

Staff Report

Date: September 20, 2023

To: Planning Commission

From: Shawn Humphreys, Director

RE: October 5, 2023 Public Hearing – Zoning Ord. Language Amendment
Application No. P2300512, submitted by Oysterville Restoration Foundation

Introduction:

The Pacific County Department of Community Development (DCD) received a zoning language amendment application submitted by the Oysterville Restoration Foundation (ORF). This application proposes changes to the project review criteria outlined in Section 20.F.2 and Section 20.F.3, which relate to the Oysterville Historic District. Additionally, there are proposed modifications to Appendix C, which contains the Oysterville Review Design Guidelines.

To elaborate further, ORF's application seeks amendments that would allow the use of alternative materials for roofing, siding, and windows. It also proposes allowances for a Type 1 Administrative Review in accordance with Pacific County Procedural Ord. No. 177.

Background:

Oysterville was defined as a local historic district by the Pacific County Board of County Commissioners (BOCC) in 1977 and the current Design Review Guidelines were formally recognized in 1993. Development of the guidelines was a community effort in conjunction with a preservation and urban design consultant who provided technical expertise.

The Oysterville Historic District and Design Review Ordinance was then adopted by the BOCC, which created the Oysterville Design Review Board (ODRB). This Board was created to preserve and enhance the heritage of Oysterville through regulatory controls and implementation of the design review guidelines. This ODRB consisted of five (5) members, each from the following groups:

- Two (2) year-round residents owning property within the district
- A member of the Oysterville Restoration Foundation
- A property owner at large, owning property within the district
- A registered architect or landscape architect

Upon receipt of a letter from the Dept. of Archeology and Historic Preservation (DHAP), expressing concerns related to the Historic District's architectural integrity and adherence to the Oysterville Design Guidelines, as well as the potential impact on the District's status on the National Register of Historic Places, Pacific County initiated a comprehensive evaluation process.

In response to a series of complaints received by the County regarding alterations within the District not aligning with the Guidelines, Pacific County embarked on an examination of the best course of action for both the Oysterville Historic District and Pacific County as a whole. During this time, the County held meetings with members from the District and performed walk-throughs with DHAP.

It was determined that due to the small size of the community and the requirement that every member but one (1) had property interests within the District, the application of the Appearance of Fairness Doctrine called into question the propriety of the design review process where quasi-judicial decisions are being made by people whose real property values are affected by their decisions.

In 2016 the BOCC formally adopted Ord. No. 162B replacing the ODRB with a Hearing's Examiner and dissolving the ODRB. The Oysterville Historic District is currently regulated under Ord. No. 184 using the Oysterville Design Review Guidelines from 1993 as a regulatory document to determine the suitability of development.

In March of 2023, ORF submitted a language amendment application requesting to revise language in Zoning Ord. 184 pertaining to the Oysterville Historic District and the Oysterville Design Guidelines.

The Planning Commission had an initial introduction to the proposed request during a workshop held on May 4, 2023. During the workshop, the applicant described their request, presented supporting documentation, and fielded questions from the Commission. At the conclusion of this workshop, the Planning Commission agreed to consider and review ORF's request.

Subsequently, a second workshop with the Planning Commission took place on August 3, 2023. During this workshop, DCD presented ORF's request in detail. This presentation allowed the Commission to engage in a thorough discussion regarding each of the requested amendments and the potential implications associated with them. Following discussion, the Commission reached a consensus to proceed with a Public Hearing on ORF's requested amendment.

Hearing: Zoning Ord. Language Amendment Application No. P2300512, submitted by Oysterville Restoration Foundation

ORF's Zoning Ord. Language Amendment Application includes proposed amendments to Section 20, in addition to Appendix C, Oysterville Design Guidelines. ORF's application aims to make changes to specific sections of Zoning Ord. No. 184, with a focus on Sections 20.F.2 and 20.F.3. Notably, these amendments would allow the use of alternative materials for roofing, siding and windows and includes allowances for a Type 1 Administrative Review per Procedural Ord. No. 177. Additionally, the proposal includes amendments to Appendix C, the Oysterville Design Guidelines.

The current and proposed language of Ord. No. 184, Section 20.F.2 & 3 is listed below. Due to the fact that Appendix C, Oysterville Design Guidelines from 1993 is not in an electronic format and the complexity of ORF's proposal, draft language is being provided as an attachment.

Current Language - Section 20.F.2:

- F. DEVELOPMENT REQUIRING CONSIDERATION BY THE ODR. The following activities require a public hearing:
2. Minor construction (which changes the existing appearance of structures);
 - a. Maintenance or renovation of structural systems.
 - b. Reroofing, except when emergency patch repair is necessary to immediately protect human health, safety and welfare.
 - c. New siding on either principal structures or accessory structures.
 - d. Alteration of windows, doors or any exterior elements or features of any historic buildings.

Proposed Language - Section 20.F.2:

- F. DEVELOPMENT REQUIRING CONSIDERATION BY THE ODR. The following activities require a public hearing:
2. Minor construction (which changes the existing appearance of structures) except as noted;

- a. Maintenance or renovation of structural systems.
- b. Reroofing, except when emergency patch repair is necessary to immediately protect human health, safety and welfare.

Exception: On non-historic (i.e., "non-contributing") structures, when the only proposed change is in the material (e.g., alternative roofing material is proposed to replace cedar shingles), rather than in the form of the roof, AND the material being proposed is "deemed appropriate" by the 2023 revisions to the guidelines, the project will be reviewed under the administrative approval process below (20.F.3).

Note: Replacement of asphalt shingles with smooth-sawn cedar shingles does not require review.

- c. New siding on either principal structures or accessory structures.

Exception: On non-historic (i.e., "non-contributing") structures, when the only proposed change is in the material (e.g., alternative siding material is proposed to replace wood), rather than in the type, pattern or configuration of the siding (e.g., lap siding is proposed to replace board and batten), AND the material being proposed is "deemed appropriate" by the 2023 revisions to the guidelines, the project will be reviewed under the administrative approval process below (20.F.3).

- d. Alteration of windows, doors or any exterior elements or features of any historic buildings.

Exception: On non-historic (“non-contributing”) structures, when the only change being proposed is in the material of the element being replaced (e.g., alternative material vs. wood), rather than in the type of configuration of the elements, (e.g., replacing multi-paned windows with single-panel windows) AND if the material being proposed is “deemed appropriate” in the 2023 revisions to the guidelines, the project will be reviewed under the administrative approval process below (20.F.3).

Current Language - Section 20.F.3:

3. Administrative approval. The Administrator may grant administrative approval with or without conditions for the following:
 - a. Tree removal, involving the removal of tree(s) greater than eight inches in diameter.
 - b. Sign(s), either public or private sign installation, except for incidental residential identification sign(s).
 - c. Lighting, public or private street lighting installations, except for incidental residential exterior lighting.
 - d. Satellite dishes, ham radio antennas, and roof aerials.
 - e. Fencing, and significant changes to existing fencing.
 - f. Exterior repainting, if the coloring is different than what currently exists on the structure.
 - g. Demolition of any existing structures except in cases when field review determines the structure is or may be of historic significance, in which case application shall be made to the ODR for a public hearing in accordance with the design review guidelines.
 - h. Construction, improvement and repair to the infrastructure system of the district including but not limited to roads, drainage, power, telephone, water and sewer projects, if the proposal will change existing appearance in the district.
 - i. Tree trimming by county, state, or public utility districts.
 - j. Emergency repairs or modifications to roads, utilities, vegetation and structures are allowable to protect the public health and safety, provided that the Pacific County Department of Community Development is notified within forty-eight (48) hours of commencing said repairs or modifications. All uses and structures nearly identical to the uses and structures listed in this Subsection.

Proposed Language - Section 20.F.3:

3. Administrative approval. The Administrator may grant administrative approval with or without conditions for the following:
 - a. Tree removal, involving the removal of tree(s) greater than eight inches in diameter.

- b. Sign(s), either public or private sign installation, except for incidental residential identification sign(s).
- c. Lighting, public or private street lighting installations, except for incidental residential exterior lighting.
- d. Satellite dishes, ham radio antennas, and roof aerals.
- e. Fencing, and significant changes to existing fencing.
- f. Exterior repainting, if the coloring is different than what currently exists on the structure.
- g. Demolition of any existing structures except in cases when field review determines the structure is or may be of historic significance, in which case application shall be made to the ODR for a public hearing in accordance with the design review guidelines.
- h. Construction, improvement and repair to the infrastructure system of the district including but not limited to roads, drainage, power, telephone, water and sewer projects, if the proposal will change existing appearance in the district.
- i. Tree trimming by county, state, or public utility districts.
- j. Emergency repairs or modifications to roads, utilities, vegetation and structures are allowable to protect the public health and safety, provided that the Pacific County Department of Community Development is notified within forty-eight (48) hours of commencing said repairs or modifications. All uses and structures nearly identical to the uses and structures listed in this Subsection.
- k. Roof replacements on non-historic ("non-contributing") structures when the only proposed change is in the material (e.g., alternative roof material is proposed to replace cedar shingles), rather than in the form of the roof, AND the material being proposed is "deemed appropriate" by the 2023 revisions to the guidelines. Otherwise, a public hearing is required as per 20.F.2.b, above.
- l. New siding on non-historic ("non-contributing") principal structures or accessory structures when the only proposed change is in the material (alternative lap siding material is proposed to replace wood lap siding) rather than in the type, pattern or configuration of the siding (e.g. lap siding is proposed to replace board and batten), AND the material being proposed is "deemed appropriate" in the 2023 revisions to the guidelines. Otherwise, a public hearing is required as per 20.F.2.c, above.
- m. Alteration of windows on "non-contributing" structures if the only change being proposed is in the material of the element being replace (e.g., alternative window material is proposed to replace wood), rather than in the type or configuration of the elements (e.g., single-paned windows are proposed to replace multi-paned windows), AND if the material being proposed is "deemed appropriate" in the 2023 revisions to the guidelines. Otherwise, a public hearing is required as per 20.F.2.d above.

Compliance with Procedural Ord. No. 177:

According to Ordinance No. 177, applications for zoning language amendments must be submitted to DCD on or before the last business day of March. We confirm that ORF's application was received on March 31, 2023, in compliance with this requirement.

A Notice of Public Hearing was published on September 20, 2023 and September 27, 2023 in the Chinook Observer. Notices were mailed to all recorded property owners within the Oysterville Historic District on September 18, 2023 and posted on Pacific County's Planning Commission website on September 20, 2023.

SEPA:

The lead agency, Pacific County Dept. of Community Development, for this proposal has determined that this non-project action does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist, workshops with the Planning Commission and other information on file with the lead agency.

The DNS was issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments were required to be submitted for the SEPA Determination of Non-Significance by October 4, 2023.

Recommendation:

Given the importance of the proposed amendments to the Community of the Oysterville Historic District and their relevance to the preservation and development of the Oysterville Historic District, Staff does not offer a recommendation at this time. DCD recommends that the Planning Commission thoroughly review the requested amendments and assess public comment.