

Staff Report

Date: May 5, 2016
To: Planning Commission
From: Tim Crose, Planning Director
RE: Building Setback Line & Critical Area Ordinance Update

Public Hearing (A): Amend proposed Zoning Ordinance No. 178 to include the language of the previously adopted Pacific County Resolution No. 2006-030, which addresses the building setback line along the ocean front measured inland from the 1993 grass line.

Action Items

1. Should building setbacks on the Long Beach Peninsula be defined by the CAO or placed in proposed Zoning Ordinance No. 178?

- Building setback lines on the Long Beach Peninsula are intended to protect the dunes from coastal development and protect coastal development from storm and flooding losses.
- The Planning Commission discussed this question at its SMP hearing/CAO workshop on January 7th and again at its SMP workshop on February 18th, and agreed with Ecology and staff recommendations to define building setbacks in the County's zoning ordinance (using the 1993 Grassline currently in effect per Pacific County Resolution No. 2006-030).
- FEMA-mapped Coastal High Hazard Areas (CHHA) are 1) designated as Erosion Hazard Areas in the draft CAO and 2) within shoreline jurisdiction in the draft SMP.
- Current concern is over the area between the CHHA and the building setback line. This area has historically been treated as open space/habitat, and is part of a critical aquifer recharge area.
- Commissioner Sayce argues that protecting this area through the CAO 1) recognizes its unique value and 2) is more predictable and less subject to change than doing so through the zoning ordinance.

Public Hearing (B): Continuation: Critical Area Ordinance Update

This document provides an overview of relevant information for the Planning Commission's second public hearing on the Pacific County Critical Areas Ordinance (CAO) on May 5th, 2016. The purpose of this document is to provide a summary of outstanding questions relating to the draft CAO. These questions require further discussion and direction by the Planning Commission before incorporation into the draft CAO. They are listed below as action items.

The Planning Commission's first public hearing was held on April 7th, 2016. At that hearing, the Planning Commission heard oral testimony from six individuals. The Planning Commission also heard a summary of the CAO Technical Advisory Committee's March 17th meeting and recommendations, and a summary of the County's March 31st public workshop in North Cove. Finally, the Planning Commission reviewed and discussed changes to the CAO from the previous public draft (dated November 16th, 2015).

Action Items

1. Should additional areas be designated and protected as critical aquifer recharge areas (CARAs)?

Section 7.B.

- The draft CAO designates CARAs by 1) soil type and 2) "special aquifer recharge protection areas," including EPA-designated sole-source aquifers, wellhead protection areas, and special protection and groundwater management areas designated by Ecology.
- This designation encompasses the County's Pacific coast, including the Long Beach Peninsula, Tokeland peninsula, and North Cove, as well as certain areas in South Bend and Raymond and along the Columbia River.
- This designation excludes the Willapa Valley, including areas with known saltwater intrusion issues (e.g. Menlo along the Willapa River).
- In response to public comment regarding the County's past flood control practices involving the Long Beach aquifer, the County's engineer, Mike Collins, provided additional background about the County's past actions to control flooding on the Long Beach Peninsula. Specifically, he confirmed that the County is no longer creating new flood control structures, but will continue to maintain the existing structures. All decisions regarding these activities are made by the Flood Control Board under the authority of Flood Control Zone District No. 1 (RCW 86.15).

2. Should additional sources be added to the County's BAS record?

- Pursuant to the GMA, the County completed a review of best available science (BAS) as the first step in the CAO update process. This review, including a bibliography, is summarized in a memorandum to the County from The Watershed

Company dated June 15th, 2015, and entitled, "Pacific County Critical Areas and Resource Lands Ordinance Update: Gap Analysis."

- Key McMurry (Key Environmental Solutions, LLC; CAO TAC) has submitted several additional sources of BAS for consideration in the CAO update and inclusion in the County's bibliography. A list of these sources has been submitted as part of the Planning Commission packet. Note that for lack of complete bibliographical information this list does not include all of the sources referred to in Ms. McMurry's "Lit Review.xls" document submitted on January 16th, 2016.

3. Should wetland buffer widths be increased?

Section 4.E.

- The County has received public comment requesting wider buffers for wetlands, and in particular for estuarine and other shoreline wetlands, to provide additional protection.
- Wetland buffers in the draft CAO follow guidance from Ecology consistent with its 2014 rating system for wetlands in western Washington.

4. How should the CAO provide additional specificity regarding application of the reasonable use exception?

Section 3.J.

- The County has received public comment requesting more clarity and specificity of language regarding the reasonable use exception.
- Current language reads, "If the application of this Ordinance would result in denial of all economically reasonable use of a property, and if such economically reasonable use of the property cannot be obtained by consideration of a variance pursuant to subsection 3.I. to one or more individual requirements of this Ordinance, then a person may seek a reasonable use exception from the standards of this Ordinance."
- Please refer to the examples from other jurisdictions provided by The Watershed Company as part of the Planning Commission packet.

5. Should the County provide additional relief for certain kinds of development around Type F streams?

Section 5.E.

- The CAO TAC recommended a standard buffer of 150 feet on Type F waters, to be reduced down to a minimum of 100 feet only if a critical areas report demonstrates that certain criteria are met (5.E.1.c).
- County staff have expressed concern that in certain cases, the requirement for a critical areas report is an unfair and costly administrative burden. Staff have recommended an allowance for reduction down to the minimum buffer on Type F streams for single-family residences smaller than five (5) acres (and outside of shoreline jurisdiction).

6. Should the County provide more flexibility for property owners in Shoreline Erosion Hazard Areas?

Section 8.C.

- The draft CAO designates the following areas as Shoreline Erosion Hazard Areas: Coastal High Hazard Areas as mapped by FEMA, areas within the North Cove “Wash-Away” Beach erosion hazard area as mapped by the County, and areas within a mapped channel migration zone.
- The draft CAO requires that new or expanded structures be set back from the OHWM a distance that is greater than or equal to the amount of land expected to erode within the next thirty (30) years, as determined by the Administrator. This is consistent with the County’s building moratorium for the North Cove “Wash-Away” Beach erosion hazard area.
- To provide more flexibility for owners of property in the building moratorium area, the County could revise this subsection of the CAO to allow new or expanded structures if the applicant provides a bond to pay for the County to remove those structures if they are abandoned.