

<b>Date Received</b>	<b>Format</b>	<b>Commenter(s)</b>	<b>Affiliation</b>
24-Aug-15	in-line	Rick Mraz	Department of Ecology
28-Aug-15	email	Kelly Rupp	Planning Commission
8-Sep-15	in-line	Rick Mraz	Department of Ecology
15-Sep-15	letter	Kurt and Peggy Olds	
15-Sep-15	letter	Pegg Olds	
15-Sep-15	letter	James Clancy	Surfside Estates
18-Sep-15	email	Scott Winegar	Surfside Estates
21-Sep-15	letter	SHOA	
14-Oct-15	in-line	Ann LeFors	CAO TAC
21-Oct-15	in person	Various	Open house attendees
21-Oct-15	in person	Various	Open house attendees
21-Oct-15	comment card	Anonymous	Surfside Estates
21-Oct-15	comment card	Leonard Taylor	A+ Design & Consulting LLC
21-Oct-15	comment card	Rob Richmond	DPR
21-Oct-15	comment card	Anonymous	
21-Oct-15	letter	Kristine Nevitt	
22-Oct-15	in person	Chris Conklin	WDFW
25-Oct-15	email	Ann LeFors	CAO TAC
7-Dec-15	letter	Tim Trohimovich	Futurewise
9-Dec-15	email	Key McMurry	CAO TAC
6-Jan-16	email	Key McMurry	CAO TAC
8-Jan-16	email	Ann LeFors	CAO TAC
12-Jan-16	email	Key McMurry	CAO TAC
12-Jan-16	email	Key McMurry	CAO TAC
10-Mar-16	in-line	Rick Mraz	Department of Ecology
10-Mar-16	email	Bob Burkle	WDFW
18-Mar-16	in-line	CAO TAC	
23-Mar-16	email	Ann LeFours	CAO TAC
28-Mar-16	letter	Dick Sheldon	Willapa Resources
3-Feb-16	letter	Rebecca Chaffee	Port
8-Jan-16	email	Phil Oman	Surfside Estates
30-Mar-16	email	Ann LeFors	CAO TAC
19-Mar-16	email	Ann LeFors	CAO TAC
25-Apr-16	letter	Tim W Morris	Coast Seafoods Company
1-May-16	letter	Nick Jambor	Ekone Oyster Company
<b>5-May-16</b>	<b>letter</b>	<b>Ann LeFors</b>	<b>CAO TAC</b>
<b>5-May-16</b>	<b>letter</b>	<b>Key McMurry</b>	<b>CAO TAC</b>
<b>5-May-16</b>	<b>letter</b>	<b>Jon Steinman</b>	<b>Pacific Seafood</b>
<b>5-May-16</b>	<b>email</b>	<b>Jim Sayce</b>	<b>Planning Commission</b>
<b>5-May-16</b>	<b>letter</b>	<b>Eric Hall</b>	<b>Taylor Shellfish</b>
<b>28-Apr-16</b>	<b>comment card</b>	<b>Jean Veldwyk</b>	

May 5, 2016

Pacific County Planning Commission, Eric deMontingny, Chair  
Jim Sayce, Vice Chair  
Bill Kennedy  
Mike Nichols  
Kelly Rupp  
Stan Smith  
Scott Turnbull



Pacific County Department of Community Development, Faith Taylor-Eldred,  
Director  
Tim Crose, Assistant Director

RE: Resolution 2006-030, Building Setback Line, Surveys

Dear Commissioners and DCD,

According to the agenda for May 2016 Planning Commission Meeting, Pacific County DCD is submitting previously adopted Resolution 2006-030 (a Resolution amending the SMP) as the basis for the building setback line (BSL) in proposed Zoning Ordinance 178. Throughout the entire Shorelines process this Resolution was never referred to until last month. It cannot be found with the Pacific County Shoreline Master Program (PCSMP) or Critical Areas documents we have studied, it has not been referenced in the Shoreline Inventory, Analysis, and Characterization Report (SIAC) nor has it ever, to my knowledge been listed on the county website either as a separate resolution or as an attachment or appendix to the 2000 PCSMP. This Resolution was unknown to the Shoreline Planning Committee (SPC) and the Critical Areas Technical Committee (TAC), although we have certainly spoken of the grassline and the protective strip. Passed in April of 2006, this document amended the PCSMP changing the 1993 grassline from a moveable to fixed line. This vegetation line is the building setback formula base only for lands north of the City of Long Beach. I understand this line has not been mapped.

The first grassline survey in Pacific County was conducted by State Parks by establishing a coordinate line in the Seashore Conservation Area measuring the vegetation line, understood to mean ordinary high tide. Approximately 150 feet to the east, the 1968 Shoreline Conservation Area Line (SCL) was set, a line "established by Washington State Parks for purposed of dedication by private owners strips of land for the benefit of the Public...principally by formula with reference to location of the grass line (line of vegetation)". (Pacific County Assessor). From 1980 forward, when the next SCL was measured, the distance between the vegetation line and the SCL was modified to 200 feet partially to align with shorelines jurisdiction.

In 1976, as specified in the first PCSMP, Pacific County (coordinating with the Department of Ecology) established a surveyed control traverse line monumented as a permanent reference to the line of vegetation at that time. This line was to be measured every 5 years to record changes brought by accretion and erosion, recognizing the dynamic nature of the shore. This line is usually referred to as the county grassline. (Seashore Conservation Administrative Manual, 2001).

East of the grassline a 100-foot protective strip was calculated and within that strip (designated as a Natural PCSMP shoreline designation) no development or damage to the dune was allowed. The building setback was set one quarter of the distance between the upland side of the protective strip and the Western Boundary of Upland Ownership (WBUO), a line that roughly indicates the limits of western development as of 1974. This system was used on peninsula areas north of Cranberry Road and was carried over when the PCSMP was formally amended in 2000, adding the area between Long Beach and Cranberry that had been under a slightly different formula. (SCA Administrative Manual. PCSMP, 1975, 2000, see sources.)

Currently there are no less than 10 jurisdictional lines at the shore: 5 Seashore Conservation Area Lines (SCL-1968, 1980, 1990, 2001 and 2010), 3 county grasslines (1976, 1983, and 1993), and the WBUO. The Meander line is also found on surveys. With the accretion that has occurred since the first lines were set, the peninsula has become a mishmash of jurisdictional lines. The 100-foot protective strip, which is a PCSMP tenet and is intended to protect the primary dune, has moved inland as the vegetation line has moved west and now functions as a building setback buffer. Cross-referencing SCLs and surveys shows the strip is now well out of the 200-foot SMP shorelines jurisdiction.

Resolution 2006-030 is being suggested as a possible building setback solution through zoning. Consider: The language is dated and draws exactly from the 2000 shoreline master program yet there is a disconnect because the protective strip no longer accurately functions within the framework of the SMP. Additionally, there is no mapping available for this grassline so a clear, judicious examination of how it will affect both new and existing homeowners' parcels in the future is difficult to predict. Without mapping, the public and the private landowner can only guess where the line lies. There needs to be accountability by Pacific County.

Some of the protective language that supported the adoption of the Resolution is of value and similar to language that the TAC (the group chosen to study the BSL within the framework of critical areas) has considered. But other language is ambiguous. It is hard to understand how an amendment could have been considered "minor" when it affected 12 miles of coastline and 550-600 properties and changed a 40 year-old system of determining the building setback. Also, the "fixing" of the setback, rather than continuing to adjust the grassline to the vagaries of shoreline accretion and erosion was a worthy idea, but in practice it may have only benefited and "provided certainty" (FF #13, 14, Resolution 2006-030) to those whose property existed near or could be built closest to the shore. This may still be an

issue for property owners who built using earlier county grassline measurements as BSLs.

### Surveys

Surveys are one way to research the 1993 grassline. To be clear, this report is not an attempt to criticize surveyors nor to cast doubt with property owners. I do not have surveying background.

Initially I was looking for common elements: Grasslines (particularly the 1993 grassline), building setback lines, protective strips, references to accretion and other jurisdictional lines on the shore. After noticing some peculiarities I began to look for inconsistencies in math or measuring and interesting narrative or notes by the surveyor. Approximately 40 surveys were examined and for several shoreline properties, even with accretion, there is no recorded survey available, which is surprising in itself.

Some of the problems include apparent miscalculation by a surveyor as to how to interpret the protective strip when determining the quarter distance between the protective strip and the WUBO, which caused the setback to be too far west. At least one surveyor has either misidentified a line or used the wrong one. Differences in terminology or shorthand in describing the jurisdictional line makes comparison confusing; some lines are not identified at all. Often there is no reference to any ordinance or legal basis for the setback. Some were simply providing the landowner very basic information. As one would expect, I found many different surveyors and a wide variety of styles and levels of precision. A few examples are included at the end of this report.

Overall the newer surveys are clear and standardized and include 1. and 2. below. Although my intent is not to critique surveys, I did notice some inconsistencies, so:w

1. Formula/methodology/terminology; or line being used for setback/computation should be consistent and clear, and
2. Surveyor should reference the code or ordinance that determines setback.
3. Surveys should be checked for accuracy by the administrator early in the building process, and
4. The administrator should sign off on surveys.

Perhaps some of these practices are in place.

The few surveys that referenced both a SCL and the 1993 grassline showed that the grassline is anywhere from 84-100 feet west of the 1990 or 2001 SCL depending on the location on the peninsula. (147<sup>th</sup>, 218<sup>th</sup>, and 242<sup>nd</sup>).

## Recommendations Relating to the Building Setback Line

1. Mapping of the 1993 grassline should occur before any decision can be made in reference to Resolution 2006-030. Yes, the Resolution has been in place for 23 years but not where the public could readily view it. Rough computations show it now exists west of the 1990 SCL and therefore is in the Coastal High Hazard Zone in some sections of the peninsula. Can the county simply take a PCSMP amendment and apply it to zoning?

2. Whether the new BSL is determined through zoning or another method, define jurisdictional lines to help the public understand them.

4. Even though the PCSMP protective strip has moved out of shorelines jurisdiction it has still functioned as a buffer eastward of the 1993 grassline. That buffer should be maintained (unless there is some other buffer system created) but perhaps it should be called something else to avoid confusion with the PCSMP protective strip.

5. Consider the risk of sea level rise, wave run-up and overtopping of dunes when determining BSL. Once seawater overtops a dune, it will be caught behind the primary dune.

6. Best available science states that accretion has slowed and erosion is occurring on parts of the peninsula. Barring a catastrophe, the BSL should be set where homeowners have some assurance that their house will still be in good condition after 50 years or more.

7. Consider other jurisdictional lines to determine the BSL. Seashore Conservation lines (State Parks) are mandated to be surveyed every 10 years. These mapped lines show by comparison the rate of accretion and erosion and help clarify private lands dedicated to Parks property. I don't believe the county contributes any money for these lines. The TAC recommended using a combination of the 1968 and 1980 lines (fixed lines) in conjunction with common setbacks, a recommendation that considers current development and property owners and recognizes that accretion has slowed. If a map of the 1993 grassline line existed a determination could be made as to the relationship between it and SCL's. With potential sea level rise and erosion it will be vital for Pacific County to be able to make a comparison between lines to determine land loss in the future. The City of Long Beach uses the 1980 SCL as its building setback.

7. "Promote consistency between the County's Comprehensive Plan and the County's Shoreline Master Program to ensure shoreline areas are adequately protected from uncoordinated land use decisions." (Comprehensive Plan, Growth Management)

Thank you for considering these comments.

Ann LeFors



## Resources

Pacific County Shoreline Master Program, 1975, Section 23 – Dunes (pp. 54-56)  
Pacific County Shoreline Master Program, 2000, Section 21 – Dunes (pp. 64-66)  
Final Draft 2016 Pacific County Shoreline Master Program  
Pacific County Resolution 2006-030  
Pacific County Government Survey Data Resources (Google Earth), Taxsifter  
Pacific County 2010 Comprehensive Plan: Growth Management p. E-6,  
Resource Lands and Critical Areas, p. E-14.  
Seashore Conservation Area Administrative Manual, 2001  
“ Western Boundaries On Ocean Front Property”, Pacific County Assessor

## Surveys

Page 7: This example shows the complexity of the survey area. All the jurisdictional and reference lines are well marked and the BSL formula is correctly implemented. The survey narrative references the PCSMP. Note that the 1993 grassline is 100 feet west of the 2001 SCL; this is noted in the Narrative. 2005.

Page 8: This example (east of parcel C) shows where the surveyor is not correct in determining the 1983 BSL or the 1993 BSL. The 1993 building setback line is at least 80 feet too far west. Also, one of the building lines is not identified. There is no reference to any ordinance as the basis for calculations. 2005.

Page 9: This example shows correct calculations for the BSL. However 1990 SCL is mistakenly used to calculate the BSL, not the 1983 grassline. (Or it is mislabeled). 2003.

Page 10: In this example the WUOB line (the eastern marker for the formula) is not shown. Looking at taxsifter and Google Earth there is a cluster of homes built in 2000; this parcel's house is set further east. Note the 1993 grassline measures 95 feet west of the 1990 SCL. 1999.

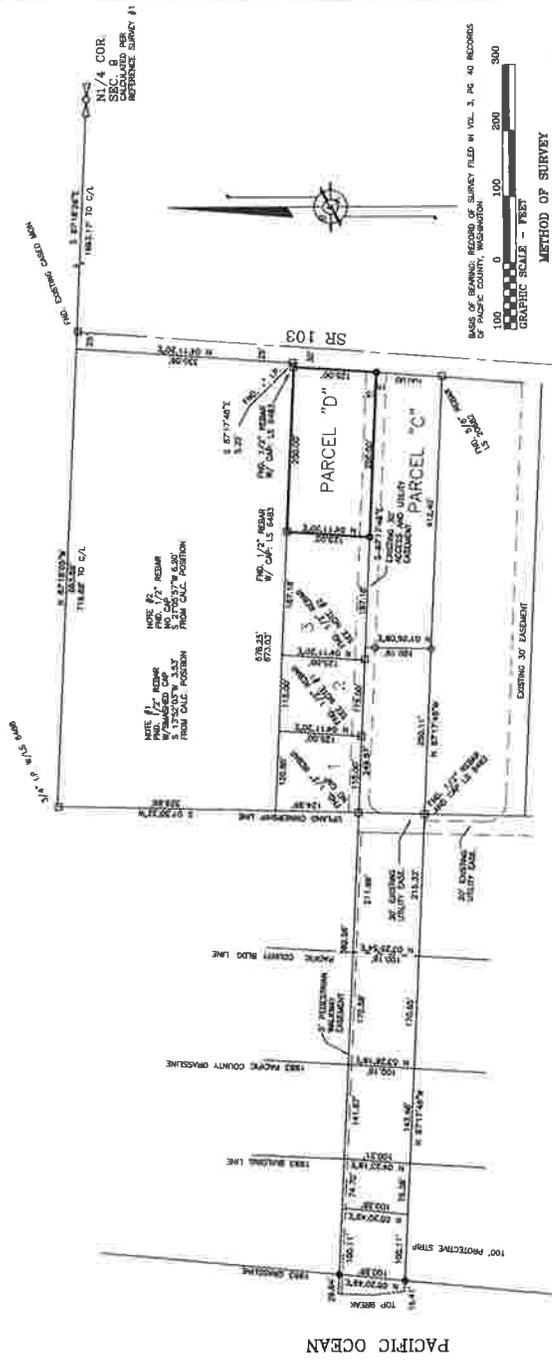
Page 11: This example was the only I saw that mentioned the Pacific County Control Survey. It also shows the original plat's building and 1968 SCL reference. The BSL for the 1983 grassline is correct. Here the surveyor makes the suggestion that the client could use the 1993 grassline and build further west. 1993.

Following is an aerial map of the peninsula showing SCL lines, Coastal High Hazard Area and estimated Western Boundary of Upland Ownership. Included is the State Parks survey from 2010 of the same area. (A 1990 survey is also available).



17 198 38093

PART OF GOV'T LOT 1 (NW1/4 NW1/4)  
 SECTION 9, TOWNSHIP 11 NORTH, RANGE 11 WEST, W.M.  
 PACIFIC COUNTY, WASHINGTON



SR 103

BASES OF BEARING: RECORD OF SURVEY FILED IN VOL. 3, PG. 40 RECORDS OF PACIFIC COUNTY, WASHINGTON.

GRAPHIC SCALE - FEET

METHOD OF SURVEY  
 THIS SURVEY WAS CONDUCTED BY ELECTRONIC TOTAL STATION. THIS SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS AS SET FORTH IN WAC 332-130-080.

LEGEND  
 ● = SET 1/2" x 24" REBAR W/PLASTIC CAP. K. ILLUMIN LS 20089  
 □ = 5-17-01 FOUND AS NOTED PER REFERENCE SURVEY #1

REFERENCE SURVEYS  
 1) SURVEY FILED IN VOL. 11, PG. 154, WAC 332-130-080  
 2) SURVEY FILED IN VOL. 11, PG. 154, WAC 332-130-080  
 3) RECORD OF SURVEY FILED IN VOL. 11, PG. 154, WAC 332-130-080

<p><b>BLUHM &amp; ASSOCIATES LAND SURVEYORS, INC.</b>          1008 S. MARKET BLVD. CHEHALIS, WA 98532          PHONE (360) 748-1551 FAX (360) 748-5282          E-MAIL: BLS@BLUHM.COM</p>	<p>RECORD OF SURVEY DESCRIPTION          OF 10. RECORDS          OF PACIFIC COUNTY, WASHINGTON.</p>	<p>SURVEYOR'S CERTIFICATE          THIS HAS BEEN CORRECTED AND RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF PACIFIC COUNTY, WASHINGTON, THIS 17th DAY OF APRIL, 2005, AT THE OFFICE OF THE SURVEYOR GENERAL, CHEHALIS, WASHINGTON.</p> <p>DATE: MARCH 2, 2005</p> <p>CHECKED BY: K. BLUHM</p>	<p>AUTOMATIC CERTIFICATE FOR SURVEYS          FILED FOR RECORD THIS 17th DAY OF APRIL, 2005, AT          10:03 A.M. IN BOOK 17 OF SURVEYS AT PAGE 193          AT THE OFFICE OF THE SURVEYOR GENERAL, CHEHALIS, WASHINGTON.</p> <p>COUNTY SURVEYOR: <i>M. DODD</i></p>
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42286

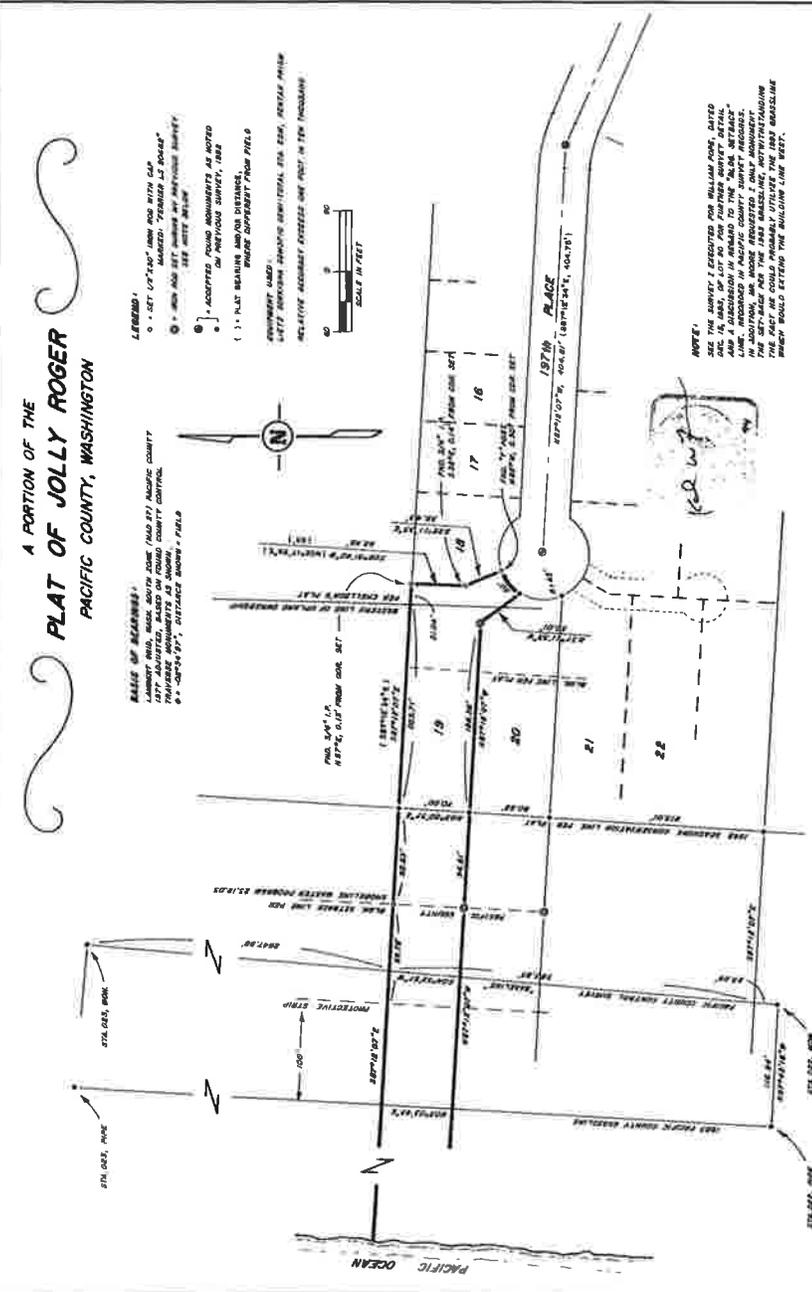
16-(11-11)

BK 7 P. 83

105493

# A PORTION OF THE PLAT OF JOLLY ROGER PACIFIC COUNTY, WASHINGTON

- LEGEND:**
- SET 1/2" x 1/4" IRON ROD WITH CAP MARKED "TERRER AS BORN"
  - SET AND SET MARKS BY SURVEYOR
  - ACCEPTED FOUND MONUMENTS AS NOTED ON PREVIOUS SURVEY, 1928
  - PLAT BEARING AND/OR DISTANCE FROM PREVIOUS SURVEY
- ADJUSTMENT MADE:**  
SUFFICIENT TO BRING THE TOTAL OF THE BEARS, ANGLES AND/OR DISTANCE ACCURACY EXCEEDED ONE FOOT IN TEN THOUSANDS



WELDON OF WELDON  
SEC. 16, TWP. 11 N., RGE. 11 W. N.W. 1/4

MAPLETON'S CERTIFICATE  
AND THIS CERTIFICATE  
I hereby certify that the above plat was prepared by me in accordance with the requirements of the Surveying Act of the State of Washington, 1919, and is a true and correct copy of the original as filed in my office.

*W. E. Ferrer*  
Surveyor

MAPLETON'S CERTIFICATE  
This plat correctly represents a survey made by me in accordance with the requirements of the Surveying Act of the State of Washington, 1919, and is a true and correct copy of the original as filed in my office.

*K. W. Ferrer*  
Surveyor

DESCRIPTION: RECORD OF SURVEY  
LET 20 IN THE PLAT OF JOLLY ROGER, BEAR 402577848

SECTION 16, TWP. 11 N., RGE. 11 W. N.W. 1/4

**KARL W. FERRER** REG. LAND SURVEYOR  
AS OF 1/1/28  
WASHINGTON IS OREGON (1923) 242-2428

DATE: Nov. 11, 1928  
SCALE: 1" = 80'  
SHEET: 1 OF 1



PACIFIC COUNTY

T. 11 N., R. 11 W., W.M.

OCEANSIDE (CDP)



**LEGEND:**

- SET 6"x2" GALVANIZED IRON PIPE WITH ALUMINUM CAP ENCASED TO MONUMENT POINTS

**NOTES:**

- 1.) PREVIOUS SCL LINES 1968, 1980, 1990, 2000, 2010, 2020, 2030, 2040, 2050, 2060, 2070, 2080, 2090, 2100, 2110, 2120, 2130, 2140, 2150, 2160, 2170, 2180, 2190, 2200, 2210, 2220, 2230, 2240, 2250, 2260, 2270, 2280, 2290, 2300, 2310, 2320, 2330, 2340, 2350, 2360, 2370, 2380, 2390, 2400, 2410, 2420, 2430, 2440, 2450, 2460, 2470, 2480, 2490, 2500, 2510, 2520, 2530, 2540, 2550, 2560, 2570, 2580, 2590, 2600, 2610, 2620, 2630, 2640, 2650, 2660, 2670, 2680, 2690, 2700, 2710, 2720, 2730, 2740, 2750, 2760, 2770, 2780, 2790, 2800, 2810, 2820, 2830, 2840, 2850, 2860, 2870, 2880, 2890, 2900, 2910, 2920, 2930, 2940, 2950, 2960, 2970, 2980, 2990, 3000, 3010, 3020, 3030, 3040, 3050, 3060, 3070, 3080, 3090, 3100, 3110, 3120, 3130, 3140, 3150, 3160, 3170, 3180, 3190, 3200, 3210, 3220, 3230, 3240, 3250, 3260, 3270, 3280, 3290, 3300, 3310, 3320, 3330, 3340, 3350, 3360, 3370, 3380, 3390, 3400, 3410, 3420, 3430, 3440, 3450, 3460, 3470, 3480, 3490, 3500, 3510, 3520, 3530, 3540, 3550, 3560, 3570, 3580, 3590, 3600, 3610, 3620, 3630, 3640, 3650, 3660, 3670, 3680, 3690, 3700, 3710, 3720, 3730, 3740, 3750, 3760, 3770, 3780, 3790, 3800, 3810, 3820, 3830, 3840, 3850, 3860, 3870, 3880, 3890, 3900, 3910, 3920, 3930, 3940, 3950, 3960, 3970, 3980, 3990, 4000, 4010, 4020, 4030, 4040, 4050, 4060, 4070, 4080, 4090, 4100, 4110, 4120, 4130, 4140, 4150, 4160, 4170, 4180, 4190, 4200, 4210, 4220, 4230, 4240, 4250, 4260, 4270, 4280, 4290, 4300, 4310, 4320, 4330, 4340, 4350, 4360, 4370, 4380, 4390, 4400, 4410, 4420, 4430, 4440, 4450, 4460, 4470, 4480, 4490, 4500, 4510, 4520, 4530, 4540, 4550, 4560, 4570, 4580, 4590, 4600, 4610, 4620, 4630, 4640, 4650, 4660, 4670, 4680, 4690, 4700, 4710, 4720, 4730, 4740, 4750, 4760, 4770, 4780, 4790, 4800, 4810, 4820, 4830, 4840, 4850, 4860, 4870, 4880, 4890, 4900, 4910, 4920, 4930, 4940, 4950, 4960, 4970, 4980, 4990, 5000, 5010, 5020, 5030, 5040, 5050, 5060, 5070, 5080, 5090, 5100, 5110, 5120, 5130, 5140, 5150, 5160, 5170, 5180, 5190, 5200, 5210, 5220, 5230, 5240, 5250, 5260, 5270, 5280, 5290, 5300, 5310, 5320, 5330, 5340, 5350, 5360, 5370, 5380, 5390, 5400, 5410, 5420, 5430, 5440, 5450, 5460, 5470, 5480, 5490, 5500, 5510, 5520, 5530, 5540, 5550, 5560, 5570, 5580, 5590, 5600, 5610, 5620, 5630, 5640, 5650, 5660, 5670, 5680, 5690, 5700, 5710, 5720, 5730, 5740, 5750, 5760, 5770, 5780, 5790, 5800, 5810, 5820, 5830, 5840, 5850, 5860, 5870, 5880, 5890, 5900, 5910, 5920, 5930, 5940, 5950, 5960, 5970, 5980, 5990, 6000, 6010, 6020, 6030, 6040, 6050, 6060, 6070, 6080, 6090, 6100, 6110, 6120, 6130, 6140, 6150, 6160, 6170, 6180, 6190, 6200, 6210, 6220, 6230, 6240, 6250, 6260, 6270, 6280, 6290, 6300, 6310, 6320, 6330, 6340, 6350, 6360, 6370, 6380, 6390, 6400, 6410, 6420, 6430, 6440, 6450, 6460, 6470, 6480, 6490, 6500, 6510, 6520, 6530, 6540, 6550, 6560, 6570, 6580, 6590, 6600, 6610, 6620, 6630, 6640, 6650, 6660, 6670, 6680, 6690, 6700, 6710, 6720, 6730, 6740, 6750, 6760, 6770, 6780, 6790, 6800, 6810, 6820, 6830, 6840, 6850, 6860, 6870, 6880, 6890, 6900, 6910, 6920, 6930, 6940, 6950, 6960, 6970, 6980, 6990, 7000, 7010, 7020, 7030, 7040, 7050, 7060, 7070, 7080, 7090, 7100, 7110, 7120, 7130, 7140, 7150, 7160, 7170, 7180, 7190, 7200, 7210, 7220, 7230, 7240, 7250, 7260, 7270, 7280, 7290, 7300, 7310, 7320, 7330, 7340, 7350, 7360, 7370, 7380, 7390, 7400, 7410, 7420, 7430, 7440, 7450, 7460, 7470, 7480, 7490, 7500, 7510, 7520, 7530, 7540, 7550, 7560, 7570, 7580, 7590, 7600, 7610, 7620, 7630, 7640, 7650, 7660, 7670, 7680, 7690, 7700, 7710, 7720, 7730, 7740, 7750, 7760, 7770, 7780, 7790, 7800, 7810, 7820, 7830, 7840, 7850, 7860, 7870, 7880, 7890, 7900, 7910, 7920, 7930, 7940, 7950, 7960, 7970, 7980, 7990, 8000, 8010, 8020, 8030, 8040, 8050, 8060, 8070, 8080, 8090, 8100, 8110, 8120, 8130, 8140, 8150, 8160, 8170, 8180, 8190, 8200, 8210, 8220, 8230, 8240, 8250, 8260, 8270, 8280, 8290, 8300, 8310, 8320, 8330, 8340, 8350, 8360, 8370, 8380, 8390, 8400, 8410, 8420, 8430, 8440, 8450, 8460, 8470, 8480, 8490, 8500, 8510, 8520, 8530, 8540, 8550, 8560, 8570, 8580, 8590, 8600, 8610, 8620, 8630, 8640, 8650, 8660, 8670, 8680, 8690, 8700, 8710, 8720, 8730, 8740, 8750, 8760, 8770, 8780, 8790, 8800, 8810, 8820, 8830, 8840, 8850, 8860, 8870, 8880, 8890, 8900, 8910, 8920, 8930, 8940, 8950, 8960, 8970, 8980, 8990, 9000, 9010, 9020, 9030, 9040, 9050, 9060, 9070, 9080, 9090, 9100, 9110, 9120, 9130, 9140, 9150, 9160, 9170, 9180, 9190, 9200, 9210, 9220, 9230, 9240, 9250, 9260, 9270, 9280, 9290, 9300, 9310, 9320, 9330, 9340, 9350, 9360, 9370, 9380, 9390, 9400, 9410, 9420, 9430, 9440, 9450, 9460, 9470, 9480, 9490, 9500, 9510, 9520, 9530, 9540, 9550, 9560, 9570, 9580, 9590, 9600, 9610, 9620, 9630, 9640, 9650, 9660, 9670, 9680, 9690, 9700, 9710, 9720, 9730, 9740, 9750, 9760, 9770, 9780, 9790, 9800, 9810, 9820, 9830, 9840, 9850, 9860, 9870, 9880, 9890, 9900, 9910, 9920, 9930, 9940, 9950, 9960, 9970, 9980, 9990, 10000.
- 2.) OWNERSHIP/AUDITOR INFORMATION PROVIDED BY THE RESPECTIVE COUNTIES GIS DATA.
- 3.) COORDINATE LABELS WITHOUT DESCRIPTIONS ARE MARKING CALCULATED ANGLE POINTS. NO MONUMENTS WERE SET.
- 4.) THE SCL LINE IS DERIVED FROM A 200 FOOT ELECTRIC TRANSLATION FROM THE MEASURED GRASS LINE.

BEARINGS BASED ON WASHINGTON SOUTH STATE PLANE COORDINATE SYSTEM (ZONE 4602) NAD83/91



**AUDITOR'S CERTIFICATE**

PLAT FOR RECORD WAS FILED IN BOOK 2215 OF PLATS, 2012, AT THE OFFICE OF THE CLERK OF SUPERIOR COURT IN PORTLAND, OREGON, ON 08/28/12, IN BOOK 24 OF PLATS AT PAGE 11744, AT THE REQUEST OF WASHINGTON STATE PARKS AND RECREATION COMMISSION.

*Patricia Gorman*  
*A. Stamps, A.S.P.*

**SURVEYOR'S CERTIFICATE**

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTORSHIP IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF THE WASHINGTON STATE PARKS AND RECREATION COMMISSION IN AUGUST 2010.

MAVATY & SPONSD, INC. MAKES NO WARRANTIES AS TO THE ACCURACY OF THE SURVEY DATA OR WHETHER PARCELS SHOWN HEREON ARE LEGAL LOTS FOR ZONING PURPOSES, ETC.



1325 SE TECH CENTER DRIVE, SUITE 140  
 VANCOUVER, WA 98683  
 VANCOUVER (360) 685-3411  
 PORTLAND (503) 289-5728  
 FAX (503) 685-0055  
 www.mackayspocchia.com

Called By: JLM  
 Drawn By: BTM  
 DWG. Name: 03S-07-11  
 Job No.: 10187  
 SHEET 9 OF 49

**SURVEY FOR**  
**2010 SEASHORE CONSERVATION LINE**  
**AND RECREATION COMMISSION**

RECEIVED 5/15/16  
MAY - 5 2016  
Dept. of Community Development  
Pacific County, Long Beach, WA

Pacific County  
CAO - Public Hearing

Key McMurry

Bigger Buffers on Type F streams  
still should be bigger based  
on the following BAS

- Focus on Riparian Buffers for  
Salmon Protection - Ecology Pub 13-10-034
- Stream & Watershed Restoration: A Guide  
to Restoring Riverine Processes & Habitats  
Phil Roni & Tim Beechie 2013
- Anything by Phil Roni & Tim Beechie
- Monitoring stream & Watershed Restoration  
Phil Roni
- Rivers in the Landscape - Ellen Wohl
- A Handbook for Stream Enhancement &  
Stewardship - Izaak Walton
- Methods in Stream Ecology - Richard Hauer

### Wetlands & Buffers

Buffers are established by use & habitat scores

- Using Low, Med, high - I feel Pacific  
County proposed buffers are still low compared  
to DOE & other counties for Cat I (Boys)  
Cat I (Cestuarine) & Cat II



May 5, 2016

*Via Hand Delivery*  
Pacific County Planning Commission  
7013 Sandridge Rd.  
Long Beach, WA 98631



**RE: Comments on Critical Areas Ordinance Update**

Dear Pacific County Planning Commission:

Thank you for the opportunity to comment on Pacific County's Critical Areas Ordinance ("CAO") update. These comments are submitted by Pacific Seafood Group ("Pacific Seafood") in response to comments by a shellfish farmer (Dick Sheldon) during a recent CAO workshop suggesting that the CAO should separate off-bottom aquaculture from on-bottom aquaculture.

As the Planning Commission is well aware, shellfish aquaculture is critical to the economic and environmental health of Pacific County. Shellfish have been farmed in Willapa Bay before statehood, and over 25,000 acres of tidelands in Willapa Bay have been conveyed under the Bush Act into private ownership for the specific purpose of shellfish farming. The County's economy continues to heavily rely on a strong aquaculture industry. Shellfish aquaculture was recently estimated to provide over 1,500 jobs in the County and contribute over \$90 million annually to the economy.<sup>1</sup> Pacific Seafood alone manages roughly 4,500 acres of aquaculture farms and directly employs 250 people in the County.

Shellfish farmers are also widely recognized as essential stewards of Willapa Bay, helping preserve and protect the high quality water and habitat upon which farmed shellfish and numerous other organisms rely. If shellfish aquaculture in Willapa Bay declines in the future, so too will the overall economy and environment of Pacific County.

Shellfish farming is a dynamic business. Shellfish rely on specific environmental conditions that naturally restrict suitable locations, including water quality, temperature, oxygen content, and salinity. Shellfish crops are also threatened by invasive species and pests including, in Willapa Bay, burrowing shrimp and Japanese eelgrass that threaten to render otherwise suitable shellfish beds unproductive. Finally, aquaculture is a highly competitive business. Shellfish farmers face

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<sup>1</sup> Pacific Shellfish Institute, *The Economic Impact of Shellfish Aquaculture in Washington, Oregon and California*, April 2013, p. 18. Available at: [http://pacshell.org/pdf/Economic\\_Impact\\_of\\_Shellfish\\_Aquaculture\\_2013.pdf](http://pacshell.org/pdf/Economic_Impact_of_Shellfish_Aquaculture_2013.pdf).

constant pressure from growers in other areas and must be able to respond to changing market conditions and customer demands.

For all of these reasons, shellfish farmers need the ability to adapt their cultivation practices quickly to changing environmental and market conditions. This need is particularly acute and well-recognized in Willapa Bay. In fact, almost one year ago today the Chinook Observer featured an article (attached) titled “Willapa oyster industry faces big turning point: Without shrimp poison, new cultivation methods become essential” after a permit to control burrowing shrimp with a pesticide was cancelled. As is clear from the title, the article’s main point is that alternative methods to on-bottom cultivation will be essential to ensuring the viability of Willapa Bay’s shellfish industry. The article also describes this is not the first time Willapa Bay growers have needed to evolve their cultivation methods to adapt to changing conditions:

This weekend’s sudden collapse of a long-made plan to use the pesticide imidacloprid to kill burrowing shrimp could be one of the landmark events in the industrial history of the bay, perhaps on par with the decimation of native Shoalwater oysters in the late 19th century and the systemic failure of introduced Eastern oysters a couple decades later. These were grim events, both in terms of personal finances and the ecosystem of the bay, with causes and effects too complex to easily encapsulate here. But, importantly, the overall industry eventually did find ways to move forward. Despite difficulties now and then, the Pacific oysters brought from Japan starting in 1902 have made Washington’s industry the largest in the U.S.

The article further confirms that alternative culture methods are not new to Willapa Bay: “There are a number of alternative ways to grown oysters that don’t rely so much on a firm bottom. Many Willapa oysters already are grown ‘off bottom,’ for example suspended in bags or cages from long lines.” Pacific Seafood (and its predecessor, Coast Seafoods) have been utilizing off-bottom culture techniques for at least 30 years, typically in close proximity to our on-bottom operations, and we vary the number and location of our off-culture operations to best adapt to changing conditions. Any suggestion that shellfish farming in Willapa Bay consists of a single species and cultivation method, and that this has remained unchanged since shellfish farming began in Willapa Bay, is demonstrably false.

The article concludes with the following guidance and warning:

These will be anxious and angry times for growers. Some shellfish businesses will not survive a transition. But it looks very likely that some sort of fundamental shift must happen. If the state of Washington and the environmentally aware public want oysters — and their culinary and conservation benefits — it’s time to step up and help with a generational shift in Pacific Northwest oystering. This has to be framed in ways that allow every size of operation to identify future oystering solutions that work.

Without its scrappy, hard-working and diverse army of oyster growers, Willapa would be very poorly positioned to survive the onslaught of development swirling

in the immediate future of Western Washington. Without them, the bay may be saved from pesticides but lost to everything else. They need smart partners with viable answers, not just people taking potshots.

The potshots directed towards off-bottom aquaculture by Mr. Sheldon at the recent CAO workshop are precisely the type of action we were warned about one year ago, and the County must resist Mr. Sheldon's request to restrict shellfish farmers' ability to adapt to changing conditions in Willapa Bay. The fact that these potshots are coming from a former shellfish grower illustrates that this is not an environmental dispute. This is simply a dispute between a very small minority of shellfish farmers who want to restrict growers' ability to implement necessary changes, and the vast majority of shellfish farmers who are the main producers and employers in the County and recognize the need for flexibility to innovate and adapt to evolving circumstances – market, environmental, or otherwise.

Mr. Sheldon's opinion that shellfish aquaculture in Willapa Bay consists of a uniform set of practices and that other practices such as off-bottom cultivation must be more tightly regulated is just that—a personal opinion. It has no support in the science or law pertaining to shellfish farming, is out of line with the history of shellfish cultivation in Willapa Bay and, if adopted in regulation, would severely compromise the future of shellfish farming in the County without justification. His opinion and recommendations have no place in the County's CAO update, or any other set of regulations

Thank you for your time and consideration of these comments.

Sincerely,



Jon Steinman  
General Manager, Pacific Seafood Shellfish Division



To: Planning Commission and DCD staff  
From: Jim Sayce  
Date: May 5, 2016  
Re: Discussion on critical areas west of the setback line.

Regarding the staff report phrase that I “argued” for the inclusion of the area west of the setback line as a critical area. Below are two dozen uses that are very common and typical for this area. I could’ve missed a few. I mentioned some of these during Planning Commission discussion at the last meeting. I note that are several areas that are already critical areas:

Any area within shoreline jurisdiction and this would be inclusive of the Coastal High Hazard Area and SMA Associated Wetlands  
Wetlands  
Groundwater (essentially the entire peninsula north of the Cape D/North Head headland).

Of these, all are important; The setback includes the Coastal High Hazard area, an extremely important designation for the public health safety and welfare and I note that with respect to groundwater, if there is to be any saltwater (seawater) intrusion landward into the freshwater lens that makes up groundwater aquifer. It will appear west of the setback line first.

Part of my reasoning involves the decision regarding fixing the setback from the shoreline (as benchmarked by the 1993 Pacific County Grass line Survey). If it is determined by the Planning Commission and the BOCC that the setback should be settled once and for all to avoid leap frog construction, then one of the consequences for the property owners; The property would likely have some unknown reduced value.

If that is the case then individual property owners should have the option to ask for Conservation District zoning (or similar) to recognize the manifold uses (some may be in conflict but that is resolved through the permitted and conditional use process typical in zoning). Many of the uses (listed below) are for the public good and a reduced tax burden is typically sought with such Conservation District designations.

This designation could abut or overlay or be similar to the SMP environment designation. To me this seems an equitable solution; to retain the public benefit associated with a CD zone yet extend a tax benefit to the adjacent owner.

Uses west of setback line.

These are uses that are common to areas west of the setback line to the line of ordinary high water.

1. Shoreline (SMA) setback, i.e. a setback from an ocean shoreline feature (dunes) as measured by the county from the western edge of the grass line.
2. Setback from the Coastal High Hazard/flood plain
3. Sea Shore Conservation Act area west of most recent Seashore Conservation Line
4. Default geo-hazard area buffer (absorbs short term changes)
5. Equal undivided ownership/common area space (typically for beach access).
6. Open Space
7. View-shed (inclusive of forests, grassland, ocean, beach)
8. View-shed maintenance, typically involves mowing and tree cutting
9. View-shed dune modification, typically pre SMA dunes modifications allowed.
10. Forestland
11. Grassland
12. Private/Personal trail access, these are typically maintained by use, some mowing
13. Wetlands (aka other critical areas)
14. Groundwater buffer re salt water intrusion
15. Storm water discharge areas (existing outfalls and natural sloughs). Loomis is the sole remaining natural slough.
16. Fire suppression (i.e. management) and typically involves mowing. This is incredibly important.
17. Habitat maintenance/restoration, has involved dune modification and wetland modification
18. Parks and recreation land (Sea Shore Conservation Act and Shoreline Management Act and Deeds of dedication aka State Parks)
19. Wildlife habitat and travel corridor(s) and critical habitat (i.e. dunes, etc.)
20. Public trail(s)
21. Public access roads (limited to existing public gap roads)
22. Conservation areas
23. State and national park designations
24. Wildlife refuge

May 5, 2016

Pacific County Planning Commission  
7013 Sandridge Road  
Long Beach, WA 98631



**RE: Pacific County Critical Areas Ordinance (CAO) Update**

Dear Pacific County Planning Commission,

I am submitting these comments on behalf of Taylor Shellfish Farms regarding Pacific County's CAO update. Taylor Shellfish is a fifth-generation, family-owned company. We have grown shellfish on Washington State shorelines for over 100 years and currently cultivate oysters, clams, geoduck, and mussels. Taylor Shellfish employs over 600 people in the state, and in Pacific County alone the company farms shellfish on 7,000 acres of tidelands that we own or lease and employs approximately 40 fulltime workers and 3 farm managers.

As you are well aware, Pacific County is home to one of the most productive areas for shellfish aquaculture in the country. Our nation depends on the high quality and quantity of shellfish that is grown in Willapa Bay for providing nutritious and delicious food, and Pacific County in turn relies on aquaculture for providing high paying jobs and protecting the ecology of Willapa Bay. Given the importance of shellfish farming to the economy and environment of Pacific County, we were dismayed to hear that one shellfish farmer in Willapa Bay, Dick Sheldon, commented at a recent CAO workshop that off-bottom culture should be subjected to additional, restrictive requirements or studies. Mr. Sheldon's characterization of off-bottom aquaculture is inaccurate, and the Planning Commission should not take action on his claims and recommendations for several reasons.

First, off-bottom culture techniques are not new to Willapa Bay. Taylor Shellfish has been farming in Willapa Bay for over 20 years. We have been utilizing off-bottom culture methods since the very beginning of our operations in the bay, and even one of the prior operators whose farm we took over in the mid-1990s (Bendickson Oyster) utilized off-bottom methods. Moreover, most if not all growers in Willapa Bay currently use off-bottom techniques to some extent, so off-bottom culture is both an historic and widely used practice. It is also becoming increasingly necessary to use off-bottom culture techniques in response to evolving market and environmental conditions. In fact, we opened up a new farm in the Bay Center area just a few years back that currently employs 16 people including one manager. Off-bottom culture techniques are critical to this farm's success. We utilize both off-bottom as well as on-bottom culture methods at this farm. The off-bottom methods are not only essential to providing products that meet certain market demands, but they help sustain the viability of the areas with on-bottom aquaculture. By placing oyster seed in bags used for off-bottom culture during their early life stages, and then later transferring the seed to on-bottom beds, we have improved our seed survival from 40 to 95 percent. Off-bottom culture techniques are therefore not simply compatible with on-bottom culture techniques, but they are beneficial to on-bottom culture.

Second, we are not aware of any credible or concrete scientific information that substantiates Mr. Sheldon's claims regarding off-bottom aquaculture. Off-bottom aquaculture

## References

- Dealteris et al. (2004). Dealteris et al., A Comparative Evaluation of the Habitat Value of Shellfish Aquaculture Gear, Submerged Aquatic Vegetation and a Non-Vegetated Seabed, *Journal of Shellfish Research*, Vol. 23, No. 3, 867-974 (2004)
- Seafood Watch (2014). Monterey Bay Aquarium Seafood Watch, "Farmed Oysters" (October 2014)
- NMFS 2009. National Marine Fisheries Service Endangered Species Act – Section 8 Programmatic Consultation Biological and Conference Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential fish Habitat Consultation, Nationwide Permit 48 Washington (April 2009)
- USFWS 2009. U.S. Fish and Wildlife Service Endangered Species Act – Section 7 Consultation Biological Opinion, Nationwide Permit #48 for Shellfish Aquaculture, State of Washington (March 2009)

**Attachment**

Photograph of Taylor Shellfish Shigoku lines and oysters in native eelgrass bed. Willapa Bay, 2015. This is an existing shellfish bed that was historically cultivated with on-bottom methods. Taylor Shellfish installed flip bags two years before this picture was taken. The flip bag method produces excellent quality oysters for which there is a strong market demand, and native eelgrass is thriving in the culture area.



