



SKAMANIA COUNTY PLANNING COMMISSION

AGENDA

Tuesday, February 16, 2021, 6:15 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 2, 2021 Planning Commission Meeting.
- b. Election of Planning Commission Officers.
- c. Workshop to discuss Shoreline Master Program Periodic Review.

5. PLANNING COMMISSION BUSINESS

- a. 2021 Work Program.
- b. Open Public Meetings Act Training.

6. ADJOURN

Participation Instructions:

To join the Zoom meeting online, visit [**https://us02web.zoom.us/j/6564597957**](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 2, 2021, 6:15 PM

REMOTE PARTICIPATION BY ZOOM MEETING TELEPHONE AND VIDEO CONFERENCE

1. CALL TO ORDER

Cyndi Soliz called the meeting to order at 6:18 PM.

2. PLEDGE OF ALLEGIANCE

Cyndi Soliz led the Pledge of Allegiance.

3. ROLL CALL

Planning Commissioners Present: Ken Bajema (joined at 6:23 PM), Anita Gahimer Crow, Sue Davis, John Prescott, Cyndi Soliz

Staff Present: Mike Beck, Andrew Lembrick, Alan Peters

4. AGENDA ITEMS

a. Introduction of new Planning Commission member Anita Gahimer Crow.

Anita Gahimer Crow introduced herself to the Planning Commission.

b. Approval of minutes from the December 1, 2020 Planning Commission Meeting.

Sue Davis moved to approve the minutes of the December 1, 2020 Planning Commission Meeting. John Prescott seconded the motion. Motion passed 4-0.

c. Election of Planning Commission Officers.

Cyndi Soliz noted that Chair Mat Joy was absent. After some discussion among the Planning Commission members present, Cyndi Soliz postponed this item until the next Planning Commission meeting.

5. PLANNING COMMISSION BUSINESS

a. 2021 Work Program.

Assistant Planning Director Alan Peters noted that the Commission's bylaws require the presentation of a work plan at the first meeting of the year. Mr. Peters presented the draft work plan. He hoped the Planning Commission would propose other items that could be addressed in 2021.



SKAMANIA COUNTY PLANNING COMMISSION

The Planning Commissioners each discussed other potential projects for the work plan. Planning Commissioners expressed interest in zoning of the Wind River Business Park. County Commissioner Tom Lannen was present and spoke about the existing advisory group. The Planning Commission discussed the roles of the advisory group and Planning Commission.

Alan Peters agreed to formulate some ideas based on the Planning Commission's discussion and would present a revised work plan at the next meeting.

6. ADJOURN

Cyndi Soliz adjourned the meeting at 7:05 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: February 16, 2021
RE: Election of Officers

The February 16, 2021, Planning Commission Meeting will include the election of officers which consist of a Chair and Vice-Chair according to the Planning Commission's Bylaws.

Please review the following excerpt from the bylaws prior to the meeting:

ELECTION, POWERS, AND DUTIES OF OFFICERS

1. ELECTION

- a. The Officers of the Planning Commission shall consist of a Chair and Vice-Chair, elected from the appointed members of the Planning Commission.
- b. The election of officers shall take place once a year on the occasion of the first meeting of the year. The term of officers shall run until the subsequent election; provided however, any officer may be removed at any time by vote of a majority of the total members of the Planning Commission.
- c. If, for any reason, officers are not elected during the first meeting of the year, the existing officers shall continue to serve until an election is held.
- d. The vacancy of an officer position caused by the resignation, removal, or expiration of term of any officer of the Commission during the term of office shall be filled for the remaining term of office by the vote of a majority of the Planning Commission.

2. POWERS AND DUTIES OF CHAIR

- a. Preside at all meetings of the Planning Commission;
- b. Call the Planning Commission to order at the hour appointed;
- c. To announce in proper sequence the business that comes before the Planning Commission in accordance with the prescribed agenda;
- d. May participate in all deliberations of the Planning Commission in the same manner as any other member;
- e. To state and to put to vote all questions that legitimately come before the Planning Commission as motions or that otherwise arise in the course of proceedings, and to announce the result of each vote or, if a motion that is not in order is made, to rule it out of order;

- f. To protect the Planning Commission from obviously frivolous or dilatory motions by refusing to recognize them;
 - g. To enforce the rules relating to debate and those relating to order and decorum within the Planning Commission;
 - h. In the interest of efficiency, the Chair, may impose time limits for testimony and comment by the public;
 - i. The Chair shall have the same rights and privileges as all other members including the right to make motions, speak in debate, and to vote on all questions;
 - j. To authenticate by signature, when necessary, all acts, orders, and proceedings of the Planning Commission;
 - k. To declare the meeting adjourned when the Planning Commission so votes or, where applicable, at the time prescribed in the agenda, or at any time in the event of a sudden emergency affecting the safety of those present.
3. VICE-CHAIR

The Vice-Chair shall, in the absence of the Chair perform all the duties incumbent upon the Chair. The Chair and Vice-Chair both being absent, the members present may elect for the meeting a temporary Chair who shall have full powers of the Chair during the absence of the Chair and Vice-Chair.



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MEMORANDUM

TO: Skamania County Planning Commission
FROM: Planning Staff
DATE: February 16, 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 be holding a public hearing to receive comment on the periodic review on Tuesday, March 2, 2021 at 5:30 PM. Please note the earlier meeting time.

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

Attachment 2. Page 2.

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

Attachment 3. Page 3.

Lower Columbia Fish Enhancement Lower Columbia Fish Recovery Board	info@lcfeg.org info@lcfrb.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: February 16, 2021
RE: 2021 Work Program

The Planning Commission's Bylaws require that a work program be prepared that consists of a list of the projects and activities to be undertaken by the Planning Commission and Staff during the current year. This work program has been revised based on discussion from the February 2, 2021 Planning Commission. The Community Development Department and Planning Commission will revise as necessary throughout the year based on staff resources and the needs of the community.

Project	Description	Tentative Date
Shoreline Master Program Periodic Review	The County is required to complete a periodic review of its Shoreline Master Program (SMP). Because the SMP comprehensive update was only recently completed, Staff is proposing a finding of adequacy and no changes to the SMP.	February-April 2021
National Scenic Area Management Plan Revision	The County is required to adopt changes made to the Management Plan for the Columbia River Gorge National Scenic Area adopted by the Columbia River Gorge Commission in 2019.	October-December 2021
Small-scale Alternative Energy	Review and consider adoption of standards for small-scale wind and solar energy facilities that were previously prepared by the Planning Commission.	March-May 2021
Recreational Facilities/Retreat Centers/Event Centers	Staff will propose revisions to the zoning code's standards for recreational facilities in order to reduce barriers to the development of privately-owner recreational facilities, while ensuring compatibility with nearby properties.	April-June 2021

Discuss Building Permit Requirements with Building Official	Planning Commission will hold a workshop with the Building Official to discuss building permit exemptions for accessory buildings and agricultural buildings. The Planning Commission will also discuss permitting options for the use of tiny homes or recreational vehicles as long-term dwellings.	July-August 2021
Home Occupations and Commercial Uses	Discuss standards for home-based businesses and what options exist for these business to remain in the county as they outgrow their home-base.	July-September 2021
Zoning Code Land Uses Audit	Staff will review lists of allowed, administrative review, and conditional uses in each zone and propose any changes necessary to ensure consistency throughout the zoning code, propose appropriate definitions for use, and determine if the type of review is appropriate for each use.	August-October 2021
Unmapped Lands	Planning Commission to hold public hearing to consider amendments prepared to allow single-family dwellings in the CRL-40 zone in the High Lakes area.	TBD
Home Valley Subarea Plan	Staff is working with area residents, the Board of County Commissioners, and Planning Commission to develop a long-range subarea plan for the Home Valley Urban Area.	TBD
Wind River Business Park	Planning Commission workshop with staff to discuss options for planning or zoning of county property at the Wind River Business Park. As appropriate, this meeting could be held with the Wind River Business Park Advisory Committee or with a representative from the group.	TBD



Open Public Meetings Act (OPMA)

Chapter 42.30 RCW

Meetings must be open to the public

OPMA training is required for members of a governing **body** within 90 days of taking the oath of office or assuming duties and every four years thereafter. RCW **42.30.205**.

THE BIG PICTURE



- 1. QUORUM + ACTION = MEETING**
- 2. MEETING = NOTICE AND RIGHT OF PUBLIC TO ATTEND**

Purpose Statement of the OPMA



“The people of this state do not yield their sovereignty to the agencies which serve them.

The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.

The people insist on remaining informed so that they may retain control over the instrument they have created.”

RCW 42.30.010 (1971)

Open Public Meetings Act (OPMA)



The Act is to be “liberally construed.” *RCW 42.30.910*

The purpose of the OPMA is to allow the public to view the “decision making process.”

Washington State Supreme Court

Open Meeting Requirement



All **meetings** of the **governing body** of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter.

RCW 42.30.030

What is a “Governing Body”?



“Governing body” means the **multimember** board, commission, committee, council, or other **policy or rule-making body** of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.

RCW 42.30.020(2)

What is a “Meeting”?



Quorum + Action = Meeting.

“Meeting” means meetings at which action taken.

RCW 42.30.030(4).

Action = Transaction of official business, including decision making (“final action”), deliberation and discussion. RCW 42.30.030(3).

No quorum = no meeting (with exceptions in next slide).

Meeting Without Quorum?



The exceptions:

- 1. Committee acts on behalf of governing body.**
- 2. Committee conducts hearings.**
- 3. Committee takes testimony.**

Examples of Meetings:



- 1. Email conversations, serial phone calls, texting and messaging** involving quorum and city/county business will probably be considered a meeting.
- 2. A quorum at a parking lot, late night diner, cocktail party or site visit** will probably be considered a meeting.

How to Comply if Meeting:



Easy!

1. Provide notice of meeting.
2. Public has right to attend.

Right to Attend:



1. Right to Attend Not = Right to Testify.
2. Right to Attend Not = Right to Disrupt.
3. Can't condition attendance on signing in, filling out questionnaire or requiring any other information.
4. Recording allowed unless disruptive

Notice: Two Types of Meetings



1. Regular (set by bylaws, resolution or ordinance).
2. Special.

Special meetings may be called by presiding officer or by a majority of the members.



Special Meeting = Not regularly scheduled.

24 hours before a special meeting, written notice of meeting time, place and agenda must be:

- Given to each member of the governing body.
- Given to each local newspaper of general circulation, radio, and TV station which has a notice request on file
- Posted on the agency's website.
- Can only take final action on agenda items.

*Notice is not required for a meeting to address an emergency **if impending injury or damage.** RCW 42.30.080(4)*

New Law: Agendas Must Be Posted On-line.



This law does not:

- Apply to agencies that do not have websites, or employ fewer than 10 full-time employees.
- Restrict agencies from later modifying an agenda.
- Invalidate otherwise legal actions taken at a regular meeting where agenda was not posted 24 hours in advance.

** Effective June 12, 2014, the agenda of all regular meetings must be available on line 24 hours in advance of a meeting. RCW 42.30.077.*

Continuing Meetings:



1. Governing body may continue meeting to specific time and place.
2. Less than a quorum may continue. Clerk may continue if no member present.
3. Notice of time and place shall be conspicuously placed at or near door to meeting room.
4. Notice shall be provided as for special meeting.

OPMA Executive Sessions



Agencies may hold an executive session during a regular or special meeting only for limited purposes listed in OPMA, including:

- **Personnel issues** to review complaints/charges, qualifications and performance.
- **Litigation, potential litigation and legal risks. As to legal risks, an open discussion must present a danger of adverse legal or financial risk to agency.**
- **Real estate negotiations or publicly bid contracts when public discussion would increase costs.**

Executive Sessions may only occur if:



- Before convening the executive session, the presiding officer must announce **the purpose and the time the executive session is over.** *RCW 42.30.110 (2)*
- **Discussion** may take place behind closed doors, but **decisions** must occur within a meeting.
- **Secret ballots** are not allowed. *RCW 42.30.060*

Penalties for Violating the OPMA



- **A court can impose a \$500 civil penalty against each member (personal liability) for knowing first violation and \$1,000 per knowing subsequent violation.**
- **Court will award costs and attorney fees to a successful party seeking the remedy (except for failure to post agenda on-line).**
- **Action taken at meeting can be declared null and void (except for failure to post agenda on-line).**
- **Loss of the public trust.**

RCW 42.30.120

OPMA Risk Management Tips



Avoid even the *appearance* of an OPMA violation.

- **Socializing:** Be careful when a quorum of your board is together outside of a meeting. Don't sit together. Don't talk business.
- **Group travel:** Bus trips and site visits may appear as meetings. If part of your work, notice as a meeting. If not, don't do it.
- **Notice:** When in doubt, treat it like a meeting and do the notice!
- www.atg.wa.gov/OpenGovernmentTraining.aspx