



SKAMANIA COUNTY PLANNING COMMISSION

AGENDA

Tuesday, March 2, 2021, 5:30 PM

REMOTE PARTICIPATION BY ZOOM MEETING TELEPHONE AND VIDEO CONFERENCE

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. AGENDA ITEMS

- a. Approval of minutes from the February 16, 2021 Planning Commission Meeting.
- b. PUBLIC HEARING – Joint state/county hearing on the Shoreline Master Program Periodic Review.
- c. Workshop to discuss alternative energy facilities.

5. PLANNING COMMISSION BUSINESS

6. ADJOURN

Participation Instructions:

To join the Zoom meeting online, visit <https://us02web.zoom.us/j/6564597957>.

To join by telephone, call **(253) 215-8782**, and enter the following meeting ID when prompted: **656 459 7957**



SKAMANIA COUNTY PLANNING COMMISSION

MINUTES

Tuesday, February 16, 2021, 6:15 PM

REMOTE PARTICIPATION BY ZOOM MEETING TELEPHONE AND VIDEO CONFERENCE

1. CALL TO ORDER

Mat Joy called the meeting to order at 6:17 PM.

2. PLEDGE OF ALLEGIANCE

Mat Joy led the Pledge of Allegiance.

3. ROLL CALL

Planning Commissioners Present: Ken Bajema, Anita Gahimer Crow, Sue Davis, Mat Joy, Adam King, John Prescott

Staff Present: Mike Beck, Andrew Lembrick, Alan Peters

4. AGENDA ITEMS

- a. Approval of minutes from the February 2, 2021 Planning Commission Meeting.
Sue Davis moved to approve the minutes of the February 2, 2021 Planning Commission Meeting. John Prescott seconded the motion. Motion passed 5-0.
- b. Election of Planning Commission Officers.
Mat Joy asked for nominations for chair and vice-chair. John Prescott nominated Cyndi Soliz for chair and Sue Davis for vice-chair. Ken Bajema nominated May Joy for chair. Mat Joy declined the nomination and moved to elect Cyndi Soliz for chair and Sue Davis for vice-chair. The motion was seconded by John Prescott. Motion passed 5-0. Sue Davis proceeded to chair the remainder of the meeting.
- c. Workshop to discuss Shoreline Master Program Periodic Review.
Alan Peters provided a summary of the shoreline master program and the periodic review process and responded to questions from the Planning Commission about the periodic review checklist and format of the March 2nd public hearing.



SKAMANIA COUNTY PLANNING COMMISSION

5. PLANNING COMMISSION BUSINESS

a. 2021 Work Program.

Alan Peters shared a revised work plan that consisted of ten items that was prepared based on discussion from the last Planning Commission meeting. The Planning Commission discussed the work plan and schedule with staff.

Anita Gahimer Crow suggested that the Planning Commission discuss the small-scale alternative energy item if there is time at the next meeting. John Prescott state that staff should coordinate with the public utility district on this item.

b. Open Public Meetings Act Training.

Mike Beck provided training on the Washington State Open Public Meetings Act (OPMA). The Planning Commission and staff noted the importance of adherence to the OPMA. Staff stated that they would share resources from the Municipal Research and Services Center (MRSC) and invited the Planning Commission to ask questions in the future.

6. ADJOURN

Sue Davis adjourned the meeting at 7:35 PM.



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

MEMORANDUM

TO: Skamania County Planning Commission
FROM: Planning Staff
DATE: March 2, 2021
RE: Shoreline Master Program Periodic Review

Background

Skamania County is undertaking a periodic review of the County's Shoreline Master Program (SMP) as required by the Washington State Shoreline Management Act (SMA). The SMA requires that each SMP be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. The periodic review ensures the SMP stays current with changes in laws and rules, remains consistent with other Skamania County plans and development regulations, and is responsive to changed circumstances, new information, and improved data.

The county recently completed a comprehensive update of the SMP which was adopted by the Board of County Commissioners on November 24, 2020, and granted final approval by the Washington State Department of Ecology (Ecology) on December 15, 2020. It went into effect on December 29, 2020. Per RCW 90.58.080(4), Skamania County's periodic review must be completed by June 30, 2021, even though a comprehensive update was recently completed. Subsequent periodic reviews are required every eight years thereafter.

Skamania County's Shoreline Master Program

The SMP applies to larger streams and rivers whose mean annual flow is 20 cubic feet per second or greater and lakes of 20 acres or larger. Several waterbodies in Skamania County are regulated by the SMP, including the following shorelines of statewide significance: Swift Reservoir, Spirit Lake, Columbia River, White Salmon River, Little White Salmon River, Wind River, Lewis River, Lava Creek, and Trout Lake Creek. In addition, there are many other smaller streams, lakes, and associated wetlands, which are within shoreline jurisdiction.

This SMP is divided into seven chapters:

- Chapter 1: Introduction – Provides general background information on the purpose of the SMP and explains shoreline jurisdiction, the SMP's applicability to development and actions within the shoreline, and the organization of the document.
- Chapter 2: Administrative Provisions – Provides a system by which shoreline permits, including substantial development, conditional use, and variance, as well as letters of exemption, are considered.

- Chapter 3: Goals and General Provisions – Articulates the goals and policies of the SMP that establish the foundation for all other portions of the SMP. In addition, this chapter contains general provisions which are policies and regulations that apply to all shoreline use and development regardless of its location or the Shoreline Environment Designation in which it is located. Topics addressed in this chapter include archaeological and historic resources, critical areas, public access, vegetation conservation, water quality, shorelines of statewide significance, and economic development.
- Chapter 4: Shoreline Environment Designation Provisions – Defines the environmental designations of all the shorelines of the state in the County’s jurisdiction. Designation criteria and management policies and regulations specific to the six designated shoreline environments (Aquatic, Natural, Rural Conservancy, Shoreline Residential, and High Intensity) are detailed in this chapter.
- Chapter 5: Specific Shoreline Use Provisions – Details the policies and regulations applicable to specific shoreline use categories such as, but not limited to, aquaculture, commercial, industrial, boating facilities and overwater structures, residential, recreation, transportation, and utilities, based on the Shoreline Environment Designation in which the use is proposed to locate.
- Chapter 6: Shoreline Modification Provisions – Details the policies and regulations applicable to activities that modify the physical configuration or qualities of the land-water interface, including dredging, excavation, fill, restoration, and stabilization.
- Chapter 7: Definitions - Provides definitions for words and terms used in the SMP.

Periodic Review Requirements

The SMA requires local governments to review amendments to the SMA and Ecology rules that have occurred since the SMP was last amended, and determine if local amendments are needed to maintain compliance. Local governments must also review changes to the comprehensive plan and development regulations to determine if the SMP policies and regulations remain consistent with them. Local governments should consider during their periodic review whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data.

Consistency with State Law and Rules

The regulatory framework that guides local SMP policies includes the Revised Code of Washington (RCW) Chapter 90.58 and Washington Administrative Code (WAC) Chapter 173-26. County staff completed a Periodic Review Checklist (Attachment 1) which summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2019 that may trigger the need for local SMP amendments during periodic reviews. The county reviewed this checklist prior to the adoption of the comprehensive SMP update in 2020 and again after this update was completed.

Consistency with Comprehensive Plan and Zoning

Staff also reviewed the SMP for consistency with any changes to the comprehensive plan or development regulations. Only minor amendments to the comprehensive plan map and zoning map have been adopted since the comprehensive SMP update was completed. These changes do not affect the SMP.

Based on this review, the county is proposing no revisions to the SMP and anticipates adopting findings of adequacy (Attachment 2).

Periodic Review Process

The county has elected to utilize a joint review process with Ecology. As outlined in WAC 173-26-104, the process combines the local and state public comment periods required by RCW 90.58.090. The Planning Commission plays an important role in this process by holding a joint public hearing on the proposed finding of adequacy.

Initial Staff Review

- Staff completed the Periodic Review Checklist and consulted with Ecology staff in December 2020/January 2021, affirming that changes are not likely to be needed to the SMP and that the county and Ecology will conduct joint review.

Public Participation Program

- Staff developed a public participation program (Attachment 3) as required by WAC-173-26-090(3)(a).
- The plan includes public participation goals and opportunities, a list of stakeholders and interested parties, a public participation timeline, and provides for public comment periods and hearings. As part of this plan, the county is maintaining a project website at www.skamaniacounty.org/shorelineupdate.

Public Comment Period, Hearing, and Planning Commission Review

- With this staff report, staff is delivering the Periodic Review Checklist and draft findings of adequacy to the Planning Commission for their review.
- A joint 30-day public comment period is occurring from February 3, 2021 to March 4, 2021. The county will share any comments received with Ecology.
- A joint local/state public hearing is set for Tuesday, March 2, 2021 at 5:30 p.m. before the Planning Commission. The purpose of this hearing is to receive comments on the proposal. The Planning Commission will not be making any recommendations at this meeting.
- Following the conclusion of the comment period and hearing, staff will evaluate the comments received. The county may or may not make changes in response to public comments. Staff will then send the proposed finding of adequacy or any changes to Ecology for an initial determination of consistency with the SMA and state rules.
- After receiving an initial determination of consistency from Ecology, the Planning Commission will vote to forward a recommendation to the Board of County Commissioners.

Final Actions

- The Board of County Commissioners will review the Planning Commission's recommendation and adopt a resolution with findings of adequacy.
- The county will then submit the resolution to Ecology, with evidence of notice, copies of any comments received, and a completed periodic review checklist.
- Ecology will send final letter approving Finding of Adequacy, completing the periodic review process.

Next Steps

The Planning Commission will hold a public hearing as part of its March 2, 2021 meeting. Comments will be accepted until March 4, 2021. At the conclusion of the comment period, staff will evaluate the comments received. The county may proceed with the proposed finding of adequacy, or may determine that changes to the SMP are appropriate after considering public comment.

Staff will then send the proposed finding of adequacy or any SMP changes to Ecology for an initial determination of consistency with the SMA and state rules. After receiving an initial determination of consistency from Ecology, Staff will return to the Planning Commission and request that the Planning Commission vote to forward a recommendation to the Board of County Commissioners.

Attachments

Attachment 1: Periodic Review Checklist

Attachment 2: Draft Finding of Adequacy Resolution

Attachment 3: Public Participation Plan

The current Shoreline Master Program is available for review at www.skamaniacounty.org/shorelineupdate

SHORELINE MASTER PROGRAM PERIODIC REVIEW

Periodic Review Checklist

This document is intended for use by counties, cities and towns subject to the Shoreline Management Act (SMA) to conduct the “periodic review” of their Shoreline Master Programs (SMPs). This review is intended to keep SMPs current with amendments to state laws or rules, changes to local plans and regulations, and changes to address local circumstances, new information or improved data. The review is required under the SMA at [RCW 90.58.080\(4\)](#). Ecology’s rule outlining procedures for conducting these reviews is at [WAC 173-26-090](#).

This checklist summarizes amendments to state law, rules and applicable updated guidance adopted between 2007 and 2019 that may trigger the need for local SMP amendments during periodic reviews.

How to use this checklist

See the associated *Periodic Review Checklist Guidance* for a description of each item, relevant links, review considerations, and example language.

At the **beginning of the periodic review**, use the review column to document review considerations and determine if local amendments are needed to maintain compliance. See WAC 173-26-090(3)(b)(i).

Ecology recommends reviewing all items on the checklist. Some items on the checklist prior to the local SMP adoption may be relevant.

At the end of your review process, use the checklist as a final summary identifying your final action, indicating where the SMP addresses applicable amended laws, or indicate where no action is needed. See WAC 173-26-090(3)(d)(ii)(D), and WAC 173-26-110(9)(b).

Local governments should coordinate with their assigned [Ecology regional planner](#) for more information on how to use this checklist and conduct the periodic review.

Attachment 1. Page 2.



Prepared By	Jurisdiction	Date
Alan Peters, Assistant Planning Director	Skamania County	1/25/2021

Row	Summary of change	Review	Action
2019			
a.	OFM adjusted the cost threshold for building freshwater docks	Ecology-approved SMP (2020) updated SMP section 2.6(8) to provide examples of some of the most common exemptions. Reader is referred to WAC 173-27-040 for complete exemptions including dollar thresholds for freshwater docks.	SMP is consistent with this requirement. No update needed.
b.	The Legislature removed the requirement for a shoreline permit for disposal of dredged materials at Dredged Material Management Program sites (<i>applies to 9 jurisdictions</i>)	N/A – Skamania is not one of the affected jurisdictions; Ecology-approved SMP 6.3.4 Dredging & Dredge Material Disposal – Regulation 6.d requires compliance with WA DMMP.	N/A – no update needed.
c.	The Legislature added restoring native kelp, eelgrass beds and native oysters as fish habitat enhancement projects.	Ecology-approved SMP (2020) provide examples of some of the most common exemptions in Section 2.6(8) and provide a reference to WAC 173-27-040 for complete exemption language.	The SMP is consistent with this requirement. No update needed.
2017			
a.	OFM adjusted the cost threshold for substantial development to \$7,047.	Ecology-approved SMP (2020) Section 2.5 (8.a) Substantial Development Permits and Letters of Exemption includes the correct dollar threshold. Chapter 7 Definitions – Substantial Development includes the correct dollar threshold.	The SMP is consistent with this requirement. No update needed.

Row	Summary of change	Review	Action
b.	Ecology permit rules clarified the definition of “development” does not include dismantling or removing structures.	Ecology-approved SMP (2020) includes language in Chapter 7 Definitions - Development specifying that dismantling or removing structures is not considered development in the absence of other development or redevelopment.	SMP is consistent with this requirement. No update needed.
c.	Ecology adopted rules clarifying exceptions to local review under the SMA.	Section 2.3 of the Ecology-approved SMP includes the exceptions to local review included in wac 173-27-044 including for: <ul style="list-style-type: none"> • Remedial hazard substance cleanup actions • Boatyard improvements meeting NPDES requirements • Certain WSDOT safety and maintenance projects. 	SMP is consistent with this requirement. No update needed.
d.	Ecology amended rules clarifying permit filing procedures consistent with a 2011 statute.	Section 2.5(15) includes permit filing procedures consistent with WAC 173-27-190 including: <ul style="list-style-type: none"> • The date of filing occurs when all local appeals and reconsiderations are complete • Mailing and contents to be sent to Ecology • Date of filing is the date Ecology receives the permit materials. • For SCUPs and variances, date of filing is the date Ecology transmits its decision. 	SMP is consistent with this requirement. No update needed.
e.	Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.	Ecology-approved SMP Section 5.3.5 clearly specifies that forest practices that only involve timber cutting are not developments and are not subject to the SMP.	SMP meets this requirement. No update needed.

Row	Summary of change	Review	Action
f.	Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction	N/A – Skamania does not have any lands of exclusive federal jurisdiction; Ecology-approved SMP 1.4 Shoreline Jurisdiction; 1.5 SMP Applicability to Development	N/A – no update required.
g.	Ecology clarified “default” provisions for nonconforming uses and development .	Ecology-approved SMP Section 2.9 provides non-conforming use and development provisions consistent with the default provisions in WAC 173-27-080.	SMP is consistent with the optional default nonconforming development language. No updated needed.
h.	Ecology adopted rule amendments to clarify the scope and process for conducting periodic reviews .	Ecology-approved SMP 2.13 SMP Periodic Review. The periodic review rule and procedures in RCW 90.58.080 and WAC 173-26-090 apply whether or not procedures are adopted into the SMP.	N/A - No changes required to the SMP to comply with the statute and WAC requirements.
i.	Ecology adopted a new rule creating an optional SMP amendment process that allows for a shared local/state public comment period.	Ecology-approved SMP 2.13 Amendments to the SMP. Section 2.13 does not address the optional local amendment process and is not required to. The County’s SMP amendment procedures do not conflict with and would allow for the optional review process in future periodic reviews.	No change required.
j.	Submittal to Ecology of proposed SMP amendments.	Ecology-approved SMP 2.14 Amendments to the SMP references WAC 173-26	No change required.
2016			
a.	The Legislature created a new shoreline permit exemption for retrofitting existing structure to comply with the Americans with Disabilities Act .	Ecology-approved SMP 2.6 (8) Substantial Development Permits & Letters of Exemption provides examples of some of the most common exemptions. Reader is	No update required.

Row	Summary of change	Review	Action
		referred to WAC 173-27-040 for complete exemptions including this specific item.	
b.	Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.	Ecology-approved SMP 3.4.6.2 Wetland Regulations – Delineation & Rating #2; 7 Definitions – Wetlands Rating System	No changes required. The SMP is up-to-date consistent with wetlands guidance.
2015			
a.	The Legislature adopted a 90-day target for local review of Washington State Department of Transportation (WSDOT) projects.	Ecology-approved SMP 2.5(13) Permit Process contains language referencing 90-day reviews for WSDOT projects.	The SMP is consistent with this requirement. No update needed.
2014			
a.	The Legislature created a new definition and policy for floating on-water residences legally established before 7/1/2014.	N/A - There are no previously existing FOWRs in Skamania County. Ecology-approved SMP 5.3.3 Boating Facilities & Overwater Structures Policy #6 and Regulation #14 prohibit this use; 5.3.11 Residential Development Regulation #10 prohibits this use; 7 Definitions – Floating On-water Residence	N/A – floating on-water residences are prohibited.
2012			
a.	The Legislature amended the SMA to clarify SMP appeal procedures .	Ecology-approved SMP 2.11 Appeals addresses permit appeals but does not address Ecology SMP appeal procedures.	The procedures of RCW 90.58.190 apply regardless of inclusion in the SMP. No change required.
2011			
a.	Ecology adopted a rule requiring that wetlands be delineated in accordance with the approved	Ecology-approved SMP 3.4.6.2 Wetlands – Regulations – Delineation & Ratings. This section requires	No change required.

Row	Summary of change	Review	Action
	federal wetland delineation manual.	delineation according to the federal wetlands delineation manual and supplements.	
b.	Ecology adopted rules for new commercial geoduck aquaculture.	N/A – Skamania has no saltwater shorelines where geoduck clams grow.	No change required.
c.	The Legislature created a new definition and policy for floating homes permitted or legally established prior to January 1, 2011.	N/A - There are no previously existing floating homes in Skamania County. Ecology-approved SMP 5.3.3 Boating Facilities & Overwater Structures prohibits this use; 5.3.11 Residential Development prohibits this use; 7 Definitions – Floating Home	No change required since the SMP prohibits this use.
d.	The Legislature authorizing a new option to classify existing structures as conforming.	Ecology-approved SMP 5.3.11 Residential Development – Policy #6 includes this optional provision.	No change required.
2010			
a.	The Legislature adopted Growth Management Act – Shoreline Management Act clarifications.	Ecology-approved SMP 1.8 Effective Date; 3.4.2(1) Critical Areas – Policies	No change required. Skamania County completed its comprehensive SMP update providing separate shoreline critical area provisions effective December 29, 2020 (Ord. No 2020-07)
2009			
a.	The Legislature created new “relief” procedures for instances in which a shoreline restoration project within a UGA creates a shift in Ordinary High Water Mark.	Skamania County’s SMP does not include this provision. The allowances of WAC 173-27-213 only apply within Urban Growth Areas established under RCW 36.70A. N/A – There are no urban growth areas in Skamania County only “urban exempt	N/A – No update required.

Row	Summary of change	Review	Action
		areas” designated under the National Scenic Area.	
b.	Ecology adopted a rule for certifying wetland mitigation banks .	Ecology-approved SMP 3.4.4 General Mitigation Requirements for all CAs; 3.4.4(5.c.ii) Compensation – Offsite; 3.4.6 Wetlands – Wetland Mitigation #1.a N/A –Skamania does not currently have a wetland mitigation bank program but place-holder provisions allow for such once established.	The SMP already allows for mitigation banks to offset impacts. No change required.
c.	The Legislature added moratoria authority and procedures to the SMA.	N/A – RCW 90.58.590 and WAC 173-27-085 apply regardless of inclusion in the SMP	The draft SMP does not discuss moratoria. Because it is not necessary to include these provisions, no change is required or recommended.
2007			
a.	The Legislature clarified options for defining "floodway" as either the area that has been established in FEMA maps, or the floodway criteria set in the SMA.	Ecology-approved SMP 7. Definitions – Floodway includes language referencing FEMA maps.	No change required.
b.	Ecology amended rules to clarify that comprehensively updated SMPs shall include a list and map of streams and lakes that are in shoreline jurisdiction.	Ecology-approved SMP Appendix A Shoreline Environment Designation Maps and Appendix B List of Shoreline Waterbodies	No change required.
c.	Ecology’s rule listing statutory exemptions from the requirement for an SDP was amended to include fish habitat enhancement projects that conform to the provisions of RCW 77.55.181.	Ecology-approved SMP 2.6 (8.o) Substantial Development Permits and Letters of Exemption references to WAC 173-27-040(2.p) for fish habitat enhancement exemptions consistent with RCW 77.55.181.	No change required.

RESOLUTION NO. 2021-XX

**A RESOLUTION CONCERNING THE SHORELINE MASTER PROGRAM
PERIODIC REVIEW REQUIRED BY RCW 90.58.080(4)**

WHEREAS, the Shoreline Management Act (SMA) requires Skamania County to develop and administer a Shoreline Master Program (SMP); and

WHEREAS, Skamania County adopted a comprehensive SMP update as required by RCW 90.58.080(2), which was effective as of December 29, 2020; and

WHEREAS, RCW 90.58.080(4) requires Skamania County to periodically review and, if necessary, revise the master program on or before June 30, 2021; and

WHEREAS, the review process is intended to bring the SMP into compliance with requirements of the act or state rules that have been added or changed since the last SMP amendment, ensure the SMP remains consistent with amended comprehensive plans and regulations, and incorporate amendments deemed necessary to reflect changed circumstances, new information, or improved data; and

WHEREAS, Skamania County developed a public participation program for this periodic review in accordance with WAC 173-26-090(3)(a) to inform, involve and encourage participation of interested persons and private entities, tribes, and applicable agencies having interests and responsibilities relating to shorelines; and

WHEREAS, Skamania County has followed a public participation program, including maintaining a project website, providing notices to stakeholders and the general public, and holding a public workshop and hearing; and

WHEREAS, Skamania County used Ecology's checklist of legislative and rule amendments to review amendments to chapter 90.58 RCW and department guidelines that have occurred since the master program was last amended, and determine if local amendments are needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i); and

WHEREAS, Skamania County reviewed the comprehensive plan and development regulations to determine if the shoreline master program policies and regulations remain consistent with them in accordance with WAC 173-26-090(3)(b)(ii); and

WHEREAS, Skamania County considered whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data in accordance with WAC 173-26-090(3)(b)(iii); and

WHEREAS, Skamania County consulted with the Department of Ecology and solicited comments; and

WHEREAS, the Skamania County Planning Commission completed a review of staff

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recommendations that no SMP amendments are necessary to maintain compliance with the Act or applicable guidelines; and

WHEREAS, Skamania County conducted a formal joint public comment period with the Department of Ecology in compliance with requirements of WAC 173-26-104; and

WHEREAS, Skamania County published a legal notice in the Skamania County Pioneer on February 3, 2021 and mailed said notice to interested parties for a public hearing on the proposed staff recommendation(s), including a statement that the hearing was intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii); and

WHEREAS, the Skamania County Planning Commission took public testimony on the proposed staff recommendation at a public hearing on March 2, 2021 held virtually online via the Zoom platform; and

WHEREAS, Skamania County has determined that a Finding of Adequacy is exempt from State Environmental Policy Act review based on WAC 197-11-800(19), which covers resolutions or ordinances “relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment”, or “text amendments resulting in no substantive changes respecting use or modification of the environment;” and

WHEREAS, the Skamania County Planning Commission reviewed the public testimony and written comments, and affirmed no amendments are needed to maintain compliance with the Act or applicable guidelines; and

WHEREAS, Skamania County provided Notice of Intent to Adopt to the Washington State Department of Commerce in accordance with WAC 173-26-100(5); and

WHEREAS, the Skamania County Board of Commissioners reviewed the record of Planning Commission review and affirmed no amendments are needed for compliance with the Act or applicable guidelines; and

WHEREAS, this completes the Skamania County required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SKAMANIA COUNTY

Section 1. **Review and Evaluation.** The Board of Commissioners hereby finds that the review and evaluation required by RCW 90.58.080(4) have occurred, as described more particularly in the recitals above, and adopts a Finding of Adequacy that the shoreline master program is consistent with the Shoreline Management Act and relevant sections of the Washington Administration Code.

Section 2. **Submission to Department of Ecology.** The Assistant Planning Director is

directed to submit this Resolution adopting Findings of Adequacy to the Department of Ecology for final action. Once approved by the Department of Ecology, no further action is necessary for compliance with RCW 90.58.080(4) for the periodic review update due on June 30, 2021.

Dated this ____ day of ____ 2021.

ATTEST:

**BOARD OF COMMISSIONERS
SKAMANIA COUNTY, WASHINGTON**

T.W. Lannen, Chairman

Richard Mahar, Commissioner

Clerk of the Board

Robert Hamlin, Commissioner

Approved as to form only:

Skamania County Prosecuting Attorney

Aye _____
Nay _____
Abstain _____
Absent _____



Skamania County Shoreline Master Program Periodic Review

Public Participation Plan

Introduction

Skamania County is undertaking a periodic review of its Shoreline Master Program (SMP), as required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4). The SMA requires each SMP be reviewed and revised, if needed, on an eight-year schedule established by the Legislature. The review ensures the SMP stays current with changes in laws and rules, remains consistent with other county plans and regulations, and is responsive to changed circumstances, new information and improved data. The County completed its last comprehensive SMP update on November 24, 2020.

This Public Participation Plan describes the steps that Skamania County will take to provide opportunities for public engagement and public comment. This plan is a working document and will be adjusted as needed to provide for the greatest and broadest public participation.

1.0 Public Participation Goals

- Provide interested parties with timely information, an understanding of the process, and opportunities to review and comment on proposed amendments to the SMP.
- Solicit information from citizens, property owners and stakeholders about their concerns, questions, and priorities for the Periodic Review process.
- Encourage interested parties to informally review and comment on any proposed changes to the SMP and provide those comments to decision makers.
- Provide forums for formal public input prior to decision-making by local officials.
- Consult and consider recommendations from neighboring jurisdictions, federal and state agencies, and Native American tribes.

2.0 Public Participation Opportunities

Skamania County is committed to providing multiple opportunities for public participation throughout the process. The county will use a variety of communication tools to inform the public and encourage their participation, including the following:

2.1 Website

The County's website will include a Periodic Review webpage (www.skamaniacounty.org/shorelineupdate) where interested parties can access status updates, draft documents, official notices, and other project information. The webpage will be the primary repository of all information related to the Periodic Review process. The page will include who to contact for more information and an email link for questions and comments.

2.2 Notice mailing list

An email list of interested parties will be created and maintained by the County. The list will be used to notify interested parties regarding Periodic Review progress and participation opportunities. Interested parties will be added to the list by contacting the Planning Department.

2.3 Comment

Interested parties will be encouraged to provide comments by email to apeters@co.skamania.wa.us. All comments will be forwarded to the Board of County Commissioners and Planning Commission. The Periodic Review webpage will be the central repository for information under consideration.

2.4 Public Meetings

The County will hold one Planning Commission hearing (combined County/Ecology hearing for joint review) and one public workshop with the Board of County Commissioners during the periodic review process. Interested parties are encouraged to attend and provide comments during the Planning Commission hearing and or Board of County Commissioners public workshop. Official notices will be published in the Skamania County Pioneer newspaper and on the County's website.

2.5 News media

The local news media will be kept up-to-date on the Periodic Review process and receive copies of all official notices.

3.0 Stakeholders and Interested Parties

Skamania County will engage the following stakeholders and interested parties:

Agency

WA Department of Commerce
WA Department of Ecology
WA Department of Fish & Wildlife
WA Department of Natural Resources

WA Department of Transportation
U.S. Army Corp of Engineers

Underwood Conservation District

Contact

scott.kuhta@commerce.wa.gov
Miad461@ECY.WA.GOV
Samuel.Kolb@dfw.wa.gov
pacific-cascade.region@dnr.wa.gov
southeast.region@dnr.wa.gov
aquaticleasing.rivers@dnr.wa.gov
chris.regan@wsdot.wa.gov
Evan.G.Carnes@usace.army.mil

tova@ucdwa.org

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Lower Columbia Fish Enhancement Lower Columbia Fish Recovery Board	info@lcfeg.org info@lcfrc.gen.wa.us
Columbia River Inter-Tribal Fisheries Commission Yakama Nation Cowlitz Indian Tribe Confederated Tribes of the Warm Springs Reservation Nez Perce Tribe Confederated Tribes of the Umatilla	critfe@critfc.org jeanette@ykfp.org culture@cowlitz.org Robert.brunoe@ctwsbnr.org nakiaw@nezperce.org TearaFarrowFerman@ctuir.org EricQuaempts@ctuir.org audiehuber@ctuir.org
City of Stevenson City of North Bonneville Columbia River Gorge Commission	ben@ci.stevenson.wa.us tomj@northbonneville.net jessica.gist@gorgecommission.org

Other interested parties will be added to the list as requested by contacting Alan Peters at apeters@co.skamania.wa.us.

4.0 Public Participation Timeline

The following is a general timeline including anticipated public participation opportunities. Skamania County will coordinate with the Department of Ecology throughout the process. A detailed timeline will be posted on the Periodic Review webpage.

FEBRUARY 2021

- February 1, 2021** **Launch Periodic Review Website**
Including information about the periodic review process, draft documents, and instructions on how to provide comment.
- February 1, 2021** **Notify Stakeholders**
Email notice provided to stakeholder mailing list.
- February 3, 2021** **Begin 30-day Comment Period**
Notice published in the Skamania County Pioneer and on County's website. Comments accepted through March 4, 2021.

MARCH 2021

- March 2, 2021** **Joint County/Ecology Public Hearing**
Remote hearing to accept comments on periodic review before the Skamania County Planning Commission.
- March 4, 2021** **End 30-day Comment Period**
- April 27, 2021** **Public Workshop**
(tentative date) Workshop before the Board of County Commissioners. Public comment will be accepted, but this is not a public hearing. Board may take action at this meeting or at a later meeting to complete period review process.

5.0 Public Comment Periods and Hearings

Skamania County will coordinate with the Department of Ecology on public notification of comment periods and hearings to take advantage of Ecology's optional SMP amendment process that allows for a combined state-local comment period (WAC 173-26-104). The County and Ecology will conduct a combined 30-day comment period.

The Planning Commission will hold one public hearing during the review process to receive public comment. The Board of County Commissioners will hold one public workshop before final adoption of a finding of adequacy. Additional hearings or workshops may be required if the periodic review requires the adoption of changes to the SMP.

Public notice of all workshops or hearings will state who is holding the comment period and/or hearing, the date and time, and the location of any public hearing. Notices will be published per official policy and comply with all other legal requirements such as the Americans with Disabilities Act and Governor's proclamations related to the COVID-19 pandemic. A notice will be sent to the email list (2.2 and 3.0, above) and the Department of Ecology.



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

MEMORANDUM

TO: Skamania County Planning Commission
FROM: Planning Staff
DATE: March 2, 2021
RE: Alternative Energy Facilities

BACKGROUND

Planning Commission Chair Cyndi Soliz has requested that the Planning Commission resume the county's prior efforts to adopt provisions for alternative energy facilities in the zoning code.

"Alternative energy facility" refers to wind and solar facilities that generate energy for on-site consumption. A roof-mounted solar system that generates electricity is an example of an alternative energy facility.

HISTORY

The Planning Commission prepared draft regulations (attached) for these facilities and recommended adoption on September 3, 2013, as part of a suite of other amendments to the county's zoning code. The Planning Commission's recommendation included provisions for rooftop and small-scale solar and wind energy facilities, as well as definitions for several related terms.

The Planning Commission's recommendation was forwarded to the Board of County Commissioners (BOCC) in November 2013. On January 28, 2014, the BOCC adopted the Planning Commission's recommendations in Ordinance 2014-02, with the exception of the new section on alternative energy facilities. The ordinance states that this section is to be "revised and prepared for public hearing".

While Ordinance 2014-02 did not adopt the proposed new section with regulations for these facilities, the ordinance did adopt several new definitions for related terms that are now found in SCC Chapter 21.08:

"Rooftop solar energy facility" means a small solar energy facility that is installed onto a structure supplying power directly to that structure.

"Rooftop wind energy facility" means a small wind energy facility that is installed onto a structure supplying power directly to that structure.

"Small-scale solar energy facilities" means any device or combination of devices or elements (such as photovoltaic panels), which rely upon direct sunlight as an energy source, and used primarily to reduce on-site consumption of utility power to farms, homes, or businesses, including but not limited to any substance or device which collects sunlight for use in:

- 1. The heating or cooling of a structure or building;*
- 2. The heating or pumping of water;*
- 3. Industrial, commercial, or agricultural processes; or*
- 4. The generation of electricity.*

A solar energy facility designed for on-site home, farm and small commercial use may be used for purposes in addition to the collection of solar energy. These uses include, but are not limited to, serving as a structural member or part of a roof or a building or structure and serving as a window or wall.

"Small-scale wind energy facilities" means wind turbines which will be used primarily to reduce on-site consumption of utility power to farms, homes or businesses.

NEXT STEPS

Staff requests that the Planning Commission review the draft language and direct staff as to whether the draft language should be considered as-is at a public hearing or be revised prior to a public hearing.

Based on an initial review of the 2013 draft, staff would recommend that the Planning Commission reconsider the 50% roof coverage limit for rooftop solar installations, as well as whether an administrative review is necessary for installation of standalone (not rooftop) solar systems and wind turbines 35 ft. or less in height.

Staff has also shared this draft with the Skamania County PUD, and requested that the PUD provide feedback on the draft.

21.70.180 **ALTERNATIVE ENERGY FACILITIES**

- 1 A. It is the purpose of this section to promote the safe, effective, and efficient use of alternative
2 energy facilities installed to reduce the consumption of non-renewable resource supplied
3 electricity.
4
- 5 B. The requirements of this section shall apply to the installation of any alternative energy facility
6 that is located in unincorporated areas of the county, except for the General and Special
7 Management Areas of the National Scenic Area. No permit or exemption granted pursuant to this
8 chapter shall remove an applicant's obligation to comply in all respects with the applicable
9 provisions of any other federal, state, local law, or regulation, or relieve any person the
10 requirement for proper installation of all equipment.
11

12 C. **ROOFTOP WIND ENERGY FACILITIES**

13 Rooftop Wind Energy Facilities are considered an accessory use related to the primary use of the
14 property and shall be allowable in all zoning classifications without further review requirements,
15 provided it meets the following:

16 1. **STANDARDS**

- 17 a. Rooftop wind turbines must be installed on structures that are engineered to accommodate
18 the additional weight and stress of the turbine facility.

19 2. **HEIGHT/SIZE**

- 20 a. Rooftop-mounted wind turbines will likely increase the overall height of a building to take
21 advantage of higher wind speeds. The turbine will be comparable in height to a large
22 television aerial or chimneystacks. Units are allowed to extend up to 15 feet above the
23 standard height limitation.

- 24 b. Minimum blade clearance is forty-eight (48) inches from all buildings and structures.

25 3. **COMPLIANCE WITH FAA REGULATIONS**

- 26 a. The facility shall comply with all applicable Federal Aviation Administration
27 requirements, including any necessary approvals for installations close to airports.

28 4. **LIGHTING**

- 29 a. A wind turbine shall not be artificially lighted unless the Federal Aviation Administration
30 requires such lighting.

31 5. **REMOVAL OF DEFECTIVE OR ABANDONED WIND ENERGY FACILITIES**

- 32 a. Any rooftop wind energy facility found to be unsafe by the building official shall be
33 repaired by the owner to meet federal, state, and local safety standards or removed within
34 six months. A rooftop wind energy facility that is out of service for a continuous 12-
35 month period will be deemed to have been abandoned. The owner shall have the right to
36 respond to the Notice of Abandonment within 30 days from Notice receipt date. The
37 Administrator shall withdraw the Notice of Abandonment and notify the owner that the
38 Notice has been withdrawn if the owner provides information that demonstrates the
39 rooftop wind energy facility has not been abandoned.

- 40 b. If the rooftop wind energy facility is determined to be abandoned, the owner of a rooftop
41 wind energy facility shall remove the wind energy facility at the owner's sole expense
42 within six (6) months of receipt of Notice of Abandonment. If the owner fails to remove
43 the wind generator from the tower, the Administrator may pursue a legal action to have
44 the wind generator removed at the owner's expense.
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46 D. **SMALL-SCALE WIND ENERGY FACILITIES**

47 The procedural requirements and development standards that follow apply to all small-scale wind
48 energy facilities:

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1. FACILITY HEIGHT
 - a. For parcels five (5) acres or less in area, the facility height shall be limited to eighty (80) feet, measured from the ground to the highest point of the blade.
 - b. For parcels larger than five (5) acres in area, the facility height shall be limited to ninety-five (95) feet, measured from the ground to the highest point of the blade.
 - c. Minimum blade clearance is fifteen (15) feet above the ground located below the lowest point on the blade.
 2. SETBACKS
 - a. The facility tower shall be no closer to the property line than 1.5 times the total height of the facility, provided that it also complies with any applicable fire setback requirements.
 3. NOISE, SCENIC, AND AVIAN DESIGN STANDARDS
 - a. Facilities shall be sited and designed to minimize noise and visual impacts to the surrounding community.
 - b. The facility shall be sited and designed to limit the sound level to meet the noise requirements of the State of Washington and Skamania County Code Chapter 8.22 (Noise Regulations). Applications shall include manufacturer's sound power level specifications and any other information to demonstrate compliance with this provision. The required setback from adjacent properties shall be increased as necessary to comply with this provision.
 - c. Facilities shall be sited and designed to minimize scenic impacts and to protect the visual character of the surrounding area. Specific measures may include ensuring appropriate siting, using lattice towers, and using non-reflective, unobtrusive colors that blend in with the surrounding landscape, unless otherwise required by the Federal Aviation Administration or the Washington Department of Transportation, Aviation Division.
 - d. Perch deterrents shall be placed on all surfaces where birds may be attracted and struck by a moving component on the tower, such as by the sweep of a wind turbine blade.
 4. COMPLIANCE WITH FAA REGULATIONS
 - a. The facility shall comply with all applicable Federal Aviation Administration requirements, including any necessary approvals for installations close to airports.
 5. SAFETY AND LIGHTING
 - a. Fencing is required around each guyed wire anchor on those towers that use guy wires
 - b. A wind turbine shall not be artificially lighted, unless such lighting is required by the Federal Aviation Administration.
 6. REQUIREMENTS
 - a. Small Scale Wind Energy Facilities thirty-five (35) feet or less in height, measured from the ground to the highest point of the blade, shall be reviewed through the Administrative Review process in all zoning classifications. An application meeting the development regulations in SCC Section 21.70.020(B) and SCC Section 21.70.180(D) shall be submitted.
 - b. Small Scale Wind Energy Facilities taller than thirty-five (35) feet and up to ninety-five (95) feet, as allowed by this section, shall be reviewed through the Conditional Use process in all zoning classifications. An application meeting the development regulations in SCC Section 21.16.070(A) and SCC Section 21.70.180(D) shall be submitted.
 7. REMOVAL OF DEFECTIVE OR ABANDONED WIND ENERGY FACILITIES
 - a. Any wind energy facility found to be unsafe by the building official shall be repaired by the owner to meet federal, state, and local safety standards or removed within six months. A small wind energy facility that is out of service for a continuous 12-month period will be deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Administrator

99 shall withdraw the Notice of Abandonment and notify the owner that the Notice has been
100 withdrawn if the owner provides information that demonstrates the small wind energy
101 facility has not been abandoned.

- 102 b. If the small wind energy facility is determined to be abandoned, the owner of the small
103 wind energy facility shall remove the wind generator and the tower at the owner's sole
104 expense within six (6) months of receipt of the Notice of Abandonment. If the owner
105 fails to remove the wind generator and the tower, the Administrator may pursue a legal
106 action to have the wind generator and tower removed at the owner's expense.
107

108 **E. ROOFTOP SOLAR ENERGY FACILITIES**

109 Rooftop Solar Energy Facilities are considered an accessory use related to the primary use of the
110 property and shall be allowable in all zoning classifications without further review requirements,
111 provided it meets the following:

112 1. STANDARDS

- 113 a. Combined total coverage of the solar panels may not exceed 50% of the rooftop.
114 b. Rooftop solar energy facilities must be installed on structures that are engineered to
115 accommodate the additional weight and stress of the facility.

116 2. HEIGHT

- 117 a. Solar collectors may extend up to 15 feet above the standard height limitation.
118 b. The facility shall comply with all applicable Federal Aviation Administration
119 requirements, including any necessary approvals for installations close to airports.

120 3. SAFETY AND LIGHTING

- 121 a. Solar panels may not be artificially lighted unless required by Federal Aviation
122 Administration requires such lighting.
123 b. The solar panel or array shall not cause excessive glare or reflections so as to constitute a
124 hazard to pedestrians and/or vehicular traffic.
125

126 **F. SMALL SCALE SOLAR ENERGY FACILITIES**

127 1. HEIGHT

- 128 a. Solar collectors may not extend above the standard height limitation.

129 2. SETBACKS

- 130 a. All portions of the solar energy facility are required to meet the setbacks of the zoning
131 designation in which it sits.
132 b. The facility shall comply with all applicable Federal Aviation Administration
133 requirements, including any necessary approvals for installations close to airports.

134 3. SAFETY AND LIGHTING

- 135 a. Solar panels may not be artificially lighted unless required by Federal Aviation
136 Administration requires such lighting.
137 b. The solar panel or array shall not cause excessive glare or reflections so as to constitute a
138 hazard to pedestrians and/or vehicular traffic.

139 4. REQUIREMENTS

- 140 a. Small Scale Solar Energy Facilities shall be reviewed through the Administrative Review
141 process in all zoning classifications. An application meeting the development regulations
142 in SCC Section 21.70.020(B) and SCC Section 21.70.180(F) shall be submitted.