



# Skamania County

## Community Development Department

Building/Fire Marshal ♦ Environmental Health ♦ Planning

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### Shoreline Advisory Committee Meeting Summary August 2, 2016

#### Committee Members Present

- Dee Bajema
- Cyndi Soliz
- Tony Coates
- Cliff Nutting
- Lesley Apple Haskell
- Jeanette Burkhardt
- Diane Hopster
- Dave Howe for Sam Kolb
- Ben Shumaker

#### Staff/Consultants Present

- Debbie Cazare, Planner
- Alan Peters, Planner
- Ethan Spoo, Senior Planner, BergerABAM
- Dustin Day, Scientist, BergerABAM

#### Welcome and Make or Break Issues

Ethan Spoo (BergerABAM) opened the meeting by thanking attendees for coming. He asked the Shoreline Advisory Committee Members if they had issues they wanted discussed during the meeting. Cliff Nutting asked about best available science and whether the Inventory and Characterization Report had sought alternative information not from government or resource conservation agencies. Ethan indicated that a call for information had been sent early on in the project and encouraged Mr. Nutting to provide any information on specific sources of alternative information and that such information would be taken into consideration in the Inventory and Characterization document.

Ben Schumaker (City of Stevenson) indicated he wanted to know about shoreline environment designations in Stevenson's urban area.

Tony Coates indicated he wanted notices posted on the shoreline website when documents were released.

#### Update on Inventory and Characterization Report

Ethan informed committee members that the final draft of the Shoreline Master Program Inventory and Characterization Report had been sent to Ecology for final approval and is available on the website for download. Although, Ecology has informed

Ethan that the Final Inventory and Characterization Report may need further updates as we progress in the SMP update process.

### Introduce Draft Shoreline Master Program

Committee members, Ecology, and members of the public were given the first draft of the Shoreline Master Program (SMP) policies and regulations along with an overview of seven chapters in the SMP.

- Chapter 1 – is the introduction of the SMP stating the purpose and defining the shoreline jurisdiction. The Shoreline Jurisdiction is 200 feet from the Ordinary High Water Mark (OHWM) of the Shoreline water body.
- Chapter 2 is the administrative section of the SMP and outlines how shoreline permits are processed, defining the four different types of shoreline permits (substantial development, conditional use, variance, and statements of exemption), the review process, and non-conforming developments within the shoreline.

Ethan stated that exemptions from substantial development permits such as single-family dwellings, and normal repair and maintenance may not require a permit, but still require a review for compliance with the Shoreline Master Program.

Ethan talked about how under the current SMP Shoreline Permits require a public meeting with the Hearing Examiner. Hearing Examiner issues a final decision on Substantial Development Permits which is appealable to the Shoreline Hearings Board and the Hearing Examiner issues a recommendation to Ecology for Shoreline Variance and Conditional Use Permits as Washington State's Shoreline Act requires Ecology to issue final approve for shoreline variances and conditional use permits based on the Hearing Examiner's recommendation.

Cliff Huntington noted that the SMP did not appear to provide information on whether a Shoreline Exemption was appealable and asked if that was standard practice. Ethan stated that Shoreline Exemptions are appealable to the Hearing Examiner and he would make that change in the Draft Shoreline Master Plan. Dave Howe, with WDFW, asked if there was a process for shoreline exemptions such as single-family dwellings and maintenance and repair to ensure compliance with the Shoreline Master Program. Ethan stated that when County staff issues a Letter of Exemption they also document how the proposal is consistent with the County Shoreline Master Program. County staff stated that currently the County requires applicants to submit a complete Joint Aquatic Resource Protection Application (JARPA) which staff reviews for consistency with the SMP prior to issuing an exemption.

Ethan stated that process for shoreline permits in Chapter 2 has not changed from existing Shoreline process currently in affect. Ethan indicated that it was possible for the committee to change the process from requiring a hearing with the Hearing Examiner to having staff review all Shoreline Permits administratively. The advantage to having staff review shoreline permits administratively is that it could potentially speed up the process for applicants.

Ethan informed the committee members that under the SMP non-conforming development includes non-conforming structures and uses and that the language used in the SMP draft is the same language used in the County's Zoning Code. Cliff Nutting

noted that the draft SMP it was unclear if the process for non-conforming structures and uses is appealable. Ethan explained that Section 2.9 references appeals for all shoreline permits.

Ethan told the committee that there are different options that the committee could use for the expansion of nonconforming uses such as allowing a onetime expansion or allowing a nonconforming use to expand up to 50 percent, etc. Cliff Nutting noted that the new SMP will change things such as setbacks and to allow for some type of expansion for non-conforming uses and structures would be beneficial to property owners needing to expand. Ethan explained that non-conforming buildings and structures that can be permitted to expand in the draft SMP, if the expansion or structural alteration does not bring the structure or building further out of compliance with the SMP. Ethan told the committee members that they could allow for expansions of non-conforming uses as previously discussed, but that the committee members would need to look at how any expansions of non-conforming uses would result in a no net loss for approval by Ecology. Cliff Nutting asked if Ecology could provide some guidelines on what they would accept on the expansion of nonconforming uses. Michelle McConnell from Ecology indicated that she would provide guidance.

Tony Coates stated that he didn't see channel migration in the definitions and wondered if the channel migrated away from a parcel and created new land if a landowner could now use the land. Ethan stated that he would include channel migration in the definitions chapter of the SMP and noted that was in the draft SMP to allow for development within a channel migration zone. Dave Howe explained that there is no certainty that the channel would not eventually move back and from a geological stand point, the river eventually would move back. Cliff Nutting asked how the channel migration zone and the new setbacks would affect areas where the high water mark changes from year to year and land owners already have nonconforming structures. Ethan explained that when there is nowhere to expand due to the size of the lot the landowner would have the option to apply for a variance.

- Chapter 3 contains the goals and general provisions of the SMP as well as critical areas, flood hazards, archaeological resources, public access, vegetation conservation, and water quality and quantity. Ethan explained how the SMP goals were derived from the community visioning meetings held earlier this year and how the focus of those visioning meetings included enhancing existing recreational and public access opportunities, preserving sufficient space for water-oriented industry, and respecting private property rights.

Ethan explained that the latter portion of Chapter 3 contained the general provisions that apply to all shorelines in any environment within the shoreline jurisdiction and that Ecology required incorporating archeology, critical areas, public access, vegetation conservation, water quality, shorelines of state wide significance, and economic development in the SMP. Ethan indicated that there was not much flexibility in these in these regulations and how the Critical Area portion is more specific then the County's existing Critical Areas Ordinance that in some instances it would be less restrictive.

Ethan explained that the new wetland buffers established in the draft SMP came from best available science adopted by Ecology, a habitat value, and on high and low land uses intensity which resulted in a range of buffers for each wetland category. Ethan stated this would allow some higher and lower buffers than those found in the County's

Critical Area Ordinance. Ethan also informed the committee that the draft SMP allows for the reduction of buffers in some circumstances up to 50 percent.

- Chapter 4 consists of the Shoreline Environmental Designations. The Shoreline Environment Designations include Aquatic, Rural Conservancy, Shoreline Residential, and High Intensity and follow state guidelines. The Aquatic Shoreline Environment Designation applies to areas waterward of the Ordinary High Water Mark (OHWM). Allowed uses in the Aquatic Shoreline Environment are primarily for facilities that need water to function (e.g. boating, kayaking, port facilities, and shoreline restoration. The Rural Conservancy Shoreline Environment is meant to provide opportunities for sustainable forestry, mining, low-intensity residential, water-orientated commercial and industrial uses consistent with the rural setting of Skamania County. The Shoreline Residential Environment designation will accommodate the more populated residential areas of Skamania County's shorelines. The High Intensity Shoreline designation is primarily located along the Columbia River is the most flexible shoreline environment and is primarily for water-oriented commercial and industrial uses.

There was some discussion on whether or not shoreline permits within the Columbia River Gorge National Scenic Area (CRGNSA) could be done administratively since they proposal has already gone through so much regulatory. Ethan indicated that was a good idea and that the committee could provide some exemptions within the shoreline standard provisions that would not apply within the NSA, for example the natural resource sections in the NSA is similar to some of the requirements in the general provisions of the SMP.

- Chapter 5 of the SMP involves specific Shoreline Regulations and establishes development standards by the shoreline environmental designations. Key issues in Chapter 5 are Shoreline Development Standards, setbacks, and Building Heights. There was a discussion on whether non-conforming structures could be used in a setback averaging that would make the new structure non-conforming. Ethan indicated that it was possible under Section 5.3.11.
- Chapter 6 focuses on shoreline modifications which include cut, fill, stabilization, dredging, and overwater structures (e.g. docks and piers). Ecology's guidelines has emphasized getting away from the hard armoring (e.g. ecology blocks, rip rap, etc) to soft armoring (e.g. vegetation and anchoring logs) or non-structural techniques which include moving structures far enough away from the shoreline so as not to require stabilization. Ethan indicated that he did not believe there was much flexibility in this section of the SMP.
- Chapter 7 contains definitions. Definitions are based on the State's guidelines.

At the end of the SMP overview, the committee members divided into groups to go over each topic in the Shoreline Master Program with a workshop scheduled for September 13 at 6:00 pm. The committee members, ecology, and the public were notified that all comments and concerns addressing the draft SMP were due by September 30<sup>th</sup>.