

## Staff Report

**Date:** September 1, 2016  
**To:** Planning Commission  
**From:** Tim Crose, Director  
**RE:** Proposed Zoning Ordinance 178

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### **Subject: Planning Commission Public Hearing: Proposed Zoning Ordinance 178.**

**Current Pacific County Zoning Ordinance 162 is being updated and replaced with Ordinance 178 to include:**

- I. Adding: Section 3.2 Building Setbacks – Ocean Coast
- II. Adding: Section 7. C. –Agricultural and Aquaculture Theme Facilities as an Accessory Use.
- III. Amending Section 20 – Replacing the Oysterville Design Review Board with a Hearing Examiner.
- IV. Repealing Section 25- Medical Marijuana and Collective Gardens.

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#### **I. Section 3.2 Building Setbacks – Ocean Coast**

Over the past several years, Pacific County has been involved in a process of amending the Shoreline Master Program (SMP). During the process it was discovered that the building setback line along the ocean coast was no longer in the jurisdiction of the SMP. It was decided by the Planning Commission to place building setbacks within the zoning ordinance. During the process it was agreed in concept to “fix” the building setback line along the Pacific Ocean coastline between the City of Long Beach and Surfside Estates using the current 1993 grassline as a permanent baseline. You may recall, the purpose of “fixing” the building line along the Pacific Ocean north of the City of Long Beach would reduce/eliminate the "leapfrogging" of new construction along the oceanfront as the beach accretes. A secondary purpose is to eliminate the need to resurvey the grassline every five years. A third benefit of the "fixing" of the building setback line will be to reduce the threat of flooding from ocean events as the beaches continue to accrete, the primary dune continues to build and the line of development remains stationary. Finally, this amendment results in an action that is clearly better with regards to a “no net loss of

ecological functions of the shoreline” than the alternative of surveying the grassline and moving the building setback line west incrementally every 5 years.

The proposal impacts approximately 12 miles of coastline and approximately 550 - 600 parcels, although this number is somewhat generalized due to the type of oceanfront ownership and uncertainty of how many lots actually go to Mean High Tide versus those who only own to the Western Boundary of Upland Ownership. Based on aerial photography, it appears that approximately 40% of the most westerly lots are already developed with single-family residential dwellings.

Current ocean-front setbacks (current SMP) South of the City of Long Beach and North of Surfside Estates would remain the same.

### **Proposed Zoning Ordinance No 178.**

#### **BUILDING SETBACKS – OCEAN COAST**

##### **Section 3.F.**

1. Building setback lines must be determined by a licensed surveyor.
2. The building setback lines shall be located easterly of the protective strip and shall be determined as follows:
  - a. From North Head to the southern boundary of the Town of Long Beach – 200 feet easterly from the Seashore Conservation Line, as surveyed by the State of Washington in 1968 or, where said line was not surveyed, 200 feet landward from the ordinary high water mark.
  - b. From the northern boundary of the Town of Long Beach to a line 800 feet south of the boundary between the townships 12N and 13N (the northern edge of Surfside Estates) – 100 feet from the 1993 Grassline Survey (former SMP Protective Strip) then one-fourth (1/4) of the distance from that point to the so-called “western boundary of upland ownership” line; except, that wherever the “western boundary of upland ownership” lies within the 100 foot setback from the 1993 Grassline, the “western boundary of upland ownership” shall be the building setback line.
  - c. From the line 800 feet south of the boundary between townships 12N and 13N to southern boundary of public (state) ownership – 300 feet.
  - d. Ocean coast north of the mouth of the Willapa Bay – 300 feet, except on state owned land.
3. Protective strip widths and other environmental designations are described in the Shoreline Master Program.

### **Suggested Findings of Fact**

- 1) Pacific County is required to remove ocean-front setback regulations from the Shoreline Master Program for the reason that the current setback locations are no longer in Shorelines Jurisdiction.
- 2) The Pacific County Planning Commission conducted an initial workshop on June 3, 2016 to scope the initial amendment and agreed to place it in the zoning ordinance.
- 3) The zoning amendment will fix the building setback line north of the City of Long Beach by eliminating the need to resurvey the grass line every five years. The base grassline used for establishing the building setback line is the 1993 grassline as established by Pacific County.
- 4) The "fixing" of the building setback line will eliminate the leapfrogging of development along the coastline and provide a westerly line of development. This fixed line will provide development certainty to landowners as views won't be compromised with the westerly expansion of the patterns of development.
- 5) The "fixing" of the building setback line along the oceanfront will provide a level of certainty for view preservation and dunal protection for property owners in this portion of the Long Beach Peninsula.
- 6) The elimination of future development westerly in the dunes north of the City of Long Beach will enhance the environmental qualities of the beachfront and the dunal area.
- 7) The removal of the ability to continually relocate development westerly will reduce the threat of flooding as the beach continues to accrete and the primary dune continues to build and mature.
- 8) The proposed amendment impacts approximately 12 miles of coastline and approximately 550 - 600 parcels of land. Based on aerial photography, it appears that approximately 40% of the most westerly lots are already developed with single-family residential dwellings.
- 9) A SEPA determination of non-significance was issued under WAC 197-11-340(2) on June 29, 2016.

## **II. Section 7. C. – Agricultural and Aquaculture Theme Facilities as an Accessory Use**

The Planning Commission at its December 3<sup>rd</sup> 2015 public hearing amended Section 7 to allow agricultural/aquacultural processors the ability to operate a food and beverage service within an existing processing facility. New definitions were also added.

### ***New Definitions -***

- Shellfish Processing Facility – means a facility which adds value to or processes raw aquacultural goods, included but not limited to washing, sorting, shucking, packaging, and shipping of products.
- Aquacultural theme facility – Means a location within a processing facility, ancillary to the primary-use consisting of retail sales and/or a food and beverage service sales (i.e. kitchen, seating, etc.), whose square footage is less than 20% of the building’s area.
- Agriculture theme facility – Means a location within a processing facility, ancillary to the primary-use consisting of retail sales and/or a food and beverage service sales (i.e. kitchen, seating, etc), whose square footage is less than 20% of the building’s area.

### ***Accessory Use Language –***

Agricultural and Aquaculture Theme Facilities shall be subject to the following requirements:

1. Food service associated with a use or activity allowed pursuant to this section are those services which are incidental or accessory to a permitted use or value-added food items produced from agricultural products grown on the applicant’s farm and may include sales of ancillary foods and/or beverages that are prepared on the premises for on and off-site consumption.
2. Ancillary entertainment/special events, including weddings/receptions, catered functions and musical events, shall be prohibited.
3. The retail sales facility (i.e. kitchen, seating, etc) shall be no more than 20% of the primary uses floor space and less than or equal to 1500 square feet. Any facility over 1501 square foot will be considered under a conditional use permit.

***Conditional Use Language –***

Agricultural and Aquaculture Theme Facilities shall be subject to the following requirements:

1. Food service associated with a use or activity allowed pursuant to this section are those services which are incidental or accessory to a permitted use or value-added food items produced from agricultural products grown on the applicant's farm and may include sales of ancillary foods and/or beverages that are prepared on the premises for on and off-site consumption.
2. Ancillary entertainment/special events, including weddings/receptions, catered functions and musical events, shall be prohibited.
3. The retail sales facility (i.e. kitchen, seating, etc) shall be no more than 20% of the primary uses floor space and be more than 1501 square foot. Any facility under 1500 square foot will be considered under a conditional use permit.

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**Housekeeping Items**

- III. Amended Section 20 – Replacing the Oysterville Design Review Board with a Hearing Examiner.
  - The Board of Pacific County Commissioners at its July 26<sup>th</sup>, 2016 meeting amended Ordinance No. 162, Zoning, replacing the Oysterville Design review Board with a Hearings Examiner.
  
- V. Section 25- Medical Marijuana and Collective Gardens.
  - Section 20 was removed from to reflect changes in State law.