

May 31, 2017

Pacific County Planning Commission
Eric deMontingny, Chair

Re: Supplemental Regulations, RR and RL zoning, Small Scale
Recreation and Tourist Uses

One of the changes that will occur with the passage of a Small Scale Recreation and Tourist Use (SRT) amendment is that we will look at our forest and agriculture lands with a new perspective. This amendment will add a commercial aspect to rural lands and affect how people live and work on them. Paradoxically, the WAC that allows these small-scale tourist uses and encourages development of rural lands also requires that we try to manage growth while keeping rural areas rural.

All Rural Lands zones are off the Peninsula while three quarters the Rural Residential lands are on it. Rural Lands are generally away from urban-like areas whereas the Rural Residential zone often mingles with others and therefore its uses have to be zone-compatible. Several of the illustrated uses on page 1 are already conditionally permitted in Rural Lands but none are permitted in Rural Residential. RL zoning already includes some recreational uses (RV parks, campgrounds, games reserves, ORV parks, camping, golf courses, shooting ranges) as well as commercial horse arenas and stables. None of these uses are currently permitted in RR. Is including RV Parks and Mobile Home parks, which by nature have a urban density, a good fit for RR where density is limited to one dwelling per acre? Note that campgrounds (not unlike RV and mobile home parks) are considered a high intensity of use in shorelines.

Specific Topics/Comments:

Nuisance

Currently the county requires festivals or events with large groups to get a special permit. In fact, the Prosecutor's office is in the process of rewriting Ordinance 35B, Social Events and Assemblies. Before adding several new uses with nuisance potential one needs to ask how and how well the county handles nuisance complaints today. We

need to know the constraints of code enforcement in rural areas and whether the enforcement occurs through DCD or the police.

ORV and ATV Parks (page 1)

New language limits this activity to parcels 20 acres or greater. I think this should be “net acres” after subtracting critical areas and their buffers. It is well known that ORVs are hard on the land due to the sheer number of trips an ATV can make around a determined track and the high volume of vehicles allowed on a course over a set period of time. It is also well known that although some ATV groups self-police, others do not. We cannot monitor them all but can remove valuable critical area lands and buffers from the equation. If a park is located near residences or school a noise limitation should be added.

Expansion of Use (page 4)

The language “... adding ... recreational facilities, adding new conference or lodging facilities” that “would increase the scope, scale or intensity of the use or facilities” seems in conflict with the concept of small scale tourist use. This provision is one that could be abused and I have trouble envisioning how adding buildings to a SRT that was, for example, built just two years before, could meet the WAC definition of small scaled use. With expansion comes additional water needs, septic requirements, parking needs, and infrastructure, which only encourages more development.

Net acreage subtracting critical areas and buffers to determine cabin density (page 5, earlier draft page 6)

This was originally included in proposed language as a suggestion from the Jefferson County planner who was consulted on this amendment and who felt their code’s functionality would be improved with this provision. I recommend that the planning commission revisit this element that would help the county and applicant determine at the beginning of the application process whether the site topography was large enough or appropriate for a tourist use. It would also assure that under the provisions of the WAC, that uses “are isolated, both from urban areas and from each other” and “are consistent with rural character.”

Recall that both the new SMP and Critical Areas Ordinances are all about intensity of use; the new CAO will allow passive recreational

trails in the outer 25% of wetland buffers only. The SMP definition of recreation is as follows:

RECREATION, HIGH INTENSITY - Recreation facilities and associated utility and infrastructure improvements which occur in such extent, degree or magnitude that it results in impacts to or requires significant modification of shoreline areas. Examples of high intensity recreation include campgrounds, golf courses, boat launches, etc.

RECREATION, LOW INTENSITY - Recreation which does not require developed facilities and can be accommodated without change to the area or resource except for small improvements in shoreland areas involving minimal capital investment. Examples of low-intensity recreation including boating, hunting, wildlife observation, beachcombing and picnicking. Examples of small improvements appropriate in shoreland areas including trails, picnic tables, restrooms, and viewing platforms.

The Tower (page 6)

The new zoning language would allow more towers to be built (up to 150 feet) that could include living quarters above the county's height restriction of 35 feet. This part of the proposal seems out of place. How can even a 75-foot tower be considered small scale? How does it fit in the rural countryside? How would other SRT's or accessory uses be commensurably scaled to a tower? The longstanding rule on height restriction exemptions specifically states that water towers and observatories are not meant for human habitation. Additionally, any water tower will need to protect groundwater and surface water recharge and wells, which might conflict with other water uses and users.

A tall tower is not consistent with WAC rural element language because the structure is not reliant on a rural setting and is the antithesis of a rural landscape. A tower that is "150 feet above average finished ground level adjoining the building at exterior walls and for residential occupancy" (what building?) is no more than a residential development with a tower attached.

If a tower is needed for a public use, that is a different discussion and ordinance, not this one regulating tourist and recreation uses.

Recommendations:

1. In ORV Parks, acreage should be based on net acreage after subtracting critical areas and their buffers,
2. Review expansion of use language for new SRT's. How can this be improved?
3. Include net acreage when calculating cabin density (subtracting critical areas),
4. Find out how ORD 35A is changing and what each document has in common and if there are conflicts, and
5. As in the current ordinance, exclude RV and mobile home parks and commercial campgrounds from the RR zone.
Consider additional language so RR areas with capacity or near capacity density are not stuck with incompatible uses that could generate nuisance complaints.
6. Remove the tower/residential provision.
7. If adopted, this amendment should not take effect until after the adoption of the pending SMP Resolution and Critical Areas Ordinance.

Thank you for considering these comments.

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