

**ATTACHMENT A: FINDINGS AND CONCLUSIONS  
FOR PROPOSED PERIODIC REVIEW OF SKAMANIA COUNTY  
SHORELINE MASTER PROGRAM**

**Findings of Adequacy Submittal accepted May 6, 2021, Resolution No. 2021-09;  
Prepared by Department of Ecology on May 10, 2021**

### **Use of this Document**

Ecology's *Findings and Conclusions* (Attachment A) provides the factual basis for the Department of Ecology's (Ecology) decision on Skamania County's proposed Finding of Adequacy to their Shoreline Master Program (SMP) as a result of their periodic review.

### **Brief Description of Proposed Action**

Skamania County (County) has submitted to Ecology for approval a SMP periodic review Findings of Adequacy concluding that no SMP amendment is needed to comply with periodic review requirements.

## **FINDINGS OF FACT**

### **Need for action**

The County's comprehensive update to their SMP went into effect in late 2020. The updated master program regulates approximately 746 miles of shorelines, including 166 miles of lake shoreline and 580 miles of streams/rivers located within Skamania County. Following the SMP comprehensive update, the County must conduct a review of its SMP on or before June 30, 2021 and every eight years thereafter<sup>1</sup>.

The proposed formal action is needed to comply with the statutory deadline for a periodic review of the County's Shoreline Master Program pursuant to RCW 90.58.080(4) and WAC 173-26-090. The periodic review addresses changes in SMA and guideline requirements that have occurred since the comprehensive update, and changes for consistency with revised comprehensive plans and regulations, together with any changes deemed necessary to reflect changed circumstances, new information or improved data. Following the review, local governments shall, if necessary, revise their master programs. A SMP periodic review that results in legislative findings that no revisions are needed are referred to as "findings of adequacy." The periodic review must be accomplished through local legislative action and must be followed by Ecology approval for the action to be effective and final.<sup>2</sup>

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<sup>1</sup> RCW 90.58.080(4)(b)

<sup>2</sup> WAC 173-26-090

## History, Review Process

The County prepared a public participation program 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. An important element of the public participation plan is the County's SMP Periodic Review project [website](#)<sup>3</sup>.

The 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 were needed to maintain compliance in accordance with WAC 173-26-090(3)(b)(i).

The County reviewed changes to 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).

The 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).

The County consulted with Ecology and solicited comments.

The County opted to follow the joint review adoption process in WAC 173-26-104. The County and Ecology held a joint local/state comment period on the periodic review following procedures outlined in WAC 173-26-104. The joint comment period began on February 3, 2021 and continued through March 4, 2021. A joint public hearing before the Planning Commission was held on March 2, 2021, conducted virtually via Zoom.

The County provided notice to local parties, including a statement that the hearings were intended to address the periodic review in accordance with WAC 173-26-090(3)(c)(ii). Affidavits of publication provided by the County indicate notice of the hearing was published on February 3 and 24, 2021 in the *Skamania County Pioneer* newspaper.

Ecology distributed notice of the joint comment period to state interested parties on January 29, 2021, including separate notice and invitation to comment to the Cowlitz, Yakima, Grand Ronde, and Umatilla Tribes. Neither Ecology nor the County received any comments or contact from any Tribe.

One (1) individual submitted comments on the proposed Findings of Adequacy highlighting the importance of shoreline public access. The County submitted to Ecology its responses to issues raised during the comment period on March 11, 2021.

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<sup>3</sup> <https://www.skamaniacounty.org/departments-offices/community-development/planning-division/long-range-planning/shoreline-master-program-update>

### Initial Determination and Final Submittal

The proposed Findings of Adequacy were received by Ecology for initial state review and verified as complete on March 15, 2021.

Ecology reviewed the County's draft Findings of Adequacy documentation and prepared an initial determination of consistency with the policy of the SMA and applicable guidelines. A written statement of initial concurrence was sent to the County on March 19, 2021. Ecology found that the SMP remains consistent with the SMA and applicable guidelines and concurred with the County's Findings of Adequacy without any required or recommended changes.

With passage of Resolution # 2021-09, on April 20, 2021 the County authorized staff to forward the Findings of Adequacy to Ecology for formal approval.

The County's final submittal of the SMP Findings of Adequacy was received by Ecology and verified as complete on May 6, 2021. Ecology found the submittal consistent with the requirements of WAC 173-26-090(3)(d)(ii) which provides,

*A local government that determines amendments are not needed shall submit the following in lieu of the requirements of WAC [173-26-110](#):*

- (A) A resolution or ordinance declaring findings of adequacy.*
- (B) Evidence of compliance with applicable public notice and consultation requirements.*
- (C) Copies of all public, agency and tribal comments received during any applicable public comment periods, or where no comments have been received, a statement to that effect.*
- (D) A completed checklist demonstrating review elements have been considered, and are either inapplicable or have already been addressed through previous locally initiated amendments prior to the scheduled periodic review.*

### Consistency with Chapter 90.58 RCW

The proposed Findings of Adequacy have been reviewed for consistency with the policy of RCW 90.58.020 and the approval criteria of RCW 90.58.090(4). The County has also provided evidence of its compliance with SMA procedural requirements contained in RCW 90.58.090(1) and (2).

### Consistency with applicable guidelines (Chapter 173-26 WAC, Part III)

The proposed Findings of Adequacy have been reviewed for compliance with the requirements of the applicable Shoreline Master Program Guidelines including WAC 173-26-090. This included review of a SMP Periodic Review Checklist, which was completed by the County.

### Consistency with SEPA Requirements

The County determined the Findings of Adequacy are 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."

## CONCLUSIONS OF LAW

After review by Ecology of the complete record submitted and comments received, Ecology concludes that the County proposed Findings of Adequacy are consistent with the requirements of RCW 90.58.090(4) and the applicable SMP guidelines (including WAC 173-26-090).

Ecology concludes that the County has complied with the requirements of RCW 90.58.130 and WAC 173-26-090 and WAC 173-26-104 regarding public and agency involvement in the SMP review process.

Ecology concludes that the County has complied with requirements of Chapter 43.21C RCW, the State Environmental Policy Act.

Ecology concludes that it has complied with the procedural requirements for review and approval of shoreline master program periodic review Findings of Adequacy as set forth in RCW 90.58.090 and WAC 173-26-090, WAC 173-26-104, and WAC 173-26-120.

Ecology concludes that with this action the County has completed the required process for periodic review in accordance with RCW 90.58.080(4) and applicable state guidelines (WAC 173-26-090).

## DECISION

Based on the preceding, Ecology approves the County Findings of Adequacy, as submitted. With this approval, Ecology affirms the County has completed the requirement for a periodic review under RCW 90.58.080(4).