

ORDINANCE No. 2020-03

AN ORDINANCE ADOPTING REVISED CRITICAL AREAS REGULATIONS AND COMPLETING THE GROWTH MANAGEMENT ACT PERIODIC REVIEW

WHEREAS, pursuant to the Growth Management Act (GMA) (RCW 36.70A), Skamania County (County) is required to designate and develop regulations to protect critical areas, including wetlands, fish and wildlife habitat conservation areas, critical aquifer recharge areas, frequently flooded areas, and geologically hazardous areas; and

WHEREAS, the County's Critical Areas Ordinance (CAO) was first adopted in December 1996 (Ordinance No. 1996-03) and went into effect in July 1997. The code was subsequently amended in May 2005 (Ordinance No. 2005-04) and reviewed again in December 2014 (Resolution 2014-79); and

WHEREAS, the GMA again requires the County to complete a periodic review of its critical areas regulations and include the best available science in developing policies and regulations to protect the functions and values of critical areas; and

WHEREAS, pursuant to this requirement, the County initiated a periodic review by conducting a review of best available science as required by RCW 36.70A.172. The County completed a "Best Available Science Research Technical Report" in August 2018; and

WHEREAS, the County prepared a draft for a revised CAO, considering the best available science research and the critical areas periodic review checklist. The draft CAO was released for public review at a November 2018 Open House and made available on the County's website. This draft was also distributed to resource agencies, tribes, and interested parties for a public comment period; and

WHEREAS, the Planning Commission held seven public workshops to review the proposed CAO and revised the proposed CAO after carefully considering comments from members of the public, agencies, staff, and Planning Commission deliberations; and

WHEREAS, the Planning Commission, conducted a public hearing on January 21, 2020, and deliberated on the proposal on January 21, 2020, and February 4, 2020, and on February 4, 2020, voted unanimously to recommend that the Board of County Commissioners adopt the proposed CAO pursuant to RCW 36.70.600; and

WHEREAS, the County issued a State Environmental Policy Act Determination of Nonsignificance for the proposed CAO on January 7, 2020; and

WHEREAS, pursuant to RCW 36.70.610, the Planning Commission's recommendation and motion were submitted to the Board of County Commissioners for their review and consideration; and

WHEREAS, the Board of County Commissioners did review the recommendation and motion of the Planning Commission, reports from the Community Development Department, and deliberate on the proposed CAO; and

WHEREAS, the Board of County Commissioners did schedule a public meeting to adopt this Ordinance No. 2020-03 on February 25, 2020, as required by RCW 36.70.620.

NOW, THEREFORE, THE SKAMANIA COUNTY BOARD OF COUNTY COMMISSIONERS ORDAINS AS FOLLOWS:

Section 1. Purpose.

The purpose of this ordinance is to comply with the Growth Management Act's requirement under RCW 36.70A.170 to designate critical areas and adopt development regulations to assure the protection of such areas and to conduct a periodic review of these regulations pursuant to RCW 36.70A.130.

Section 2. Findings.

- A. The proposed Critical Areas Ordinance update satisfies the requirements of the Growth Management Act, including, but not limited to RCW 36.70A.060, RCW 36.70A.170, and RCW 36.70A.172. The update is consistent with the guidelines for critical areas in WAC 365-190 and WAC 365-195. The update designates and protects wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas.
- B. The proposed development regulations are consistent with and implement the County Comprehensive Plan.
- C. Findings adopted by the Planning Commission in their recommendation of February 4, 2020, are incorporated herein.

Section 3. Completion of Periodic Review.

- A. With the adoption of this ordinance, Skamania County has completed its periodic review for 2017, as required by RCW 36.70A.130. As a partially planning county under RCW 36.70A, the County is required to plan for Critical Areas and Natural Resource Lands only. The County completed its Natural Resource Lands review on June 25, 2019.
- B. This ordinance shall be submitted to the Washington State Department of Commerce within 10 days of adoption.

Section 4. Adoption and Effective Date.

- A. Title 21A, Critical Areas Ordinance, as originally adopted in Ordinance No. 1996-03, and thereafter amended, is hereby repealed in its entirety and replaced with the revised Critical Areas Ordinance in Attachment A of this ordinance, but shall remain in force and effect until the effective date of this ordinance.
- B. This ordinance shall take effect March 1, 2020.

PASSED THIS _____ DAY OF _____ 2020.

**SKAMANIA COUNTY
BOARD OF COUNTY COMMISSIONERS**

ATTEST:

Clerk of the Board Date

APPROVED AS TO FORM ONLY:

Prosecuting Attorney Date

Chair Date

Commissioner Date

Commissioner Date