative language remains consistent with WAC 173-26 and the Shoreline Management Act.

**Legally established residential structures**: The County’s additional edits remain consistent with RCW 90.58.620.

**Dikes and Levees**: The alternative language is a minor editing change and the provision remains consistent with WAC 173-26-221.

Ecology concludes that consistent with RCW 90.58.090(2)(e)(ii), Clark County’s proposed alternative language provided in revised attachments B and C is consistent with the Shoreline Management Act, the SMP Guidelines (WAC 173-26) and the purpose and intent of Ecology’s original changes identified in Ecology’s letter, including all attachments, of June 27, 2012.

**DECISION AND EFFECTIVE DATE**

Ecology approval of Clark County’s comprehensively updated SMP is effective fourteen (14) days from the date of the Ecology Director’s letter accepting the County’s alternative language.