

Staff Report for the Planning Advisory Commission:

Change of Use without a Conditional Use Permit

Prepared by: Rebecca Hersha (Planner) on 6/27/2016

The PAC had recently recommended (6/20/16) that Staff assess whether it would be appropriate to modify the following regulation (and associated policy) to prevent a change of commercial or industrial use that would result in a pollution generating business near the shoreline without any shoreline permit review.

Draft SMP 17.50.065(C) and (E) Commercial and Industrial regulations

Replacing one non-water oriented use with another non-water oriented use does not require a Conditional Use Permit, unless there is an increase in the total area occupied by the non-water oriented use (including parking and storage).

It's worth noting the following:

- a. SEPA review (and publication in the Journal) is still required if the resulting use requires an air operating permit from the Olympic Region Clean Air Agency.
- b. The draft commercial regulations do already state, "Water supply and waste facilities shall comply with the strictest established guidelines, standards and regulations." However, if a Shoreline Exemption, Substantial Development Permit, or Conditional Use Permit is not required, it is possible that this regulation will be overlooked.
- c. The draft commercial regulations do already state, "The County shall utilize the following information in its review of commercial development proposals: ...
Provisions to ensure that the development will not cause severe adverse environmental impacts;
Provisions to mitigate any significant noise impacts;
Provisions to mitigate light or glare impacts;
A description of mitigation measures proposed to ensure that the development will protect existing shoreline ecological functions and mitigate unavoidable impacts."
- d. The draft industrial regulations do state, "Industrial and marine terminal development shall be located, designed, constructed and operated to avoid and minimize impacts to ecological functions and mitigate for unavoidable impacts consistent with the General Regulations."

Staff has provided options for draft language in order to facilitate deciding upon language to add to the draft SMP. Staff recommends Option 1, because most industrial operations generate dangerous wastes and air contaminants.

Option 1

Draft SMP **Commercial Policies** - MCC 17.50.060 (C): Not applicable.

Draft SMP **Commercial Regulations** - MCC 17.50.065 (C):

Replacing one non-water oriented use with another non-water oriented use does not require a Conditional Use Permit, unless there is an increase in the total area occupied by the non-water oriented use (including parking and storage), or unless the resulting business has the potential to produce waste that is detrimental to water quality (surface or ground), air quality, or aquatic and upland habitats.

Draft SMP **Industrial Policies** - Draft MCC 17.50.060 (E): Not applicable.

Draft SMP **Industrial Regulations** - MCC 17.50.065 (E):

~~Replacing one non-water oriented use with another non-water oriented use does not require a Conditional Use Permit, unless there is an increase in the total area occupied by the non-water oriented use (including parking and storage).~~

Option 2

Draft SMP **Commercial Policies** - MCC 17.50.060 (C): Not applicable.

Draft SMP **Commercial Regulations** - MCC 17.50.065 (C):

Replacing one non-water oriented use with another non-water oriented use does not require a Conditional Use Permit, unless there is an increase in the total area occupied by the non-water oriented use (including parking and storage), or unless the resulting business has the potential to produce waste that is detrimental to water quality (surface or ground), air quality, or aquatic and upland habitats.

Draft SMP **Industrial Policies** - Draft MCC 17.50.060 (E): Not applicable.

Draft SMP **Industrial Regulations** - MCC 17.50.065 (E):

Replacing one non-water oriented use with another non-water oriented use does not require a Conditional Use Permit, unless there is an increase in the total area occupied by the non-water oriented use (including parking and storage), or unless the resulting business has the potential to produce waste that is detrimental to water quality (surface or ground), air quality, or aquatic and upland habitats.

Option 3

No change.