



Pacific County
DEPARTMENT OF COMMUNITY DEVELOPMENT

BUILDING • ENVIRONMENTAL HEALTH • PLANNING

February 27, 2015

Dear Planning Commission Member:

I am writing to let you know the Planning Commission will be reconvening after a long hiatus on Thursday April 2, 2015 in South Bend. There will be two items on the agenda for the April 2, public hearing.

1. The County has been working with FEMA to update all our existing Flood Maps and Flood Damage Prevention Ordinance 167. FEMA has performed a gap analysis of Ord. 167 and we have found that we do not have to make a lot of changes to bring 167 into compliance. The new flood maps and Ordinance are scheduled to come into effect May 15, 2015. I will provide you packets in a timely manner so you have a chance to review it. I encourage you to go to the County website and review the document.

<http://www.co.pacific.wa.us/ordres/ORD%20%20167%20Flood%20Damage%20Prevention%20FINAL.pdf>

I will also mail you a hard copy if need one. Please let me know.

2. There is an application for an open space conversion requiring a public hearing. The Shoalwater Tribe has acquired timberland adjoin tribal lands they wish to put into open space.
3. There has been a lot of progress made on updating the Shoreline Master Program. We are on schedule to deliver an initial draft to Ecology by June 30th. We are planning on having presentation for you on either the May 7th or June 4th meeting. We are also planning to update the Critical Areas Ordinance this year which you will play a major role in crafting.

It will be a busy year with, thank you all for serving on the Planning Commission.

Sincerely,



Tim Crose
Planning Director



Pacific County PLANNING COMMISSION

PO Box 68, 1216 W. Robert Bush Dr., South Bend, WA 98586
360.875.9356 or 360.642.9356

MEETING AGENDA

Meeting: April 2nd, 2015 at 6:00 PM

Location: South County Administrative Facility, South Bend, WA

1. **Call to order and introduction of Planning Commission members & County staff**
2. **Review of Minutes**
 - January 2nd, 2014
 - January 16th, 2014
 - February 6th, 2014
3. **Correspondence**
4. **Public Hearing**
 - Open Space Land Application, submitted by Shoalwater Bay Tribe
 - Proposed Flood Ordinance No. 176, update of Ordinance No. 167 (to meet new NFIP standards)
5. **Old Business**
 - Update on the Shoreline Master Program
6. **New Business**
 - 2015 Meeting Date Schedule
 - 2015 Chair/Vice Chair Elections
7. **Adjournment**

*Next meeting date is scheduled for
May 7th, 2015 in Long Beach*



Pacific County
PLANNING COMMISSION
January 2nd, 2014 Minutes
South County Administrative Facility
Long Beach, Washington

ATTENDANCE

Eric deMontigny, Chair
Ken Osborne, Vice Chair
Jim Sayce, Member
Mike Nichols, Member
Scott Turnbull, Member
Bill Kennedy, Member
David Burke, Prosecuting Attorney
Faith Taylor-Eldred, DCD Director
Tim Crose, DCD Assistant Director
Matt Reider, Planner
Tia Channell, Clerk

There were 14 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 clerk administered the oath.

MINUTES

Ken Osborne moved to APPROVE the minutes of October 10th, 2013 as amended, Scott Turnbull seconded.

The Chairman called for a vote: 6 YAY, 0 NAY, 0 ABSTAIN.
Motion carried by majority voice vote.

CORRESPONDENCE

- There were three items of correspondence dispersed by the Clerk to the Planning Commission:
 - Email from Warren Cowell
 - Letter from Law Office of Charles Craig Holley
 - Letter from Eco Ventures LLC

PUBLIC HEARING

Ordinance No. 172 – Recreational Marijuana Moratorium Findings of Fact

- Tim Crose opened the discussion with information on the needed emergency moratorium and why it is necessary.

- David Burke stated that the Commissioners did not adopt Findings of Fact, and procedurally, in order to comply with the law, they have to adopt them to justify the moratorium by the end of the month.
- Bill Kennedy stated he does not want to sit and make a decision for the entire County regarding what and where in regards to dealing with Marijuana when we have no experts related to Marijuana here to testify for us.
- David Burke, Prosecuting Attorney, stated that whether or not we are experts, we still have to come up with something.
- Eric deMontigny, stated that he contacted the County Sheriff for his opinion, and he didn't have one as he wasn't aware of the current issue and that the County was going through Land Use changes related to it.
- Discussion was held amongst the Planning Commission regarding each suggested Finding of Fact.
- Frederick Cann, Seaview property owner, had some suggestions in wording changes within the suggested findings, such as, "uses" instead of the word "businesses".

The Chairman called for a vote: 7 YAY, 0 NAY, 0 ABSTAIN.
Motion carried by majority voice vote.

Jim Sayce moved to APPROVE and Mike Nichols seconded the following Findings of Fact for Ordinance No. 172, Recreational Marijuana Moratorium within Pacific County.

FINDINGS OF FACT

1. Initiative 502 (I-502) was passed by the voters of the State of Washington on November 6, 2012, and provided a regulatory framework under which marijuana producers, processors, and retailers can become licensed by the State of Washington.
2. I-502 licenses the production, processing, and retail sales of marijuana and directs the Washington State Liquor Control Board (WSLCB) to promulgate rules for the issuance of licenses by the WSLCB to such producers, processors, and retailers.
3. Under I-502, a "producer" is one who produces marijuana for sale at wholesale to processors, a "processor" is one who processes, packages, and labels usable marijuana and marijuana-infused products for sale at wholesale to marijuana retailers, and a "retailer" is one who sells usable marijuana, marijuana-infused products, and marijuana paraphernalia at a retail outlet to persons twenty-one years of age and older.
4. Chapter 314-55 of the Washington State Administrative Code (WAC) became effective on November 21, 2013, providing a framework for the WSLCB to regulate marijuana licenses, application process, requirements, and reporting.
5. The WSLCB has announced that it will receive applications for licenses for marijuana production, processing, and retail sale, from November 20, 2013 to December 19, 2013.
6. I-502 prohibits marijuana-related uses within 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade where persons under twenty-one years old may enter.

7. Pacific County does not have zoning and other developmental regulations that address the land use, permitted uses, type and nature of the activity, and location of facilities/premises used for the production, processing, and retail sales of marijuana and marijuana-infused products.
8. On December 10, 2013, The Board of Pacific County Commissioners adopted interim Ordinance No. 172 which enacted a temporary emergency moratorium in Pacific County on the licensing and location of marijuana related business as regulated pursuant to I-502. The Board deemed it to be in the public interest to establish a zoning moratorium to give the County time to consider the adoption of land use regulations pertaining to such business entities.
9. The Board of Pacific County Commissioners referred the matter to the Planning Commission for further review, public comment, and development recommendations for consideration by the Board.
10. The public hearing, which was held on January 2, 2013 (did / did not) generate any information which would justify the rescission of Ordinance No. 172.
11. The emergency moratorium pertaining to the location of marijuana producers, processors, and retailers, which was enacted on December 10, 2013 (Pacific County Ordinance No. 172), needs to remain in effect so that the County can address the location of these uses in an orderly and thoughtful process. Leaving the moratorium in place will have little impact on the public and will allow the Planning Commission the necessary time to make appropriate recommendations to the Board of County Commissioners.
12. Under WAC 197-11-880 emergency actions are exempt from the requirements of the State Environmental Policy Act (SEPA) when there is not sufficient time to comply with SEPA.

Ordinance No. 162 – Recreational Marijuana Amendment

- Tim Crose opened the discussion briefing his staff report that was passed out. He provided maps that showed the buffers and the different districts and described each map.
- Vicki Larson, Tokeland property owner, stated that her and her husband have no intentions of smoking marijuana but her property is prime for production and she has an application in for a Tier III at their farmland on Kindred Island. They don't like the idea of the Conditional Use.
- Vicki stated that the Liquor Control Board rules are serious. Cameras, security, lighting, nothing can be missing or the permit is pulled. Every person within the industry has to have finger printing, background checks, financial checks and money traced, etc. It is a very serious business and they have a lot on the line. It is important to her and her husband that the County gets a move on making their decisions.
- Scott Raudonis, land owner in Ilwaco who has his application in with the State, states that the hoops and hurdles he has to jump through to go through this are huge. They know everything about him down to where the money in his bank accounts is going. He stated he has an attorney in Bellevue guiding him through this process. He stated that for him to open up a retail business, he has to go through all sorts of designs of his building, boundaries from areas and strict security. He stated he'd like to see us all get our ducks together and set another date for a presentation with a better understanding.
- Eric deMontigny asked David Burke if he suggests adding some language releasing the County from any liability. David agreed that some language would need to be written up.
- Marty Meaker stated that he would like to see the Planning Commission do another meeting and get some experts in here. He would also see the Commission look into the Liquor Control Site and

all their regulations that the applicants have to jump through. It would answer a lot of the questions asked.

Jim Sayce moved to continue the meeting on January 16th and Ken Osborne seconded.

The Chairman called for a vote: 7 YAY, 0 NAY, 0 ABSTAIN.

Motion carried by majority voice vote.

OLD BUSINESS

Shoreline Master Program Update

- Faith stated that 4 proposals were received and interviewed on December 12th. The Watershed Company was who was chosen. The BOCC approved the decision on Monday and we are now moving forward with contract negotiations.
- Eric asked when they should expect more involvement with the Core Group.
- Faith stated she planned on beginning with a conference call within 2-3 weeks.
- Scott suggested meeting prior to the next Planning Commission Meeting instead. All agreed to that.

NEW BUSINESS

- 2014 Meeting Date Schedule – Jim Sayce moves to approve, Mike Nichols seconded. Motion carried.
- 2014 Chair/Vice Chair Elections – Jim Sayce moves to appoint Eric deMontigny as Chair, Scott Turnbull seconded. Motion Carried.
- Bill Kennedy moves to appoint Jim Sayce as Vice Chair, Scott Turnbull seconds. Motion Carried.
- Kenneth Osborne announced he would be declining an additional term with the Planning Commission.
- Amendment of By-Laws – The motion failed to move forward.

The meeting adjourned at 9:00 p.m.

PACIFIC COUNTY

PLANNING COMMISSION

Eric deMontigny, Chair

Ken Osborne, Vice Chair

Jim Sayce, Member



Pacific County
PLANNING COMMISSION

January 16, 2014 Minutes
Courthouse Annex Building
South Bend, Washington

ATTENDANCE

Eric deMontigny, Chair
Jim Sayce, Vice Chair
Mike Nichols, Member
Scott Turnbull, Member
Bill Kennedy, Member
Stan Smith, Member
David Burke, Prosecuting Attorney
Kathy Spoor, County Administrator
Faith Taylor-Eldred, DCD Director
Tim Crose, DCD Assistant Director
Matt Reider, DCD Planner
Tia Channell, Clerk

There were 19 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

There were no minutes ready for review at the time of the meeting.

CORRESPONDENCE

- Comment from the Washington State Attorney General
- Comment from Shoalwater Bay Tribe
- Comment from anonymous Rural Land owner

PUBLIC HEARING

Continuance of Amendment of Ordinance No. 162 – Recreational Marijuana

- Tim Crose briefed the audience on where the Planning Commission was at in the hearing process since the last meeting and gave a description of the maps and correspondence passed out. Tim also stated that in his research, the County would only receive resale sales tax of in the amount of 1% and the rest of tax goes to the State.
- Eric deMontigny opened the hearing to those who would like to speak or had comment on the matter.

- Alejandro Di-Tolla, grower/processor applicant of the Tokeland property, stated that he believed Tim's presentation is great, however, he believes there will be more money coming into the County just based on the jobs the company creates.
- Jim Sayce, asked Alejandro "what's a rough estimate of how many workers you may have and square footage of the factory?"
- Jason Bohbot, friend of Alejandro, stated he has a friend in Colorado with a business with one thousand lights, 1 light is approximately 4x4, and he has around 83 employees. He also stated that could safely say that per tier 3 license could have approximately 200 employees.
- Stan Smith asked "what happens to any waste that needs disposed of?"
- Jason Bohbot, as for waste of any part of the plant not processed, it's all composted and could be used in the garden when finished.
- Jim Sayce, asked if the Liquor Control Board regulates the waste of the plant?
- Eric deMontigny stated he believed he saw specifics within the WAC (314-55), the requirements for how the bi-products and such had to be handled for processing, etc.
- Mike Nichols asked if with this new industry, if he (Alejandro) sees less waste of the product over time.
- Alejandro stated that as with any industry, it's always a goal to turn any waste of product into money.
- David Burke stated that the AGO opinion is the first among equals. It's not the law. They have smart lawyers giving their best sense of what this means. Second part of the opinion, essential says, counties can regulate. Zoning goes back to constitution, it's very broad. The essential argument is that counties can say no to anything because there are other places within the state in which marijuana can be allowed. It could be subject to litigation. Bottom line, the AGO opinion essentially gives you authority to do pretty much what you want, no regulation whatsoever. The AGO opinion basically gives 360 degrees to operate.
- Walt Wollen, stated that what he sees with the industry, is it's basically agriculture. Every portion of the product can be used. It's not a product people are just getting high off of, it is product that can even be made into paper and rope. He stated he sees a positive move on the part of the county and state and think it will be clean and healthy industry for our state.
- Rick Bambauer, used a winery as an example. He stated that in California, if you grow grapes for wine or maybe cotton or nuts or apples, you can do so without a Conditional Use Permit. Whereas, the location selling the product would. The growing aspect is a completely different thing then processing. It's just like any other crop growing in the ground. Where does it stop? Do you need a conditional use to grow corn?
- Eric deMontigny, stated that it's like any other farm operation. It's highly regulated by the State which is why he sees it that lends itself to a Conditional Use. Additionally, there are concerns with sensitive groups that may come in contact with it such as children.
- Tim Crose, the draft put together was just a starting point. It's just a draft, it can be written any way or changed in any direction.
- Stan Smith, stated that he is a farmer and agrees with a lot of what has been said. But based on the type of farming he does, contacting the State Liquor Control Board is not needed and that is where the main difference is.
- Rick Bambauer, stated he'd like to add that in addition to the basic sales taxes, we are forgetting that with a Tier 3 growing location (up to 30,000 sq. feet), that will bring in property taxes as well.
- Craig Jacobsen, attorney on behalf of Shoalwater Bay Tribe, would like to supplement the comments received already.
 - Point 1 – note that the map states there is a producer and process in the Tokeland location but the list does not show a Processor on the list.

- Point 2 – note that there are 3 Producer License Applications on the application list which would be estimated at 600 jobs not just 200 jobs. What would be the over impact of a small location with that many additional people? Would the county even allow that capacity wise? Is the county going to add the additional Law Enforcement to take into account of the additional capacity? These are all things that should be considered.
- Discussion was held amongst the Planning Commission regarding the process and cost of marijuana, both illegally and legal.
- Rebecca Hart, Ilwaco resident, stated she has two concerns. One is related to the handling of cash in these businesses. The banks are not processing large cash deposits and you can't use a credit card. It's an issue that needs to be addressed as well. Rebecca also asked if there is some sort of a clearing house where members of the public can access.
- Eric deMontigny gave out details of information available on Municipal Research Service, www.mrsc.org.
- Craig Jacobsen, had a question regarding the factual basis for the SEPA Determination of Non Significance.
- Tim Crose stated that during the comment period for the SEPA they received no comments stating any kind of concern.
- RECESS AT 7:50

RECONVENE 8:10

- Eric deMontigny asked the Planning Commission members if they had any additional comments, language or concerns, that they provide those to Tim Crose by the Friday of the following week (January 24th, 2014 at 4:00 pm). He also asked public members, to please provide any comments they have, either by mail or email to Tim by the same date (email and mailing address was provided).

OLD BUSINESS

No old business to discuss.

NEW BUSINESS

- A planning short course will be held Thursday, March 27th, 2014 from 6:30 to 9:30 pm at the Long Beach City Hall.

The meeting adjourned at 8:30 p.m.

PACIFIC COUNTY

PLANNING COMMISSION

Eric deMontigny, Chair

Jim Sayce, Vice Chair

Mike Nichols, Member


PACIFIC COUNTY
PLANNING COMMISSION
February 6th, 2014 Minutes
South County Administrative Facility
Long Beach, Washington

ATTENDANCE

Eric deMontigny, Chair
Jim Sayce, Vice Chair
Mike Nichols, Member
Scott Turnbull, Member
Bill Kennedy, Member – *Absent (Excused)*
Stan Smith, Member – *Absent (Excused)*
David Burke, Prosecuting Attorney
Tim Crose, DCD Assistant Director
Matt Reider, DCD Planner (Interim Clerk)

There were 8 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 6:05 p.m. and introduced the Planning Commission (PC) members and staff.

Chair asked if there will be public testimony. Dr. Burke responded that there is not unless the PC Commission wanted to open public comment.

The interim clerk did not administer the oath due to no new testimony was being accepted.

(Procedural discussion with David Burke and PC Commission, on public discussion)

MINUTES

There were no minutes ready for review at the time of the meeting.

CORRESPONDENCE

- Public comments received in regards to recreational marijuana (received by January 24th, 2014).
- Staff Memo from Tim Crose
 - Chair asked Tim to summarize the memo;
 - Tim: from the last meeting you asked me to... basically you wanted me to Add a definition section... you wanted to add additional language... defining exactly what types of setbacks from residential structures... ended up with... 200' from the property.
 - Dr. Burke: from dwelling or perimeter?
 - Tim Crose: decided to go with perimeter of the property.
 - Tim Crose: besides that I added some things I pulled section 18 out of ord. 162... Tokeland MU district which defines uses and also explains the criteria for granting a conditional use.

- Chair asked for any suggestion on how to tackle this.
 - Jim Sayce responded with: ... the issue I realize wasn't the fact that it lists all ag uses but that marijuana production is unique and he concluded that there was need for a definition called... ag crop of unusual significance or concern... not quite sure of the language... but it says marijuana production is different and should be conditional use.
 - Chair: Well its production of regulated drug.
 - Dr. Burke: This should be put in the intent portion.
- Chair: In the case of Tokeland it is where we heard the most testimony.
- Dr Burke: It needs to be looked at as Tokeland in general and not specific applications.
- Jim Sayce: intent is for retail, processing, and production. Recognizing the fact that it is an unusual crop
- Chair: it's still not legal in the eyes of the federal government.
- Tim Crose: can I add opinion? When I was looking at this I looked at it district to district, area to area... the geography of each area... does this deserve the standards of special use or conditional use. Tokeland had largest area of mixed use and wasn't sure if it would require a conditional use.
- Chair: any opinion on that...?
- Mike Nichols: agree with Tim and understand Jim's concern... when someones growing corn you don't [expect whisky out of it]... I think it should be like regular farm crop.
- Tim Crose: There are already controls put in place by the State that covers 90-95% of what you would control with a conditional use. If 99 out of 100 people agree with the project one person can still stop it.
- Jim Sayce: I take issue with you Tim because you are arguing from applicant's point of view not from the public's point of view. The conditional use is the public's opportunity to vent. What works in Tokeland has to work for rest of county and can't just work in Tokeland.
- Tim Crose: I disagree...
- Dr. Burke: This is a judgment call for you guys. You don't have to have a one size fits all.
- Jim Sayce: Mixed use is not a free fire zone it is not a general use zone. Our responsibility is to all the citizens of Tokeland.
- Tim Crose: process for conditional use... have to go through SEPA, advertised in the paper, all property owners within 300 feet of the property must be notified. And is hear by the BOA... anyone can appeal that decision and then it goes directly to superior court.
- Question from public: Chris Brown: Only the people within the 300 feet can comment?
- Tim Crose: No, anyone can comment.
- The room discussed the different levels of review and associated time lines. (see recordings)
- Recess at 7:15p.m. PC Discussion. Resume at 7:27

PUBLIC HEARING (01'06'')

Continuance of Amendment of Ordinance No. 162 – Recreational Marijuana

- Tim Crose opened the discussion with.....
- Suggested Findings of Fact for Section 24
- Jim Sayce: make motion to approve section 24 as discussed and amended.
- Second: ??
- 4 yay 0 nay 0 abstain
-

- Final Determination of Non-Significance (DNS)
 - Chair: motion to accept or approve dns as amended: scott second
 - All in favor 4 yay, 0 nay, 0 abstain
 - David Burke this is a non-project DNS
-
- Jim Sayce: move to approve for the tokeland mixed use production less than 5000 ft sq require type II admin review, greater than 5000 s.f. require hearing examiner type 2, marijuana processing requires type 3 conditional use . Second by Scott Turnball
 - The room discussed Square footage thresholds triggering specific levels of review. (see recordings)
 - Dr. Burke: someone needs to make an amendment
 - Jim Sayce : make motion in Mixed Use-tokeland marijuana production of up to 30,000 s.f canopy size special use permit type 2, over 30,000 s.f. canopy size type 2 hearing exam. Marijuana processing, type 3 conditional use permit.
 - Second Scott Turnball
 - All in favor
 - Dr. Burke what other criteria (1:43:40)
 - Dr. Burke: PC needs to make motion to the 200 feet (1:49:02)
 - Discussion (1:49:40)
 - Jim Sayce: make motion recommend condition 200 feet setback of facility from contiguous lot boundary
 - Second: Scott Turnball
 - Jim Sayce: Amend my motion to reflect residential
 - Chair moved: The proposed activity shall be located 200 feet from all property lines containing residential dwellings
 - Second: Scott Turnball
 - Approved; 4 yay 0 nay 0 abstain
 - Chair Discussion: any discussion of whether additional zones may be included.
 - Chair: proposed shall be located 200 feet from all property boundaries containing residential dwellings.

The Chairman called for a vote: 4 YAY, 0 NAY, 0 ABSTAIN.
 Motion carried by majority voice vote.

Jim Sayce moved to APPROVE/DENY and Mike Nichols seconded the following Findings of Fact and Conclusions of Law for the amendment to Ordinance No. 162, Section 24, Licensed Marijuana Production, Processing, and Retail Businesses within Pacific County.

SUGGESTED FINDINGS OF FACT

Supporting Amendment to Section 24, Ordinance No. 162

1. Initiative 502 passed at the November 2012 General Election directing the Washington State Liquor Control Board to develop licensing and other regulatory measures for producing, processing, and selling marijuana for non-medical purposes.

2. I-502 limits the number of retail outlets to be licensed by each county, for the purpose of making usable marijuana and marijuana infused products available for sale to adults 21 years or over (I-502, Sec. 13).
3. I-502 decriminalizes, for the purposes of state law, the production, manufacture, processing, packaging, delivery, distribution, sale or possession of marijuana, as long as such activities are in compliance with I-502.
4. Chapter 314-55 WAC regulates the licensing and reporting requirements for the production, processing, and retail sale of marijuana products.
5. The Liquor Control Board's SEPA environmental checklist for the proposed rules did not appear to completely analyze the impact the impact of outdoor growing of marijuana, but noted that "local land use regulations will avoid or minimize other impacts to sensitive areas".
6. Pacific County has analyzed its local land use regulations to determine whether or how environmentally sensitive areas may need additional protection from these new uses.
7. The Board of Pacific County Commissioners adopted Ordinance No. 172 on December 10, 2013 establishing a temporary emergency moratorium on marijuana related businesses until proper regulatory rules can be enacted.
8. The Pacific County Planning Commission conducted a public hearing on January 2, 2014 to receive public input and to consider proposed amendments in open session.
9. The Pacific County Planning Commission conducted a public hearing on January 16, 2014 to receive public input and to consider proposed amendments in open session.
10. The Pacific County Planning Commission conducted a ~~closed~~ public hearing ~~session~~ on February 6, 2014 to deliberate and recommend language for Section 24 of Ord. 162.
11. Placement of marijuana production and processing facilities best suited to locate in Industrial, Mixed Use, Mixed Use Tokeland, and Rural Land ~~Rural Lands, and Rural Residential~~ zoning districts where agricultural activities are allowed.
12. Production and Processing facilities require a Conditional Use Permit.
 - a. : make motion in Mixed Use-tokeland marijuana production of up to 30,000 s.f canopy size special use permit type 2, over 30,000 s.f. canopy size type 2 hearing exam. Marijuana processing, type 3 conditional use permit.
13. In addition to buffer requirements listed in WAC 314 -55-050(10), a 200-foot setback is required from the perimeter of residential properties.
 - a. Chair moved: The proposed activity shall be located 200 feet from all property lines containing residential dwellings
14. In addition to buffer requirements listed in WAC 314 -55-050(10), a 1000-foot setback will be required from churches with licensed daycare facilities.
15. The Pacific County Comprehensive Plan encourages rural economic growth that is sensitive to the environment and will not adversely affect surrounding residential uses.
16. Retail sales of marijuana products are best suited in Community Commercial ~~and~~ Mixed Use, and Mixed Use- Tokeland zoning districts, as conditional uses limited to frontages on state highway.
17. Pacific County issued a SEPA preliminary determination of non-significance on December 24, 2013.
18. The Pacific County Planning Commission Issued a SEPA final determination of non-significance at a public hearing on February 6, 2014.

19. Pacific County sent Notice of Proposed Ordinance Adoption to the Washington State Department of Commerce (Growth Management Services Division) on December 20, 2013 to satisfy the Dept. of Commerce 60-day notification requirement.
20. In recommending adoption of Section 24, Recreational Marijuana, the Pacific County Planning Commission is not implying that anyone who operates such businesses is immune from federal law.
21. All public notice requirements for the public hearings were met.

SUGGESTED CONCLUSIONS OF LAW

Supporting Amendment to Section 24, Ordinance No. 162

1. The Washington State Growth Management Act (GMA), Chapter 36.70A RCW, mandates that Counties and Cities required or choosing to plan under the authority of the Growth Management Act must adopt development regulations consistent with the jurisdictional Comprehensive Plan and State Law.
2. Land/use zoning ordinances are considered to be GMA development regulation by State Law.
3. Pacific County opted to plan under the authority of the Growth Management Act in 1990 via adoption of Pacific County resolution No. 90-123.
4. Adoption of Section 24, of Ordinance No. 162, will produce no probable significant adverse environmental impacts. A determination of non-significance (DNS) under the State Environmental Policy Act (SEPA) is appropriate for this zoning amendment.
5. Section 24, of Ordinance 162, Zoning, ~~promotes~~ promoting the health, safety, and welfare of the general public and is consistent with GMA requirements.

Chair motion to approve suggested findings of fact and suggested conclusion of law

Second: Mike

4 yay, 0 nay, 0 abstain

OLD BUSINESS

There was no old business to discuss.

NEW BUSINESS (17'02")

There was no new business to discuss.

The meeting adjourned at 9:26 p.m.

PACIFIC COUNTY PLANNING COMMISSION

Eric deMontigny, Chair

Jim Sayce, Vice Chair

Mike Nichols, Member

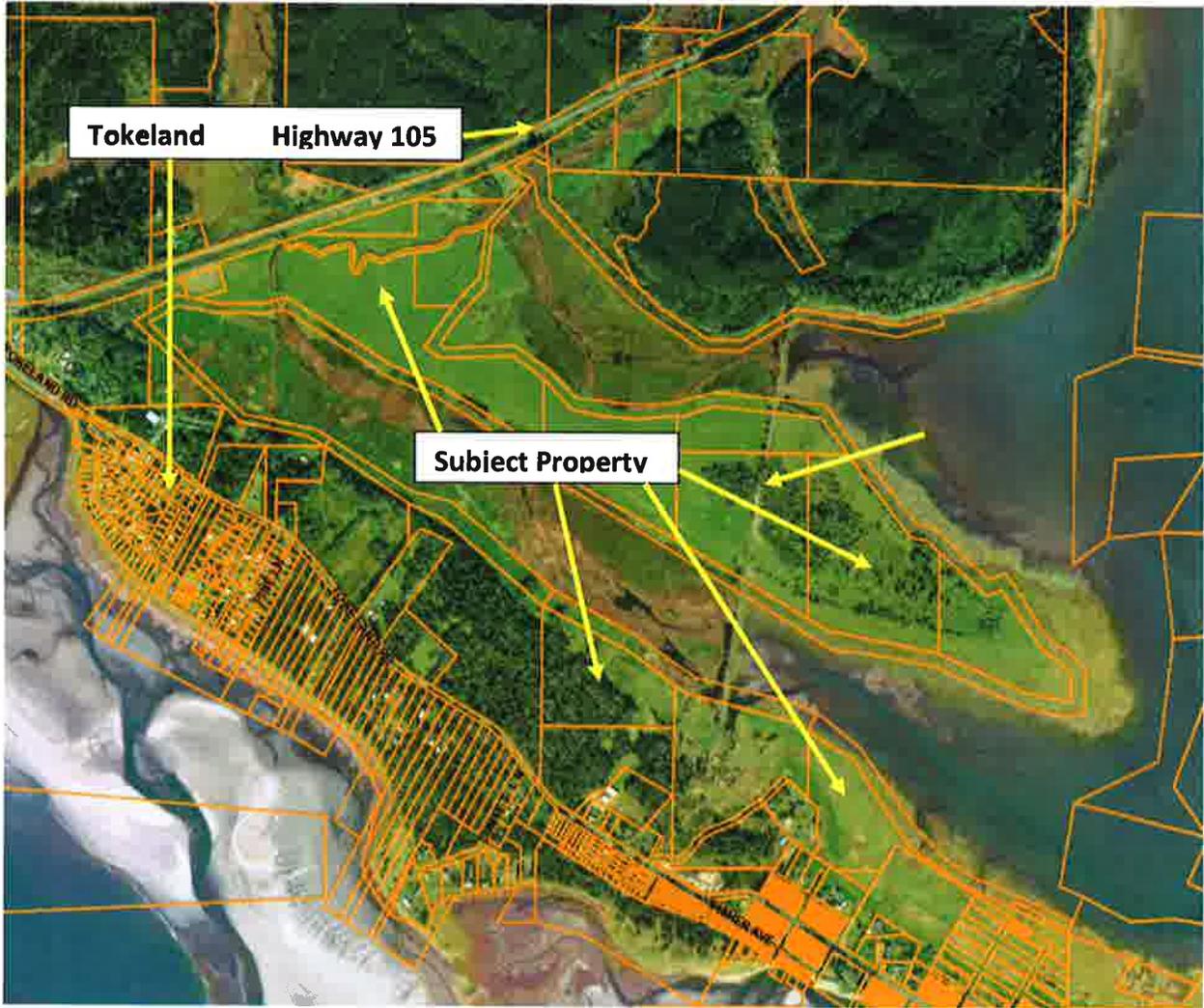
DATE: April 2, 2015

TO: Planning Commission

FROM: Tim Crose, Planning Director
Department of Community Development

APP: Shoalwater Bay Indian Tribe

- This request concerns reclassifying approximately 441 acres of former range land as Open Space for tax purposes only.
 - The site is described as and includes Pacific County Assessor Tax Parcels: **14110132005; 14110123006; 14111250004; 14110250004; 14111232023; 14110241005; 14110242004; 14110214006; 14110250002; 14110255280; 14111232009; 14111250005; 7900000061; 14110150002; and 14111250007, Pacific County, WA.**
 - The property is located east of Tokeland, southwest of Highway 105.
 - The site is located within the 100 year floodplain.
 - The site is diked tideland.
 - The 2010 Pacific County Comprehensive Plan Designation for the site is General Rural. The purpose of this designation is to maintain the rural aspects of the county and to provide buffering or transitions between existing rural developments and areas of higher or lower density. The General Rural areas are characterized by activities including but not limited to, small scale farms and forest activities, dispersed single family homes, and open space. The open space designation is consistent with the General Rural designation.
 - There may be restoration opportunities associated with this property.



Site Plan: Approximately 441 acres being considered for Open Space Classification.



COMMISSIONERS

Steve Rogers, District #1
Frank Wolfe, District #2
Lisa Ayers, District #3

February 3, 2015

Shoalwater Bay Indian Tribe
Holly Blake, Special Projects
P O Box 130
Tokeland, WA 98590

RE: Open Space Lane Classification Application

Your application for Open Space Lane Classification has been referred to the Planning Commission for its consideration. In accordance with Chapter 84.34.037 RCW, applications for classification of land that is located in an area subject to a comprehensive plan require the application to be acted upon by the Planning Commission.

The Planning Commission Clerk will notify you of the date your application will be considered. If your application is approved, a public hearing will then be scheduled before the Board of County Commissioners for their action.

If you have any questions, please feel free to contact our office.

Thank you.

PACIFIC COUNTY
BOARD OF COMMISSIONERS

MARIE GUERNSEY
Clerk of the Board

C: Planning Commission Clerk

File With The County Legislative Authority

Name of Owner(s): Shoalwater Bay Indian Tribe Phone No: 360-267-6766
Email Address: _____
Address: P.O. Box 130
Tokeham, WA 98590 # 179

Parcel Number(s): 14110132005, 14110123006, 1411250004, 1411250006, 1411025004,
1411232023, 14110241005, 14110242004, 14110214006, 14110250002, 14110255280,
Legal Description: 1411232009, 1411250005, 7900000061, 14110150002 + 1411250007

Total Acres in Application: 441.24

Indicate what category of open space this land will qualify for:

- Conserve or enhance natural, cultural, or scenic resources
- Protect streams, stream corridors, wetlands, natural shorelines, or aquifers
- Protect soil resources, unique or critical wildlife, or native plant habitat
- Promote conservation principles by example or by offering educational opportunities
- Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open spaces
- Enhance recreation opportunities
- Preserve historic or archaeological sites
- Preserve visual quality along highway, road, street corridors, or scenic vistas
- Retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority
- Farm and agricultural conservation land previously classified under RCW 84.34.020(2), that no longer meets the criteria
- Farm and agricultural conservation land that is "traditional farmland" not classified under Chapter 84.33 or Chapter 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and has a high potential for returning to commercial agriculture

1. Describe the present use of the land.

FARM and Ag.

2. Is the land subject to a lease or agreement which permits any other use than its present use? Yes No

If yes, attach a copy of the lease agreement.

3. Describe the present improvements (residence, buildings, etc.) located on the land.

Utility Shed

4. Is the land subject to any easements? Yes No

If yes, describe the type of easement, the easement restrictions, and the length of the easement.

5. If applying for the farm and agricultural conservation land category, provide a detailed description below about the previous use, the current use, and the intended future use of the land.

See attached exhibit 1

NOTICE:

The county and/or city legislative authorities may require owners to submit additional information regarding the use of the land.

As owner of the parcel(s) described in this application, I hereby indicate by my signature below that I am aware of the additional tax, interest, and penalties involved when the land ceases to be classified under the provisions of Chapter 84.34 RCW. I also certify that this application and any accompanying documents are accurate and complete.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070)

Print the name of each owner:

Signature of each owner:



The granting or denial of an application for classification or reclassification as open space land is a legislative determination and shall be reviewable only for arbitrary and capricious actions. Denials are only appealable to the superior court of the county in which the land is located and the application is made.

Statement of Additional Tax, Interest, and Penalty Due Upon Removal of Classification

1. Upon removal of classification, an additional tax shall be imposed which shall be due and payable to the county treasurer 30 days after removal or upon sale or transfer, unless the new owner has signed the Notice of Continuance. The additional tax shall be the sum of the following:
 - (a) The difference between the property tax paid as "Open Space Land" and the amount of property tax otherwise due and payable for the last seven years had the land not been so classified; plus
 - (b) Interest upon the amounts of the difference (a), paid at the same statutory rate charged on delinquent property taxes; plus
 - (c) A penalty of 20% will be applied to the additional tax and interest if the classified land is applied to some other use except through compliance with the property owner's request for withdrawal as described in RCW 84.34.070(1).
2. The additional tax, interest, and penalty specified in (1) shall not be imposed if removal resulted solely from:
 - (a) Transfer to a governmental entity in exchange for other land located within the State of Washington.
 - (b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power.
 - (c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of such property.
 - (d) Official action by an agency of the State of Washington or by the county or city where the land is located disallows the present use of such land.
 - (e) Transfer of land to a church when such land would qualify for property tax exemption pursuant to RCW 84.36.020.
 - (f) Acquisition of property interests by State agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 (See RCW 84.34.108(6)(f)).
 - (g) Removal of land classified as farm & agricultural land under RCW 84.34.020(2)(f) (farm home site).
 - (h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification.
 - (i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120.
 - (j) The creation, sale, or transfer of a conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040.
 - (k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as designated forest land under chapter 84.33 RCW, or classified under this chapter 84.34 RCW continuously since 1993. The date of death shown on the death certificate is the date used.
 - (l) The discovery that the land was classified in error through no fault of the owner.

EXHIBIT
TO APPLICATION FOR CLASSIFICATION OR
RECLASSIFICATION OPEN SPACE LAND

Description of Prior, Current, and Future Use

Prior Use:

The land was classified as Farm and Agricultural Land used for income-producing farming and agricultural activities for the production of crops and livestock, and aquaponics.

Current and Future Use:

The owner currently uses the land for purposes of conservation and to preserve the natural environmental qualities of the land. The owner intends to continue to use the land for conservation and preservation.

SEADOCS:470341.1

FOR LEGISLATIVE AUTHORITY USE ONLY

Date application received: 12/2/14 By: ASSR, Becky Nix

Amount of processing fee collected: \$ 42500

- Is the land subject to a comprehensive land use plan adopted by a city or county? Yes No

If yes, application should be processed in the same manner in which an amendment to the comprehensive land use plan is processed.

If no, application must be acted upon after a public hearing and notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing.

- If the land is not subject to a comprehensive land use plan, is the land located within an incorporated part of the county? Yes No

If yes, application must be acted upon by three members of the county legislative authority and three members of the city legislative authority. See RCW 84.34.037(1) for details.

If no, application must be acted upon by three members of the county legislative authority.

- Application approved In whole In part
- Application denied Date owner notified of denial (Form 64 0103):

If approved, date Open Space Taxation Agreement (OSTA) was mailed to owner:

Signed OSTA received by Legislative Authority on:

Copy of signed OSTA forwarded to Assessor on:

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RCW 84.34.070(2) as follows:

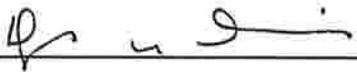
- (2) The following reclassifications are not considered withdrawals or removals and are not subject to additional tax under RCW 84.34.108:
 - (a) Reclassification between lands under RCW 84.34.020(2) and (3);
 - (b) Reclassification of land classified under RCW 84.34.020(2) or (3) or Chapter 84.33 RCW to open space land under RCW 84.34.020(1);
 - (c) Reclassification of land classified under RCW 84.34.020(2) or (3) to forest land classified under Chapter 84.33 RCW; and
 - (d) Reclassification of land classified as open space land under RCW 84.34.020(1)(c) and reclassified to farm and agricultural land under RCW 84.34.020(2) if the land had been previously classified as farm and agricultural land under RCW 84.34.020(2).
- (3) Applications for reclassification shall be subject to applicable provisions of RCW 84.34.035, 84.34.037, 84.34.041, and Chapter 84.33 RCW.
- (4) The income criteria for land classified under RCW 84.34.020(2)(b) and (c) may be deferred for land being reclassified from land classified under RCW 84.34.020(1)(c) or (3), or Chapter 84.33 RCW into RCW 84.34.020(2)(b) or (c) for a period of up to five years from the date of reclassification.

- (8) "Farm and agricultural conservation land" means either:
 - (a) Land that was previously classified under RCW 84.34.020(2), that no longer meets the criteria and is reclassified under RCW 84.34.020(1)(c); or
 - (b) Land that is traditional farmland that is not classified under Chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

And also defined in RCW 84.34.037(2)(c) as follows:

- (c) Whether granting the application for land applying under RCW 84.34.020(1)(c) will; (i) preserve land previously classified under RCW 84.34.020(2) or preserve land that is traditional farmland and not classified under Chapter 84.33 or 84.34 RCW; (ii) preserve land with a potential for returning to commercial agriculture; and (iii) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of property.

Signatures of Owner(s) or Contract Purchaser(s):



Date 11/26/14

Assessor Use Only

If the parcel(s) subject to this document is considered contiguous, as defined in RCW 84.34.020(6), with other parcels having different ownerships, verify all remaining classified parcels with different ownerships are still:

- Adjoining
- Being managed as part of a single operation
- Meeting the definition of "family" as defined in RCW 84.34.020(6)(b)(ii) with the owner of an adjoining parcel

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Tax Code: _____

County: _____

File With County Assessor

Applicant(s) name and address:

Shoalwater Bay Indian Tribe
P.O. Box 130
Tokeland, WA 98590

Assessor's Parcel or Account No:

14110132005' 14110123006'
14111250004' 14111250006' 14111250004' *
Auditor's File No. on original application:

Phone No: 360-267-6766

Land subject to this application (legal description):

* 14111232023' 14110240005'
14110242004' 14110214006'
14110250002' 14110255000'
14111232009' 14111250005' 7900000061'
14110150002 + 14111250007

Change of Classification
(Check appropriate box)

The land is currently classified as Farm and Agricultural land under RCW 84.34.020(2) and I hereby request reclassification as:

- Timber land as provided under RCW 84.34.020(3), unless county has merged their timber land classification into their designated forest land program. (Attach completed form REV 64 0109 or 64 0111 and a timber-management plan)
- Open Space land as provided under RCW 84.34.020(1). (Attach completed form REV 64 0021)
- Forest Land classification under Chapter 84.33 RCW. (Attach completed form REV 62 0021 or 62 0110)
- Farm and Agricultural Conservation land as defined in RCW 84.34.020(8)(a). (Attach completed form REV 64 0021)

The land is currently classified as Farm and Agricultural Conservation land under RCW 84.34.020(8)(a) and I hereby request reclassification to:

- Farm and Agricultural land under RCW 84.34.020(2). (Attach completed form REV 64 0024 or 64 0108)

The land is currently classified as Timber land under RCW 84.34.020(3) and I hereby request reclassification as:

- Forest land classification under Chapter 84.33 RCW. (Attach completed form REV 62 0021 or 62 0110)
- Open Space land as provided under RCW 84.34.020(1). (Attach completed form REV 64 0021)
- Farm and Agricultural land as provided under RCW 84.34.020(2). (Attach completed form REV 64 0024 or 64 0108)

NOTE: If request to change classification is approved, no additional tax, interest, and penalty will be imposed.

Requests to transfer from Forest Land designation under provisions of Chapter 84.33 RCW to Current Use classification under Chapter 84.34 RCW should be made on REV 64 0038.

Attachment:

- REV 62 0021
- REV 62 0110
- Timber Management Plan
- REV 64 0021
- REV 64 0024
- REV 64 0108
- REV 64 0109
- REV 64 0111



DEPARTMENT OF COMMUNITY DEVELOPMENT

BUILDING • ENVIRONMENTAL HEALTH • PLANNING

MEMO

DATE: April 2, 2015
TO: Planning Commission
FROM: Tim Crose, Planning Director
RE: Proposed Flood Damage Prevention Ordinance 176

Pacific County participates in the National Flood Insurance Program (NFIP), a federal program designed to provide flood insurance for those properties located within identified flood hazards. Participation in the National Flood Insurance Program requires the adoption and enforcement of a flood hazard reduction Ordinance meeting the minimum requirements of the NFIP. Chapter 86.16 RCW, Washington Floodplain Management Law has instituted additional requirements above and beyond the National Flood Insurance Program and requires that local jurisdictions adopt regulations consistent with both the Washington Floodplain Management Law and the National Flood Insurance Program. The National Flood Insurance Program requires that local participants in the National Flood Insurance Program adopt and implement the more restrictive State requirements.

The flood hazard areas of Pacific County are subject to periodic inundation which could potentially result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

FEMA has been working throughout Pacific County over the past several years updating our Flood Insurance Rate Maps (FIRM) and completed a Flood Insurance Study (FIS). FEMA prepared the latest FIRM by capturing flood hazard information in a digital format and plotting map panels using computer technology. In so doing, they incorporated all non-revised flood hazard information from all effective FIRMs, Flood Hazard Boundary Maps, and Floodway Maps as appropriate.

The preliminary FIRMs are completed and are set to go into effect May 15th, 2015. Part of the update process is bringing Pacific County's Flood Damage Prevention Ordinance 167 in line with the latest State and Federal requirements. In doing so, FEMA performed a gap analysis of 167 outlining areas that need to be updated. Pacific County Ordinance No. 176 implements minimum state and federal regulations and guidelines for the planning, construction, operation and maintenance of any works, structures and/or improvements within the designated floodplain

which might, if improperly planned, constructed, operated or maintained, adversely influence the regime of a stream or body of water, or might adversely affect the security of life, health and property against damage by flood water.

Please see in enclosed Ordinance 167 with all of our and FEMA's comments. It does not appear many changes need to be made to bring it into compliance.

Ordinance No. ~~167-176~~
Flood Damage Prevention Ordinance

AN ORDINANCE PROMOTING THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY MINIMIZING PUBLIC AND PRIVATE LOSSES DUE TO FLOOD CONDITIONS IN SPECIFIC AREAS

WHEREAS, Pacific County participates in the National Flood Insurance Program (NFIP), a federal program designed to provide flood insurance for those properties located within identified flood hazards;

WHEREAS, participation in the National Flood Insurance Program requires the adoption and enforcement of a flood hazard reduction Ordinance meeting the minimum requirements of the federal NFIP program;

WHEREAS, Chapter 86.16 RCW, Washington Floodplain Management Law has instituted additional requirements above and beyond the National Flood Insurance Program and requires that local jurisdiction adopt regulations consistent with both the Washington Floodplain Management Law and the National Flood Insurance Program;

WHEREAS, the National Flood Insurance Program requires that local participants in the National Flood Insurance Program adopt and implement the more restrictive State requirements;

WHEREAS, the Board of Pacific County Commissioners adopted the 2010 Pacific County Comprehensive Plan on October 26, 2010 following a lengthy update process;

WHEREAS, Pacific County is required to update its existing development regulations to ensure consistency with the 2010 Pacific County Comprehensive Plan;

WHEREAS, Pacific County Ordinance No. ~~116B-167~~ was last updated ~~December 20, 2012~~ ~~July 8, 2008~~ to meet current state and federal requirements that were changed or revised since Pacific County Ordinance No. 116A's original adoption date of August 7, 1989;

WHEREAS, Pacific County Ordinance No. ~~167-176~~ implements minimum state and federal regulations and guidelines for the planning, construction, operation and maintenance of any works, structures and/or improvements within the designated floodplain which might, if improperly planned, constructed, operated or maintained, adversely influence the regime of a stream or body of water, or might adversely affect the security of life, health and property against damage by flood water;

WHEREAS, Pacific County Ordinance No. ~~167-176~~ promotes the health, safety and welfare of the general public by establishing minimum standards and review criteria for actions within the floodplain; and

WHEREAS, Pacific County Ordinance No. ~~116B-167~~ needs to be rescinded and replaced with a new primary Ordinance No. ~~167-176~~;

NOW, THEREFORE, IN ACCORDANCE WITH CHAPTER 86.15-16 RCW, IT IS HEREBY ORDAINED BY THE PACIFIC COUNTY BOARD OF COMMISSIONERS THAT ORDINANCE NO. ~~167-176~~ IS ADOPTED AS FOLLOWS:

Commented [FT1]: I believe this should be 86.16 "Floodplain Management". 86.15 is for "Flood Control Districts"

SECTION 1 - AUTHORITY, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

A. STATEMENT OF AUTHORITY

The Legislature of the State of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

B. FINDINGS OF FACT

1. The flood hazard areas of Pacific County are subject to periodic inundation which could potentially result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money and costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas.

SECTION 2 – DEFINITIONS

A. GENERAL

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

1. **ADMINISTRATOR.** "Administrator" means the Director of the Pacific County Department of Community Development or his or her designee(s). This person is responsible for administering the provisions and requirements of this Ordinance.
2. **APPEAL.** "Appeal" means a request for a review of the interpretation of any provisions of this ordinance or a request for a variance.
3. **AREA OF SHALLOW FLOODING.** "Area of shallow flooding" means a designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and

indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

4. **AREA OF SPECIAL FLOOD HAZARD.** "Area of Special Flood Hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.
5. **BASE FLOOD.** "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.
6. **BASEMENT.** "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
7. **BREAKAWAY WALL.** "Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
8. **COASTAL HIGH HAZARD AREA.** "Coastal High Hazard Area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-30, VE or V.
9. **CRITICAL FACILITY.** "Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.
10. **DEVELOPMENT.** "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.
11. **ELEVATION CERTIFICATE.** "Elevation Certificate" means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by Community Officials.
12. **ELEVATED BUILDING.** "Elevated building" means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

13. **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.
14. **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
15. **FLOOD or FLOODING.** "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters, and/or
 - b. The unusual and rapid accumulation of runoff of surface waters from any source.
16. **FLOOD INSURANCE RATE MAP (FIRM).** "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
17. **FLOOD INSURANCE STUDY.** "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
18. **FLOODWAY.** "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
19. **LOWEST FLOOR.** "Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Subsection 5.B.1.b.
20. **MANUFACTURED HOME.** "Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation

when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

21. **MANUFACTURED HOME PARK OF SUBDIVISION.** "Manufactured home park of subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
22. **NEW CONSTRUCTION.** "New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.
23. **NEW MANUFACTURED HOME PARK OR SUBDIVISION.** "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.
24. **RECREATIONAL VEHICLE.** "Recreational Vehicle" means a vehicle which is:
 - a. Built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanently towable by a light duty truck; and
 - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
25. **START OF CONSTRUCTION.** "Start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part

of a building, whether or not that alteration affects the external dimensions of the building.

26. **STRUCTURE.** "Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.
27. **SUBSTANTIAL DAMAGE.** "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
28. **SUBSTANTIAL IMPROVEMENT.** "Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equal or exceeds 50 percent of the market value of the structure either:
 - a. Before the improvement or repair is started; or
 - b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
29. **VARIANCE.** "Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.
 30. **WATER DEPENDENT.** "Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

SECTION 3 – GENERAL REQUIREMENTS

A. LANDS TO WHICH THIS ORDINANCE APPLIES

This Ordinance applies to all areas of special flood hazards within the jurisdiction of Pacific County and excludes all incorporated areas.

B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Pacific County, Washington" and Incorporated Cities" dated September 27, 1985, May 18, 2015 and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM), and any revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and the FIRM are on file with the Pacific County Department of Community Development. The best available information for flood hazard area identification as outlined in Subsection 4.D.2 shall be the basis for regulation until a new FIRM is issued that incorporates data utilized under Subsection 4.D.2.

Commented [FT2]: FEMA required the change

Commented [FT3]: FEMA required the change

C. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

D. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

E. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Pacific County, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION 4 – ADMINISTRATION

A. ESTABLISHMENT OF DEVELOPMENT PERMIT

1. Development Permit Required

A development permit shall be obtained from Pacific County before construction or development begins within any area of special flood hazard as established in

Subsection 3.B. The permit shall be for all structures including manufactured homes, as set forth in the "DEFINITIONS," and for all development including fill and other activities, also as set forth in the "DEFINITIONS."

2. Application for Development Permit

Application for a development permit shall be made on forms furnished by the County and shall include, but is not limited to, plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, mining, dredging, grading, paving, excavation, or drilling operations, fill, storage of equipment or materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures, both prior to (pre-construction), and once construction is complete (post-construction) but prior to Pacific County issuing a formal Certificate of Occupancy;
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection 5.B.2; and
- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development. Additional information prepared by a registered professional engineer regarding the volumes of fill, amount of floodplain displacement, anchorage of structures or other technical issues not readily apparent at the time of application may be required as the review process proceeds.

B. DESIGNATION OF ADMINISTRATOR

The Director of the Pacific County Department of Community Development shall be the Administrator of this Ordinance and shall be responsible for administering the provisions and requirements of this Ordinance. The Administrator may delegate this responsibility to a designee(s).

C. DELEGATION OF AUTHORITY

The Administrator may develop and implement written administrative rules, which are consistent with and effectuate the purpose of this Ordinance. The Board of Pacific County Commissioners shall prove any administrative rule before it becomes effective.

D. DUTIES & RESPONSIBILITIES OF THE ADMINISTRATOR

1. The duties of the Administrator shall include, but are not limited to:

Commented [FT4]: FEMA's comments "Any activity that constitutes the definition of development is required to have a permit. The city's definition of development is acceptable, however, this provision as written seems to omit requiring a permit for these other aspects of development"

Commented [FT5]: FEMA added

Commented [FT6]: FEMA's comments "Require language that the county will "Maintain for public inspection all records pertaining to the provision of this ordinance"

- a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
- c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Subsection 5.C.1 are met.
- d. The provisions of this Ordinance shall be administered according to a Type 1 procedure under Ordinance No. 164, or any amendments thereto, unless a different review process is mandated by Ordinance No. 164, or any amendments thereto.

Commented [FT7]: Can we call via its name rather than number, so that we don't have to update this ordinance every time we update 164?

Commented [FT8R7]: Need to talk to Mark

Commented [FT9]: Same as above

2. Use of other base flood date (in A and V zones).

When base flood elevation data has not been provided (A and V Zones) in accordance with Subsection 3.B, the Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 5.B, SPECIFIC STANDARDS, and 5.C FLOODWAYS.

Commented [FT10]: Inconsistency in formatting. Prior to this point, we have only used the section numbers to identify an area and not by name too. Should it be consistent? Which is better?

3. Information to be obtained and maintained.

- a. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Subsection 4.D.2, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Subsection 4.D.2:
 - i. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed; and
 - ii. Maintain the floodproofing certifications required in Subsection 4.A.2.c.
- c. Maintain for public inspection all records pertaining to the provisions of this ordinance.

4. Alteration of watercourses.

- a. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation of FIRM boundaries.

Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Subsection 4.E

E. APPEALS

1. Any decision of the Administrator or his or her designee(s) in the administration of this Ordinance may be appealed according to the provisions of Ordinance No. 164, or any amendments thereto.

Commented [FT11]: Again, can we reference this by name rather than number? So, we don't have to update it each time we update 164

F. VARIANCES

1. The Administrator shall process variance requests according to a Type II procedure delineated in Ordinance No. 164, or any amendments thereto. The burden of proof shall be on the person requesting the variance to bring forth evidence in support of the variance.
2. In reviewing a request for a variance, the Administrator shall consider all technical evaluations, all relevant factors and standards specified in other sections of this ordinance, and the following considerations:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

Commented [FT12]: Name instead?

- g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - k. The costs of providing governmental services during and after flood conditions, including, but not limited to, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
3. Upon consideration of the provisions of this Section and the purposes of this Ordinance, the Administrator may attach such conditions to the granting of variances as deemed necessary to further the purposes of this ordinance.
4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
5. The Administrator may grant a variance if the person requesting the variance demonstrates that the requested variance conforms to all of the criteria set forth below:
- a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to, and surrounded by, lots with existing structures constructed below the base flood level, providing Subsection 4.F.2 has been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.
 - b. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
 - c. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

- d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e. Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - ii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- f. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- g. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria identified in Subsection 4.F, excepting 4.F.5.a, and otherwise complies with Subsections 5.A.1 and 5.A.2.
- h. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

G. PENALTIES AND ENFORCEMENT

- 1. A person who violates the provisions of this Ordinance or who fails to comply with any of its requirements shall be subject to the procedures and sanctions set forth in Ordinance No. 165, or any amendments thereto.
- 2. In addition to the civil penalty provisions provided in Ordinance No. 165, or any amendments thereto, any person who violates any of the provisions of this Ordinance is guilty of a misdemeanor, and each day or portion thereof during which a violation is committed, continued, or not permitted shall constitute a separate offense. The penalty for each violation is a fine of not more than one thousand dollars (\$1,000.00) or

Commented [FT13]: Again, can we reference by name? Just trying to get away from updating all the ordinances when we update certain ordinances

imprisonment for not more than ninety (90) days, or both. The principles of liability contained in Chapter 9A.08 RCW, including, but not limited to, liability for conduct of another shall apply to the enforcement of this Ordinance, as shall all judicial interpretations thereof.

3. When a court determines that a person has committed a civil infraction under this Ordinance and Ordinance No. 165, or any amendments thereto, Pacific County may collect penalties, assessments, costs, and/or fines by any procedure established for the collection of debts that are owed to the County.
4. Any disposition of a violation pursuant to this Ordinance and Ordinance No. 165, or any amendments thereto, shall not absolve a person from correcting or abating a violation and shall not prevent the prosecuting authority from pursuing criminal prosecution, other civil action including, but not limited to, injunctive relief, license revocation, and abatement, or all of the above. If Pacific County prevails in a separate civil action, the Court may award the County reasonable costs including, but not limited to, the costs of the responsible officials' time, witness fees, attorney fees, court costs, and the costs to the County of abatement or of enforcement of an injunction, or both.
5. Any or all of the remedies articulated in Subsection 4.G., PENALTIES AND ENFORCEMENT, may be used by the County to enforce this Ordinance. Nothing contained in this Ordinance shall prevent the County, by and through the prosecuting authority, from taking such other lawful action as is necessary to prevent or remedy any violation.

H. STATEMENT OF SEVERABILITY

If any provision, or portion thereof, contained in this Ordinance is held to be unconstitutional, invalid, or unenforceable, said provisions, or portion(s) thereof, shall be deemed severed and the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

I. FEES

All permit fees for the review and issuance of a floodplain development permit shall be set by resolution of the Board of Pacific County Commissioners.

Commented [FT14]: Used a name here rather than a number, which is helpful

SECTION 5 – PROVISIONS FOR FLOOD HAZARD REDUCTION

A. GENERAL STANDARDS

In all areas of special flood hazards, the following standards are required:

1. ANCHORING
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

- b. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

2. CONSTRUCTION MATERIALS AND METHODS

- a. All new construction and substantial improvements shall be constructed with materials and utilities resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. UTILITIES

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- b. All proposed water wells shall be located on high ground that is not in the floodway (WAC 173-160-171).
- c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- d. On-site sewage disposal systems shall be located to avoid impairment to, or contamination from them, during flooding.

4. SUBDIVISION PROPOSALS

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres, whichever is less.

5. REVIEW OF BUILDING PERMITS

Where base flood elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Subsection 4.D.2), applications for building permits shall be reviewed to assure that the proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Subsection 3.B or Subsection 4.D.2, the following provisions are required:

1. Residential Construction

- a. New construction, and substantial improvement of any residential structure, shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - ii. The bottom of all openings shall be no higher than one foot above grade; and
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- c. Additional requirements for below-grade crawlspaces:

- i. The interior grade of a crawlspace below the base flood elevation (BFE) must not be more than two-feet below the lowest adjacent exterior grade (LAG), shown as D in Figure 1;
- ii. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four-feet (shown as L in Figure 1) at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas. This limitation will also prevent these crawlspaces from being converted into habitable spaces;

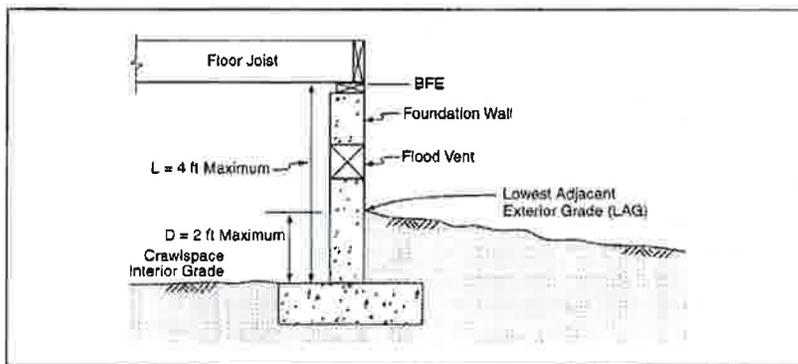


Figure 1

- iii. There must be adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary due to variations in the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means;
- iv. The velocity of floodwaters at the site should not exceed five-feet per second for any crawlspace. For velocities in excess of five-feet per second, other foundations should be used;
- v. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters

cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters; and

- vi. Below grade crawlspace construction in accordance with the requirements listed above will not be considered basements.

2. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Administrator as set forth in Section 4.D.3.b;
- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 5.B.1.b; and
- e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below).

3. Manufactured Homes

All manufactured homes to be placed or substantially improved on sites in the floodplain shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely affixed to an adequately designed and anchored foundation system to resist flotation, collapse and lateral movement.

4. Recreational Vehicles

Recreational vehicles placed in the floodplain shall:

- a. Be on the site for fewer than 180 consecutive days;
- b. Be fully licensed and ready for highway use, be on its wheels or jacking system, be attached to the site only by quick disconnect utilities and security devices, and shall have no permanently attached additions; or
- c. Meet the requirements of Subsection 5.B.3 including the elevation and anchoring requirements for manufactured homes if the recreational vehicle is located in an area of the County that permits the permanent placement of recreational Vehicles.

C. FLOODWAYS

Located within areas of special flood hazard established in Section 3.B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (a) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (b) repairs, reconstruction or improvements to a structure, the cost of which does not exceed fifty percent of the market value of the structure either, (i) before the repair, or reconstruction is started, or (ii) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety codes or to structures identified as historic places, shall not be included in the fifty percent determination.
3. If Subsection 5.C.1 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.

D. ENCROACHMENTS

The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

E. STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground

where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where high velocity flows may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

1. New construction and substantial improvements of residential structures and manufactured homes within AO Zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).
2. New construction and substantial improvements of nonresidential structures within AO Zones shall either:
 - a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as specified in Subsection 5.B.2.c.
3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
4. Recreational vehicles placed on sites within AO Zones shall comply with the standards enumerated in Subsection 5.B.4.

F. COASTAL HIGH HAZARD AREAS (V ZONES)

Coastal High Hazard Areas, which are designated as Zones V1-30, VE and/or V on the community's FIRM, are special flood hazard areas as established in Subsection 3.B. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all other applicable provisions in this ordinance, the following provisions shall also apply:

1. All new construction and substantial improvements in Zones V1-30 and VE (V if base flood elevation data is available) shall be elevated on pilings and columns so that:
 - a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level; and

- b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Subsection 5.F.1 (a) and (b).

2. A registered professional engineer or licensed land surveyor shall delineate the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1-30, VE, and V and shall disclose whether or not such structures contain a basement. The Administrator shall maintain a record of all such information [as determined by RCW 40.14.070](#).
3. All new construction within Zones V1-30, VE, and V shall be located landward of the reach of mean high tide.
4. Provide that all new construction and substantial improvements within Zones V1-30, VE, and V have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the design proposed meets the following conditions:
 - a. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
 - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

5. Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V.
6. Prohibit man-made alteration of sand dunes within Zones V1-30, VE, and V which would increase potential flood damage.
7. All manufactured homes to be placed or substantially improved within Zones V1-30, VE, and V shall meet the requirements of Subsection 5.F.1 through 5.F.6.
8. Recreational vehicles placed on sites within Zones V1-30, VE, and V shall meet the requirements of Subsection 5.F.1 through 5.F.6.

G. CRITICAL FACILITY

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area ("SFHA") (one-hundred-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet or more above the level of the base flood elevation (one-hundred-year) at the site. Floodproofing and sealing measures shall be taken to ensure that toxic substances will not be displaced by or released into flood waters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

SECTION 6 – EFFECTIVE DATE

Pacific County Ordinance No. ~~167-176~~ is effective as of ~~December 21, 2012~~ May 18, 2015. Pacific County Ordinance No. 116, ~~Ordinance No. 116A & 116B, 167~~ are hereby repealed effective ~~December 21, 2012~~ May 18, 2015. However, any Land Use application involving development within a Flood Plain that was technically complete on or before the effective date of this Ordinance shall be processed according to the regulations that were in effect when the application became technically complete.

Commented [FT15]: This is the date we are required to adopt by, but it could be the date the BOCC signs instead.

PASSED by the Board of Pacific County Commissioners meeting in regular session at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the ___ day of _____, 2012.

_____ AYE; _____ NAY; _____ ABSTAIN; _____ ABSENT

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

~~Lisa Ayers~~ Steve Rogers, Chairman

~~Lisa Ayers~~ Norman "Bud" Cuffel, Commissioner

~~Steve Rogers~~ Frank Wolfe, Commissioner

ATTEST:

~~Kathy Noren~~ Marie Guernsey
Clerk of the Board

**NOTICE OF PACIFIC COUNTY PLANNING COMMISSION
PUBLIC HEARING
NOTICE OF PRELIMINARY SEPA DETERMINATION OF NON-SIGNIFICANCE**

NOTICE IS HEREBY GIVEN that it is the intention of the Pacific County Planning Commission to review public testimony and consider recommending adoption of Ordinance No. 167 with amendments and numerical changes to Ord. No. 176.

Specifically, the Planning Commission will discuss changing the number of the Flood Damage Prevention Ordinance from 167 to 176 and making amendments as necessary for consistency with changes to the National Flood Insurance Program.

The public hearing will be held at the Board of Commissioners Meeting Room located at 1216 West Robert Bush Drive (Courthouse Annex) in South Bend, Washington at the hour of 6:00 p.m., or as soon thereafter as possible on Thursday, April 2, 2015.

The Pacific County Department of Community Development has preliminarily determined that the adoption of the proposed ordinances does not have a probably significant adverse impact and has issued a Preliminary Determination of Non-Significance. Therefore, no additional SEPA analysis is required. This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request. A Final Determination of Non-Significance will be issued by Pacific County once the review period has expired.

Anyone interested in this matter is encouraged to participate by attending the public hearing or by submitting comments via email or in writing. Information, comments, or suggestions may be sent to Tim Crose Planning Director, Pacific County Department of Community Development, 7013 Sandridge Road, Long Beach, WA 98631, via fax to (360) 642-9387, or via email to tcrose@co.pacific.wa.us.

At the conclusion of the public hearing, the Planning Commission may make a recommendation to the Board of County Commissioners regarding the proposed ordinances, or may take other appropriate action.

Copies of the ordinance may be obtained by contacting the Pacific County Department of Community Development at P.O. Box 68, South Bend, WA 98586 or 7013 Sandridge Road, Long Beach, WA 98631, or by calling (360) 875-9356 or (360) 642-9382, or via email to tcrose@co.pacific.wa.us. Questions regarding this matter should be directed to Tim Crose, Planning Director, at the numbers listed above.

Interpreters for people with hearing impairments or taped information for people with visual impairments can be provided at this public hearing and future hearings if necessary. However, the Pacific County Department of General Administration, P.O. Box 6, South Bend, WA 98586, (360) 875-9334 or (360) 642-9334 must receive a request for this type of service at least five days prior to the hearing.

This Preliminary DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by May 1, 2015 at 4:00 p.m.

Responsible Official:
Position/Title:
Phone:
Address:

Tim Crose
Planning Director
(360) 875-9356
P.O. Box 68
South Bend, WA 98586

Signature:  _____

Date of Publication: March 18th, 2015

SEPA RULES ENVIRONMENTAL CHECKLIST (BASED ON WAC 197-11-960)

Purpose of Checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions to the Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. IN most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impacts.

Use of checklist for non-project proposals:

Complete this checklist for non-project proposals, even though questions may be answered "does not apply" In addition, complete the supplemental sheet for non-project actions (Part D).

For non-project actions, the references in the checklist to the words "project", "applicant", and "property or site" should be read as "proposal", "proposer", and "affected geographic area", respectively.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

A. BACKGROUND INFORMATION

1. Name of proposed project, if applicable: **Pacific County Development**

Regulation(s) Update:

Pacific County is proposing to change the number of Ordinance No. 167, Flood Damage Prevention, to Ordinance No. 176, Flood Damage Prevention and update the Ordinance to meet all new 2015 National Flood Insurance Program (NFIP) regulations.

2. Name of applicant: **Pacific County Dept. of Community Development**
3. Address and phone number of applicant and contact person:
Tim Crose, Assistant Director
Pacific County Dept. of Community Development
PO Box 68
South Bend, WA 98586
360 875-9356/360 642-9382
360 875-9304/360 642-9387 Fax
tcrose@co.pacific.wa.us
www.co.pacific.wa.us
4. Date checklist prepared: **March 12, 2015**
5. Agency requesting checklist: **Required of process**
6. Proposed timing or schedule (including phasing, if applicable): **May thru June 2015**
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain? **Pacific County will conduct annual Development Regulation updates as necessary.**
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this project:

Pacific County completed the required SEPA review during the initial adoption of the original ordinance 116 and 167 as well as each amendment that has occurred to each ordinance since their original adoption.
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes explain. **No**
10. List any governmental approvals or permits that will be needed for your proposal, if known.

Review by the Washington State Dept. of Commerce.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description).

See item #1 (above).

12. Location of the proposal. Sufficient information for a person to understand the precise location of your proposal, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Unincorporated Areas of Pacific County, Washington

B. ENVIRONMENTAL ELEMENTS

ELEMENT # 1 EARTH

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____.

Pacific County is located in southwest Washington. The County is approximately 930 square miles in area and is bordered by the Pacific Ocean to the west, and by the Columbia River to the south. Grays Harbor, Lewis, and Wahkiakum Counties are to the north, east, and southeast, respectively. The County surrounds pristine Willapa Bay, which is separated from the Pacific Ocean by the Long Beach Peninsula. The peninsula is a sand spit, approximately three miles wide, jutting 28 miles north from the mouth of the Columbia River.

The topography in much of Pacific County is hilly and steep with elevations ranging from sea level to 2,600 feet. The majority of the County is situated within the Willapa Basin. This area is dominated by the rugged Willapa Hills to the east, and the Willapa Bay estuary to the west.

Willapa Bay hosts tremendous wildlife as it is surrounded by marsh, grassland, and dense forest. To the northwest is the dynamic Cape Shoalwater, the west coast's most active erosion area. The Pacific Ocean and the Willapa Bay salt water estuary surround the cape on three sides. The eastern portion of the County is predominately vast commercial timber lands with small residential and farming communities in the lower portion of the river valleys.

b. What is the steepest slope on the site (approximate percent slope)?

Slopes range from 0 to almost 90% in some areas.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Soils range from sands along the coast, loams in the valleys and clays in the hills.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

There are unstable soils in various parts of the County including portions of Bay Center and North Cove, both of which experience seasonal erosion, and throughout the steeper areas of the County where slides are relatively common, especially during high rain events, and which tend to be used for commercial timber production.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

Non project action

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Non project action

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Pacific County is a rural County with developed areas concentrated into a small percentage of the overall land area. A rough estimation is that no more than 5 - 10 percent of the total land area in Pacific County is or will be covered with impervious surfaces.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Pacific County is a GMA County, and through the adoption/implementation of the Comprehensive Plan and associated development regulations, such as the ones currently being updated, measures are being taken to ensure erosion, or other impacts are minimized.

ELEMENT # 2 AIR

- a. What types of emissions to the air would result from the proposal (i.e. dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities known.

Non project action

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Non project action

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

Non project action

ELEMENT # 3 WATER

- a. Surface Water

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Within the County are the Pacific Ocean, Willapa Bay, Columbia River, Willapa River, Bear River, Naselle River, and many other year-round and seasonal streams, saltwater, lakes, ponds and wetlands. The County has a Critical Areas and Resource Lands Ordinance and a Shorelines Master Program designed to protect these resources. Pacific County is scheduled to update its Critical Areas and Resource Lands Ordinance and Shorelines Master Program within the next few years (2013 – 2017).

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

Non project action

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

Non project action

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Non project action

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Pacific County is a FIRM County and as such, regulates development within and adjacent to 100 year floodplains (existing ordinance No. 167 and proposed ordinance No. 176).

- 6) Does the proposal involve any discharge of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

Non project action

b. Ground Water

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities known.

Non project action

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the systems(s) are expected to serve.

A majority of Pacific County utilizes septic systems for the treatment and disposal of human waste. The four incorporated cities and unincorporated community of Seaview all utilize community sewer. The Growth Management Act limits the expansion of community sewer outside of the urbanized areas because it is expensive and because community sewer tends to be a catalyst for growth. The proposed development regulation(s) updates will not impact the use of septic systems.

c. WATER RUNOFF (INCLUDING STORM WATER)

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (including quantities, if known). Where will this water flow? Will this water flow into other waters? If so describe.

Non project action

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Non project action

- d. Proposed measures to reduce or control surface, ground, and runoff water impacts if any:

Non project action

ELEMENT # 4 PLANTS

- a. Check or circle types of vegetation found on the site
 - __ deciduous tree: alder, maple, aspen, other _____
 - __ evergreen tree: fir, cedar, pine, other _____
 - __ shrubs: _____
 - __ grass: _____
 - __ pasture: _____
 - __ crop or grain: _____
 - __ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other _____
 - __ water plants: water lilly, eelgrass, milfoil, other _____
 - __ other types of vegetation _____

Many of these types of vegetation are found throughout Pacific County. The proposed Ordinance will not impact vegetation.

- b. What kind and amount of vegetation will be removed or altered?

Non project action

- c. List threatened or endangered species known to be on or near the site.

Non project action

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

Non project action

ELEMENT # 5 ANIMALS

- a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other _____

mammals: deer, bear, elk, beaver, other _____

fish: bass, salmon, trout, herring, other _____

shellfish: _____
invertebrates: _____

Many of these bridge/animals are found in Pacific County. The proposed development regulations updates will not impact any species.

- b. List any threatened or endangered species known to be on or near the site.

Non project action

- c. Is the site part of a migration route? If so, explain.

There are a number of migration routes that traverse through Pacific County. The proposed regulation updates will not impact any of the migration routes in the County.

- d. Proposed measures to preserve or enhance wildlife, if any:

Non project action

ELEMENT # 6 ENERGY AND NATURAL RESOURCES

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

Non project action

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

The proposed regulatory updates will not affect the potential use of solar energy.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

Pacific County encourages the use of alternative sources of energy. For example, Ordinance No. 162, Zoning, includes provisions for the installation of small and large-scale wind energy facilities, as well as provisions allowing for battery charging and battery replacement facilities for electric vehicles.

ELEMENT # 7 ENVIRONMENTAL HEALTH

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Non project action

- 1) Describe special emergency services that might be required.

Non project action

- 2) Proposed measures to reduce or control environmental health hazards, if any:

Non project action

b. Noise

- 1) What types of noise exist in the areas which may affect your project (for example: traffic, equipment, operation, other)?

Non project action

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site:

Non project action

- 3) Proposed measures to reduce or control noise impact, if any:

Non project action

ELEMENT # 8 LAND AND SHORELINE USE

- a. What is the current use of the site and adjacent properties?

Non project action

- b. Has the site been used for agriculture? If so, describe.

Portions of Pacific County are currently used for agriculture, including cranberry productions in the coastal areas, hay/livestock production in the valleys, and shellfish production in Willapa Bay. The proposed development regulation updates will not impact existing or proposed agricultural activities.

- c. Describe any structures on the site.

Non project action

- d. Will any structures be demolished? If so, what?

Non project action

- e. What is the current zoning classification of the site?

The entire County is zoned. Pacific County Ordinance No. 162 is the County's current land use/zoning ordinance.

- f. What is the current comprehensive plan designation of the site?

Refer to the 2010 Pacific County Comprehensive Plan land use map (or as amended in 2012).

- g. If applicable, what is the current shoreline master program designation of the site?

The Pacific County as the Shoreline Master Program is currently being updated at this time.

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

There are a variety of different areas within the County that have been identified as "environmentally sensitive". The proposed updates do not impact those areas.

- i. Approximately how many people would reside or work in the completed project?

Non project action

- j. Approximately how many people would the completed project displace?

Non project action

- k. Proposed measures to avoid or reduce displacement impacts, if any:

Non project action

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The proposed Flood Damage Prevention Ordinance is in general agreement and is consistent with the policies and goals of the Pacific County Comprehensive Plan, which is based on the Growth Management Act and its requirements.

ELEMENT # 9 HOUSING

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

Non project action

- b. Approximately how many units, if any would be eliminated? Indicate whether high, middle, or low-income housing.

Non project action

- c. Proposed measures to reduce or control housing impacts, if any:

ELEMENT # 10 AESTHETICS

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

The current zoning regulations (Ordinance No. 162, Zoning) would allow for residential structures to be constructed to a maximum height of 35', farm buildings/barns to a maximum height of 50', while wireless communication towers and commercial wind turbines would be allowed to reach a maximum height of approximately 250'.

- b. What views in the immediate vicinity would be altered or obstructed?

None

- c. Proposed measures to reduce or control aesthetic impacts, if any:

The proposed update does not regulate potential aesthetic impacts.

ELEMENT # 11 LIGHT AND GLARE

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

Non project action

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

Non project action

- c. What existing off-site sources of light or glare may effect your proposal?

Non project action

- d. Proposed measures to reduce or control light and glare impacts if any:

Non project action

ELEMENT # 12 RECREATION

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Pacific County has abundant recreational opportunities including the ocean beaches, rivers, wildlife refuges, parks, etc.

- b. Would the proposed project displace any existing recreational uses? If so describe.

No

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

Non project action

ELEMENT # 13 HISTORIC AND CULTURAL PRESERVATION

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers to be on or next to the site? If so, generally describe.

The community of Oysterville is considered an historic site. Proposed Ordinance No. 176, Zoning includes design guidelines for projects in the Oysterville Historic District. The proposed zoning update will not impact this district as the regulations in proposed ordinance No. 162 are identical to the regulations located within existing Ordinance No. 153, Land Use.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

Non project action

- c. Proposed measures to reduce or control impacts, if any:

Non project action

ELEMENT # 14 TRANSPORTATION

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any:

Pacific County and/or the Washington State Dept. of Transportation maintain the public streets and highways that serve Pacific County.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Public transit is available in certain areas of the County.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

Non project action.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (Indicate whether public or private).

Non project action

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

Non project action

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

Non project action

- g. Proposed measures to reduce or control transportation impacts, if any:

Non project action

ELEMENT # 15 PUBLIC SERVICES

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

Non project action

- b. Proposed measures to reduce or control direct impacts on public services, if any.

Non project action

ELEMENT # 16 UTILITIES

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

Many of these utilities are generally available throughout portions of the County's developed areas.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

Non project action

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: *Tim Carr*

Date Submitted: *3-12-2015*

D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the project, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air, production, storage, or release of toxic or hazardous substances; or production of noise?

The proposed Flood Ordinance will not have any negative environmental effects. It is Pacific County's goal through the proposed update to make sure that all of Pacific County's development is consistent with FEMA construction standards as well as the County's Comprehensive Plan and the State of Washington's Growth Management Act and ancillary environmental regulations.

Proposed measures to avoid or reduce such increases are: Pacific County has drafted regulations that will require extensive public review and participation depending upon the likelihood of an action having negative environmental consequences.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Adoption of the proposed regulatory Ordinance is unlikely to have any negative impacts to plants, animals, fish or marine life. Pacific County's current and existing Shoreline Master Program and Critical Areas and Resource Lands Ordinance provide adequate protection for these resources.

Proposed measures to protect or conserve plants, animals, fish, or marine life are: The proposed regulatory update relies upon an extensive public review and participation process, as well as, review and approval of permit actions by various local, state and federal agencies who have direct interests.

3. How would the proposal be likely to deplete energy or natural resources?

The proposed regulatory updates are unlikely to deplete energy or natural resources in and of themselves; However, permitted uses/structures may have the potential to impact existing natural resources.

Proposed measures to protect or conserve energy or natural resources are: Pacific County encourages the conservation of energy and natural resources and also encourages alternative

energy sources, such as wind energy and electrical energy for automobiles.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species, historic or cultural sites, wetlands, floodplain, or prime farmlands?

The proposed Flood ordinance being updated by Pacific County is being done so that negative environmental impacts to sensitive areas, etc., do not easily occur, and, if they do occur, they are done in a manner that is consistent with state and federal law as well as SEPA.

Proposed measures to protect such resources or to avoid or reduce impacts are: **Pacific County, through the proposed update, is attempting to bring its development regulations up to date with all other local, state and federal regulations that help protect or reduce impacts to sensitive areas such as parks, wilderness areas, rivers, wetlands, floodplains, etc.**

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

No changes are being proposed that will allow or encourage shoreline uses that are incompatible with the County's existing Shoreline Master Program or Critical Areas and Resource Lands Ordinance.

Proposed measures to avoid or reduce shoreline and land use impacts are: (See above)

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

It is unlikely that any additional demands on transportation or public services and utilities will occur as a result of the proposed ordinance update.

Proposed measures to reduce or respond to such demand(s) are: (See above)

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed Flood Damage and Prevention Ordinance is being considered in order to ensure that Pacific County's development regulations are in compliance with local, state and federal laws or requirements for the protection of the environment. It is the goal of Pacific County to ensure that negative, unalterable, impacts to the environment do not occur as a result of actions or uses permitted by the County.

**PACIFIC COUNTY PLANNING COMMISSION
SEPA FINAL DETERMINATION OF NON-SIGNIFICANCE**

Motion:

The Pacific County Planning Commission has determined that the proposed Pacific County Ordinance No. 176, Flood Damage Prevention, does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after review of a completed environmental checklist and other information on file with Pacific County, after review of comments submitted as a result of the issuance of a Preliminary Determination of Non-Significance by the Pacific County Department of Community Development on March 18, 2015 and after the public hearing held on Thursday, April 2, 2015, regarding the proposed ordinance. The Pacific County Planning Commission hereby recommends approval of the SEPA Threshold Determination (as preliminarily issued by the Department of Community Development), to the Pacific County Board of Commissioners.

Vote:

_____ Favor _____ Opposed _____ Abstain

Dated this 2nd day of April, 2015

_____, Chairman

_____, Vice-Chairman

_____, Secretary

In Witness Thereof: _____, Clerk