

## Staff Report

**Date:** June 2, 2016  
**To:** Planning Commission  
**From:** Tim Crose, Planning Director  
**RE:** Critical Area Ordinance Update

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### **Subject: Planning Commission Recommendation Hearing: Critical Areas Ordinance**

The purpose of this document is to provide a summary of the revisions made to the draft Pacific County Critical Areas Ordinance (CAO) during the public hearing process, held between April 7<sup>th</sup> and May 5<sup>th</sup>, 2016. Revisions were made to the Planning Commission Hearing Draft based on feedback and direction from the Planning Commission and County staff. The Planning Commission will hold a hearing to make a recommendation to the Board of County Commissioners on June 2<sup>nd</sup>, 2016.

### **Changes to Hearing draft of the CAO**

#### **General provisions (*Sections 2 and 3*)**

1. Completed minor revisions to several definitions for clarity and consistency (*Section 2*)
2. Added definition of “aquacultural activities” to compensate for removal of aquaculture from CAO definition of agricultural activities (*2.7*)
3. Added definitions of “aquifer” and “saltwater intrusion” (*2.8 and 2.53*)
4. Broadened exemption for *Spartina alterniflora* control activities to include hand removal of any invasive or noxious vegetation (*3.E.10*)
5. Added language to clarify the County’s reasonable use exception procedures and the requirement that an applicant request a variance first (*3.J.1*)

#### **Fish and Wildlife Habitat Conservation Areas (*Section 5*)**

1. Added an allowance for the Administrator to approve use of the minimum buffer on Type F streams (100 feet) for single-family residential properties smaller than five acres outside of shoreline jurisdiction (*5.E.1.c*)

#### **Geologically Hazardous Areas (*Section 8*)**

1. Renamed “Shoreline Erosion Hazard Areas” to “Coastal Erosion Hazard Areas” to avoid confusion with erosion hazard areas located in shoreline jurisdiction (*8.B.1.b*)

2. Revised definition of North Cove Wash-Away Beach erosion hazard area to include requirement that the County review the landward boundary of the area every five years and revise it as necessary *(8.B.1.b)*
3. Removed mapped channel migration zone from designated Coastal Erosion Hazard Area, as none is mapped in the County *(8.B.1.b)*
4. Revised requirements for control of erosion and sedimentation from ground disturbance; these requirements now apply to all geologically hazardous areas instead of just erosion hazard areas *(8.C.1)*
5. Added allowance for development within the North Cove Wash-Away Beach erosion hazard area if the applicant provides a refundable cash payment to fund future removal of the structure, subject to certain conditions *(8.C.2.a)*
6. Revised requirement for septic systems in the North Cove Wash-Away Beach erosion hazard area to include complete decommissioning and removal of all sewage from a system within 100 feet of the bluff edge *(8.C.2.b)*

**1. 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.