Pacific County
PLANNING COMMISSION

June 6, 2016 Minutes
Courthouse Annex Building
South Bend, Washington

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ATTENDANCE

Eric deMontigny, Chair
Jim Sayce, Vice Chair
Bill Kennedy, Member-*excused*
Kelly Rupp, Member
Stan Smith, Member
Mike Nichols, Member
Scott Turnbull, Member

Tim Crose, DCD Planning Director
Will Hamlin, DCD Planner
Nichol Duff, Clerk of the Board
Eric Weston, Chief Deputy Prosecutor

There were 3 members of the general public in attendance. Please refer to the attendance sheet for further details.

Chair, Eric deMontigny called the meeting to order at 6:00 p.m. and introduced the Planning Commission (PC) members and staff.

Kelly Rupp moved to approve the agenda as amended, Scott Turnbull seconded and carried by a majority vote of 6-0.

MINUTES

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

CORRESPONDENCE

The Comment Log was recognized by the Planning Commission.

PUBLIC HEARINGS

Hearing Continuation: 5.a - Critical Area Resource Lands Ordinance No. 180

Planning Commission Recommendation Draft:

- Chair, Eric deMontigny opened the public hearing.
- There was no oath administered as there was no public comment period.
- Tim Crose summarized the staff report.
- Deliberations were held between the PC members.

- Vice Chair, Jim Sayce made a motion to approve the current draft of Critical Area Resource Lands Ordinance No. 180 as amended, Kelly Rupp seconded and carried by a majority vote of 6-1.

Findings of Fact and Conclusions of Law:

- Kelly Rupp made a motion to approve the following Findings of Fact and Conclusions of Law on Critical Area Resource Lands Ordinance No. 180 as amended, seconded by Vice Chair, Jim Sayce, and carried by a majority vote of 6-1.

Ordinance No. 180 Findings of Fact

1) The Growth Management Act requires the adoption of development regulations that protect critical areas designated in accordance with RCW 36.70A.060 and RCW 36.70A.170.
2) RCW 36.70A.172 requires local governments to give special consideration to the conservation and protection measures necessary to preserve or enhance anadromous fisheries.
3) Pacific County adopted Critical Areas and Resource Lands Ordinance (CAO) No. 147 on April 11, 1997, to respond to the mandates contained within RCW 36.70A.060 and RCW 36.70A.170.
4) Pacific County adopted the amended Critical Areas and Resource Lands Ordinance No. 147A on April 13, 1999, to allow creation of wetland mitigation banks to enhance available options and improve the environmental value of mitigation for wetland and wetland buffer encroachment.
5) Pacific County's update of the CAO coincides with the update of the Shoreline Master Program (SMP). The Pacific County SMP adopts the CAO by reference.
6) Critical areas include: wetlands; fish and wildlife habitat conservation areas; critical aquifer recharge areas used for potable water; frequently flooded areas; geologically hazardous areas; and designated resource lands including agricultural lands, forest lands, and mineral lands.
7) The unwise development of resource lands or areas susceptible to natural hazards may lead to inefficient use of limited resources, jeopardize environmental resource functions and values, subject persons and property to unsafe conditions, and affect the perceived quality of life.
8) It is more costly to remedy the loss of critical area functions and values than to conserve and protect them from loss or degradation.
9) Pacific County contracted with The Watershed Company (TWC) to provide development of the science-based elements of the CAO on May 12, 2015. An amendment to extend the contract and scope of work was executed December 22, 2015. A second amendment to expand the scope of work and project budget was executed March 8, 2016.
10) The Pacific County Board of County Commissioners (BOCC) appointed a Technical Advisory Committee (TAC) consisting of 8 technical experts of various backgrounds to work on the update.
11) The public was provided opportunity to comment on the CAO update during the public review process.
12) The County has met, or exceeded, the requirements for public participation as delineated in Pacific County Ordinance No. 164 and RCW 36.70A.130 (2).
13) The CAO TAC conducted 11 public workshops and two (2) open houses beginning in 2015 and ending in 2016 to review all elements of the update.
14) Notices of public workshops, public hearings, and public comment periods were distributed, posted, and published per the requirements of Pacific County Procedural Ordinance No. 164. Notices were mailed or emailed to more than 115 individuals and agencies who requested to be placed on the

distribution list. For open houses, notices were also posted in all public libraries and post offices in the County.

15) All drafts, including the final draft of the CAO, were available for public review and comment on the County's website.

16) The Planning Commission received 41 comment letters, e-mails, and oral testimony during the CAO public hearing process. All comments received, and testimony taken, were reviewed and considered during the preparation of the update.

17) The Planning Commission conducted Six (6) meetings, workshops, and hearings during its review of the CAO Update:

DATE:	MEETING TYPE:	MEETING PURPOSE:
June 4, 2015	Public Meeting/Workshop	Overview of CAO Update Process
Dec. 3, 2015	Public Meeting/Workshop	Overview TWC Presentation
Jan 7, 2016	Public Meeting/Workshop	TWC Presentation Buffers
April 7, 2016	Public Hearing	Summary of Changes
May 5, 2016	Public Hearing	Aquifer Recharge Areas, Stream Buffers
June 2, 2016	Public Hearing	CAO Recommendation to BOCC

18) In developing critical areas and resource lands regulations, Pacific County has evaluated a wide range of the best available science (BAS) with respect to critical areas to make informed decisions that meet the intent on the Growth Management Act and that are also reflective of local needs. The BAS referenced in the development of this Ordinance is located in the GAP Analysis completed by TWC dated June 15th, 2015 with additional science provided by Key McMurry on January 16, 2016.

19) Identification of wetlands and delineation of their boundaries pursuant to this Ordinance were done in accordance with the approved federal wetland delineation manual and applicable regional supplements.

20) Pacific County will only accept a written determination by the U.S. Army Corps of Engineers, the Washington State Department of Ecology, the Natural Resources Conservation Service, or a qualified critical areas professional as to whether wetlands exist on or adjacent to a specific parcel.

21) Pacific County shall classify wetlands as within category I, category II, category III, and category IV according to the Washington State Wetland Rating System for Western Washington (Ecology publication number 14-06-029 or as revised and approved by Ecology).

22) Wetland buffers are based on category of wetland, the intensity of the impacts from proposed changes in land use to the adjacent wetland, and the habitat score as determined by a qualified wetland professional. In determining wetland buffer widths, the types of proposed land use changes can result in high, moderate, and low levels of impacts to adjacent wetlands.

23) Protection of fish and wildlife habitat by land management maintains sensitive, threatened, endangered species in suitable habitats within their natural geographic distribution by regulating incompatible upland uses and development.

24) Fish and wildlife habitat conservation areas (FWHCAs) include: areas with endangered, threatened, and sensitive species; habitats and species of local importance; commercial and recreational shellfish; kelp and native eelgrass beds; herring and smelt spawning; naturally occurring ponds under twenty (20)

acres and their submerged aquatic beds that provide fish or wildlife habitat; waters of the State as classified in WAC 222-16; lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity; and State Natural Area Preserves (NAP) and Natural Resource Conservation Areas (NRCA).

25) Pacific County adopts the designations listed in WAC 232-12-014 (Endangered), WAC 232-12-011 (Threatened and Sensitive), and federally-designated threatened or endangered species categories.

26) Waters of the State are classified using the Department of Natural Resources' interim water typing (WAC 222-16-031). Once the fish habitat water type maps described in WAC 222-16-030 are adopted by the Forest Practices Board, the permanent water typing criteria described in WAC 222-060-030 will apply. Standard buffer width range from 100 to 150 feet based on water type.

27) Standard buffer widths do not apply to existing manmade canals in Surfside Estates.

28) The purpose of the frequently flooded areas section is to minimize public and private losses due to flood conditions in specific areas and to protect the functions and values of frequently flooded areas.

29) Frequently flooded areas within Pacific County are designated where: areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Insurance Study for Pacific County and Incorporated Areas" dated May 18, 2015, and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM) dated May 18, 2015, and any revisions thereto; and those floodways and associated floodplains delineated by a comprehensive flood hazard management plan adopted by the Pacific County Board of County Commissioners Flood Damage Prevention Ordinance No. 167, as being within the 100-year floodplain or having experienced historic flooding and designated as frequently flooded areas subject to the provisions of this Ordinance.

30) "Critical aquifer recharge area" means an area where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water, or is susceptible to reduced recharge.

31) This Ordinance recognizes the vulnerabilities of the Long Beach Peninsula aquifer, as described in the U.S. Geological Survey Report on Ground-Water Flow and Water Quality in the Sand Aquifer of Long Beach Peninsula, Washington (Blakemore 1995).

32) For the purposes of this Ordinance, any land within Pacific County that contains the following soil types as listed in the Soil Survey of Grays Harbor County Area, Pacific County, and Wahkiakum County, Washington, 2003, Soil Conservation Service, USDA, is designated as a critical aquifer recharge area:

Soil Type	Map Unit Description
8	Beaches
35	Dune land
92	Netarts fine sand, 3-12 percent slopes
108	Orcas peat
132	Seastrand Mucky peat
133	Seastrand variant muck
147	Udorthents, level

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153 Westport fine sand, 3-10 percent slopes

162 Yaquina loamy fine sand

33) Geologically hazardous areas include the following: erosion hazard areas; landslide hazard areas; seismic hazard areas; mine hazard areas; and tsunami hazard areas.

34) Erosion hazard areas are those areas identified by the U.S. Department of Agriculture's Natural Resources Conservation Service Official Soil Survey Data, dated September 2015 or as amended, as having a "severe" or "very severe" erosion hazard based on slope and soil erosion factor.

35) Coastal Erosion Hazard Areas are mapped as Coastal High Hazard Areas (Zones V and VE) in the digital Flood Insurance Rate Map (dFIRM) adopted May 18, 2015, and areas within the North Cove "Wash-Away" Beach Erosion Hazard.

36) The Washington Department of Natural Resources completed mapping of tsunami hazard areas for Pacific County as modeled using an L1 scenario. These maps are included in tsunami evacuation brochures for six areas in Pacific County: North Cove, Tokeland, and Shoalwater Tribal Reservation; Bay Center and Vicinity; Ocean Park and Vicinity; Long Beach and Ilwaco; Chinook and Vicinity; and Raymond and South Bend.

37) Pacific County designated agricultural land of long-term commercial significance as all land that is devoted to the production of aquaculture, cranberries, and/or other bog related crops.

38) Agricultural land of local importance includes any diked tideland as listed under soil type nos. 104 and 147 in the Soil Survey of Grays Harbor County Area, Pacific County, and Wahkiakum County, Washington, 2003, Soil Conservation Service, USDA, that is involved in existing and ongoing agricultural activities on the date this Ordinance becomes effective.

39) Areas zoned Transitional Forest (FT) Pacific County Ordinance No. 162, and Forest Land of Long-Term Commercial Significance are afforded protection standards from incompatible development to protect the commercial production of timber and forest products.

40) Mineral land means any area in Pacific County presently covered under a valid Washington State Department of Natural Resources (DNR) surface mining permit and any beach area where sand is removed for commercial purposes. Any other area shall be classified as mineral land when a surface mining permit is granted by the DNR.

41) The owner(s) of any site on or adjacent to designated resource lands shall record a title notice with the Pacific County Auditor when a development activity is proposed on or within 500 feet of the designated resource land.

42) Selective pruning of trees and mowing of vegetation for purposes of maintenance, invasive species management, or fire protection is allowed, provided that no vegetation shall be removed from critical areas, dunes, or their respective buffers without approval from the Administrator. Topping of trees is not permitted unless specified in an existing covenant effective prior to the effective date of this Ordinance.

43) Pacific County has complied with procedural and substantive requirements of Pacific County Environmental Review/SEPA Ordinance No. 166 and Chapter 197-11 WAC. (to be completed)

44) Pacific County issued a Threshold Determination of Non-Significance for the 2016 Pacific County Critical Areas and Resource Lands Ordinance No. 180 on ----------.

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45) The Washington State Department of Commerce was provided a 60-day notice of intent to adopt on ----------.

46) The Planning Commission forwarded a recommendation of approval to the Board of County Commissioners on June 2, 2016.

Ordinance No. 180 Conclusions of Law

1. The Proposed Pacific County Critical Areas and Resource Lands Ordinance No. 180 is consistent with and implements the goals, policies, and requirements of the Washington State Shoreline Management Act, Washington State Growth Management Act, and Pacific County Comprehensive Plan.
2. The Pacific County Critical Areas and Resource Lands Ordinance No. 180 and the associated environmental review (forthcoming) comply with the goals and requirements of Chapter 90.58 RCW, Chapter 36.70A RCW, Chapter 365-195 WAC, Chapter173-26 WAC, Chapter 197-11 WAC, and Pacific County Ordinance No. 166 (SEPA).
3. The County has met, or exceeded, the requirements for public participation as delineated in Pacific County Ordinance No. 164 and RCW 36.70A. 130(2).

If any finding is in truth a conclusion of law, or if any conclusion stated is in truth a finding of fact, it shall be deemed so.

Chair, Eric deMontigny closed the public hearing at approximately 6:51 p.m.

Hearing Continuation: 5.b - Grassline

- Chair, Eric deMontigny opened the public hearing.
- There was no oath administered as there was no public comment period.
- Tim Crose briefed the PC on the current status of the grassline in the proposed Zoning Ordinance.
- Chair, Eric deMontigny continued the hearing on the grassline to August 4, 2016 in Long Beach at 6:00 p.m.

OLD BUSINESS

There was no old business discussed with the Planning Commission.

NEW BUSINESS

The July 7th, 2016 hearing has been cancelled.

The next hearing scheduled will be in Long Beach on August 4th, 2016.

- Rezone Application
- Continuation of Grassline Hearing

The Planning Commission adjourned at approximately 6:59 p.m.

(*Please refer to the recording for a more detailed discussion*).

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