



**Pacific County**  
**PLANNING COMMISSION**  
September 5<sup>th</sup>, 2013 Minutes  
Pacific County Annex Building  
Long Beach, Washington

**ATTENDANCE**

Eric deMontigny, Chair  
Ken Osborne, Vice Chair  
Jim Sayce, Member  
Mike Nichols, Member  
Stan Smith, Member  
Faith Taylor-Eldred, DCD Director  
Tim Crose, DCD Assistant Director  
Matt Reider, DCD Planner

There were 5 members of the general public in attendance. (*Please refer to the recordings of the public workshop for more detailed discussion*).

Chairman Eric deMontigny called the meeting to order at 6:00 p.m. and introduced the Planning Commission (PC) members and staff.

The oath was not administered.

**MINUTES** (01'36")

Eric deMontigny noted some minor corrections on the July 11<sup>th</sup>, 2013 meeting minutes. The second page under new business, the last bullet needed to be changed from "recovering" to "recovery". On the fourth page, first bullet, the last word needed to be changed from "read" to "ready".

Stan Smith moved to approve the minutes of July 11<sup>th</sup>, 2013 as amended. Ken Osborne seconded, motion carried.

**CORRESPONDENCE** (06'04")

Tim Crose noted that there was no correspondence.

**PUBLIC HEARING** (06'15")

**Open Space Application – Columbia Land Trust/John Hancock Timberland X Inc.**

- Tim Crose had a brief presentation. Tim stated that the applicant is applying for an open space timber land classification on four parcels. The parcels were presented on a map and explained by Tim to the Planning Commission members.
- Tim stated the property is 81.26 acres.
- No written correspondence from the Assessor, Bruce Walker, but Tim stated that he spoke with Bruce who stated that this particular case; there will be no shift in the tax burden. If it goes into open space, it will be valued at a class four (4) - taxes will increase on this parcel.
- Nadia Gardner presented on behalf of Columbia Land Trust.

- Nadia stated that the property was purchased with Salmon Recovery Funding as well as the National Fish and Wildlife Foundation and Coastal Wetlands money. The intention of the property is to sustain its natural attributes within the designated timberland classification.
- The original application was under Hancock when Hancock still owned it but the property was purchased by Columbia Land Trust July 31<sup>st</sup>, 2013.
- Eric deMontigny asked if the property would be open to public access.
- Nadia stated that the intentions are for non-motorized traditional uses, such as, fishing and hunting access.
- Stan Smith asked “if there are gates, will they be left open?”. Nadia responded that there are no gates and no roads on the property and that it is encumbered by deed restrictions.
- Jim Sayce stated that he was aware of three historic features on the property, which include the old railroad logging dump and the old railroad line.
- Nadia stated that the property to the right is owned by the William’s family and they prefer not to have public access on their property.
- Nadia wanted to state for the record that they will be thinning the timber for income.

Jim Sayce moved to approve the open space land application submitted by Columbia Land Trust/John Hancock Timberland X Inc. Mike Nichols seconded, Stan Smith opposed due to his concerns regarding all the recent land taken out of timberland classification and placed into open space. Motion carried by majority voice vote, 4 YAY, 1 NAY.

#### **OLD BUSINESS (15’40’)**

##### **Master Planned Resorts (MPR)**

- Tim Crose stated that he and Faith had been in contact with a representative of the owner, Leadbetter Farms. He stated that the owners wish to withdraw their application for a Master Plan Resort zoning overlay. After many discussions, their overall intent was to be able to occupy the lighthouse structure above 35’. Tim stated that he and Faith had gone through all the original documents and notes at the time of construction, spoke with the building inspectors at the time and got a pretty good idea of how this all came about and why they weren’t originally allowed to go above 35’. The owners are still trying to find an avenue or way of getting some sort of permission to be able to occupy and that the County doesn’t know that there is any possible avenue.
- Faith Taylor-Eldred stated that there is one option, in the code the regulations clearly states that there are a number of structures that can be built above 35’ (i.e. water tower). So the applicant would have to come back to the Planning Commission and ask if they could occupy a water tower above the 35’ and change the regulations.
- Jim Sayce asked if the County ever made a decision as to what the structure really was and Faith responded by saying that in all the research she and Tim had performed, the application and paperwork show that it was originally applied for as a water tower.
- Eric asked if it was constructed with occupancy in mind. Tim Crose responded that there are several unfinished floors above the 35’ level; however, the plans and paperwork show that it was never to be occupied over the 35’.
- Eric shared his frustration of spending all the time reviewing the information and not finishing it but when it is picked up again in the future the Commission may have new members or hazy recollections. He asked if it is required for the County and Commission to have to have an applicant in order to move forward.
- Faith stated that most Counties work on the Master Planned Resort regulations when they receive an application, just to make it easier rather than spending all that time reviewing the regulations when no one is actually interested.

- Stan Smith stated that he'd like to see the County move forward in the near future since we seem to be making some progress.
- Jim Sayce stated he'd like to see the Shoreline Master Program (SMP) review be a part of the discussion moving forward since so much of this discussion is around shorelines.
- Eric stated that the problem with that is the SMP process takes so long, but maybe hammer out the basics of the document and get it close to approval if not actually approved.
- Faith mentioned having a strategic planning workshop (retreat) and that this subject may be best approached at that time.

## **NEW BUSINESS** (22'55")

### **Rezone (Belisle family)**

- Tim Crose stated that the Belisle family contacted him last spring stating that they didn't recognize that their property was zoned industrial. Tim wasn't present at the time but found that back when the zoning ordinance was updated to rezone the majority of the County (2003-2004), there were a lot of discussions and things changed, including a portion or all of the Belisle family property being rezoned to Industrial. Tim asked if any member recalled any of it.
- Eric deMontigny responded that he remembered it being adjacent to the recycling center and also remembered it being on higher ground making it more amenable to industrial development. Ken Osborne responded that he had looked through his old packets and hadn't saved any items from that far back.
- Becky Belisle Miller stated that in 2004 they planned on doing a wrecking yard on the lower piece next to the dump. She stated that Mike Desimone, Mike Stevens, and Dick Reiners came up and looked at the property with her parents, husband and herself. She stated that she asked then what the garbage dump was zoned and were told it was open, not zoned. Tim made a correction and stated that it was zoned Rural-Residential. At that point, they were told the lower piece was being rezoned and they going to incorporate the dump into Industrial. The property went up for sale the end of 2004 and at some time they rezoned the whole hill and they were unaware of that. It was noted everything south of the 67<sup>th</sup> was zoned industrial.
- Jim Sayce noted that the road that accesses the transfer station is used as industrial use.
- Discussion regarding the fact it was probably zoned industrial, because of the close proximity to the transfer station, the need for industrial land, and the fact Leslie came to the County wanting to create a wrecking yard on the property.
- Tim stated that since the County can't locate any record of why it's there, does it generate a need to go through a formal rezone process or is it an error? Jim and Eric responded by stating that it's on the map so no matter what happened, it is now zoned "industrial". The Belisle's would need to go through the formal process when the Zoning Ordinance is opened the Planning Commission would need to review it then. The Zoning Ordinance was updated when the Comprehensive Plan (Comp Plan) was reviewed so there is no date set at this time for the revision of the documents.
- Tim stated the applicants would have to go through the SEPA process, application for rezoning, public notice, public hearing, etc and the process would take approximately take 60-90 days. Tim also mentioned that the surrounding property owners would need to be part of the process. It was mentioned that the process could possibly be done by January.
- Faith Taylor-Eldred stated for the record that the application would need to be received as soon as possible for it to be done by January and that the County could not guarantee that it would be done by January, even if the application was received soon. Also that a fee is associated with the re-zone.
- Ken Osborne disclosed that he'd have to excuse himself from the rezone review when it's time because of his employment at Pacific Realty.

### **Vacation Rentals within Ag District** (47'43")

- Tim stated that Heather Hamilton is requesting a language change in the Zoning Ordinance to allow short term vacation rentals within an Agricultural Zoning District. She is the same person that came in last year to ask for an amendment to allow for vacation rentals in Rural Lands.
- There were questions on how large the property was, where it was located, and how close it was to cranberry farms. Tim stated that it was close to cranberry farms.
- Jim Sayce said he talked to a cranberry farmer and the issue is the compatibility of vacation rentals within the Agricultural District. He said the farmers had discussions over 20 years ago about this topic and they wanted separation of uses.
- Tim said he also talked to a cranberry grower and they are very concerned about contamination of their bogs and how a single cup can lead to a clean-up that costs \$100,000+ and delays production.
- Eric stated that contamination of garbage in the bog, as well as septic tank issues of a vacation rental were the first things that came to his mind.
- Faith Taylor-Eldred mentioned that vacation rentals are noted within the other districts and were obviously intentionally left out of the Agricultural Districts.
- Stan Smith brought up the question of what the difference between an itinerant farm worker and vacation renter is and discussion was held about the difference and whether or not there are itinerant farms in the County.
- Eric and Jim noted that the Comprehensive Plan states that agricultural uses are to be protected.
- Anne Lefores, a member of the public asked to comment and she noted that she thought it might not be good policy to change language just for one person when it affects the entire County.
- Stan asked if the Commission needed something in writing prior to moving forward with anything and Tim responded "yes".
- Mike Nichols brought up the point of contamination of pesticides, herbicides, etc. that might make an impact on vacation renters.
- Jim mentioned that it will probably be an "uphill battle" and the farmers may not want vacation rentals within the agricultural district due to the itinerant occupancy and as Eric mentioned the loss of agricultural lands.

### **Bylaw Change** (59'57")

- Faith Taylor-Eldred let the Planning Commission know that the Board of County Commissioners had approached her and wanted to see if the Commission would be open to having alternates. The Board has two applicants for the Planning Commission vacancy that is currently available.
- The County will bring it to the Commission's attention next month for a decision.

### **Off premise advertising** (1hr 01'38")

- Tim mentioned that this topic came to his attention in July when Mr. Bob Clegg, who is a business owner in Raymond, wanted to put off-premise advertising on a piece of property he purchased south of South Bend.
- Tim said he let Mr. Clegg know that per the Zoning Ordinance, off-premise signage is not allowed in the area that Mr. Clegg had purchased property, which is Rural-Lands. Many of the districts, except Commercial don't allow for off-premise signage.
- Ken Osborne said the Commission had gone through a clean-up about 10 years ago, because there were so many signs. Jim and Eric recall the time that they spent working on the language.
- Eric DeMontigny mentioned that he likes the beauty of 101 and it is what brought him to the area.
- Tim said he told the applicants that they have to apply for the language change and the Commission will make a decision at that time.

### **Anne LeFores comments** (1hr 06'25")

- Anne LeFores provided comments to the Planning Commission in July that several issues were not addressed in the 2012 Comprehensive Plan Amendment that had gone before the Planning Commission and the Commission had approved.
- Anne also mentioned that there are tables in the back of the document, as well as the maps on-line had not been addressed in regards to the Urban Growth Areas.
- Eric asked the County what the process is at this point. Faith Taylor-Eldred responded that it was an error on the County's part and that we will include the items in the amendment and bring them before the Commission during the next meeting and have the Planning Commission re-approve the items.
- The Commission wanted a document drafted and attached to the re-approval that stated why the Commission had to re-address the issues for the Board of County Commissioners.
- Discussion on whether or not the remanded version of the Comprehensive Plan came before the Board. Tim said it has, because the Department of Commerce signed off on it.

### **UPDATES**

#### **Recreational Marijuana** (1hr 13'06")

- Faith Taylor-Eldred sat through a webinar on August 22<sup>nd</sup> regarding recreational marijuana that the Association of Washington Cities hosted. However, since then the Department of Justice has changed their views on recreational marijuana, so things may have changed.
- Faith presented 4 options that were presented in the webinar by a land-use attorney:
  1. The County does nothing.
  2. A moratorium is signed until further information can be compiled.
  3. Permanent ban on recreational marijuana.
  4. County allows for recreational marijuana.
- Discussion ensued regarding the taking of property if the County allowed recreational marijuana use and then later disallowed the use.
- Jim stated he had perused the Washington State Liquor Control Board website and discussed what they are looking to allow and not-allow and the regulations surrounding the use.
- Faith discussed the letter that Clark County received from DOJ regarding allowing recreational marijuana. Faith also stated that the land-use attorney advises to not put "medical marijuana" directly in an ordinance, but draft the language using terms such as "similar in use" (i.e. "pharmacy").
- The Commission members agreed that a rolling moratorium might be the way to go.
- Faith mentioned that the webinar was going to be uploaded on the Association of Washington Cities website.

#### **Shoreline Master Program** (1hr 26'11")

- Faith stated that she had just heard from the Washington State Department of Ecology that they were offering the County \$400,000 from the \$250,000 previously offered. She mentioned that there was a possibility of getting \$40,000 - \$50,000 more; however, Ecology is requiring the County to go out for a Request for Proposal to see how much the science consultants would cost.
- Faith said that the County had looked at piggy-backing on Grays Harbor County, but that has fallen through at this time.
- Discussion about a consultant by the name of John Kleim and the cooperation and coordination with the cities.

- Discussion about the Stakeholders Committee and Technical Advisory Committee, as well as the 2-3 year process.
- Eric DeMontigny advised that one or two members of the Planning Commission be on the Technical Advisory Committee, so that the Commission can be kept abreast of the situation.
- Faith anticipates the County to move forward, but will wait for the RFP.

**Question Regarding Oysterville Design Review Board** (1hr 32'59")

- Faith asked if the Planning Commission had any history regarding the Oysterville Design Review Board (ODRB), the formation of the Oysterville Historical District, and/or the Federal Nomination.
- Jim Sayce stated that it did come to the Planning Commission and he recalled that ODRB was formed, because their plans/designs were so unique that they needed their own Board to review the designs. Jim said he vaguely recalled the cannery wasn't in the original Nomination, because maybe the cannery was viewed as historical and they didn't want to see a historical overlay over industrial property.
- Faith stated that the County had received a letter from the Washington State Department of Archeology and Historical Preservation stating that someone had sent them a complaint regarding a "non-conforming" structure. (Terminology should have been "non-contributing".) There is concern that the Nomination could be revoked and that the State has suggested that the community reapply for a nomination, but the boundaries of the District could get smaller, if there are less "non-contributing" homes.

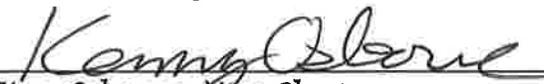
**October Meeting Date Change** (1hr 36'25")

- Tim Crose is going to the Washington State APA Conference to hear about the recreational marijuana, which is being held on October 3<sup>rd</sup>; therefore, the County asked to move the date to October 10<sup>th</sup>, 2013.
- Faith asked that in conjunction with the meeting if the Planning Commission would be willing to have a short retreat prior to the Hearing.
- The Board seemed amenable to the retreat. Faith asked if the Board could bring ideas to the meeting that would be great.

The meeting adjourned at 7:37 p.m.

**PACIFIC COUNTY  
PLANNING COMMISSION**

  
Eric deMontigny, Chair

  
Ken Osborne, Vice Chair

  
Jim Sayce, Member