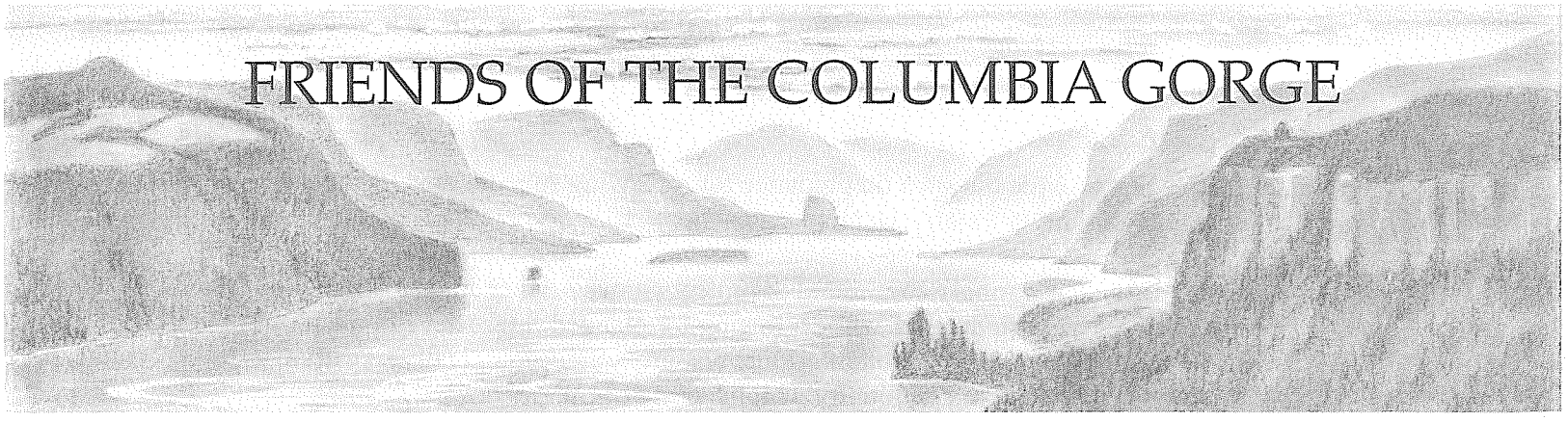

May 7, 2009

Allen J. Fiksdal, EFSEC Manager
Energy Facility Site Evaluation Council
P.O. Box 43172
905 Plum St. SE
Olympia, WA 98504-3172

Re: Energy Facility Site Evaluation Council's Land Use Consistency Review for the Whistling Ridge Energy Project – Application No. 2009-01

Dear Mr. Fiksdal:

Friends of the Columbia Gorge has reviewed the above-referenced proposal and would like to comment on its consistency with local land use rules. Friends is a non-profit organization with approximately 5,000 members dedicated to protecting and enhancing the resources of the Columbia River Gorge. Our membership includes hundreds of citizens who reside in the six counties within the Columbia River Gorge National Scenic Area.

Friends support renewable energy development so long as projects are responsibly sited and comply with all applicable laws. Unfortunately, the Whistling Ridge Energy Project would not be consistent with the Skamania County Comprehensive Plan.

As a preliminary matter, Friends requests that the Energy Facility Site Evaluation Council (EFSEC) extend the comment period for the land use consistency review process. Skamania County issued its land use consistency certification on May 5, 2009, two days before EFSEC's land use consistency hearing. The public has not been afforded an adequate opportunity to review the Board of County Commissioner's findings and provide meaningful comments. These circumstances warrant an extension of the comment period.

1. The Whistling Ridge Energy Project would not be consistent with Skamania County's Comprehensive Plan.

A. The project would be inconsistent with the general principles of the Comprehensive Plan.

The Comprehensive Plan is guided by a vision statement that establishes the values and ideals that will guide the County's development. The vision statement then informs the specific

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goals and policies that provide the specific guidance for reviewing specific development proposals. Skamania County's vision statement states that

> Skamania County is strongly committed to protecting our rural character and natural resource based industries while allowing for planned future development that is balanced with the protection of critical resources and ecologically sensitive areas, while preserving the community's high quality of life.

Comprehensive Plan ("Comp. Plan") at 13.

Even in the general terms of the Comprehensive Plan vision statement, it is apparent that that the Whistling Ridge Energy Project would not further the spirit of the Comprehensive Plan. The large-scale industrial wind energy facility would be located in forest land and adjacent to rural and agricultural areas. The proposed facility would adversely affect the rural character of the County, its resource-based industries, its critical resources and ecologically sensitive areas, and the community's high quality of life.

B. The project would be inconsistent with the goals and policies of the Comprehensive Plan.

The Comprehensive Plan includes four planning elements: a Land Use Element, an Environmental Element, a Transportation Element, and an Archeology and Historic Preservation Planning Element. Within each element, the Comprehensive Plan creates goals and policies that are intended to guide County decision making through review of specific land use proposals. As the Comprehensive Plan states, "To be consistent with the Comprehensive Plan, a project must also meet the intent of the Comprehensive Plan's policies, not just the land use designation and zoning classification." Comp. Plan at 14.

The Plan's goals are the "cornerstone" of the planning process and establish the desired future conditions that the Comprehensive Plan aims to achieve. Comp. Plan at 14. The Plan's policies are more specific and prescribe actions for fulfilling the goals of the Plan. This must occur through review of specific projects for consistency with the Comprehensive Plan. Comp. Plan at 14. The Whistling Ridge Energy Project would be inconsistent with the Comprehensive Plan's goals and policies.

***i.* Land Use Element**

a. The proposed amendments are inconsistent with the land use designations created by the Comprehensive Plan.

Before enunciating the specific goals and policies for the Land Use Element, the Comprehensive Plan creates three general land use designations that serve as guideposts for developing specific zoning designations. The three categories, Rural I, Rural II, and Conservancy, establish the intensity of development allowed in specific areas and the types of development that are appropriate in those areas.

Of the three Comprehensive Plan designations, the Rural I designation is intended to accommodate the most development. Comp. Plan at 23. The Rural I designation is intended to accommodate higher density and more intrusive land uses. Comp. Plan at 24.

The Rural II designation is intended to be "the middle development range level" in the plan. Comp. Plan at 24. Rural II lands will accommodate rural living without allowing significant development on agricultural and timber lands. Comp. Plan at 24. Notably, high density uses or major development actions would not be appropriate within this designation.

The Conservancy designation is intended to conserve natural resources, wildlife resources, and wildlife habitats. Comp. Plan at 25. As with the Rural II designation, high-density or industrial-scale uses are not appropriate in the Conservancy designation.

The proposed facility would be located in the Conservancy designation and it appears that a small portion of the project may be located in the Rural II designation. The zoning map attached to the County's Consistency determination shows the southwest portion of the project would be located within Township 3N, Range 9E, Section 13, which is currently zoned FA20. Section 13, along with the surrounding areas that are zoned R-2, R-5, and R-10, appear to coincide with the Rural II designation. Importantly, the precise location of the Comprehensive Plan boundary cannot be located with the Comprehensive Plan Maps. The maps include a disclaimer that the maps are not suitable for legal purposes. This creates uncertainty as to the Comprehensive Plan designation for portions of the proposed facility. For ease of clarification, it appears that the line between Rural II and Conservancy designations coincides with the line between Range 9E and Range 10E. If this is the case then portions of the proposed facility would be sited in the Rural II designation. In any event, EFSEC must identify the precise location of boundary between the two designations before it can make findings regarding consistency with the Comprehensive Plan.

The Comprehensive Plan designations determine the types of land uses that are appropriate in various parts of the County. The proposed project is a large-scale industrial use and is not consistent with the Rural II or Conservancy designations. In fact, the list of appropriate uses in the Rural II and Conservancy designations do not include any uses that are similar to large-scale private energy production facilities. Comp. Plan at 25–26. The Skamania County Hearing Examiner recently confirmed this finding in the Findings, Conclusions, and Decision for the appeal of the County's SEPA Determination of Non-Significance for recently proposed zoning amendments (SEPA file number SEP-08-35, attached).

Thus, the proposed development does not satisfy the first criteria for a finding that the project would be consistent with local land use rules. More detailed review of the County's goals and policies only reinforces this finding.

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b. The proposed zoning amendments are inconsistent with the specific goals and policies of the Land Use Element.

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

The proposed project would thwart this goal by permitting one project without a viable County zoning ordinance in place to guide future development. The County's recent attempt to push through a hastily prepared ordinance was remanded by the Hearing Examiner and the County was required to prepare an Environmental Impact Statement for the proposed zoning ordinance. Permitting the proposed project in the absence of a revised ordinance that takes into account long-range considerations would undermine the County's planning process. This would eliminate opportunities to integrate long-range considerations into the current individual development action.

- *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 possible 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.*

The scale of the proposed industrial development is not similar to the uses listed as appropriate in the Conservancy designation in the Comprehensive Plan. The Skamania County Hearing Examiner recently confirmed this to be the case by deciding that private large-scale industrial energy development was not a use contemplated in the Comprehensive Plan.[1] As such EFSEC cannot find that the proposed development would be consistent with local land use rules.

Moreover, the proposed development is not an opportunity made possible by "technical innovations, new ideas and changing attitudes." The County was fully aware of the potential opportunities for industrial wind energy development when it adopted its Comprehensive Plan in 2007. Before the Comprehensive Plan was adopted the County had already held meeting with the proponents of the Whistling Ridge Energy Facility and was invited to join Klickitat County in the creation of Klickitat County's Energy Overlay Zone, which was finalized in 2004.[2] Therefore, EFSEC cannot find that the proposed project is a new opportunity that was not known by the County when it adopted its new Comprehensive Plan.

- *Policy LU.1.3: The comprehensive planning policies set out herein and all land use designations and land use regulations undertaken pursuant hereto should provide clear and objective standards to govern future development.*

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[1] Findings, Conclusions, and Decision; Hearing Examiner for Skamania County; SEP-08-35, Finding 18, at p 8.
[2] Skamania County Planning Director confirmed these facts in testimony under oath during the SEPA appeal of Skamania County's Determination of Non-Significance for the proposed Title 21 Zoning Ordinance Amendments.(SEP 08-35). In addition, the Klickitat County Energy Overlay Zone EIS included analysis of portions of eastern Klickitat County.

Without a current zoning code there are no clear and objective standards to govern the proposed development. In this void EFSEC cannot make a finding that the proposed facility would be consistent with local land use rules.

- ***Goal LU.2: To provide for orderly future physical development of Skamania County.***

- *Policy LU.2.1: All zoning regulations and other implementing regulations shall be consistent with and guided by the comprehensive plan or specific subarea plan maps and policies.*

Policy LU.2.1 implements the Planning Enabling Act (RCW 36.70) requirement that development regulations "shall not be inconsistent with the county's comprehensive plan." RCW 36.70.545. Development regulations include zoning ordinances, critical areas ordinances, shoreline master programs and all other controls for development and land use. RCW 36.70A.030. The County has not updated the County zoning ordinance or the Critical Areas Ordinance to be consistent with the Comprehensive Plan. In the absence of development regulations that are consistent with the Comprehensive Plan, EFSEC cannot make a finding that the project would be consistent with local land use rules.

- *Policy LU.2.7: County improvement projects (public works, roads, parks, etc.) will comply with the policies, regulations and designated land uses of the Comprehensive Plan.*

The development of a large-scale wind energy facility would require modifications to County roads for an industrial purpose. These modifications would violate the policies, regulations and designated land uses of the Comprehensive Plan. For example, industrial-scale road projects are not allowed in the Conservancy designation.

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

- *Policy LU.3.1: Improvements, both public and private, should be made intelligently and efficiently, and have a wholesome effect upon the communities.*

The proposed large-scale wind energy facility would not have a wholesome effect on the community. The project would adversely impact views from the federally protected Columbia River Gorge National Scenic Area, the federally protected Lower White Salmon Wild and Scenic River Area, and dominate an otherwise natural and pastoral landscape with industrial development. Also, since the County has not implemented its Comprehensive Plan through a zoning ordinance, the project cannot be reviewed under intelligent and efficient land use rules.

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

The proposed large-scale wind energy facility would cause significant adverse impacts to aesthetic resources. Measured by objective methodologies for evaluating aesthetic resources,

such as the USDA Forest Service's *Scenery Management System*, wind facilities have the potential to cause significant adverse effects to aesthetic resources. The Forest Service used similar methodologies for developing the scenic resource protection guidelines for the National Scenic Area. These guidelines can be used as a measuring stick to evaluate impacts to aesthetic impacts to the Scenic Area viewshed.

Amongst a range of aesthetic resource protection standards, the Scenic Area guidelines require development visible from designated key viewing areas to be visually subordinate to the natural landscape. The guidelines also include a prohibition on development protruding above ridgelines and measures that avoid impacts from nighttime lighting. The proposed development would blatantly conflict with these standards. Using objective regulatory standards as a proxy for aesthetic impact methodologies, the proposed project will likely cause more than minimal adverse effects on the environment and aesthetics.

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

The development noticed for review by EFSEC does not include portions of the Whistling Ridge Energy Project that would be located on Washington Department of Natural Resource Land in Klickitat County. The failure to review the entire project at one time creates potential 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.*

EFSEC must make findings that the proposed development will encourage land use patterns that minimize costs of providing public services and infrastructure. Developing large-scale industrial facilities in both remote areas and areas adjacent to rural residential and pastoral lands would likely increase the costs of providing adequate levels of public services such as road maintenance and fire protection.

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

- *Policy LU.5.4: Surface water run-off (including stormwater run-off) from developments should be reduced by: encouraging the retention of natural vegetation or the provision of landscaped areas; encouraging the retention, creation and utilization of wetlands; requiring that natural drainage ways be maintained in all new developments and include appropriate setbacks; and, encouraging on site retention/detention of all stormwater.*

EFSEC must make findings that the proposed development would include adequate facilities to manage storm water run-off.

- *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.*

The proposed large-scale wind energy facility would not be compatible with the surrounding area. The surrounding area includes forested habitat for several threatened and endangered species, rural residential areas, pastoral landscapes, traditional agricultural uses and newly developing agricultural industries such as wineries. The surrounding area also includes the federally designated Columbia River Gorge National Scenic Area and the Lower White Salmon Wild and Scenic River Area. Large-scale industrial development is not compatible with the surrounding area.

- *Policy LU.5.9: The Board of County Commissioners, as legislative authority, shall consult this Plan on any matters concerning physical development of the County, and in dealing with matters coming before it with regard to this Plan.*

The Board of County Commissioner's Resolution 2009-22 does not include sufficient consultation with the Comprehensive Plan. Unfortunately these findings were made available to the public on May 5, 2009, two days before EFSEC's land use consistency hearing. As such, the public has not been afforded an opportunity to review the Board of County Commissioner's findings in greater detail. Nonetheless, brief review of the adopted consistency findings shows that the County did not include analysis of all applicable Comprehensive Plan goals and policies and the goals and polices that were evaluated were erroneously interpreted.

- ***Goal LU.6: To provide opportunities for citizen participation in the government decision process and in planning activities regarding land development.***

The Board of County Commissioners did not afford the public an opportunity to submit comments on the Certification of Land Use Consistency Review for the Whistling Ridge Energy Project. The failure to provide an opportunity for public involvement is an egregious violation of the letter and spirit of the Comprehensive Plan.

Policy LU.6.1: Three types of uses should be established for each land use designation under this plan and for any zone established to implement this plan. ***If any use is not listed as one of the following types of developments, then the use is prohibited within that land use designation*** (Emphasis added)*:*

> *a. Allowable uses which are permitted without review by the Planning Department except for compliance with setbacks, buffer requirements, critical area regulations, the State Environmental Policy Act and the Shorelines Management Master Program;*
>
> *b. Review uses, which are allowed, with administrative review by the Planning Department for consistency with standards placed upon those uses, with appeal to the Hearing Examiner; and,*
>
> *c. Conditional uses, which are subject to review and approval or denial by the Hearing Examiner, with appeal to Superior Court. The Hearing Examiner may deny a conditional use permit if he or she finds the use is inappropriate for the area.*

Large-scale energy facilities are not listed anywhere in the County zoning code or Comprehensive Plan as an "allowable use," a "review use," or "conditional use." By the express language of the Comprehensive Plan the proposed facility is not allowed.

The standards for conditional use review illuminate a glaring inconsistency between the Comprehensive Plan and the existing zoning ordinance. Skamania County Code Section 21.16.070 provides that the Hearing Examiner has authority to review proposals for compatibility with the surrounding area whereby proposals "may be approved or approved with conditions." The Comprehensive Plan expressly grants authority to deny proposals based on compatibility review. The recent Hearing Examiner decision confirms this finding.[3] The County provides not explanation for this inconsistency in its land use certification.[4]

ii. Environmental Element

- ***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.1.5: Prepare clearing and grading regulations to help prevent unnecessary stripping of vegetation and loss of soils.*

- *Policy E.1.6: Prepare stormwater management regulations to help prevent stream channel erosion and degraded stream habitat, and to promote healthy stream recharge that are substantially equivalent to those in the Washington Department of Ecology Stormwater Management Manual.*

- *Policy E.1.7: Maintain clear development review standards for the control of the quantity and quality of stormwater discharge from development projects.*

- *Policy E.1.8: Regulate development activities to avoid clearing of vegetation that maintains slope stability, reduces erosion, shades shorelines, buffers wetlands and stream corridors, and provides wildlife and aquatic habitat.*

- *Policy E.1.9: Encourage the use of northwest native plants in landscaping, particularly adjacent to critical areas.*

- *Policy E.1.10: Ensure prompt restoration of land after grading and vegetation removal through phased clearing and grading, replanting requirements, and other appropriate revegetation and engineering techniques.*

Importantly, Skamania County is in the process of amending its Critical Areas Ordinance pursuant to its obligations under the Growth Management Act. Pending the completion of the revisions, EFSEC must make specific findings regarding each of the above-referenced policies.

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[3] Findings, Conclusions, and Decision; Hearing Examiner for Skamania County; SEP-08-35, Finding 17, at p 8.
[4] *See* Skamania County Staff Report for Land Use Consistency Review, p 10.

- ***Goal E.2: To enhance water quality; protect environmentally sensitive areas including wetlands, streams, rivers, lakes, riparian areas, and aquifer recharge areas; and manage floodplains.***

- *Policy E.2.5: Promote low-impact design development that allows for infiltration and recharge of stormwater runoff, where appropriate, based on the applicant supplying documentation from a licensed Washington State Professional Engineer.*

Wetlands, streams, rivers, lakes, riparian areas, aquifer recharge areas, and floodplains are all critical areas pursuant to the Growth Management Act. EFSEC must make findings as to whether these critical areas will be protected. EFSEC should address the status of the County's Critical Areas Ordinance revision process while reviewing impacts to designated critical areas.

- ***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.***

EFSEC must ensure that its land use consistency determination include findings as to whether the proposal will minimize or eliminate land use impacts on geologically hazardous areas.

- ***Goal E.4: To consider the requirements of the human population while protecting fish and wildlife habitats, including salmonid habitat, by preserving, restoring, and enhancing critical areas; and linking habitat for wildlife and native ecosystems.***

- *Policy E.4.1: Manage fish and wildlife habitat conservation areas to protect overall habitat functions and values (e.g., food, water, cover, space). Rely on State identified wildlife habitat areas and sites as designated on the Priority Habitat Maps. However, unmapped wildlife habitat areas and sites may be identified during the development review process.*

The proposed development would be located in identified priority habitats, including habitat for the Northern spotted owl. The above-referenced policy requires mechanisms for protecting wildlife resources discovered during the development review process. Thus, the Comprehensive Plan requires that mapped and areas discovered during the review process be protected.

- *Policy E.4.2: Develop strategies for preserving, protecting or restoring important habitats and corridors, particularly if they are at risk of significant degradation. Some strategies may include public acquisition of habitat; linking habitats using open space areas, riparian corridors, and other natural features; encouraging the use of conservation easements for long-term habitat protection; promoting land use plans and development that avoid impacts on habitat; and protecting native plant communities by encouraging management and control of non-native invasive plants, including aquatic plants.*

The proposed development would stretch along miles of ridgelines through Northern spotted owl habitat and habitat for other state and federal threatened and endangered species. The project would include underground and aboveground collector lines, facility roads, and a transfer station. These structures have the potential to destroy and fragment habitat, especially migratory pathways over ridgelines and between adjacent valleys. The operation of the facility would also kill avian and bat species and may displace other sensitive species, further reducing available habitat. As such, approval of the project would be inconsistent with the Comprehensive Plan.

- *Policy E.4.4: Coordinate with other jurisdictions and agencies to protect environmentally critical habitats, particularly ecosystems and watersheds that span jurisdictional boundaries.*

EFSEC must coordinate with WDFW, the U.S. Fish and Wildlife Service, and other agencies to ensure protection of environmentally critical habitats.

- *Policy E.4.5: In cooperation with Washington State Department of Fish and Wildlife (WDFW) establish appropriate avoidance, minimization, and mitigation measures for development projects that have a probable impact on listed species and their habitat.*

EFSEC must consult with WDFW to ensure that the proposed energy facility would not harm listed and candidate species.

- ***Goal E.5: Plan and coordinate land uses, public access, and natural resource protection along shorelines of the State in accordance with the State Shoreline Management Act and the Skamania County Vision.***

Goal E.5 implements the Planning Enabling Act (RCW 36.70) requirement that development regulations "shall not be inconsistent with the county's comprehensive plan." RCW 36.70.545. EFSEC must review the proposed facility for consistency with the Shorelines Master Program.

iii. 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.***

- *Policy T.1.3: Public Works should continue to take periodic traffic counts and make road improvements as necessary and feasible to maintain levels of service at "C" or above throughout the horizon of this plan. If the level of service falls below a level "C", then that road should be included in the six-year road plan during the next annual review cycle for road improvements.*

- *Policy T.1.4: Continue similar level of road maintenance to protect the current transportation investment.*

EFSEC must review the proposed energy facility for impacts to the transportation system. Large-scale wind energy development will require modifying existing roads and entails an increase in industrial traffic. These impacts may contribute to a decline in the level of service below "C," which would violate the Comprehensive Plan policy. Further, the increased industrial use may require an increased level of road maintenance to protect the current County investment.

- ***Goal T.2: Continue the priority of increasing safety of the Skamania County rural 2-lane road system. The majority of the Public Works Department's future efforts will be to reduce the accident rate with Skamania County.***

- ***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.***

The rural and pastoral roads in the Underwood area are not adequate to serve the proposed energy facility. Directing industrial traffic onto these roads will likely decrease service levels below minimum standards.

Skamania County Code § 12.03.030 provides rules for road classifications. The code states: "All private roads within Skamania County shall be classified, based on their primary functions, as follows: Category III—Road serving four—ten homes; Category IV—Road serving eleven—twenty homes; Category V—Road serving over twenty-one homes; Category VI—Commercial development' Category VII—Recreational use with limited service." EFSEC must ensure that the proposed development would comply with all road classifications.

iv. 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.1.2: The County should adopt a predictive model in order to identify when a cultural resource survey should be required of an applicant. This model should be based on landscape, known sites, proximity to water, the amount of proposed ground disturbance, etc.*

- ***Goal AHP.2: Increase recognition of historic, archaeological, and cultural resources.***

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

- *Policy AHP.3.1: Create the county's policies for consistency regarding preservation of cultural and historic resources.*

- *Policy AHP.3.2: The zoning amendments should be revised to include provisions to permit the review of individual development, redevelopment and demolition plans to*

ensure protection and minimize the impacts on cultural, historic and, particularly archaeological resources.

- *Policy AHP.3.3: Establish a process for the resolution of land use conflicts relating to the preservation of historic, archaeological and cultural resources.*

- *Policy AHP.3.4: Provide assistance to developers, landowners, and the construction trade regarding appropriate re-use and rehabilitation of identified historic sites and buildings.*

- *Policy AHP.3.5: Require notice to be recorded in the Skamania County Auditor's office deed records to inform future buyers that the property is within 500 feet of a known archaeological site.*

EFSEC must ensure that historical and cultural resources are protected. EFSEC must consult with tribal governments to ensure tribal interests in protecting cultural resources are considered during the land use consistency review process.

2. The Whistling Ridge Energy Facility apparently has not obtained required forest land conversion approval from the Washington Department of Natural Resources and has not had the conversion of forest land reviewed under the State Environmental Policy Act by Skamania County.

Since the proposed development would require the permanent conversion of forest lands to non-forestry uses the project applicant must apply to the Washington DNR Forest Practices Division for a forest land conversion and have the conversion reviewed by the County under the State Environmental Policy Act. Aerial photographs in the application show that substantial portions of the project area have been clear-cut. Friends contacted the Washington DNR and reviewed the Forest Practice Application database and could not find any applications for forest land conversions within the project area. Absent a demonstration that the applicant has complied with Forest Practices Act forest land conversion requirements, EFSEC cannot make a finding that the proposed facility would be consistent with land use laws.

In addition, the County currently has a moratorium on forest land conversions in unzoned areas of the County, which includes the majority of the project area. This moratorium has been in place since the current Comprehensive Plan was adopted. This point was succinctly described by the Skamania County Hearing Examiner in her recent SEPA Appeal ruling.[5] Until the County adopts zoning designations for the unzoned areas the applicant is prohibited from converting forest lands to non-forest uses. Consequently, the proposed facility cannot be bound consistent with the local land use rules.

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[5] Findings, Conclusions, and Decision; Hearing Examiner for Skamania County; SEP-08-35, Finding 10, at p 28.

3. Conclusion

The proposed development would not be consistent with the Skamania County Comprehensive Plan. The existing zoning ordinance is out of date and itself inconsistent with the Comprehensive Plan.

Sincerely,

Rick Till
Land Use Law Clerk