



KLICKITAT COUNTY PLANNING DEPARTMENT

115 W. Court St., MS:302, Goldendale, Washington 98620
VOICE: (509) 773-5703

STAFF REPORT

DATE: June 8, 2023 for
June 20, 2023 Public Hearing

TO: Klickitat County Planning Commission

FROM: Klickitat County Planning Department

RE: Planning Commission Public Hearing
Comprehensive Update and the Periodic Review of the Shoreline Master Program

Summary

Klickitat County is proposing a Comprehensive Update to the County's 1996 Shoreline Master Program ("SMP"), which has not been comprehensively updated since its adoption in 1998. The SMP is a combined planning and regulatory document that contains policies, goals and specific land-use regulations to govern the use of County shorelines. The SMP is intended to balance development, public access, and protection of natural resource and shoreline areas.

SMPs are required by the state Shoreline Management Act ("SMA") (RCW 90.58). The SMP is intended to be a cooperative program between local government and the state (Washington State Department of Ecology). The Klickitat County Shoreline Master Program jurisdiction includes all rivers with a flow 20 cubic feet per second or greater, lakes 20 acres or larger, upland areas within 200 feet of these water bodies and portions of the floodplains and wetlands associated with these shorelines. It only applies to lands in unincorporated areas of the county.

Subsequent periodic review of the SMP is required by the Department of Ecology ("Ecology") every eight years. The first periodic review of Klickitat County's comprehensive SMP update was due June 30, 2022. The purpose and scope of the periodic review is to keep the SMP current with amendments to state law, changes in local plans and regulations, and new or improved data and information.

This SMP update is intended to satisfy the statutory requirements of RCW 90.58.080(2)(a)(iv) to comprehensively update the County's SMP and the statutory requirements of RCW 90.58.080(4)(b)(iv) to take action to review and, if necessary, revise the County's SMP.

An SMP is a set of policies and regulations required by state law that have three basic principles:

- Protect the environmental resources of state shorelines
- Promote public access and enjoyment opportunities
- Give priority to uses that require a shoreline location

In addition to these principals, a SMP still must:

- Protect critical areas
- Ensure no net loss of ecological functions
- Encourage preferred uses

SMP Update Process 2014 -2023

The SMA was passed by the Legislature in 1971 and was adopted by voters in 1972. The purpose of the SMA is to manage and protect the shorelines of the state by regulating development in the shoreline area. In 2003, Ecology adopted new guidelines for updating SMPs to reflect current knowledge regarding shoreline management and available science. The State Legislature also set up a timetable for the local governments to update their shoreline programs.

Klickitat County started work on comprehensively updating the SMP in 2014. Announcement of SMP process/invitation was issued in 2016. The County conducted two in-person community open house meetings and started the Planning Commission review process in 2017 with five workshops. In 2018, as a result of the public participation process, the Board of County Commissioners appointed 15 individuals to serve on the Klickitat County Shoreline Technical Advisory Committee/Citizen Advisory Committee (TAC/CAC). The TAC/CAC was tasked with reviewing and providing input on technical documents created to support development of the SMP, as well as on draft SMP policies and regulations. The TAC/CAC completed their review and input in 2018.

In 2021, Klickitat County received a grant from Ecology to complete the Periodic Review of the SMP. A revised draft SMP document was made available for preliminary review by the Planning Commission and the public. The Planning Commission held SMP work sessions on February 27, March 27 and April 3, 2023. The SMP related materials are available on the Klickitat County Planning Department's website <http://klickitatcounty.org/1237/Shorelines-Master-Program-Update>. A 30-day public comment period began on April 26, 2023 and was ended on May 26, 2023.

Planning staff and consultant team developed an online open house and provided virtual public information meetings on February 8, March 29 and April 26, 2023. Additional information can be found here: <https://www.klickitatsmpopenhouse.com/>

Notifications were sent to interested parties on a County maintained email distribution list for the SMP updates. Public hearing notices were also published in the official newspaper and posted on the County website.

Proposal Description

Klickitat County is in the process of completing both the Comprehensive Update and Periodic Review of its SMP. The proposed comprehensive update amends the current SMP to comply

with new state rules and the best available science. Klickitat County has combined the completion of the Comprehensive Update and the Periodic Review into the current SMP document.

Authority

Klickitat County is completing the Comprehensive SMP Update and Periodic Review, under authorities from RCW 90.58.080, WAC 173-26-090 and WAC 173-26-100 (SMA and Guidelines), RCW 43.21C and WAC 197-11(SEPA).

SEPA Threshold Determination of Non-Significance

Klickitat County has determined that this proposal does not have a probable significant adverse impact on the environment. An environmental impact statement is not required under the State Environmental Policy Act, RCW 43.21C.030 (2) (C). This determination was made after review of a completed environmental checklist and other information on file with the lead agency and is available upon request. This determination was issued on March 9, 2023. Klickitat County has an administrative appeal process available for legislative action. An administrative SEPA appeal was filed by the Confederated Tribes and Bands of the Yakama Nation on March 30, 2023. The administrative SEPA appeal along with the Planning Commission's recommendation will be heard at a consolidated hearing pursuant to RCW 36.70B.

Notice of Public Comment Period and Public Hearing

A Notice of Public Comment Period and Public Hearing was issued for the Comprehensive SMP Update and Periodic Review on April 20, 2023. Written public comments were accepted from until 5:00pm on May 26, 2023.

Proposed Amendments – SMP Highlights

- Consolidated policies and ensured WAC consistency
- Administrative section revised to incorporate recent legislative actions
- Elements from the 2022 periodic review (e.g. review of exemption thresholds, definitions)
- Added Rock Creek back to list of shoreline waterbodies
- Prohibit off-premise signed form within designated scenic areas
- Changed requirement for river frontage to be consistent with zoning
- Adjusted wetland buffers to be consistent with 2018 Ecology guidance
- Adjusted type “F” riparian buffer to 100 ft at the request of the Planning Commission
- Integration of critical areas regulations as an Appendix
- Adjustments to the mapping of Shoreline Environment Designations.
 - Dry Creek/Cave Creek connection

- Columbia River designations near Mayhill

Next Steps

The Planning Commission recommendation will be transmitted to the Board of County Commissioners for their consideration and action. The final SMP document will become part of the submittal package to the Department of Ecology. Ecology will then conduct their own review and adoption process. Upon completion of Ecology's process, the County will receive any changes required by the Department of Ecology to approve the SMP. At that time, the County will determine what would be necessary to complete its adoption process.