



**Pacific County**  
**PLANNING COMMISSION**  
October 10<sup>th</sup>, 2013 Minutes  
South Bend City Hall  
South Bend, Washington

**ATTENDANCE**

Eric deMontigny, Chair  
Ken Osborne, Vice Chair  
Jim Sayce, Member  
Mike Nichols, Member  
Scott Turnbull, Member  
Bill Kennedy, Member  
Stan Smith, Member – *Excused Absence*  
Faith Taylor-Eldred, DCD Director  
Tim Crose, DCD Assistant Director  
Tia Channell, Clerk

There were 6 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 6:10 p.m. and introduced the Planning Commission (PC) members and staff.

The clerk administered the oath.

**MINUTES** (01'10")

Ken Osborne moved to approve the minutes of September 5<sup>th</sup>, 2013 as amended, Mike Nichols seconded, Motion carried by majority voice vote, 6 YAY, 0 NAY, 0 AMENDED.

**CORRESPONDENCE** (01'07")

- Scott Turnbull appointment letter

**PUBLIC HEARING** (01'06")

***Vacation Rentals within Ag District***

- Tim Crose opened the discussion with a description of the request made by Heather Hamilton to allow Vacation Rentals within the Agricultural District (Ord. No. 162, Section 7). Tim stated that all public notification requirements were met, and that one comment was received in regards to the request.
- The letter received regarding the matter was from Kim Patten of the WSU Extension office. Kim stated that the requested change would have a negative impact on the overall right to farm. Pacific county should not compromise the grower's right to farm. He stated that areas zoned for agricultural practices, could be considered offensive to short-term renters. Due to the applying of

pesticides, manure or frequent loud noise, he foresees a potential for litigation for farmers and Pacific County.

- Tim stated that currently, there is no language existing within the Ordinance that would allow vacation rentals within the Agricultural Zoning District.
- Heather Hamilton stated the property is located at 2604 Evergreen Park Rd. and the surrounding property is all cranberry bogs. The property was purchased last year and the plan was to use it as a vacation rental as their others are. They did not realize at the time that the use was not allowed in that zone.
- Eric stated that his recollection was that it was not allowed in that area to preserve the Agricultural use land.
- Bill Kennedy suggested placing a condition within a Conditional Use Permit to protect the farm lands etc., would save from litigation in the future.
- Heather stated she doesn't believe it's fair to not allow anyone the chance. To make a blanket statement not allowing it, isn't fair to the property owner.
- Eric asked Tim Crose if he had any specific conversations with any cranberry grower's about this subject.
- Tim stated that his consensus from speaking with the grower's was that it was a big concern. The main reason heard is related to garbage, litter, etc. getting in to the bogs by people looking around and contaminating the bogs.
- Jim stated that he thinks the comp. plan would need to be amended as well which is a steep battle.
- Heather stated that things can be done like fencing etc. to keep any issues away if necessary. She feels a month to month renter is more likely to keep the property less "together" than those with a weekend vacationer and regular scheduled cleanings. Also, vacation rentals have a season so less people there than a regular renter, and occupied way less.
- Bill stated that there are already laws on the books such as littering etc. and they have never stopped the general person from stopping in the roadway and littering etc.
- Eric agreed with Jim's concern. The comp. plan doesn't currently allow for a residential type use and a change would open up an area for litigation. If the County allowed a use in the zoning, but the comp plan states otherwise, then we are opening ourselves up to issues in the future.
- Scott Turnbull stated that he feels it would be an incompatible use and should go in front of the comp plan.
- Jim stated we'd have to allow short term stays throughout the whole Agricultural Zone to allow a vacation rental. But it's not just vacation rentals, its motels, hotels, bed and breakfasts'; anything 30 days or less. The comp plan doesn't allow for such things in that zone, only Ag. uses.
- Eric mentioned the Kittitas County item Tim passed out; people assumed because it was silent, they felt it should be allowed.
- Heather stated she was told by an attorney that if it was silent in the Ordinance, it could or should be allowed.
- Bill believes she has a point and thinks David should look at it.
- Tim stated that is similar to a case last year where we took in a rehab center similar in nature to a medical office and the County ended up in a lawsuit.
- Ken stated he is sympathetic with the applicant with purchasing the home with the plans of operating it as a vacation rental, but he still doesn't see it as fitting for the Ag. Zone and the Comp. Plan really has an effect on this situation.
- Heather requested holding off on a vote until an attorney could give more information.
- Jim stated if we approved this now, it would not be consistent with the Comprehensive Plan. The Comp. Plan would need to be amended.

Eric deMontigny called for a vote. Ken Osborne recommended no amendment to Section 7 of the Zoning Ordinance No. 162, allowing short term Vacation Rentals within the Agricultural District, Jim Sayce seconds.

Motion carried by majority voice vote; 5 YAY, 0 NAY, 1 ABSTAIN.

**Off Premise Advertising Signs within Transitional Forest** (31'15")

- Tim Crose opened the discussion with a description of the request made by Bob Clegg to allow off premise advertising signs within the Transitional Forest Zoning District (Ord. No. 162, Section 21R). Tim stated that all public notification requirements were met, and that no comments were received in regards to the request.
- Tim stated that Mr. Clegg owns a business in the City of Raymond but would like to place an advertisement sign on some property he purchased South of South Bend. Transitional Forest currently does not allow you to advertise your business off site. He would like us to amend that.
- Eric recalls the Planning Commission spending lots of time during the development of the initial County rules – Landuse Ordinance. on cleaning up the signage issue throughout the County and trying to cut back on the proliferation of signs.
- Jim asked if it was within Shorelines.
- Tim stated that the property is located in Shorelines. It's right next to Potter Slough.
- Jim stated it wouldn't be allowed anyway in that location because it's within Shorelines.
- Eric stated that even if an amendment was made within the Zoning Ordinance, it still wouldn't be allowed due to Shorelines.

Eric deMontigny called for a vote. Ken Osborne recommended no amendment to Section 21R of the Zoning Ordinance No. 162, allowing off premise signs within the Transitional Forest Zoning District, Jim Sayce seconds.

Motion carried by majority voice vote; 6 YAY, 0 NAY, 0 ABSTAIN.

**OLD BUSINESS**

**Shoreline Master Program** (22'20")

- Faith stated that the County has signed a short contract with Mr. John Klien to help the County jump start the process. His contract runs through December 31<sup>st</sup>. The first step is the preparation of the RFP to select a consultant for the science-based portion of the SMP process and it has to be done as soon as we can, hopefully by mid-November. We are looking at working with our core group and the interested parties to make sure we have a well-balanced SMP.
- Jim asked that we put a schedule on the County website.

**NEW BUSINESS** (17'02")

- Ron Craig stated he is with a small group of concerned citizens regarding some PUD issues. They would like to talk regarding the PUD lines which are exempt from County permits. He believes the result is the County has affectively given away any of their authority or power to the State and the citizens are no longer allowed to petition through the County Commissioner's on this matter. He isn't sure if that was the intent but it's the result. Ron stated he thinks it's important that the citizens in Pacific County should have an opportunity to have a say on items being built within the County including transmission lines. He asked the Planning Commission to consider it and place on the Agenda sometime to see how this issue can be addressed.
- Jim asked if this was for new construction or maintenance to existing structures or lines.
- Ron Craig stated new construction of lines.

- Eric deMontigny stated that he did not remember anything specifically with the Planning Commission making any changes.
- Ron Craig stated that in the 2000 time period, he believed the County had removed the clauses in the planning documents but was later corrected that they were replaced with a modified policy/document that is not as effective as the one in place prior to 2000. It originally provided the mechanism to say no before.
- Tim Crose stated that around the year 2000, they opened up the Shoreline Master Program. Talking to David Burke, he stated the policies were intertwined with the rules and regulations at the time. David stated it was almost impossible to defend because right in the middle of the rules, the Ordinance part of the SMP, they'd have a "shall" or a "may" or something indefensible so they pulled all the policies out and put them in the front section of the SMP. The Ordinance part, the rules are actually separated from those and David said it was easier to defend. Tim stated Ron was right, in the transmission line section; the rules were not there, just the intent or policy not the rule. Critical Areas are exempt.
- Steve Sheary wanted to state that it was super nice to hear of someone asking for public opinion and listening to what people have to say.

The meeting adjourned at 7:20 p.m.

**PACIFIC COUNTY  
PLANNING COMMISSION**

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*Eric deMontigny, Chair*

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*Ken Osborne, Vice Chair*

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*Jim Sayce, Member*