

# **ADDENDUM**

## **Husum/BZ Corner Sub-Area Update**

### **Clarification of County Requirements And Narrowing of Scope of Proposal**

**October - 2011**

## TABLE OF CONTENTS

1. Planning Background.....	3
1.1 Summary.....	3
1.2 Mitigation Component 1: Focused Development.....	3
1.3 Mitigation Component 2: The River.....	4
1.4 Mitigation Component 3: Existing Regulatory Structure.....	4
1.5 Summary .....	4
2. Procedural Background – Environmental Review.....	4
3. Zoning/Summary.....	5
4. Water Resources.....	6
5. Cultural Resources.....	6
6. Lower White Salmon Wild and Scenic River Management Plan.....	6
7. Conclusion.....	7
Appendix 1	Maps 1-4
Appendix 2	Aspect Report
Appendix 3	Focused Development Program
Appendix 4	Cultural Resources: Summary of Legal Requirements
Appendix 5	Regulatory Environment - Summary
Appendix 6	Notice of Withdrawal of DNS I

## **1. Planning Background**

### **1.1 Summary**

The Husum/BZ-Corners Planning Area, with its proximity to the Portland/Vancouver metropolitan areas, and easy access to the Columbia and White Salmon Rivers, is attractive for agriculture, timber, ranching, recreational, and residential development, and other uses. Tensions over how best to use the land have grown in recent years, but residents share common interests.

Newer residents wish to preserve the natural attributes which first drew them to the area, as do long-time residents. Tribal interests wish to preserve fisheries habitat and protect cultural resources, a concern shared by many others. And, most residents understand there are serious challenges with making a living from traditional farming, ranching, and timber activities.

There is not agreement on how best to protect these resources, and individuals have submitted widely varying public comment to the County. But, if there is a common thread in the comments, it is a desire for the community to thrive economically and socially, while preserving the Planning Area for future generations.

To balance these concerns, the County designed a land use proposal which mitigates impacts from expected growth. The centerpiece of the proposal is to focus development within a narrow portion of the Planning Area (about 4% of it), which is more developed than the Planning Area's outlying, more rural sections. The County is also developing an incentive structure to encourage permanent preservation of land for natural resource use, while also decreasing densities and setbacks along key areas of the White Salmon River. Mitigation is further described below.

### **1.2 Mitigation Component 1: Focused Development**

The 4% Area, where growth is concentrated, overall, has more development infrastructure, tends to have smaller lots, and greater densities. The zoning changes are located within a comparatively narrow strip of land, which hews roughly to both Highway 141 and the White Salmon River. The vast majority of property outside this 4% Area is allocated to natural resource based uses.

The County is coupling the zoning proposal with the development of a Focused Development and Resource Protection Program (FD), which will allow the permanent preservation of resource lands through a voluntary, market-based incentive program. The FD was developed during mediation, as discussed below, and is further described in Appendix 3. A key FD aim is to protect larger lots in areas zoned Resource Lands (RL), which governs much of the acreage outside the 4% Area. With the rezone and FD, development is clustered on lands most suitable for residential development, while larger tracts more suitable for forest and agricultural use are preserved. This approach is designed to address local economic and resource preservation objectives.

### 1.3 Mitigation Component Two: The White Salmon River

Coupled with concerns about protecting land for resource use are questions about how development in the 4% Area impacts the White Salmon River, a fast flowing river with deep channels. As one commentator noted, “[i]ts banks are cut from ancient lava flows, leaving relatively little in the way of braided channels and wide floodplains that characterize iconic salmon streams such as the Cowlitz, Lewis or Yakima rivers.”<sup>1</sup> Also, despite being federally designated as a Wild and Scenic River, the River is currently blocked by Condit Dam, just below Husum. The Dam is being removed, which will in the long term increase fish habitat area, but is anticipated to initially flood the river with deposits which will adversely impact habitat.

With the proposal, zoning densities are reduced along Rattlesnake and Indian Creeks, two tributaries to the White Salmon. And, as described in Appendix 3, setbacks are increased along the White Salmon River.

### 1.4 Mitigation Component Three: Existing Regulatory Structure

Mitigation Components One and Two are coupled with the existing local and state regulatory structure, summarized at Appendix 5. Much of this regulatory structure was not in place when SEPA was first enacted.

### 1.5 Summary

This document clarifies existing regulatory requirements which apply to development within the Husum/BZ-Corners Planning Area and narrows the scope of the proposal. By combining the mitigation strategies described above, the County can better preserve local timber, agriculture, and ranching operations; protect the White Salmon River for fishing and white water rafting; while also providing for residential development, protecting cultural resources, and preserving the quality of life which has drawn residents to the area.

## **2. Procedural Background – Environmental Review**

Klickitat County commenced work on updating planning for the Husum/BZ Subarea in 2007. The County issued a determination of non-significance or DNS for the proposal, which was appealed. The County Commissioners heard the initial appeal, and remanded for further analysis on impacts to water supplies.

As a result of the remand, the County Planning Department initiated a comprehensive hydrogeological analysis by Aspect Consulting, Inc, attached as Appendix 2. Following this review, the County Planning Department issued a Mitigated Determination of Non-Significance (MDNS) which incorporated two Environmental Impact Statements related to development along the White Salmon River (EIS for the White Salmon Wild and Scenic River and an EIS addressing Condit Dam removal). With this 2<sup>nd</sup> MDNS, the County determined probable, significant impacts were disclosed through the two EIS’s; or mitigated below a level of significance through the existing regulatory structure; or addressed through mitigation, including the proposal itself.

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<sup>1</sup> Seattle Times Article (September 20, 2008).

Two additional EIS's were issued this past year. The first is the Final Supplemental Environmental Impact Statement for the Sundoon Development in Dallesport, Washington, dated April 11, 2011. This EIS assesses potential impacts from a master planned mixed used development which has never been permitted. The second EIS, the Whistling Ridge Energy Project Final Environmental Impact Statement, was issued August 12, 2011. This EIS addresses impacts from a proposed wind project in neighboring Skamania County. The project is still pending before the state's Energy Facility Site Evaluation Council. Both EIS's are incorporated by reference and are available for review at the Klickitat County Planning Department.

The MDNS this Addendum appends was appealed in 2010. However, rather the proceeding directly to litigation, the County engaged the services of a mediator, to better understand appellant concerns, and potentially settle the litigation. While settlement has not yet been achieved, the process proved valuable. Because of the process, the scope of the proposal has been narrowed, as described in this Addendum. Also, with the 2<sup>nd</sup> MDNS, the DNS which was originally issued no longer applies, and is being formally withdrawn, as described in the attached Notice of Withdrawal, at Appendix 6.

### **3. Zoning/Summary**

The rezone proposal changes the zoning designations within the "4% Area," providing a modest increase in capacity for residential growth (likely less than 300 homes). The BZ-Corners area is 719 acres, and is currently zoned Rural Center (5,000 square foot minimum lot sizes); Rural Residential 2, and Resource Lands. With the rezone proposal:

- Rural Center. No change to the 129 acres.
- Rural Residential 2. Increases from 363 acres to 590 acres.
- Resources Lands. Decreases from 227 acres to zero.<sup>2</sup>

The Husum area is comprised of 1,523 acres currently zoned Rural Center; Rural Residential 1; Rural Residential 2; and Resource Lands zoning. With the rezone proposal:

- Rural Center. Decreases from 406 acres to 163 acres.
- Rural Residential 1. Increases from one acre to 258 acres.
- Rural Residential 2. Increases from 243 acres to 1,002 acres.
- Resource Lands. Decreases from 873 acres to zero.<sup>3</sup>

In practical terms, these zoning shifts mean that in Husum, R-1, and particularly R-2, zoning acreage increases, while RL acreage decreases. However, because there is a 243 acre decrease in Rural Center, which is the densest zoning designation (5,000 square foot lots allowed), total development potential does not significantly increase. With the BZ-Corners rezone, less acreage is involved, with only a 227 acre shift of lands from RL to RR2.

As a result of the mediation, this Addendum clarifies that certain properties are not included in the proposal. This removes approximately 209 acres from the rezone. *See* Appendix 1, Map 3, which identifies the properties removed.<sup>4</sup> Overall, these shifts in both Husum and BZ-Corners allow a modest increase in land capacity to accommodate expected growth in the 4% Area.

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<sup>2</sup> These figures are before the 209 acres removed from the proposal as a result of mediation are accounted for.

<sup>3</sup> *Id.*

<sup>4</sup> Properties would remain in current designation, designation allowing less density, or "Public" designation.

#### **4. Water Resources**

The County evaluated Planning Area water resources through the Aspect Report. The Report addresses both water quantity and quality, and finds the water resources are adequate to support the proposal.

The largest water systems in the Subarea (greater than 20 connections) include the City of White Salmon and the Fordyce Water Association. Much of the planned development is within their service areas, and demonstration of adequate water availability is required when land is subdivided and building permits are issued. The Report notes that while water supplies are adequate, there could be localized impacts. For example, if there are higher densities along Rattlesnake, Indian, and Spring Creeks, wells in hydraulic continuity with these streams, could reduce flows. However, densities will **not** be increased along Spring Creek, because the existing Resource Lands zoning along Spring Creek is not proposed for revision. Along Rattlesnake and Indian Creeks, densities are being decreased. Thus, the rezone is, itself, mitigation.

With regard to water quality, the Report notes the two potential mechanisms for impacts are from storm water and septic systems (*e.g.*, nitrates)<sup>5</sup>, although many of the properties are within public water system service areas. The Klickitat County Health Department and the Washington State Department of Health and Department of Ecology regulate ground water and drinking water nitrate levels. Nitrates have not been a significant issue in the Planning Area, particularly with regard to residential development.

Construction run-off can also impact water quality. Development which will disturb an acre or more is subject to the Department of Ecology's Construction Stormwater General Permit requirements, which includes complying with the Ecology Stormwater Manual for Eastern Washington. Ecology can impose penalties for non-compliant development activities. On smaller projects, either through SEPA, platting procedures, or building department review, proposals are assessed and mitigated to ensure these impacts are addressed.

#### **5. Cultural Resources.**

Cultural resources are protected through state statute, as implemented by the Department of Archaeology and Historic Preservation (DAHP) and through the County's review under the State Environmental Policy Act, Ch. 43.21C RCW (SEPA). The County's standard approach to addressing these issues is reflected in the Guidance at Appendix 4.

#### **6. Lower White Salmon National Wild and Scenic River Management Plan**

A portion of the White Salmon River is a designated component of the National Wild and Scenic River System. Because of this designation, the U.S. Forest Service adopted a Wild and Scenic River Management Plan. The Plan has no regulatory authority. It adopts policies for managing the designated portion of the River, but does not make site-specific decisions or otherwise "zone" property. Lacking regulatory authority, the Forest Service developed a strategy for land purchase in 1991, but never implemented it. Although not required by the Plan, the FD is an alternative approach for addressing Plan objectives.

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<sup>5</sup> Nitrate is a chemical found in fertilizers, manure, and liquid waste discharged from septic tanks. Natural bacteria in soil can convert nitrogen into nitrate, and rain or irrigation water can carry nitrate down through the soil into groundwater. Drinking water may contain nitrate if a well draws from this groundwater.

## 7. Conclusion

The Addendum is prepared under the State Environmental Policy Act, Ch. 43.21C RCW (SEPA). It is intended to reflect input received during mediation, and clarifies the proposal's reduced scope. This reduced scope includes removal of certain properties and inclusion of the FD, developed during the mediation process. By narrowing the scope of the proposal, the Addendum does not substantially change the earlier environmental analysis.

for M. W. Giddled

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Date 10/19/2011

# **APPENDIX 1**

## **Maps 1-4**

### **Map 1**

Current Zoning

### **Map 2**

Proposed Zoning

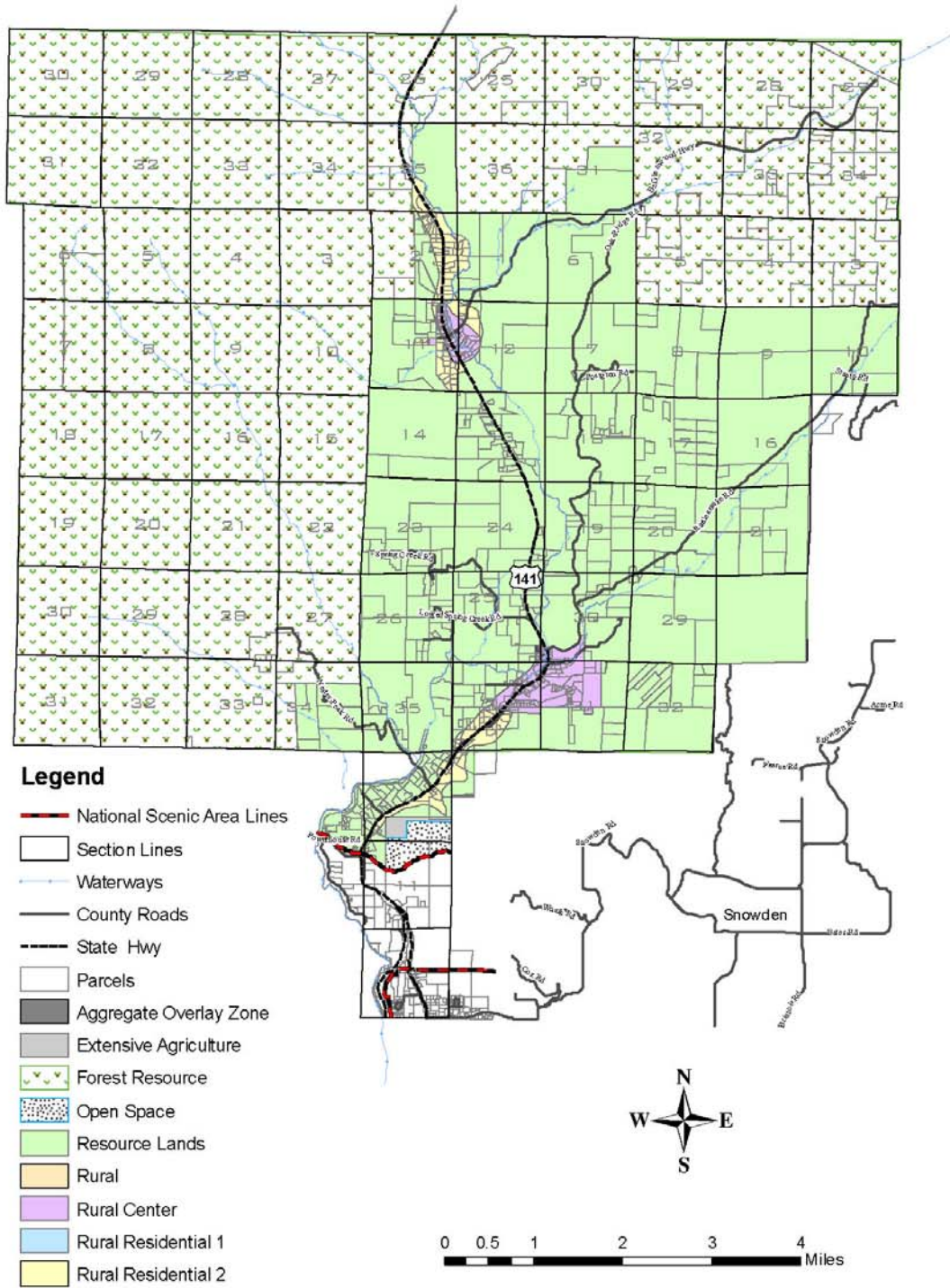
### **Map 3**

Properties Removed from Proposal

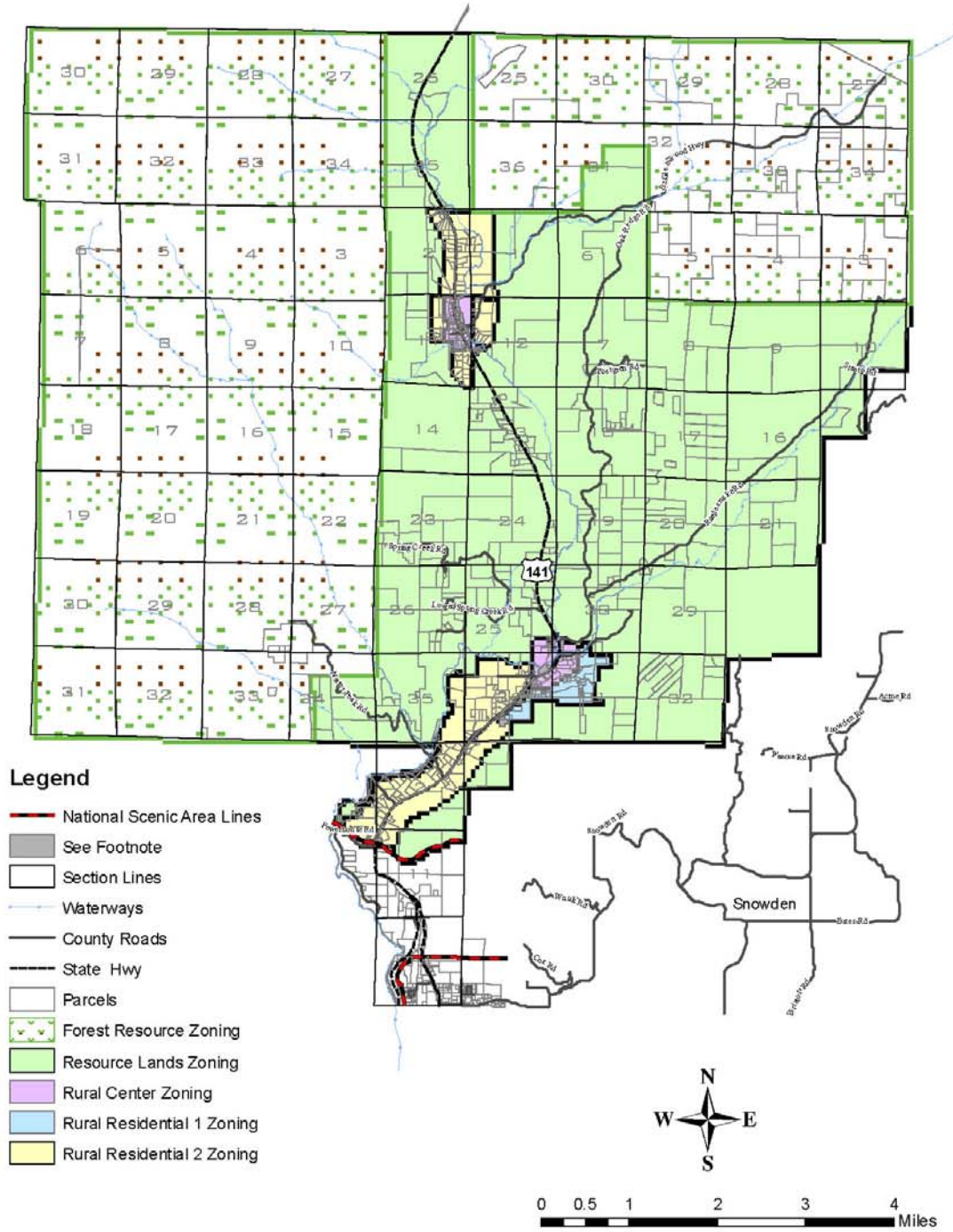
### **Map 4**

Water District Boundaries

# Husum BZ Corner Planning Area Existing Zoning

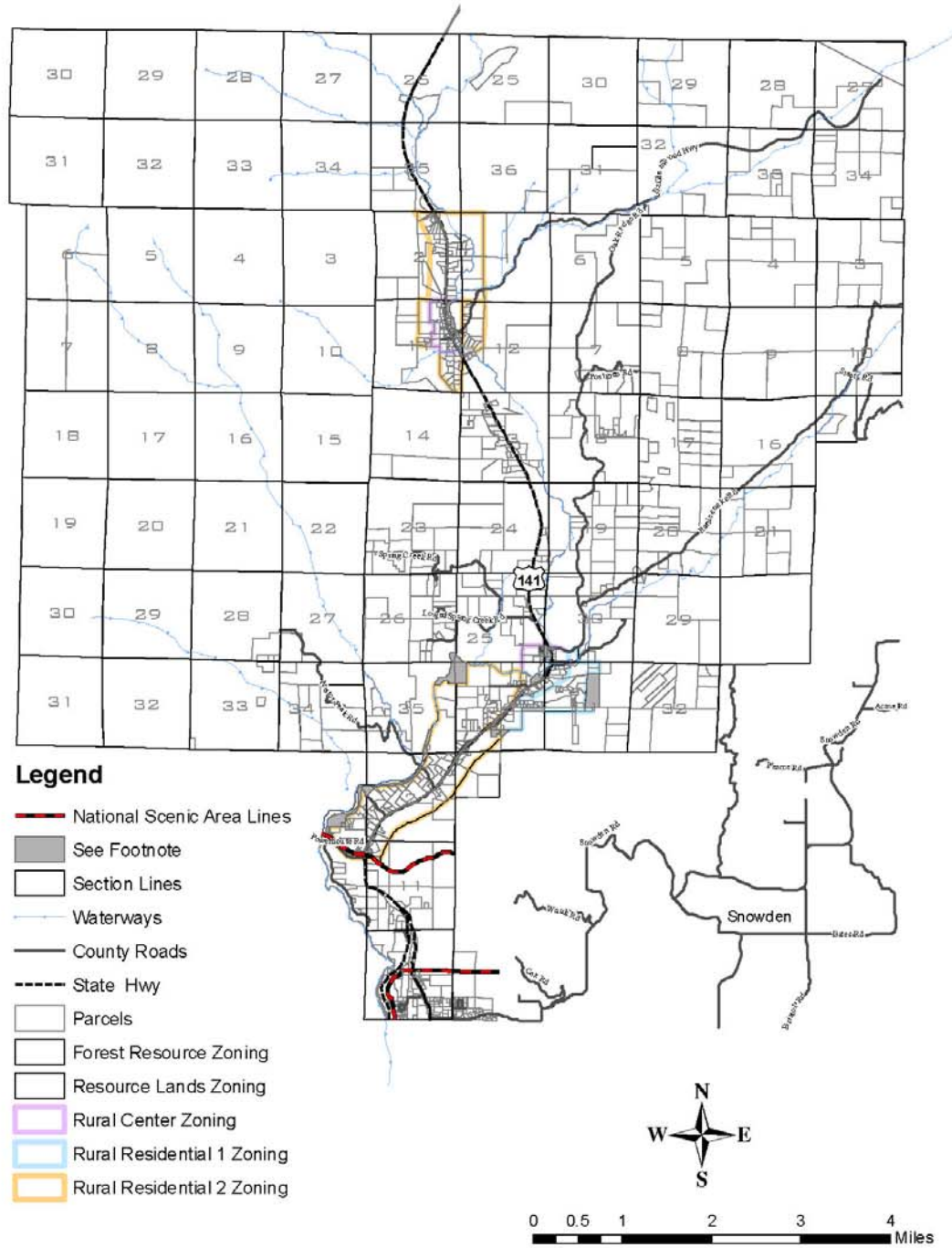


## Husum BZ Corner Planning Area Proposed Zoning



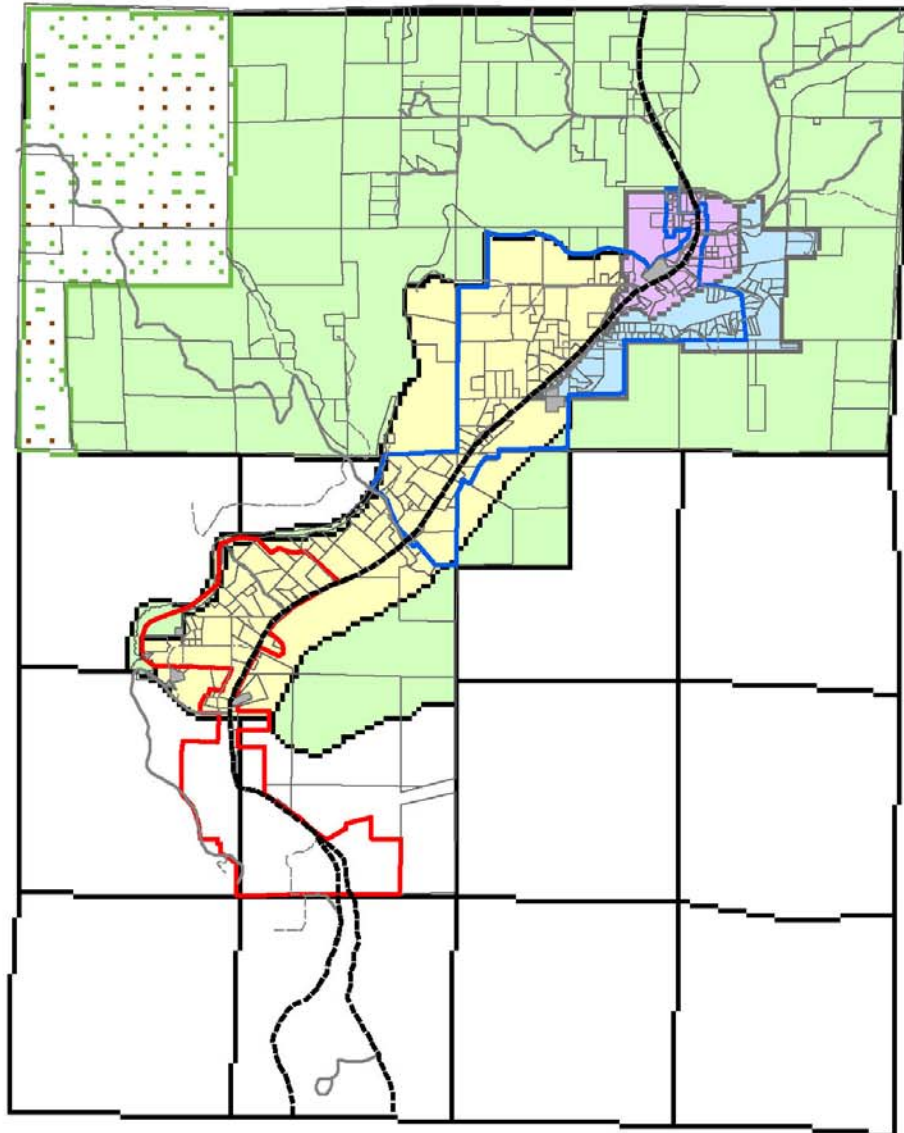
Footnote: Properties removed from proposal. Zoning to remain unchanged, or designated with less dense or "Public" designation.

## Husum BZ Corner Planning Area Properties Removed from Proposal



Footnote: Properties removed from proposal

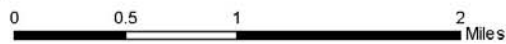
Husum BZ Corner Planning Area  
 Proposed Zoning  
 White Salmon Water Service Area  
 Fordyce Water Service Area



This map is for planning purposes only. Verify the exact service boundaries with the appropriate water district.

**Legend**

- |  |   |   |
|--|---|---|
| — County Roads   | <span style="border: 1px solid red; display: inline-block; width: 15px; height: 10px;"></span> Approximate White Salmon Water Service Area  | <span style="background-color: #ccccff; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Rural Center        |
| - - - Private Roads  | <span style="border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Parcels                                    | <span style="background-color: #add8e6; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Rural Residential 1 |
| — State Hwy  | <span style="background-color: #90ee90; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Forest Resource | <span style="background-color: #ffff00; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Rural Residential 2 |
| <span style="background-color: #cccccc; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> See footnote (below) | <span style="background-color: #90ee90; border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Resource Lands  | <span style="border: 1px solid black; display: inline-block; width: 15px; height: 10px;"></span> Section Lines                                  |
| <span style="border: 2px solid blue; display: inline-block; width: 15px; height: 10px;"></span> Approximate Fordyce Water Service Area           |   |   |



Footnote: Properties removed from proposal. Zoning to remain unchanged, or designated with less dense or "Public" designation.

# **APPENDIX 2**

## **Aspect Report**

(on file with County)

# **APPENDIX 3**

## **Focused Development Program**

FOCUSED DEVELOPMENT AND  
RESOURCE PROTECTION PROJECT  
HUSUM-BZ PLANNING AREA  
Summary

**1. Introduction – Objectives**

County objectives in the Husum-BZ Planning Area (“Planning Area”) include protecting the natural attributes which support agricultural, timber, ranching, fishing, and river rafting interests, and responsibly siting residential development. Protecting these varied interests has proved challenging, so the County has looked to market based solutions to encourage focused development in areas best suited for residential development, and to conserve other areas best suited for resource-based use.

To achieve the above objectives, the County is developing a Focused Development and Resource Protection Project, or FD. Property owner participation is voluntary. Property owners who do participate would be given an added economic incentive to devote lands best suited to resource-based uses to those uses. But they are not required to participate. The Project is designed to balance a wide variety of property interests in an area where the proximity of Portland/Vancouver and scenic resources is driving up land value for residential use, and there is disagreement on how land should be zoned.

**2. Project Components: Summary**

The Project has the below key components:

**Husum White Salmon Wild & Scenic River Management Plan Area:** R2 zoning has been proposed in the Husum Sub-Area, a portion of which is within Management Plan boundaries. Within the Management Plan area, only those properties owners who agree to adding 100 feet to currently required buffers along the White Salmon River and commit to FD participation would be rezoned. The remaining properties within the Management Plan area and currently zoned “Resource Lands” would retain the RL zoning. Any development projects participating in the FD must be consistent with the County requirements, including the Shoreline Master Plan.

**Resource Lands Preservation.** Lots zoned Resource Lands in the Planning Area whose property owners agree to not further divide large lots would receive development credits which could be transferred to another portion of the Planning Area targeted for growth, or banked with the Resource Land and Habitat Mitigation Bank (“Bank”).

**Habitat Mitigation.** The County typically requires mitigation for habitat impacts. Consistent with the County’s critical areas ordinance, the County uses mitigation sequencing, meaning impacts are avoided and minimized first, before mitigation strategies are employed. Consistent with this approach, the County proposes a habitat banking system to protect habitat and ecological functions. Protection would take two forms.

First, properties increasing buffers along the White Salmon, Rattlesnake Creek, and Gilmer Creek by 100 feet, would receive credits which could be transferred to another area of the County targeted for growth through the Bank.

Second, property owners in all zones within the Planning Area may commit to habitat protection measures on their property, to protect sensitive or protected species, such as the Western Gray Squirrel or Spotted Owl. These measures would be eligible for banking.

Below is a more detailed outline. While final development and implementation will follow in stages, the basic principle is simple: The FD is designed to provide land owners a voluntary opportunity to derive economic value from preserving their properties' natural attributes.

## **SENDING AREAS**

### **AREA 1: Resource Lands Sending Area**

Eligible Properties. “Eligible Properties” are those zoned Resource Lands, are at least XX acres in size, and record an “Open Area” easement in favor of the County or an entity approved by the County prohibiting further division.

Credits. Credits generated would be eligible for banking.

### **AREA 2: River Buffers Sending Area**

Eligible Properties. “Eligible Properties” are those fronting the White Salmon River, Rattlesnake Creek, and Gilmer Creek, whose property owners agree to increase setbacks by at least 100 feet.

Credits to Increase Development Potential. For every XX linear feet of additional setback provided, XX credits may be transferred to the Mitigation Bank.<sup>6</sup> For properties to qualify, they would need to protect set minimum amounts of river frontage.

### **AREA 3: Husum Management Plan Sending Area**

Eligible Properties: “Eligible Properties” would be those: (1) Within Husum’s White Salmon Wild and Scenic River Management Plan boundaries which front the White Salmon River; (2) Are zoned Resource Lands; and (3) Whose owners file a Notice of Intent to participate in this Program with the Department, within 30-days of Program adoption.

Credits To Increase Development Potential. Eligible Properties may increase development densities up one unit per two acres if they commit to increasing setbacks<sup>7</sup> by 100 feet from the White Salmon River as measured horizontally from the ordinary high water mark.

## **RECEIVING AREA**

### **Limited South Husum Receiving Area**

Eligible Properties. Property located within the “Limited South Husum Area Overlay,” whose owner(s) (1) Comply with at least a 200 foot setback from the White Salmon River; and (2) Are within a public water system service area and serviceable by either (a) a community wastewater system; or (b) public wastewater system within six years, as demonstrated by a certificate from the relevant provider confirming service availability; and (3) on which development will be

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<sup>6</sup> Credit amounts to be determined during FD development, in consultation with WDFW.

<sup>7</sup> For ease of regulatory interpretation, and consistency, setbacks under this chapter shall be construed to mean the same as “buffers” under the critical areas ordinance, although boat access to the river where the river is readily accessible would be provided for.

consistent with applicable County regulations (*e.g.* Critical Areas Ordinance; Shoreline Master Program).

Credits to Increase Development Potential. Density credits may allow density in addition to the underlying or base zoning, but not to exceed one dwelling unit per acre.

<p style="text-align: center;"><b>RESOURCE LAND AND HABITAT MITIGATION BANK</b></p>
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**1. Summary**

The Bank shall be established by ordinance. The ordinance will describe the Bank’s purpose; the type of credits the Bank may acquire; and Bank operating procedures, including purchase and “sale” of credits.

Mitigation credits from Sending Areas 1, 2, or 3, are eligible for banking. The credits shall be held in or registered with a County approved Bank until transferred to an approved recipient through a County Credit Certificate Approval. The recipient must be an approved “receiving area” recipient, or a developer of property within the Husum/BZ Planning Area who requires mitigation to address habitat impacts.

**2. Purpose**

The Bank’s primary purposes are to: (1) encourage conservation of resource lands within the Husum/BZ Planning Area; and (2) to provide a mitigation option when on-site conservation measures are not practicable, when using the Bank is preferable to on-site measures, or can address impacts more comprehensively. Through the Bank, it is possible to take advantage of economies of scale (both financial and biological), and to utilize funding sources, management, and scientific and planning resources not typically available at the individual project level.

This mitigation may be used to address compliance with the County Critical Areas Ordinance, Shoreline Master Program, an approval requiring mitigation, or other requirements. For properties within Shoreline Master Program jurisdiction, use of mitigation credits must result in protection at the same level or greater than the Program would provide. Credits shall be received and transferred through a Credit Certificate Approval approved by the County Planning Department. The Bank is designed to comprehensively address habitat protection. The County will consult with WDFW and Ecology on bank development.

**3. Operating Procedures**

Bank operating procedures will be developed, including: (1) Protocols for selecting and acquiring property and establishing credit values; (2) Protocols for Credit Certificate Approvals; (3) Property management needs; (4) Funding, including for future operations; (5) Ethics protocols for ensuring a transparent approach; and (6) Mechanisms for ensuring achievement of conservation objectives.

#### **4. Bank and Property Owner Agreement**

To protect banked land, the property owners must enter into a binding real estate contract, such as a conservation easement, to preserve the property consistent with FD objectives and protocol. The document will describe the protected area, party obligations, duration of the obligations (mitigation should generally be permanent, except in situations where regulatory requirements require shorter-term mitigation, such as for the duration of a project), and be recorded. The structure will be designed to ensure that requirements associated with credit generation may not be “put aside.” To use credits at any point, conditions allowing those same credits must be complied with.

# **APPENDIX 4**

## **Cultural Resources: Summary of Legal Requirements**

## HUSUM/BZ-CORNER

### Cultural Resources Guidance

#### 1. Background

The Klickitat County Planning Department reviews, processes and issues permits for projects per its adopted regulations, including those implementing the State Environmental Policy Act, Chapter 43.21C RCW (“SEPA”). The County reviews cultural resource impacts through SEPA. The County does not have regulations directly regulating cultural resources, as this is the province of the Washington State Department of Archaeology and Historic Preservation (“DAHP”), the primary state agency charged with the identifying, preserving, and protecting cultural resources.

The SEPA rules, specifically WAC 197-11-920, recognize DAHP as an agency “possessing special expertise” in archaeological and historic issues. The County consults with DAHP on cultural resources issues. Under the authority of Chapters 27.44 and 27.53 RCW, DAHP reviews, processes and issues Archaeological Excavation Permits to authorize the removal or excavation of any Native American human remains, burials, or to excavate any Native American archaeological site. A permit is also required to remove or excavate historic archaeological resources that are eligible or listed in the State or National Register of Historic Places or to recover any submerged historic aircraft or historic shipwrecks, or remove any archaeological object from such sites. *See also* definitions section at RCW 27.53.030.

The Klickitat County Planning Department often serves as a liaison among DAHP, affected tribes and developers. The Department reviews and distributes cultural resources reports and surveys to the agency of expertise and affected tribes, and solicits comments as required. Where resources are likely to be impacted by a project, the County, DAHP and affected tribes should coordinate with each other at the earliest possible opportunity in the review of a proposal. The County’s intent is to foster a stronger working relationship and keep the parties informed regarding upcoming projects, their review, impact identification, and mitigation design.

#### 2. Cultural Resources Survey: When Required in the Husum/BZ Corner Planning Area

SEPA provides for identification of probable, significant cultural resources impacts. When the presence of cultural resources which are protected by state or federal law have been identified, with a reasonable degree of probability, within an area proposed for development, the County typically requires a cultural resources survey and report prepared by a professional archaeologist. The archaeologist should meet that definition under RCW 27.53.030(8). The report should include professionally reasoned methodology including field survey work. The field survey should include subsurface methodology. In determining what is “a reasonable degree of probability,” input from the interested tribes and DAHP will be considered, in addition to existing documentation of known cultural resources. When a survey is required, the applicant completes a cultural resources survey of areas of the project site that will be disturbed temporarily or permanently. The Planning Department typically requires a cultural resource survey to be submitted at least 60 days prior to any kind of land disturbing activities. *See also* definitions section at RCW 27.53.030.

# **APPENDIX 5**

## **Regulatory Environment - Summary**

## Summary of Regulatory Environment

The Husum-BZ Planning Area is located within a heavily regulated environment. Below is a summary of mitigation on development provided through the federal, state, and local regulatory structure.

**Clean Water Act.** The Federal Clean Water Act protects U.S. waters. The CWA regulates development and implementation of water quality standards, total maximum daily (pollutant) loads, wetland filling, point source permitting, and stormwater. The Washington State Department of Ecology administers the CWA with EPA oversight. The Washington State Water Pollution Control Act (Ch. 90.48 RCW) gives Ecology the authority to protect water quality and promulgate regulations to achieve this goal. The Act makes pollutant discharges into state waters unlawful and provides for enforcement of violations, compliance orders, and imposition of civil and criminal penalties. The Act also provides for permitting; cooperation with other entities; water quality monitoring; grants; and other actions regarding management of water quality. Ecology sets state water quality standards to protect beneficial uses, including fish use, and issues National Pollution Discharge Elimination System (NPDES) permits. Ecology has a water quality certification program under which it reviews projects that will discharge materials into U.S. waters and issues certifications that the proposed action meets State water quality standards and other aquatic protection regulations.<sup>8</sup>

**Endangered Species Act.** The ESA's purpose is to protect "endangered and threatened" species and the ecosystems upon which they depend. Two federal agencies administer the ESA; the United States Fish and Wildlife Service (FWS) and the National Oceanic and Atmospheric Administration (NOAA) (which includes the National Marine Fisheries Service, or NMFS). NOAA handles marine species, and the FWS handles freshwater fish and all other species. The agencies are required to create recovery plans for listed species outlining goals, tasks, costs, and an estimated timeline to recover endangered species.

**Forest Practices Act.** Washington's Forests & Fish Law (ESHB 2091), was adopted in 1999 as part of the Washington State Forest Practices Act (Ch. 76.09 RCW). It changed forest practices rules to protect riparian and aquatic resources on more than eight million acres of private forestland. The law included updates to the stream-typing system; changes in buffer widths; changes in forest practices to protect against landslides; increased protections for wetlands, and addressed logging impacts in many other areas.

**Hydraulic Project Approval.** The State's Hydraulic Code, Ch. 77.55 RCW, governs construction projects within State of Washington waters. To protect fish habitat, the law requires hydraulic project approvals from the Washington Department of Fish and Wildlife for wharves, bulkheads, bridges, fish habitat restoration projects, and other construction activities within the ordinary high-water mark.

**Air Quality.** Air quality requirements (*see e.g.* Chapters 43.21A, 70.94, 76.04 RCW) apply to construction activities and outdoor fires (such as are related to land-clearing activities).

**Water Rights.** A water right permit (Chapter 90.58 RCW) is required for domestic withdrawals in excess of 5,000 gallons of ground water per day. Without a water right, water cannot be drawn in excess of the exempt amount. Also, although exempt withdrawals do not require a water right permit, they are subject to state water law, which means water is taken subject to "senior" water rights and other applicable restrictions on water supply.

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<sup>8</sup> See also Chs. 90.48, 90.50, and 90.52 RCW.

**State Environmental Policy Act (Ch. 43.21C RCW).** SEPA provides for analysis of probable, significant adverse impacts that may result from non-exempt proposals. A mitigated determination of non-significance may be issued if, with mitigation, a project is unlikely to have probable, significant adverse environmental impacts. Klickitat County provides applicable state agencies and tribes, and the public, the opportunity to review threshold determinations and EIS's.

**Columbia River Gorge National Scenic Area.** Congress created the National Scenic Area to protect and enhance the scenic, natural, cultural and recreational resources of the Columbia River Gorge while encouraging economic development. The White Salmon River downstream of Condit Dam is within Scenic Area boundaries. All new development in the Scenic Area must be reviewed by the Gorge Commission (in Klickitat County) to determine if it is consistent with the Act and the Commission's implementing land-use ordinances. The rezone proposal is located outside the Scenic Area.

**County Shoreline Master Program.** The Washington State Legislature passed the Shoreline Management Act in 1971. The Act's purpose is "to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines" by requiring local jurisdictions to develop a Shoreline Master Program to govern development in shoreline areas. Klickitat County's SMP was first adopted in 1975 and has been revised periodically since then.

The SMP regulates "development" within shoreline jurisdiction. "Development" is broadly defined as construction or exterior alteration of existing structures; dredging; drilling; dumping; filling; removal of sand, gravel or minerals; bulk-heading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of waters overlying lands subject to the SMP. Shorelines are those lands extending landward for 200 feet in all directions as measured from the ordinary high water mark, floodways and continuous floodplain areas landward 200 feet from such floodways; and, all wetlands and river deltas associated with the streams and lakes. The SMP applies to the shorelines of the main stem of the White Salmon River as well as the shorelines of all tributaries with a mean annual flow of 20 cubic feet per second or more.

The SMP designates the White Salmon River and tributaries within SMP jurisdiction as various "environments," which determine the level of protection that is warranted. Much of the White Salmon River is designated either "Natural Environment" which prohibits most development within its shorelines or "Conservancy Environment" which allows a limited scope of development, subject to conditions (*i.e.*, shoreline conditional use permit). Each development proposal is subject to review pursuant to the shoreline environment within which it is to be located. One or more shoreline permits must be secured prior to implementation. Substantial Development Permits (SDP) are required for any development in which the total cost or fair market values exceeds \$5,000, or any development which materially interferes with the normal public use of the water or shorelines. CUP's are required for development warranting conditions to ensure SMP consistency.

Since SMP adoption, the County and Ecology have reviewed shoreline development, including modifications to non-conforming uses, to ensure SMP compliance. Ecology reviews County permit decisions and has final authority to approve or deny CUP's and variances. Final decisions may be appealed to the Shorelines Hearings Board.

**County Critical Areas Ordinance.** The County adopted the CAO in 2001, and amended it in 2004, with the concurrency of Washington Departments of Fish and Wildlife, Commerce, and Ecology. The CAO protects wetlands, critical fish/wildlife habitat, geologically hazardous areas, aquifer recharge areas, and frequently flooded areas. The CAO is, in effect, an overlay over existing land use regulations. In addition to including standard setbacks, a wildlife habitat management plan is required for new development that is likely to impair wildlife habitat functions and values.

**Floodplain Management.** The Klickitat County Floodplain Management ordinance regulates development activities that may increase flood hazards. A permit is required for development within areas of special flood hazard. The applicant for a non-residential structure must include a certification of flood analysis documented by a professional engineer. In general, development that will not meet the specific criteria in the ordinance, will be denied.

**County Subdivision Regulations.** County subdivision regulations set forth development standards for land division. The standards ensure development is adequately serviced with public facilities and require other mitigation to address public health and safety issues, and are coupled with other local requirements, including minimum road standards.

**On-Site Sewage Systems.** The County has adopted Ch. 246-272A WAC and issues permits for sewage systems through Ch. 8.10 of the County Code. Regulations address system location, site evaluations, minimize lot sizes, design, installation, inspection, operation and maintenance, repair, abandonment, setbacks, effluent quality, and other areas of concern. The purpose of these rules is to protect public health by minimizing public exposure to sewage from on-site sewage systems, and adverse public health effects from on-site sewage system discharges to ground and surface waters.

**Other Rules and Regulations.** There are over 100 additional rules and regulation applicable to the protection of water quality and fish habitat in the State of Washington. These rules cover a broad range of subjects such as groundwater quality standards, application for pesticides, well construction, utilities, water supply facilities. Lists of applicable laws and rules can be found at [www.ecy.wa.gov/laws-rules](http://www.ecy.wa.gov/laws-rules).

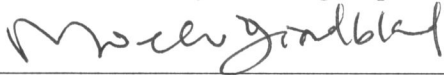
# **APPENDIX 6**

## **Withdrawal of DNS I**

# Withdrawal of SEPA 2007-12

SEPA 2007-12, issued on March 29, 2007, was effectively replaced by SEPA 2010-45, which was issued for the Husum/BZ Corner Sub-Area Update on October 15, 2010. With the second SEPA determination, SEPA 2007-12 no longer applies to the proposal, and is hereby withdrawn.

Klickitat County Planning Department

for   
Klickitat County Planning Director  
Curt Dreyer  
October 18, 2011