



SKAMANIA COUNTY PLANNING COMMISSION

AGENDA

Tuesday, September 17, 2019 @ 6:00 PM

SKAMANIA COUNTY COURTHOUSE ANNEX, BASEMENT MEETING ROOM
170 NW VANCOUVER AVE, STEVENSON, WA

I. CALL TO ORDER

II. ROLL CALL

III. AGENDA ITEMS

1. Approval of minutes from the September 3, 2019, Planning Commission Meeting.
2. PUBLIC WORKSHOP on proposed Critical Areas code updates to standards for fish and wildlife habitat conservation areas and wetlands.

IV. PLANNING COMMISSION BUSINESS

1. There will be no meeting on October 1, 2019. Instead Planning Commissioners should plan to attend the Short Course on Local Planning in Stevenson.

V. ADJOURN



Skamania County Planning Commission

PLANNING COMMISSION MEETING MINUTES

Tuesday, September 3, 2019
Skamania County Annex
170 NW Vancouver Avenue
Stevenson, WA 98648

Planning Commission Members:
Present:
John Prescott, Tony Coates, Ken Bajema,
Sue Davis, Adam King

Community Development Department Staff
Present:
Alan Peters, Andrew Lembrick, Mike Beck
Teri Wyckoff, Tim Elsea

Absent: Mathew Joy, Cyndi Soliz

AUDIENCE

See attached sign-in sheet.

PROCEEDINGS

Meeting was called to order at 6:00 P.M. by Chair, John Prescott
Quorum was met.

AGENDA ITEMS

1. Approve Minutes from the August 20, 2019 Planning Commission meeting.
 - a. Motion was made by Tony Coates and seconded by John Prescott to approve the minutes of the August 20, 2019 Planning Commission Meeting.
 - b. Motion passed.
 2. Introduction of new Planning Commission Members: Ken Bajema, Sue Davis and Adam King. Alan Peters, Assistant Planning Director introduced the newly appointed Planning Commissioners and asked each to introduce themselves. Tim Elsea, Public Works Director/County Engineer, also welcomed the new members and thanked the other members of the Planning Commission for their service.
 3. John Prescott, Chair, acknowledged receipt of e-mails from Staci and Mitch Patton.
 4. Critical Areas Workshop: Alan Peters gave a presentation on the proposed Critical Areas code updates to standards for frequently flooded areas, geologically hazardous areas and critical aquifer recharge areas. The Planning Commission members discussed how the frequently flooded areas related to the US Department of Agriculture's flood information.
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Staff said they would investigate this. Staff discussed regulation of septic systems with tanks between 1500 gallons-3500 gallons. The Planning Commission asked Staff to look into how many systems of this size had been permitted in the last ten years.

Chair Prescott opened the meeting to public comment. Two members of the public provided comment.

- a. Staci Patton, provided public comment
- b. Terry Wasinger, provided public comment

5. Planning Commission Business:

- a. Tony Coates asked staff about what involvement, if any, the Planning Commission should have regarding the formation of the Metropolitan Park District. Alan Peters will contact Debi Van Camp for more information regarding the park district.
- b. Sue Davis inquired about the possibility of using telephonic devices for meetings. Alan Peters will find out if the Skamania County Annex basement is equipped for such meetings.
- c. Tony Coates informed staff that he and Mathew Joy will not be able to attend the September 17, 2019 meeting. John Prescott stated he will be unavailable the month of November and the first meeting in December.
- d. Alan Peters informed the Planning Commission members of a training taking place in Stevenson on Tuesday, October 1, 2019 on "A Short Course on Local Planning" presented by Washington State Department of Commerce.

6. MEETING ADJOURNED

ATTEST

Planning Commission Chair

Secretary



Skamania County

Community Development Department

Building/Fire Marshal • Environmental Health • Planning

Skamania County Courthouse Annex

Post Office Box 1009

Stevenson, Washington 98648

Phone: 509-427-3900 Inspection Line: 509-427-3922

MEMO

TO: Planning Commission
FROM: Alan Peters, Assistant Planning Director
DATE: September 11, 2019
RE: Critical Areas Update

County Planning Staff, the County's consultant, and the Planning Commission continue progress on the County's required Critical Areas Ordinance periodic review. The Planning Commission has decided to review the proposed update chapter by chapter with Planning staff at upcoming workshops. This memo includes a brief summary of discussion topics for the September 17, 2019 workshop. As time allows, the Planning Commission will review proposed updates to the code's requirements for fish and wildlife habitat conservation areas (including riparian areas) and wetlands. The Planning Commission may recommend specific changes to the draft at the workshop.

This summary is provided in addition to other publicly available information including the County's Best Available Science (BAS) Report, the Revised Code of Washington, Washington Administrative Code, and the draft ordinance.

Follow-up items from September 3rd Workshop

Frequently Flooded Areas – Per WAC 365-190-110, "classifications of frequently flooded areas should include, at a minimum, the 100-year flood plain designations of the Federal Emergency Management Agency and the National Flood Insurance Program". one-hundred-year flood is a flood event that has a 1 in 100 chance (1% probability) of being equaled or exceeded in any given year. These areas are included in Zone A of FEMA's flood insurance rate maps.

The US Department of Agriculture (USDA) has published flooding frequency classes which are expressed as none, very rare, rare, occasional, frequent, and very frequent. A 100-year flood is considered "rare" under USDA's flood frequency classes, meaning that flooding is unlikely but possible under usual weather conditions. USDA considers flood frequency to be "frequent" or "very frequent" when the chance of flooding is more than 50 percent in any year and flooding is likely to occur often or very often under normal weather conditions. When our CAO refers to "frequently flooded areas" this is based on the WAC's definition of this term, not USDA's usage.

Critical Aquifer Recharge Areas – The draft code exempts on-site septic systems (OSS) with a size of 1,500 gpd or less. Large on-site systems (LOSS) are those with capacity for 3,500 gpd and are permitted by the Washington Department of Health. Hydrogeologic reports are required by WAC 246-272B. The current draft would require hydrogeologic reports for those systems between 1,500 gpd and 3,500 gpd. The Planning Commission was inclined to remove this

requirement from the draft and asked how many systems have been permitted in the past 10 years. Our environmental health specialist could only identify one such system permitted since 2010 (a wedding venue). A second is currently in process (a spa facility).

Wetlands (Chapter 19.03)

Section 365-190-090 of the Washington Administrative Code (WAC) and RCW 36.70A.030 define wetlands as areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after 1 July 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

The County's existing wetland protections are found in Section 21A.04.020 of the current Critical Areas Ordinance. Wetlands are rated into four classes and are protected by buffers ranging from 25 ft. to 200 ft.

The proposed wetland regulations are found in Chapter 19.03 of the draft code. The draft ordinance relies on the Washington Department of Ecology's wetlands guidance found in "Wetlands in Washington State, Volume 2 – Guidance for Protecting and Managing Wetlands. Washington State Department of Ecology Publication No. 05-06-008" and utilizes that document's "Alternative 3" as contemplated by the County's 2007 Comprehensive Plan. The draft also divides wetlands into four different classifications, with buffers ranging from 25 ft. to 300 ft. The buffers differ between Eastern and Western Washington and provide much for more use and site-specific considerations when determining required buffers. Buffers depend on the intensity of land use and quality of habitat. Because of the way buffers are determined in the proposal, some situations may have larger or smaller buffers than are currently required.

The draft ordinance also includes new options for developing in or around wetlands. More specific guidelines for buffer averaging and buffer reduction (up to 25%) are included. Such reductions no longer require a variance. Variances are only required where a buffer is reduced by more than 25%. Additionally, when impervious surfaces from previous development completely functionally isolate the buffer from the wetland (such as when a road cuts across a buffer), the wetland buffer shall not extend past the impervious surfaces. The draft ordinance also includes additional allowances for installation of roads, utilities, stormwater management, and passive recreation facilities within buffers.

New provisions on density transfers allow for landowners to develop their properties to the full density allowed as if no wetland was present on site. For example, where a property owner owns 20 acres of land in a 5-acre residential zone, but a wetland and its buffer cover 10 acres of the property, they would be allowed to develop four residential lots on the 10 acres outside of the wetland and buffer. The lots could be reduced in size accordingly.

Finally, where impacts to wetlands or wetland buffers require mitigation, the code includes clear requirements for mitigation plans. The code also prohibits the buffers of new wetlands created as mitigation from encroaching onto an adjacent property.

Fish and Wildlife Habitat Conservation Areas (Chapter 19.05)

Fish and wildlife habitat conservation areas (FWHCAs) include riparian and non-riparian habitats:

- Areas where endangered, threatened, and sensitive species have a primary association, including federal and state species (WDFW priority habitats and species, including riparian habitat areas) and state priority habitat areas associated with state priority species.
- Habitats and species of local importance, as determined locally.
- Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat.
- Waters of the state: Type S – Shorelines, Type F – fish bearing, Type Np – perennial non-fish, Type Ns – seasonal non-fish streams.
- Forage fish spawning areas.
- Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.
- State natural area preserves, natural resource conservation areas, and state wildlife areas.

The County’s existing regulations for these areas are found in Chapters 21A.04 and 21A.05. Under the County’s current regulations, these areas include areas within 200 ft. from any watercourse with know endangered, threatened, sensitive, candidate or priority fish species and areas within 1000 ft. of non-fish endangered, threatened, sensitive, candidate or priority species. For any development within these areas, a site plan is transmitted to the Washington Department of Fish and Wildlife (WDFW) for their comment. If WDFW determines that a proposal is likely to adversely affect a wildlife area, then a wildlife management plan is required.

In addition to the above review required within 200 ft. of some watercourses, the following riparian buffers apply:

- Class I – 100 ft.
- Class II – 100 ft.
- Class III – 100 ft.
- Class IV – 50 ft.
- Class V – 25 ft.

The proposed regulations are found in Chapter 19.05. All development located within FWHCAs would require the submission of a critical areas report which discusses the affected habitat, establishes any necessary buffers, and includes a mitigation plan. This report is similar to the wildlife management plans sometimes required today. However, this requirement only applies to areas within the FWHCA and does not include the additional 200 ft. or 1000 ft. buffer currently applicable. This does not include development located outside of the standard riparian buffers. Additionally, an exemption has been carved out for single-family residences in deer and elk wintering range.

The proposed riparian buffers are as follows:

Type S – regulated by Shoreline Master Program

Type F (salmon bearing) – 150 ft.

Type F (non-salmon bearing) – 100 ft.

Type Np – 75 ft.

Type Ns – 50 ft.

As stated in the County's BAS report, while there is widespread agreement within the scientific community that restricting the use of riparian habitats is necessary to maintain the functions and values provided by them, there is less agreement regarding the width of riparian areas that is necessary to preserve their functions or what kinds of activities are compatible with riparian habitat. The existing and proposed buffers are generally in the range of buffers included in critical areas ordinances throughout the state.

As with wetlands, the draft ordinance also includes new options for developing in or around habitat areas. More specific guidelines for buffer averaging and buffer reduction (up to 25%) are included. Such reductions no longer require a variance. Variances are only required where a buffer is reduced by more than 25%. Additionally, when impervious surfaces from previous development completely functionally isolate the buffer from the riparian area, the buffer shall not extend past the impervious surfaces. The draft ordinance also includes additional allowances for installation of roads, stream crossings, utilities, and trails within riparian buffers. The new provisions for density transfers also apply to riparian areas.

A SHORTCOURSE

ON LOCAL PLANNING



Department of Commerce

A Short Course on Local Planning

Tuesday, October 1, 2019, 6:15 – 9:15 p.m.

Hegewald Center – West Meeting Room,
710 SW Rock Creek Drive, Stevenson, WA 98648

Agenda:

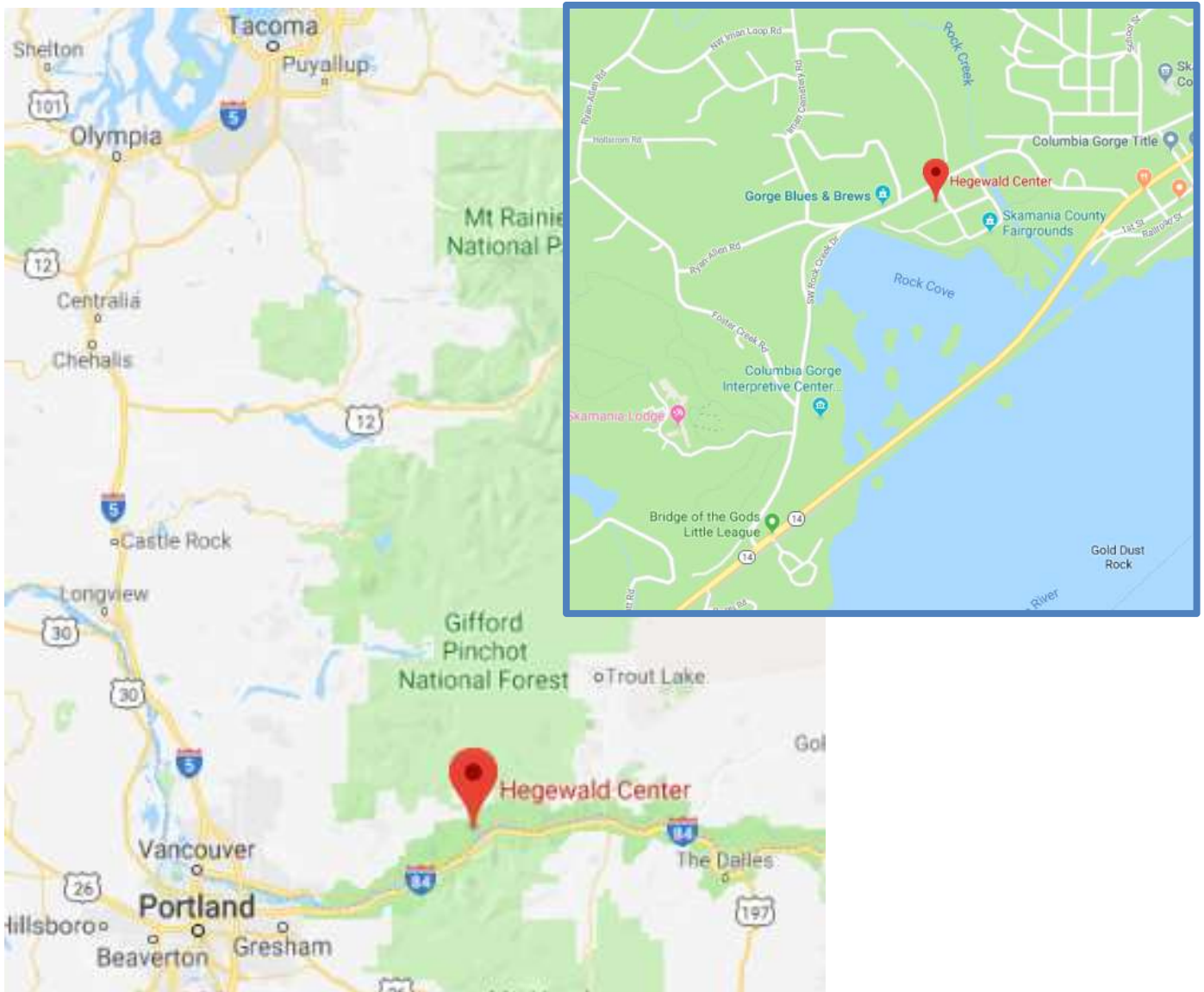
- 6:15– 6:30 WELCOME AND INTRODUCTIONS.....Commerce**
- 6:30 – 7:00 THE LEGAL BASIS OF PLANNING IN WASHINGTON.....Brent Boger, Attorney at Law**
The statutory basis of planning in Washington State, and early planning statutes.
Constitutional issues in land use planning.
- 7:00 - 7:30 COMPREHENSIVE PLANNING BASICS.....Scott Kuhta, Planner**
An overview of Growth Management Act requirements for local planning, especially for jurisdictions that are “partially planning” under the GMA.
- 7:30 – 7:40 BREAK**
- 7:40 – 8:10 ROLES AND RESPONSIBILITIES.....Scott Kuhta, Planner**
Roles and responsibilities in the planning process. Legislative vs quasi-judicial decisions, tips for encouraging public involvement, best practices for effective meetings.
- 8:10 – 8:40 OPEN GOVERNMENT LAWSBrent Boger, Attorney at Law**
Open Public Meetings Act (OPMA) and Introduction to the Public Records Act (PRA). This training meets the requirements of RCW 42.30.205 requiring every member of a governing body to take OPMA training within 90 days of taking an official role, and every four years thereafter, as long as they remain in that role. Attendees will receive a certificate of training.



REGISTRATION: Please register for the Short Course by September 25, 2019, by sending an email with your name, organization and title (if applicable) and the location of the short course you wish to attend to shortcourse@commerce.wa.gov or by leaving the same information at 360 725-3064. Registration is not required, but helps for planning purposes; all will be welcome at the event. There is no cost to attend the Short Course.

SEE ALL UPCOMING IN PERSON COURSES AND VIDEO OPTIONS ON THE SHORT COURSE WEB PAGE AT: www.commerce.wa.gov/serving-communities/growth-management/. Agendas and presentations for past courses will be on the web site for the calendar year.

MAP OF LOCATION:



City elected officials will earn 3 CML credits in Community Planning and Development
County elected officials will receive 2 core credits towards Certified Public Official Training
For WCIA members, attendance at the Short Course provides COMPACT training credit
For RMSA members, the Short Course meets the requirements of the Land Use Advisory Member Standards
For WSBA members, viewing the video series provides 1 CLE Legal Credit, and 0.75 other credits (Activity # 1011672)

MODERATOR: Scott Kuhta, Senior Planner, Washington State Department of Commerce
scott.kuhta@commerce.wa.gov 509.795.6884

PRESENTERS: Brent Boger, Assistant City Attorney, City of Vancouver
Brent.Boger@cityofvancouver.us 360.487.8503

ADDITIONAL TRAINING AND EDUCATIONAL OPPORTUNITIES IN WASHINGTON

Department of Commerce, Growth Management Services <http://www.commerce.wa.gov/serving-communities/growth-management/>. See the Short Course Manual and Videos under the “Short Course on Local Planning” Key Topic.

Municipal Research and Services Center of Washington at www.mrsc.org: See [A Planner’s Pocket Reference](http://www.mrsc.org/subjects/planning/PocketRef.aspx) at www.mrsc.org/subjects/planning/PocketRef.aspx, which includes glossaries, web links for land use, environment, housing, census, economics, transportation, technical tools, model codes, and land use law.

Washington State Office of the Attorney General Trainings on Open Government, Open Public Meetings Act and Public Records Act training at www.atg.wa.gov/OpenGovernmentTraining.aspx

OUR SHORT COURSE PARTNERS

Planning Association of Washington (PAW) is a statewide, grass-roots, non-profit incorporated in 1963, with the mission to “provide unbiased practical planning education to the citizens of Washington State”. PAW created the Short Course on Local Planning and is a Founding Partner. www.planningpaw.org Partner since 1980.

The Washington Cities Insurance Authority (WCIA) is a liability insurance risk pool which supports member risk management through education. WCIA encourages their members to attend the Short Course on Local Planning because it is recognized as a tool for reducing land-use liability. www.wciapool.org/ Partner since 2009.

Washington Chapter of the American Planning Association (WA-APA) www.washington-apa.org/ Partner since 2014.

Association of Washington Cities (AWC) and the **Risk Management Services Agency (RMSA)** www.awcnet.org/ and www.awcnet.org/PropertyLiability.aspx See **GMA Comp Plan Conversation Starter** videos . www.awcnet.org/ResourcesResearch/GMACompPlanConversationStarters.aspx Partner since 2015.

A Short Course on Local Planning: Training citizen planners since 1977

The Short Course is an opportunity for planning commissioners, local government staff, elected officials, and community members to learn about our state’s legal framework for planning, comprehensive planning and community development processes, and public involvement in the planning process.

www.commerce.wa.gov/serving-communities/growth-management/ 360.725.3064