RESOLUTION 2009-22

(Certification of Land Use Consistency Review for Whistling Ridge Wind Energy Project)

WHEREAS, Whistling Ridge Energy Project, LLC ("Applicant") filed an Application for Site Certification ("ASC") to the Washington Energy Facility Site Evaluation Council ("EFSEC") on March 10, 2009 for the Whistling Ridge Energy Project ("Project") pursuant to RCW 80.50; and

WHEREAS, EFSEC has assumed lead agency status pursuant to the State Environmental Policy Act, RCW 43.21C for the environmental review of this Project. Skamania County anticipates participating in the SEPA process; and

WHEREAS, the Skamania County Community Development Director reviewed the ASC to determine the project's consistency with applicable County land use plans and zoning ordinances and prepared a Certificate of Land Use Consistency; and

WHEREAS, the Board of County Commissioners have reviewed the Community Development Director's Certification of Land Use Consistency; and

WHEREAS, the Board of County Commissioners on May 5, 2009 considered the Community Development Director's determination at a regularly scheduled, public meeting; and

WHEREAS, due notice of the Commissioner's meeting set forth above has been given as required by law; and

WHEREAS, the development of the Whistling Ridge Energy Project, if approved, will be specifically governed by a Site Certification Agreement signed by the Governor and the Applicant, including conditions of approval developed through the upcoming public process, including SEPA review; and

WHEREAS, more detailed findings of consistency are included in the Community Development Director's Certificate of Land Use Consistency, which is attached hereto and is incorporated herein by reference as if set forth in full; and

NOW THEREFORE, BE IT RESOLVED, the Board of County Commissioners, after due deliberation, adopts the Certificate of Land Use Consistency and resolves that the Whistling Ridge Energy Project is consistent with the Skamania County land use plans and applicable zoning ordinances. A representative for Skamania County appointed by the Board of Commissioners is serving as a member of the Siting Council. Consequently, Skamania County does not, at this time, make any findings or determination regarding compliance with any other regulatory requirements or siting standards, and any potential conditions of approval recommended by Skamania County will be made at such time as the SEPA review is completed and after public meetings and hearings have been duly conducted by EFSEC, in accordance with Chapter 80.50 RCW.

PASSED IN REGULAR SESSION this 5th day of May 2009.

BOARD OF COMMISSIONERS SKAMANIA COUNTY WASHINGTON CLERK OF THE BOARD

BOARD OF COUNTY COMMISSIONERS
SKAMANIA COUNTY, WASHINGTON

Chairman

Commissioner

Commissioner

ATTEST:

Clerk of the Board

APPROVE AS TO FORM ONLY:

Prosecuting Attorney

Skamania County
Community Development Department

Skamania County Courthouse Annex
Post Office Box 790
Stevenson, Washington 98648
509 427-3900 FAX: 509 427-3907

STAFF REPORT FOR LAND USE CONSISTENCY REVIEW

I. SUMMARY OF PROPOSED ACTION (Project description)

This Land Use Consistency Review Staff Report is to address the application for the Whistling Ridge Energy Project to the Washington State Energy Facility Site Evaluation Council.

As proposed by the application submitted March 10, 2009 to the Energy Facility Site Evaluation Council (EFSEC), Jason Spadaro President of SDS Lumber Co, and of Whistling Ridge Energy LLC, is proposing a facility, collectively called the Whistling Ridge Energy Project, of up to 50 1.2- to 2.5- MW wind turbines with a total capacity of 75 MW of electricity. The project would be located on a 1,152-acre site in unincorporated Skamania County owned by SDS Co, LLC and Broughton Lumber Company, on the forested ridges of Saddleback Mountain. Each turbine would be up to approximately 426 feet tall to the tops of the blades extended over the tower of the wind turbine. In addition to the turbines, the planned facility would include: electrical transformers, 34.5 kilovolt collector lines and systems (primarily underground), permanent meteorological towers, an Operations and Maintenance facility (including bathrooms and kitchen), a new well for potable water, an on-site septic system, a substation located adjacent to BPA's existing North Bonneville to Midway 230-kV transmission line, and approximately 2.4 miles of newly-constructed and 7.2 miles of improved roads to provide access to the wind turbine locations during construction and for Operations and Maintenance.

The proposal states that several wind turbines will be placed in a Residential 10 (R10) zoning designation on the project site. While researching the parcels using the County's Geographic Information System (GIS), legal descriptions and official zoning maps, no R10 zoning designation was found within the project site. The proposal states that roughly 400 acres of the project site is located within FOR/AG 20 zoning and Residential 10 zoning designations. However, Community Development staff research of the County's GIS and assessor maps show that approximately 1,036 acres of the project site is unzoned, and approximately 127 acres of the project site is zoned FOR/AG 20. County GIS and assessor maps show the project area to be approximately 1,163 acres, however, this is just an approximation based on legal descriptions since no boundary survey was conducted. This information does not affect the consistency review of the project, rather it is a clarification of the project based on County's consistency review.

The proposal further includes improvements to roads and intersections within the National Scenic Area in order to provide access to the project site. The roadways

affected include Cook Underwood Road, Kollock-Knapp Road, Scoggins Road and private road logging CG2930. Improvements to the county roadways and the private logging road would be necessary to support the long and heavy loads that would be required for the delivery of the wind energy components from SR 14 to the proposed project site. These improvements may include 1) Rebuilding large sections of the existing roadway network, 2) Widening certain sections of the existing roadway network, 3) Flattening and/or rebuilding existing roadway topography both horizontally and vertically, and 4) Placing asphalt in select areas for equipment access.

II. GENERAL INFORMATION

Owner(s):	SDS Lumber Co PO Box 266 Bingen, WA 98605 Broughton Lumber Co 92 Office Road Underwood, WA 98651
Applicant(s)/Applicant(s) Representative:	Jason Spadaro, President, SDS Lumber Co and Whistling Ridge Energy, LLC PO Box 266 Bingen, WA 98605
Tax Parcel Number(s):	03-10-00-0-0-0300-00 (portion) 03-10-00-0-0-0400-00 (full) 03-10-00-0-0-0800-00 (portion) 03-10-00-0-0-1100-00 (portion) 03-09-00-0-0-2990-00 (portion) Skamania County Road Right-of-Way
Location:	The subject parcels are located in the eastern portion of Skamania T3N, R10E & T3N, R9E, W.M.
Zoning:	127 acres of the proposed project area is zoned FA20. The remaining 1,036 acres is un-zoned. NSA: the roadways within the NSA are zoned General Management Area, Large-Scale Agriculture (Ag-1), Commercial Forest (F-1), Small Woodland (F-3), Residential, and Open Space (OS).
Comprehensive Plan Designation	Conservancy (outside NSA)
Square Footage/Acreage:	The entire project area is located outside of the NSA and is 1,152 acres (1,163 acres by County calculations), spanning portions of five parcels. Approximately 384 acres would be developed for the wind turbine foundations, connecting roadways, and overhead and underground transmission lines.
Proposed Use	Semi-public utility facility Road Improvements (w/in NSA)
Number of Lots:	The project area spans portions of five parcels.
Density:	N/A

Sanitary Sewer District:	Individual On-Site Septic System for proposed Operations and Maintenance Facility
Domestic Water Supplies:	Applicant is proposing an individual well to serve the kitchen and bathroom facilities in the Operations and Maintenance Building.
Fire District:	Fire District #3
School District:	#31 Mill A and White Salmon School Districts
Drainage Basin:	Wind / White Salmon
WRIA:	29B
WRIA Number	29B

III. HISTORY/BACKGROUND:

Skamania County is one of ten counties in Washington State that is not required to fully plan under the Growth Management Act. The County is not required to establish zoning classifications on all the land within its jurisdiction.

The 2007 Comprehensive Plan applies to all unincorporated land within Skamania County. The National Scenic Area is a sub-area which uses the Columbia River Gorge Management Plan as its Comprehensive Plan. Not all of unincorporated Skamania County has a zoning classification. The critical area regulations only apply outside of the NSA. Within the NSA there is a comprehensive land use application that reviews projects for Scenic, Natural, Cultural, and Recreational resources. The project area is outside of the NSA. The only potential work to be conducted within the NSA is improvements to existing roads which is an allowable review use in the NSA Land Use classification.

SDS Co. LLC submitted their application for the Whistling Ridge Energy Project on March 10, 2009. Skamania County Community Development Department is providing EFSEC with a consistency review of all county regulations that apply to the project.

IV. SEPA THRESHOLD DETERMINATION:

EFSEC issued a scoping notice on April 6, 2009 to begin the EIS review process. A revised notice was issued April 21, 2009.

V. PUBLIC HEARING NOTICE:

EFSEC published all required notices.

VI. NATURAL ENVIRNOMENT

A. Topography:

The resource maps indicate that the subject parcels within the project area, have slopes ranging from zero percent to over 40%. Under Skamania County's Critical Areas Ordinance (Title 21A), the subject parcels are located in a Class II Landslide Hazard Area. As such, this requires a geotechnical assessment report be completed for the proposed project. A geotechnical assessment report is prepared by a Washington state licensed hydrologist or geologist and requires the following, at minimum:

a. a description of the topography, surface and subsurface hydrology, soils geology, and vegetation of the site;
b. an evaluation of the analysis area's inherent erosion hazards;
c. a site plan of the area delineating all areas of the site subject to erosion hazard; and
d. proposed mitigation measures to be implemented by the applicant, including, but not limited to, minimizing site disturbance or grading, implementing erosion control measures, such as the retention of existing vegetation and controlling surface water drainage through stormwater retention and detention systems.

B. Soils:
According to the Natural Resources Conservation Service (NRCS) Soil Survey of Skamania County, the soil types of the parcels are: McElroy gravelly loam (types 66, 67, 68), Timberhead gravelly loam (types 135. 136), Underwood loam (type 144). Each of these soils has a T Factor of 5. Under Skamania County's Critical Areas Ordinance, Title 21A, the subject parcels are located in a Class I Erosion Hazard Area.

C. Surface Water:
Within the proposed project area there is: One (1) Class 4N stream; 19 Class 5N streams; and five (5) unclassified streams.

The proposal states that one stream, a Class V, will be crossed. This stream is located outside of the project area (see review in NSA Title 22) within the National Scenic Area boundary. The proposal states that no new construction will occur within any stream or its associated buffer that is located within the project area (outside of the NSA).

D. Vegetation:
The project area is covered by second and third growth commercial timber stands.

E. Wildlife:
The entire project area is within Elk winter range habitat. No other habitat was found on resource maps.

F. Sensitive Areas:
No Sensitive Areas were found on the Resource maps within the proposed project area. No known cultural or archaeological resources were found within the project area.

VII. NEIGHBORHOOD CHARACTERISTICS

The Comprehensive Plan designation of this project area is Conservancy. Some of the surrounding area is Rural Lands II, with the majority being Conservancy.

The southern project boundary line (including the southeast project line) borders the Columbia River Gorge National Scenic Area.

VIII. TRANSPORATION PLANS

Access of the proposed site would be provided from State Route 14 to Cook-Underwood Road, Kollack-Knapp Road, Scoggins Road and a private logging road listed as CG2930, located on SDS Lumber Company and Broughton Lumber Company property. These access roads are located within the National Scenic Area.

IX. UTILITIES

A. Stormwater:
Discharge of stormwater runoff would be regulated by EFSEC based on the Department of Ecology's stormwater pollution control program. The proposal indicates mitigation measures by Best Management Practices and by implementing a Stormwater Pollution Prevention Plan (SWPPP) during and after construction. The final design would conform to the applicable Ecology Stormwater Management Manual in effect at the time or as instructed by EFSEC.

B. Wastewater Disposal:
The Applicant is required to apply for an On-Site Septic System permit as the Operations and Maintenance Building will include bathroom and kitchen facilities. Prior to issuance of any building permit, the applicant is required to have an approved On-Site Septic System Design.

C. Potable Water:
Prior to the issuance of a building permit for the proposed Operations and Maintenance Building, the applicant is required to have an approved Water Availability Verification Evaluation (WAVE).

X. COMPREHENSIVE PLAN

The following Goals and Policies of the Skamania County Comprehensive Plan are applicable to the proposed project.

Chapter 2: Land Use Element
Goals and Policies
Conservancy Designation

Goal LU.1: To integrate long-range considerations (comprehensive planning) into the determinations of short-term action (individual development applications).

Policy LU.1.2: The plan is created on the premise that the land use areas designated are each best suited for the uses proposed therein. However, it is not the intention of this plan to foreclose on future opportunities that may be made possibly by technical innovations, new ideas and changing attitudes. Therefore, other uses that are similar to the uses listed here should be allowable uses, review uses or conditional uses, only if the use is specifically listed in the official controls of Skamania County for that particular land use designation.

Finding:
The project area lies within the Conservancy Comprehensive Plan Designation. Within the conservation designation, public facilities and utilities, and utility substations are allowed.

Conclusion:
The project is considered a semi-public utility facility and would therefore be consistent with the Conservancy Designation.

Goal LU.3: To coordinate public and private interests in land development.

Policy LU.3.3: Encourage industry that would have minimal adverse environmental or aesthetic effects.

Finding:
The project area is located outside of the Columbia River Gorge National Scenic Area boundary. The turbines would be painted gray to minimize aesthetic effects. The proposed project would be located within an area where roadways and high voltage regional transmission lines already exist, which would minimize the need for new disturbances.

Conclusion:
The project is consist with this goal and policy.

Goal LU.4: To promote interagency cooperation and effective planning and scheduling of improvements and activities so as to avoid conflicts, duplication and waste.

Policy LU.4.3: Land use patterns, which minimize the cost of providing adequate levels of public services and infrastructure, should be encouraged.

Finding:
High-voltage regional transmission lines, owned and operated by Bonneville Power Administration (BPA) are located on the project site. Access roadways already exist. The project uses existing patterns in Land Use which helps to minimize the public costs of providing services and new infrastructure.

Conclusion:
The project is consistent with this goal and policy.

Goal LU.5: To promote improvements which make our communities more livable, healthy, safe and efficient.

Policy LU.5.5: Promote compatibility of industry with the surrounding area or community by fostering good quality site planning, landscaping, architectural design, and a high level of environmental standards.

Policy LU.5.7: Adequate on-site wells and septic systems should be properly installed, monitored and maintained in accordance with local and state health departments.

Finding:
The proposed project is located in the Conservancy Designation, which allows for public utility facilities and utility stations. The surrounding areas are Conservancy Designation, as well as Rural Lands II Designation, which also allows for utility facilities and utility substations. The project site has been previously logged by forestry activities and the proposal would allow the forestry activities to continue.

High-voltage transmission lines, cell towers and rock quarries currently exist in the area, so the project would be compatible with these uses.

The proposed Operations and Maintenance Building would include bathroom and kitchen facilities and would therefore be required to have an approved on-site septic system as well as an adequate potable water supply. This would be a condition of approval.

Conclusion:
The project is consistent with the goals and policies. A valid OSS and proof of potable water should be a condition of approval.

Chapter 3: Environmental Element
Goals and Policies

Goal E.1: To ensure the proper management of the natural environment to protect critical areas and conserve land, air, water and energy resources.

Policy E.1.4: Implement and preserve critical area buffers based on Best Available Science adjacent to critical areas to adequately protect such areas from development and land use impacts.

Finding:
Several streams exist on the proposed project site, with buffers ranging from 25' to 50', which must be maintained at all times unless exemptions are met or variances are granted.

Conclusion:
This proposal is consistent with the goals and policies.

Goal E.3: To minimize the loss of life and property from landslides, seismic, volcanic or other naturally occurring events, and minimize or eliminate land use impacts on geologically hazardous areas.

Policy E.3.4: Require geotechnical studies to determine construction methods and technologies necessary to further public safety in geologically hazardous areas. The development design and construction technology used shall be appropriate to the soil limitations on the particular site.

Finding:
The project should require a geotechnical assessment report and soil borings to be conducted on-site. The report should be reviewed and accepted by Skamania County prior to issuing any building permits. Any and all setbacks determined within the report must be followed.

Conclusion:
The project is consistent with these goals and policies.

Chapter 4: Transportation Element

Goal T.1: Transportation – Encourage an efficient multi-modal transportation network that is based on regional priorities and coordinated with county and city comprehensive plans.

Goal T.3: Public Facilities and Services – Ensure that those public facilities and services necessary to support development should be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

Finding:
All roadways that will be used for this proposal are existing and some improvement will be necessary for the transportation of the equipment and construction materials. Some intersection improvements are needed to allow safe turning of construction and equipment delivery vehicles. These improvements, as well as the added traffic, would not degrade the existing levels of service at nearby intersections below minimum standards. The applicant should consult with the Skamania County Public Works Department regarding the sufficiency of roads. Turbine equipment would likely be transported to either the Port of Longview or the Port of Vancouver, and much of it transported by barge up the Columbia River to the Applicant's existing barge and dock facilities in Bingen, Washington. If rail is used, it will be by existing rail lines.

Conclusion:
This proposal is consist with these goals and policies. The road improvements will enhance the level of service on these roads and benefit the community.

Chapter 5: Archaeology and Historic Preservation Element

Goal AHP.1: Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance:

Policy AHP.1.3: Coordinate county inventory efforts with Native American groups and governmental efforts.

Finding:
Research conducted by Skamania County Community Development found no archaeological or historical resources located on the project area. CH2M HILL conducted an intensive cultural resource inventory survey of the proposed area of potential effect in August 2003. No evidence of prehistoric activity was observed and no archaeological sites or historic properties were identified, although two historic archaeological isolates were found and documented, consisting of piled basalt cobbles and scatter of historic debris previously disturbed by power line construction and logging. No known archaeological or cultural resources were found on the Washington State Department of Archaeological and Historic Preservation (DAHP) resource maps which staff used to research the project area.

Further, if the project would have applied for a Conditional Use permit, the application would have been sent to various state agencies, federal agencies, and Native American Governments, allowing the opportunity to comment on the project. EFSEC should consult with these groups during the process.

Conclusion:
This project is consistent with these goals and policies.

Goal AHP.3: Protect historic, archaeological, and cultural resources through a comprehensive planning approach.

Finding:
Research conducted by Skamania County Community Development found no archaeological or historical resources located on the project area. CH2M HILL conducted an intensive cultural resource inventory survey of the proposed area of potential effect in August 2003. No evidence of prehistoric activity was observed and no archaeological sites or historic properties were identified, although two historic archaeological isolates were found and documented, consisting of piled basalt cobbles and scatter of historic debris previously disturbed by power line construction and logging.

Conclusion:
This project is consistent with these goals and policies.

XI. STATUTES/CODES:

Skamania County Code Title 21 – Zoning

Chapter 21.64 – Unmapped Classification (UNM)

21.64.020 – Allowable Uses

In the areas classified as Unmapped, all uses which have not been declared a nuisance by statute, resolution, ordinance, or court of jurisdiction are allowable. The standards, provisions, and conditions of this title shall not apply to unmapped areas.

Finding:
1,036 acres of this project is unzoned and therefore there are no restricted uses. Utility facilities and utility substations have not been declared a nuisance by a known Washington State Court or by local ordinance or resolution or by any known state or federal statutes.

Conclusion:
The project is consistent with the zoning designation of UNM.

Chapter 21.56 – Resource Production Zone Classification (FOR/AG 10 & 20)

21.56.030 – Conditional Uses

(C) Semi-public facilities and utilities

Finding:
Approximately 127 acres of this project is located within the FOR/AG 20 zoning classification. The "A" string of the project within this zoning classification. The "A" string includes seven turbines. All other proposed turbines are outside of the zoned area. Semi-public facilities and utilities are a conditional use within this zoning designation. The applicant would need to submit a conditional use application for review by the Hearing Examiner for

approval of this project if the County was conducting the project review. Conditional use permits are reviewed and issued by the County Hearing Examiner.

21.16.070 - Hearing Examiner - Duties and Responsibilities

The Hearing Examiner shall hear and decide:

A. Applications for conditional uses. Conditional uses are those uses, which may or may not be compatible with permitted uses in a specific zoning designation. If the Hearing Examiner determines the use is not compatible with permitted or existing uses in the specific area of the proposed use then the proposed use shall be denied. Alternatively, if the Hearing Examiner determines that the proposed use is compatible with permitted and existing uses in the specific area of the proposed use then the proposed use then the proposed use may be approved or approved with conditions to make it make it compatible with the area.

1. In determining whether the use is compatible with the area, the proposed use shall:

a. Be either compatible with other uses in the surrounding area or is no more incompatible than are other outright permitted uses in the applicable zoning district;

Finding:
The proposal is to install up to 50 wind turbines on a parcel of land in unincorporated Skamania County, 1,036 acres are unzoned, and 127 acres are zoned FOR/AG 20. The entire proposal is located within the Conservancy Comprehensive Plan Designation.

Unzoned areas of Skamania County and the Conservancy Comprehensive Plan Designation allow for public utility facilities and utility substations. The FOR/AG 20 zoning district lists semi-public utility facilities and utility substations as a conditional use and allows public facilities outright with no additional zoning review being required.

The surrounding areas are located within the Conservancy Designation, as well as the Rural Lands II Designation, both of which allow public utility facilities and utility substations. The property is currently uses for commercial forestry activities, and these activities will be allowed to continue once the turbines are constructed. Cell towers, high-voltage transmission lines and rock quarries exist in the area. There is a small portion of the project site that abuts Residential 10 (R10) zoning, which also lists semi-public utilities as conditional use.

Conclusion:
The proposal is compatible with other uses within the area, both within the Comprehensive plan designation and the zoning designation.

b. Not materially endanger the health, safety, and welfare of the surrounding community to an extent greater than that associated with other permitted uses in the applicable zoning district.

Finding:
The subject parcel is located in a geological hazard area due to the slope and soil type and requires a geotechnical assessment report.

The applicant is required to show proof of potable water and obtain an on-site septic system permit from the Skamania County Community Development Department through the building permit process. The proposal includes bathroom and kitchen facilities located in the Operation and Maintenance Building.

EFSEC has required an EIS to be prepared and will ultimately decide what conditions of approval would be necessary for the project to be found to not materially endanger the health, safety and welfare of the surrounding community. By obtaining the water, septic and building permits, conducting the geotechnical analysis and best management practices during construction, the project could be found consistent with this provision.

Conclusion:
The proposal will not materially endanger the health, safety, and welfare of the surrounding community.

c. Not cause the pedestrian and vehicular traffic associated with the use to conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with other permitted uses in the applicable zoning district.

Finding:
Access of the proposed site would be provided from State Route 14 to Cook-Underwood Road, Kollack-Knapp Road, Scoggins Road and a private logging road listed as CG2930, located on SDS Lumber Company and Broughton Lumber Company property.

All roadways that will be used for this proposal are existing and some improvement will be necessary for the transportation of the equipment and construction materials. Some intersection improvements are needed to allow safe turning of construction and equipment delivery vehicles. These improvements, as well as the added traffic, would not degrade the existing levels of service at nearby intersections below minimum standards. The applicant will consult with the Skamania County Public Works Department regarding the sufficiency of roads and road upgrade requirement. Other permitted uses include: single family residences in conjunction with forest or farm management, recreational facilities, semi-public facilities and utilities, saw mills, shake and shingle mills, chippers, pole and log yards, geothermal energy facilities, aircraft landing fields, cluster developments, child mini day care centers, and child day care centers.

Conclusion:
The proposal will not cause a conflict with existing pedestrian and vehicular traffic.

d. Be supported by adequate service facilities and would not adversely affect public services to the surrounding area.

Finding:
The proposal states that an Engineering, Procurement, and Construction (EPC) contractor will prepare a safety plan that would apply to all personnel working on-site. The plan would ensure compliance will all laws, ordinances, regulations

and standards concerning health and safety. An Environmental Compliance Program would cover avoidance of sensitive areas during construction, waste handling and storage, stormwater management, spill prevention and control, and other components required by State and County regulations. An Emergency Response Plan would be established to ensure employee safety from the following: medical emergency, major power loss, fire, extreme weather, earthquake, volcano, and bomb threat. This plan would be established prior to construction.

Condition:
All safety plans and programs are required to be in place prior to construction. These plans and programs should be included as a conditional of approval.

e. Not hinder or discourage the development of permitted uses on neighboring properties in the applicable zoning district as a result of the location, size, or height of the buildings, structures, walls, or required fences or screening vegetation to a greater extent than other permitted uses in the applicable zoning district.

Finding:
The proposal is to install up to 50 wind turbine structures on a project site spanning portions of five parcels. This use is classified as a semi-public utility facility within the FOR/AG 20 zoning designation.

Other uses in the FOR/AG 20 zoning designation include, among others: forestry practices and associated management activities of forest crop, commercial and domestic agriculture, water resource management facilities, log sorting and storage areas, etc.

Surrounding zoning includes FOR/AG 20, as well as R10 (Residential 10) outside of the NSA. To the south of the project area, inside the NSA, the surrounding area is zoned Large Scale Agriculture, Commercial Forest, Small Woodland and Open Space. Current uses surrounding the project site include commercial forestry uses, agriculture including pear and apple orchards, and three small, unincorporated residential communities and other agriculture related dwellings.

Conclusion:
The proposal is compatible with other uses in the region and will not effect the allowed uses on those parcels. The proposal states commercial forestry activities will likely continue on the project site parcels as well.

f. Not be in conflict with the goals and policies expressed in the current version of the County's comprehensive plan.

Finding:
As discussed above, the proposal is consistent with the Skamania County Comprehensive Plan.

2. Criteria for determining conditions to be imposed on conditional uses shall be based on the health, safety, and general welfare of the public, any environmental standards in force in Skamania County,

other applicable provisions set forth in this Title and shall be subject to conditions which may include, but are not limited to the following;

a. *Limiting the manner in which the use is conducted including restricting the time an activity may take place, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor.*

Finding:
The EIS and EFSEC will determine what conditions, if any, are required to be implemented for this project.

b. *Establishing a special yard, open space, lot area or lot dimensions.*

Finding:
Not applicable

c. *Limiting the height, size, or location of a building or other structure.*

Finding:
127 acres of this project site, which includes seven proposed turbines, is located within FOR/AG 20 zoning designation. Under the current FOR/AG 20 zoning designation, the required front yard setback is 35-feet from the centerline of the private road or 20-feet from the front property line with the front defined as the line which parallels a public road right-of-way or a private road easement, or that line where a road, driveway, or access panhandle enters a lot. The required rear setback under the current regulations is 20-feet from the rear lot line with the rear defined as the lot line which is opposite and farthest away from the front lot line

The remainder of this parcel, 1,036 acres, is unzoned and therefore has setbacks as determined by the Building code list from Title 15. Building Code setback requirements for un-zoned lots 12,500 square feet or larger is:
Front Yard: No building or accessory building shall be constructed closer than 45 feet from the centerline of the public road right-of-way or 35 feet from the centerline of the private road (note including private driveways), or road or 15 feet from the front property line, whichever is greater;
Side Yard: On each side of the building or accessory building a side yard shall be provided for not less than 5 feet; and
Rear Yard: A rear yard shall be provided of not less than 15 feet, including accessory buildings.

Conclusion:
Under the current regulations, the proposed location meets the minimum requirements. However, EFSEC may require additional setbacks or micro-siting of turbines.

d. *Designating the size, number, location, and nature of vehicle access points.*

Finding:
No new roads are proposed at this time. The EIS traffic studies and road design plan will determine any requirements for vehicle access points.

e. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way.

Finding:
The EIS traffic studies and road design plans will determine the necessary road improvements. No new roads are proposed at this time.

f. Limiting or otherwise designating the number, size, location, height, and lighting of signs.

Finding:
Non-applicable

g. Limiting the location and intensity of outdoor lighting and requiring it to be shielded.

Finding:
Lighting of turbine strings will need to meet Federal Aviation Administration (FAA) requirements. Lighting on buildings are requested to be hooded and shielded. This is a request and not currently a requirement in the County zoning code.

h. Requiring berming, screening, landscaping, or another facility to protect adjacent or nearby properties and designating standards for its installation and maintenance.

Finding:
The residences closest to the project site are located approximately 0.48 mile and 0.8 mile from proposed turbine locations. A new homesite location has been applied for, and would be approximately 2,000 feet (0.38 Mile) from the south property line. The unincorporated community of Willard is located approximately 2.25 miles northwest of the project site. The unincorporated community of Mill A is also located near the project site, approximately 1.5 miles west of the site. The homes near the project site are rural, primarily single family, between 30 and 50 years old, and low- to medium-density.

Conclusion:
In order to protect adjacent and nearby properties, the applicant should only excavate the minimum needed to install the wind turbines and accessory structures, and the Operations and Maintenance facility, maintain existing trees, and re-vegetate all undeveloped disturbed areas with native trees and shrubs along the west and south lot lines. However, since this land is being used for Commercial Forestry, the removal of timber in conjunction with this operation should not be restricted.

i. Designating the height, location, and materials for a fence.

Finding:
EFSEC will determine if any fencing is required for safety and/or aesthetic

reasons.

j. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat, or other significant natural, historic, or cultural resources.

Finding:
The proposed project is located within a Class II Landslide Hazard Area and a Class I Erosion Hazard Area due to the soil type and requires a geotechnical assessment report. The entire project site is also located within elk winter range habitat. Several streams exist on site, which would require buffers ranging between 25' to 50'. There are no current County requirements to preserve trees or vegetation outside of critical resource stream buffers. No cultural or historic resources found in database research.

Conclusion:
In order to prevent possible wind and water erosion, the applicant should use Best Management Practices during all phases of construction and replant all undeveloped disturbed areas with native vegetation. The project requires a geotechnical assessment report to address the landslide hazard on the property.

Skamania County Code Title 21A – Critical Areas

21A.04.010 - General Provisions

A. RELATIONSHIP TO SHORELINES MANAGEMENT MASTER PLAN AND SHORELINES MANAGEMENT ACT PERMITS ORDINANCE.

In event of any conflict between this Title and regulations contained in the Shorelines Ordinance, those regulations that provide greater protection of Critical Areas shall apply.

Finding:
There are several streams located on the subject parcel. The proposal is to erect up to 50 wind turbine structures. No stream located on-site is a Shoreline of Countywide or Statewide significance and therefore the Skamania County Shoreline Management Program does not apply.

Conclusion:
Skamania County Critical Areas Ordinance, Title 21A, provides the greatest protection to the critical areas and only applies outside of the National Scenic Area.

21A.04.030 - STREAMS, CREEKS AND RIVERS
(4) Buffer Widths
(b) ... undisturbed buffers shall be preserved around all regulated streams, creeks and rivers.
(c) The required width of undisturbed buffer areas shall depend upon the class of water represented by the stream, creek or river protected, the type or scale of use or development proposed by an applicant and the vegetative community adjacent to the water body.

(iv) For Class IV streams, creeks and rivers, the standard buffer zone width shall be 50 feet.
(v) For Class V streams, creeks and rivers, the standard buffer zone width shall be 25 feet.

Finding:
The proposed project area includes several streams ranging from a 25' to 50' undisturbed buffer requirement. The proposal states that no new construction would occur within wetlands, streams, or associated buffers. The existing road improvements in these regulated fish and wildlife protection areas do not exceed the allowed expansion threshold (100% or less of the original footprint).

The only existing roadway to receive improvements crosses a Class V stream within the National Scenic Area. (See Title 22 below)

Conclusion:
Maintaining critical areas buffers should be a condition of approval.

21A.05.050 – Fences in Deer and Elk Winter Range

(A) New development permits issued by the County shall include a requirement that, in deer and elk winter range, construction of new and replacement fences shall be subject to the following:

1. *New fences in deer and elk winter range shall be allowed only when necessary to control livestock or pets or to exclude wildlife from specified areas, such as gardens or orchards. Fenced areas shall be the minimum necessary to meet the needs of the project applicant.*
2. *New and replacement fences in winter range shall comply with the following, unless the applicant demonstrates the need for an alternative design:*
    a. *The top wire shall not be more than 42 inches high to make it easier for deer to jump over the fence.*
    b. *The distance between the top two wires shall be at least 10 inches to make it easier for deer and to free themselves if they become entangled.*
    c. *The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under the fence.*
    d. *Stays or braces placed between strands of wire shall be positioned between fence posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better change to wiggle free if their hind legs become caught between the top two wires.*
3. *Woven wire fences may be authorized only when a project applicant clearly demonstrates that such a fence is required to meet his or her specific needs, such as controlling hogs and sheep.*

Finding:
EFSEC will determine if any fencing is required for safety and/or aesthetic reasons.

Conclusion:
If EFSEC requires fencing, a condition of approval should be to follow the above guidelines for fencing within deer and elk winter range.

21.A.06 Geologically Hazardous Areas

21A.06.010 Erosion Hazard Areas

A. Class I Erosion Hazard Areas:
Class I Erosion Hazard Areas (EHAs) area areas that are subject to severe development constraints due to a site's susceptibility to erosion from wind and/or water.

Class I EHAs are identified in the Soil Survey of Skamania County Areas, Washington, prepared by the United States Department of Agriculture, Soil Conservation Service, as having an index of greater than or equal to 3.75

21A.06.020 Landslide Hazard Areas

A. Class II Landslide Hazard Areas (LHAs) are areas with slopes 20% and 30% that are underlain by soils that consist largely of silt, clay or bedrock, and all areas with slopes greater than 30%.

Class II LHAs shall be identified using the Soil Survey of Skamania County Areas, Washington, prepared by the United States Department of Agriculture, Soil Conservation Service. Department personnel shall make a preliminary determination of percentage of slope. The applicant shall verify soil type and precise percentage of slope.

Finding:
The proposed project site is located within a Class I Erosion Hazard Area and a Class II Landslide Hazard Area under Skamania County Critical Areas Ordinance Title 21A. The resource maps indicate that the subject parcels have slopes ranging from zero percent to over 40%. As such, this requires a geotechnical assessment report be completed for the proposed project. A geotechnical assessment report is prepared by a Washington state licensed hydrologist or geologist and requires the following, at minimum:

a. a description of the topography, surface and subsurface hydrology, soils geology, and vegetation of the site;
b. an evaluation of the analysis area's inherent erosion hazards;
c. a site plan of the area delineating all areas of the site subject to erosion hazard; and
d. proposed mitigation measures to be implemented by the applicant, including, but not limited to, minimizing site disturbance or grading, implementing erosion control measures, such as the retention of existing vegetation and controlling surface water drainage through stormwater retention and detention systems.

Conclusion:
The proposal discusses submitting a geotechnical assessment report and performing soil borings on site. This report must be reviewed and approved by Skamania County and will be a condition of approval.

Skamania County Code Title 22 – Columbia River Gorge National Scenic Area

ADMINISTRATION

SCC Section 22.06.020, states that "No building, structure or parcel of land shall be used, and no building or structure shall be hereafter erected, altered or enlarged, including those proposed by local, state or federal agencies, in that portion of the County lying within the Columbia River Gorge National Scenic Area in any manner that is inconsistent with the provisions of this Title."

ZONING

The subject roadways are in the General Management Area (GMA), on lands zoned Large-Scale Agriculture (Ag-1), Commercial Forest (F-1), Small Woodland (F-3), Residential, and Open Space (OS). The following sections of Skamania County Code Title 22 are what the proposed road modifications would be reviewed under within each land use designation:

SCC Section 22.14.010(C) Large-Scale Agricultural (Ag-1) Zone Review Uses:
(h) Construction, reconstruction or modifications of roads, not in conjunction with agriculture or with forest use or forest practices.

SCC Section 22.14.030(E) Commercial Forest (F-1) Zone Review Uses:
(h) Construction, reconstruction or modifications of roads, not in conjunction with agriculture or with forest use or forest practices.

SCC Section 22.14.050(E) Small Woodland (F-3) Zone Review Uses:
(h) Construction, reconstruction or modifications of roads, not in conjunction with agriculture or with forest use or forest practices.

SCC Section 22.14.060(D) Residential Zone Review Uses:
(c) Construction, reconstruction or modifications of roads.

SCC Section 22.14.110(C) Open Space (OS) Zone Review Uses:
(c) Repair, maintenance, operation and improvement of existing structures, trails, roads, railroads, utility facilities and hydroelectric facilities.

Finding:
The proposed Whistling Ridge Energy Project will require the improvement of roads and intersections within the National Scenic Area in order to provide access to a semi public utility facility. The roads that would require improvement are within five different land use designations within the General Management Area of the National Scenic Area. Each of these five designations allows for the modification or improvement of existing road as a review use. Prior to implementation of any road improvements a National Scenic Area Land Use Application should be submitted to the Skamania County Community Development Department. It would be reviewed with the Columbia River Gorge

National Scenic Area Ordinance Title 22 that is in effect at the time of the application.

SCENIC RESOURCE PROTECTION

TOPOGRAPHIC VISIBILITY

The road improvement project within the National Scenic Area is topographically visible from the following key viewing areas from the approximate distances:

KEY VIEWING AREA	DISTANCE ZONE		
	FOREGROUND 0-1/4 Mile	MIDDLEGROUND 1/4 to 3 Miles	BACKGROUND Over 3 Miles
Columbia River	X	X	X
SR-14	X	X	X
I-84		X	X
Historic Columbia River Hwy		X	X
Cook-Underwood Road	X	X	X
Sandy River			
Pacific Crest Trail			
Portland Women's Forum			
Crown Point			
Rooster Rock State Park			
Larch Mountain			
Cape Horn			
Bridal Veil State Park			
Multnomah Falls			
Bonneville Dam Visitor Center			
Beacon Rock			
Dog Mtn. Trail			X
Oregon Highway 35		X	X
Panorama Point Park			X
SR-141		X	X
SR-142			
Rowena Plateau and Nature Conservancy Viewpoint			

The improvements to the existing roads within the National Scenic Area will require review for consistency with the provisions for the protection of scenic resources. Projects within the National Scenic Area are reviewed to ensure that the development will be visually subordinate as seen from twenty-two (22) key viewing areas within the National Scenic Area. **The criteria for Scenic Resource Protection (in Chapter 22.18) cannot be used as grounds to deny a proposed use, but may affect the siting, location, size and other design features of proposed developments (see Section 22.18.010(A)).**

Finding:
Prior to implementation of any road improvements a National Scenic Area Land Use Application should be submitted to the Skamania County Community Development Department. It would be reviewed with the Columbia River Gorge National Scenic Area Ordinance Title 22 that is in effect at the time of the application. Conditions may be applied to various elements of the proposed development to ensure they are visually subordinate to their setting as seen from key viewing areas.

NATURAL RESOURCE PROTECTION
The existing logging road CG2930 includes the crossing of one stream. This crossing will require road expansion. SCC Section 22.20.020(A)(2) allows for the modification, expansion, replacement or reconstruction of serviceable structures, if the actions would not:

a. Increase the size of an existing structure by more than 100 percent,
b. Result in a loss of wetlands acreage or functions, or cause a loss of water quality, natural drainage, and fish and wildlife habitat in streams, ponds, lakes and riparian areas, or
c. Intrude further into a water resource zone. Structures shall be considered intruding further into a water resource zone if any portion of the modified, expanded, replaced, or reconstructed structure is located closer to the water resource than the existing structure.

In order to allow for the expansion of the crossing of the one seasonal stream, the project will be required to meet the Practicable Alternative Test found in SCC Section 22.20.010:

A) An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes. A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

1) The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/ or sites;
2) The basic purpose of the use cannot be reasonably accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/ or sites; and;
3) Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives

to the proposed use. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

If these conditions are met, the stream crossing expansion will require best management practices, must not alter or destroy stream function and water quality, and the applicant will need to rehabilitate the area to the maximum extent practicable.

Finding:
Prior to implementation of any road improvements a National Scenic Area Land Use Application should be submitted to the Skamania County Community Development Department. It would be reviewed with the Columbia River Gorge National Scenic Area Ordinance Title 22 that is in effect at the time of the application. Conditions may be applied to various elements of the proposed development to ensure that the project meets the above-mentioned requirement.

The following sensitive wildlife areas or sites may occur within 1,000 feet of the project:
Mule, Blacktail Deer and Elk habitat, Cliffs/Bluffs habitat, Osprey nest site, Ringneck snake, Larch Mountain Salamander Hood Area and sites, Western Gray Squirrel nest sites, California Mountain Kingsnake, and Waterfowl Wintering Area.

SCC Section 22.20.030 requires that all projects within the National Scenic Area that are located within 1,000 feet of any known wildlife area or sites require review for wildlife habitat protection. The project is located within 1,000 feet of known wildlife areas and sites within the National Scenic Area. Skamania County Community Development would work with the Washington State Department of Fish and Wildlife (WDFW) to determine if the applicant would be required to hire a wildlife biologist to prepare a Wildlife Management Plan.

Finding:
Prior to implementation of any road improvements a National Scenic Area Land Use Application should be submitted to the Skamania County Community Development Department. It would be reviewed with the Columbia River Gorge National Scenic Area Ordinance Title 22 that is in effect at the time of the application. The applicant may be required to hire a wildlife biologist in order to determine the impact the proposed road improvements of the project would have on wildlife areas and sites and how those impacts could be mitigated. Mitigation measures would be included as conditions of approval.

The following sensitive plant areas or sites may occur within 1,000 feet of the project:

Oregon White Oak/ Idaho Fescue, Douglas fir / Common Snowberry – Oceanspray, Diffuse Stickseed.

SCC Section 22.20.040 requires that all projects within the National Scenic Area that are located within 1,000 feet of any known sensitive plants require review

for sensitive plant protection. The project is located within 1,000 feet of known sensitive plants within the National Scenic Area. Skamania County Community Development would work with the Washington Natural Heritage Program (WNHP) to determine if the applicant would be required to hire a person with recognized expertise in botany or plant ecology to conduct a field survey. If this is required, buffers or protection and rehabilitation plans may be required.

Finding:
Prior to implementation of any road improvements a National Scenic Area Land Use Application should be submitted to the Skamania County Community Development Department. It would be reviewed with the Columbia River Gorge National Scenic Area Ordinance Title 22 that is in effect at the time of the application. The applicant may be required to hire a person with recognized expertise in botany or plant ecology to conduct a field survey. If this is required, buffers or protection and rehabilitation plans may be required. Mitigation measures would be included as conditions of approval

CULTURAL RESOURCE PROTECTION

Upon the submittal of a National Scenic Area Land Use Application the proposed road improvement project would be reviewed in accordance with SCC Chapter 22.22, Cultural Resource Protection. The application materials would be forwarded to Marge Dryden, Heritage Resources Program Manager for the Columbia River Gorge National Scenic Area. Ms. Dryden will determine if the proposed project requires Reconnaissance and Historic Survey reports. The proposed road improvement project would be considered a large-scale use, as SCC Section 22.22.010(E)(1)(e)(iii) includes public transportation facilities as a large-scale use. The applicant will be responsible for hiring a qualified professional to conduct a Reconnaissance Survey and prepare a report on their findings.

Finding:
Prior to implementation of any road improvements a National Scenic Area Land Use Application should be submitted to the Skamania County Community Development Department. It would be reviewed with the Columbia River Gorge National Scenic Area Ordinance Title 22 that is in effect at the time of the application. The applicant will be responsible for hiring a qualified professional to conduct a Reconnaissance Survey and prepare a report on their findings. Sections 22.22.060 Cultural Resources Discovered After Construction Begins and 22.22.070 Discovery of Human Remains as conditions of approval. These conditions will act as an Inadvertent Discovery Plan.

RECREATIONAL RESOURCE PROTECTION

SCC Section 22.24.010 Applicability of Chapter – Maps.
Proposed resource-based recreation facilities or uses shall be consistent with recreation intensity classes as set out on the Recreation Intensity Class maps adopted by the Columbia River Gorge National Scenic Area.

Skamania County Code Title 24 – Clearing & Grading

24.02.50 Applicability

Unless exempted under SCC Section 24.02.060, no person shall perform any grading activity without having first obtained a permit from the Department. Exemption from the permit process shall not relieve any person the requirement

for installation of appropriate erosion control measures for their project. No permit or exemption granted pursuant to this title shall remove an applicant's obligation to comply in all respects with the applicable provisions of any other federal, state, or local law or regulation.

24.02.060 Exemptions

The following activities are exempt from the permit requirements of this title. Materials from exempted excavations may require a separate permit for placement as fill.

A. Mining, quarrying, excavating, processing, or stockpiling activities of rock, sand, gravel, or clay if such operations are authorized by a valid Department of Natural Resources Surface Mine Reclamation Permit or Skamania County Conditional Use Permit or other provision of Skamania County Code.

B. All State Department of Natural Resources regulated Class I, II, III, or IV special forest practice activity conducted in accordance with Chapter 76.09 RCW and WAC Title 222.

C. Grading, clearing, filling or excavation of less than 500 cubic yards, only if located outside Critical Areas (SCC Title 21A) and regulated Shorelines (SCC Title 20).

D. Emergency actions which must be undertaken immediately or for which there is insufficient time for full compliance with this title in the event that:

1. There is an imminent threat to public health or safety.

2. There is imminent danger to public or private property;

3. There is an imminent threat of serious environmental degradation;

a. A person or agency determines that the need to take emergency action is so urgent that there is not sufficient time for review by the Department; such emergency action may be taken immediately. Any person or agency undertaking such action shall notify the Department within one working day following the commencement of the emergency action. Following such notification the Department shall determine if the action taken was within the scope of the emergency actions allowed in this subsection. If the Department determines that the action taken or part of the action taken is beyond the scope of allowed emergency action, enforcement action is authorized, as outlined in SCC Section 24.02.120.

b. If the action taken qualifies as an emergency, and would have otherwise required a grading permit under this Title, then an application for a grading permit will be submitted with in 30 days following the emergency event. The application requirements, review, issuance, and inspections will be conditioned as outlined in this Title.

E. All exemptions as enumerated in the Critical Area and Shoreline Ordinances.

F. Nothing herein may interfere or overrule the Right to Farm Ordinance.

G. Nothing in this ordinance shall be retroactive and all current projects are hereby vested

Finding:

The proposal will include excavation work to install concrete foundations with a diameter of up to approximately 60 feet for each wind turbine. The Collector System will disturb an area approximately 30 feet in width, with 8.5 miles of underground collector cable

trenches proposed. Approximately 2.4 miles of new gravel access roads will be constructed as part of the proposal.

Conclusion:
As the volume and area of the clearing activities exceeds the exemption amount of volume and/or area, the applicant/property owner is required to obtain a Clearing and Grading Permit under SCC Section 24.02.050. EFSEC will make a determination on what conditions of approval are necessary.

24.02.070 Application Requirements

Unless exempted under SCC Section 24.02.060, all persons proposing to conduct grading and/or clearing activity within the jurisdictional boundaries of unincorporated Skamania County shall first apply for a grading permit. The applicant shall obtain a grading permit in conformance with this title prior to any grading activity.

A. The permit application shall at a minimum include the following:
1. *A completed application, signed by the property owner and the applicant, a vicinity map, environmental checklist (if required), and any relevant supplemental information required by the Director.*
2. *Grading plans as described in SCC Section 24.02.080.*
3. *A full identification and written description of the work to be covered by the permit for which the application is made.*
4. *A timeline for completion of the project.*
5. *Non-refundable application fee as determined by resolution of the Board of County Commissioners.*

Finding:
The applicant/property owner does not meet the exempt criteria for a Clearing and grading permit and is therefore required to submit a Clearing and Grading permit application.

Conclusion:
The proposed project will require a Clear and Grading permit application which should be a condition of approval.

The proposal states that an Engineer licensed in the State of Washington will prepare detailed clearing and grading plans that will be submitted to EFSEC for review and approval prior to the start of construction. These plans will substantively comply with SCC Title 24 standards.

A. Granting of Permits
1. *After an application has been filed and reviewed the Director shall ascertain whether such proposed grading work complies with the provisions of this title. If the application and plans so comply, or if they are corrected or amended so as to comply, and the proposal is consistent with all other relevant county codes, the Director shall issue a grading permit.*
2. *The applicant/property owner shall maintain the approved grading plans and permit available on the site, and provide an individual copy to any grading contractor who will be working at the site.*

3. *A grading permit shall be valid for a period of two years from the date of permit issuance, only for the grading work applied for. An extension may be granted for an additional 12 months for special circumstances. Request for extensions shall be submitted in writing to the Department prior to expiration of the current permit, setting forth the reasons and justification for the request. No permit may be extended more than once. Renewal of permits may be accomplished with existing plans and reports, if no changes are being made to the proposal, and no new significant issues are raised during the review.*

Conclusion:
In order to be in compliance with this section of the Clearing and Grading Ordinance, a condition of approval shall be that the permit and grading plans are available on site and that the grading permit is valid for two years.

24.02.080 Grading Plan

An application for clearing and grading shall be accompanied by a grading plan. If the clearing and grading project involves engineered grading, than an engineered grading plan based on an engineering report or an engineering geology report shall be submitted with the application. Engineered grading plans shall be prepared and stamped by an engineering geologist, geotechnical engineer and/or civil engineer licensed to work in the State of Washington. Grading within a geological hazard critical area may require a geotechnical assessment report in compliance with the Critical Area Protection Ordinance (SCC Title 21A). A grading plan shall include:

- *A. An easily reproducible drawing at a scale of appropriate size to show location and details of all cuts and all fills including depth and finished slopes of all cuts and all fills.*
- *B. A general vicinity map of the area and site plan of the project.*
- *C. North arrow.*
- *D. Dimensions and location of subject property boundary lines, location of the permit area boundary, existing and proposed roads, or driveways, easements, natural or man made bodies of water and drainages, critical areas, shorelines, and any existing or proposed structures, wells or septic systems on the site, and the distance between such features.*
- *E. Bodies of water, critical areas, structures, wells and septic systems on adjacent property and lying within 50 feet of the subject grading activity boundary that could be affected by the proposed grading operations.*
- *F. Location and dimensions of buffer areas to be maintained or established, and location and description of proposed erosion-control devices or structures.*
- *G. Map drawn with contour intervals (5 foot or less) that adequately depict existing and proposed slope for the proposal.*
- *H. Total quantities, in cubic yards, and type of cut and fill material, including on-site grading material, and imported material. Cross section drawings that include:*
  1. *Maximum depth of fill and maximum height of cuts.*
  2. *Existing and proposed buildings and their setbacks from cut or fill slopes.*
  3. *Existing grades extending a minimum of 20 feet beyond the scope of work.*

4. *Finished grades of cuts and fills extending a minimum of 20 feet beyond the scope of work.*
5. *Retaining walls and the adjacent grade at least 20 feet on either side of the wall(s).*
6. *Grades of all existing cut and fill areas expressed as a ratio of horizontal to vertical slope.*

I. *The disposal site for excavated material. Off-site disposal may require a separate grading permit.*

J. *The location of proposed erosion and sedimentation control measures showing compliance with the requirements of SCC Section 24.02.090.*

K. *Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds, or other water or erosion control devices to be utilized as a part of the proposed work.*

L. *Any recommendations included in an engineering geology or geotechnical assessment or report for grading or developing the property. If required, assessment and reports shall be completed in compliance with SCC Title 21A prior to issuance of a clearing and grading permit.*

Finding:
Under Skamania County's Critical Area Ordinance (Title 21A), the subject parcel is designated as a Class I Erosion Hazard Area due to the soil susceptibility to wind and water erosion and a portion of the subject parcel is designated as a Class II Landslide Hazard Area due to 20% slopes underlain with clay type soils. A geotechnical assessment report is required for the proposed project. The project is further required to have effective erosion control measures in place during all phases of the project.

Conclusion:
The proposal states that an Engineer licensed in the State of Washington will prepare detailed clearing and grading plans that will be submitted to EFSEC for review and approval prior to the start of construction. These plans will substantively comply with SCC Title 24 standards.

24.02.090 Grading Standards

Unless otherwise recommended in an approved soils engineering or engineering geology report, grading shall conform to the following standards. Erosion control measures may be installed as outlined in this title, unless otherwise recommended by a project engineer.

A. *Appropriate erosion control measures shall be installed prior to any grading activity. All erosion control measures shall be maintained in place until vegetation is established for suitable erosion and sedimentation control. No sediment from grading operations shall be permitted to leave the site or enter any surface waters or wetlands. If the grading activity timeline includes winter months, then a "winter shutdown" standard for site erosion control will be provided by the applicant.*

B. *Sites shall have a finished grade that drains away from structural foundations for a minimum of 10 feet.*

C. *All sites shall be cleaned upon project completion, including installation of permanent native grass seeding, landscaping, or other organic means of erosion control.*

D. *Cuts or fills of five feet in depth or greater shall be set back from property lines by a minimum of 25 feet. This can be decreased with appropriate*

engineering. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.

E. *The top of cut slopes shall not be made nearer to a permit area boundary line than one fifth of the vertical height of cut with a minimum of two feet and a maximum of 10 feet. The setback needs to be increased for any required interceptor drains.*

F. *The toe to fill slopes shall be made not nearer to the permit area boundary line than one-half the height of the slope with a minimum of two feet and a maximum of 20 feet.*

G. *The Director may approve alternate setbacks at the request of the applicant. In approving these alternate setbacks, the Director may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.*

H. *Any proposed finished slope that is steeper than two horizontal to one vertical shall be engineered.*

I. *The ground surface shall be prepared to receive fill by removing all organic material, non-complying fill, and scarifying topsoil.*

J. *Solid Waste as defined in this chapter, and detrimental amounts of organic material shall not be used as fill materials.*

K. *Fill slopes shall not be constructed on natural or cut slopes steeper than two units horizontal in one unit vertical (50 percent slope) unless the permittee furnishes a geotechnical engineering or an engineering geology report or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.*

L. *At the request of the applicant, the Director may approve the use of alternate grading standards. These approvals shall be based on sound engineering practices and may require the submittal of additional documentation, reports, or testing.*

M. *No grading shall obstruct or alter any existing natural drainage way, stream, or any other natural body of water.*

N. *No grading shall alter or increase surface drainage onto any adjacent properties.*

Finding:
The proposal states that an Engineer licensed in the State of Washington will prepare detailed clearing and grading plans that will be submitted to EFSEC for review and approval prior to the start of construction.

Conclusion:
These plans will substantively comply with SCC Title 24 standards.

24.02.100 Grading Inspection

Grading projects for which a permit is required shall be subject to inspection by the Director. A licensed Washington State professional engineer shall provide professional inspections of grading operations if engineering is required elsewhere in this title. An inspection schedule shall be established for each project prior to permit issuance based on the following:

A. *A civil engineer shall provide professional inspections within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of*

the development area. If revised plans are required during the course of the work, they shall be prepared by the civil engineer.

B. *A geotechnical engineer and/or engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The engineer shall provide sufficient observation during the preparation of the natural ground and placement in accordance with the conditions of the approved plan and the appropriate requirements of this title. He or she shall also provide professional inspection of any excavation to determine if conditions encountered are in conformance with the approved report or plan. Revised recommendations relating to conditions differing from the approved engineering geology or geotechnical reports shall be submitted to the permittee, the Department, and the civil engineer.*

C. *The permittee shall be responsible for the work being performed in accordance with the approved plans and specifications and in conformance with the provisions of the title. When approved by the Director, the permittee may engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the Department. In the event of changing conditions, the permittee shall be responsible for informing the Department of such change and shall provide revised plans for approval.*

D. *The Department may inspect the project in various stages of work.*

E. *If, in the course of fulfilling their respective duties under this title, the civil engineer, geotechnical engineer, or engineering geologist finds that the work is not being done in conformance with this title or approved grading plans, the discrepancies shall be reported in writing within three working days to the permittee and to the Department.*

F. *If the civil engineer, geotechnical engineer, or engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept the responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the Department in writing of such a change prior to the recommencement of such grading.*

Finding:
The proposal states that an Engineer licensed in the State of Washington will prepare detailed clearing and grading plans that will be submitted to EFSEC for review and approval prior to the start of construction.

Conclusion:
These plans will substantively comply with SCC Title 24 standards.