

ORDINANCE NO. 145D

AN ORDINANCE AMENDING ORDINANCE NOS. 145, 145A, 145B, AND 145C WHICH PERTAIN TO PROCEDURES FOR PROCESSING LAND USE DEVELOPMENT APPLICATIONS

WHEREAS, the Washington State Legislature enacted ESHB 1724 in 1995 (Laws of 1995, Chapter 347; codified primarily in Chapters 36.70A, 36.70B, and 36.70C RCW);

WHEREAS, this legislative enactment seeks to integrate growth management planning and environmental review;

WHEREAS, this legislative enactment mandates among other things that counties must adopt procedures to streamline and facilitate the processing of land use development applications;

WHEREAS, a determination of nonsignificance (DNS) under the State Policy Act (SEPA) has been issued for Pacific County Ordinance No. 145D and this determination is appropriate;

WHEREAS, Pacific County needs to amend Ordinance No. 145 and its associated amendments to include language pertaining to the procedures for processing land use applications under the Pacific County Building Construction and Fire Prevention/Protection Ordinance No. 151; and

WHEREAS, Pacific County Ordinance No. 145D will effectuate the intent of the Pacific County Comprehensive Plan; now therefore,

IN ACCORDANCE WITH CHAPTER 36.32 RCW, IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS, PACIFIC COUNTY, WASHINGTON, THAT ORDINANCE NO. 145, AS AMENDED BY ORDINANCE NOS. 145A, 145B, AND 145C, IS AMENDED AS FOLLOWS:

1. Section 1 of Pacific County Ordinance No. 145, as amended by Ordinance Nos. 145A, 145B, AND 145C is amended to read as follows:

Section 1. Purpose and Applicability

- A. This Ordinance describes how Pacific County will timely process applications for development subject to review under the Pacific County

Shoreline Master Program (PCSMP) and under the following ordinances or any amendments thereto:

Ordinance No.

- 95 Zoning
- 100 That Portion Pertaining to RV Parks
- 116A Flood Damage Prevention
- 121 Environmental Protection
- 131 Oysterville Historic District and Design Review
- 147 Critical Areas and Resource Lands
- 149 Land Division
- 151 Building Construction and Fire Prevention/Protection

B. This Ordinance shall be administered as follows:

1. When necessary, the applicable administrative official shall issue a formal written interpretation of a development regulation. A formal written interpretation shall be a Type 1 action and shall be subject to appeal provisions of Section 13.
2. The Administrator of the PCSMP shall interpret and apply the provisions of the PCSMP, or any amendments thereto.
3. The Director of the Pacific County Department of Community Development (DCD) or his or her designee(s), shall interpret and apply the provisions the following ordinances or any amendments thereto:

Ordinance No.

- 95 Zoning
- 100 RV Parks
- 116A Flood Damage Prevention
- 121 Environmental Protection
- 131 Oysterville Historic District and Design Review
- 147 Critical Areas and Resource Lands
- 149 Land Division
- 151 Building Construction and Fire Prevention/Protection

3. The Director of the Pacific County Department of Community Development or his or her designee(s) shall consult with the County Engineer or his or her designee(s) regarding any technical issues that arise in administering Ordinance No. 149, or any amendments thereto.

C. This Ordinance is intended to identify procedures for determining whether development proposals (with or without conditions/mitigation) are consistent with applicable policies and standards. Consistency shall be determined by considering:

1. The type of land use;
2. The level of development, such as units per acre or other measures of density or intensity;
3. Infrastructure, including public facilities and services needed to serve the development; and

The character of the development, such as development standards.

2. Section 2 of Pacific County Ordinance No. 145, as amended by Ordinance Nos. 145A, 145B, and 145C is amended to read as follows:

Section 2. Application Types and Classification.

- A. Applications for review pursuant to Section 1 of this Ordinance shall be subject to a Type I, Type II, Type III or Type IV process.
- B. Unless otherwise required, if Pacific County must process more than one application for a given development, all applications required for the development may be submitted for review at one time. Where more than one (1) application is submitted for a given development, and those applications are subject to different types of procedure, then all the applications are subject to the highest-number procedure that applies to any of the applications.
- C. If this Ordinance expressly states that an application is subject to one of the four types of procedures or another procedure, then the application shall be processed accordingly. If this Ordinance does not expressly provide for review using one of the four types of procedures, and another specific procedure is not required by law, the review authority for the application in question shall classify the application as one of the four types of procedures.
 1. The act of classifying an application shall be a Type I action. Classification of an application shall be subject to reconsideration and appeal at the same time and in the same way as the merits of the application in question.

2. The review authority shall consider the following guidelines when classifying the procedure type for an application:
 - a. A Type I process involves an application that is exempt from SEPA review and is subject to clear, objective and nondiscretionary standards, or standards that require the exercise of professional judgment about technical issues.
 - b. A Type II process involves an application that is subject to objective and subjective standards that require the exercise of limited discretion about non-technical issues and about which there may be a limited public interest.
 - c. A Type III process involves an application for relatively few parcels and ownerships. It is subject to standards that require the exercise of substantial discretion. Such applications may implicate broad public interests.
 - d. A Type IV process involves the creation, implementation, or amendment of policy or law by ordinance. In contrast to the other three procedural types, the subject of a Type IV process applies to a relatively large geographic area containing many property owners. An application subject to a Type IV process can be filed only by Pacific County.

3. The following development decisions shall be reviewed and processed accordingly:

HEARD BY:

1. Ord. No. 95 Zoning		
Development Permit Application	Type I	DCD
Zone or Setback Check	Type I	DCD
Site Specific Rezone	Type III	PLANNING COMM.
Variance/Conditional Use	Type III	BOARD OF ADJ.
2. Ord. No. 100 RV Parks		
Construction Plan Review	Type I	DCD
Licensure	Type I	DCD
3. Ord. No. 116 Flood Damage Prevention		
Development Permit Review	Type I	DCD
Variance	Type II DCD	
4. Ord. No. 121 Environmental Protection		
Determination of Non-Significance		

(DNS) or Mitigated Determination of Non-Significance (MDNS) or Determination of Significance (DS)	Type I,II,III, or IV	*
---	-------------------------	---

*(REVIEW AUTHORITY DEPENDS UPON UNDERLYING APPLICATION)

5. Ord. No. 131 Oysterville Historic District and Design Review		
Administrative Review	Type I	DCD
New Building or Major Remodel	Type III	**

** (OYSTERVILLE DESIGN REVIEW BOARD)

6. Comprehensive Land Use Plan/Area Wide Zoning	Type IV	PLANNING COMM. BOCC
--	---------	------------------------

7. Ord. No. 147 Critical Areas and Resource Lands		
Administrative Review	Type I	DCD
Variance/Viable Use Exception	Type II	DCD
Wetland Mitigation Bank	Type II	DCD

8. Ord. No. 149 Land Division		
Exemption Acknowledgment	Type I	DCD***
Short Subdivision (including Variances and Vacation/ Alteration of a Short Subdivision)	Type II	DCD***
Large Lot Subdivision (including Variances and Vacation/ Alteration of a Large Lot Subdivision)	Type II	DCD***
Binding Site Plan	Type III	DCD ***
Subdivision (including Variances)	Type III	PLANNING COMM. BOCC***
Vacation/Alteration of a Subdivision	Type III	DCD***

9. Ord. No. 151 Building Construction and Fire Prevention/Protection		
All Permit Activity	Type I	DCD

10. Pacific County Shoreline Master Program Exemption Acknowledgement	Type I	Shoreline Administrator
--	--------	----------------------------

Residential Development	Type II Shoreline	Administrator
Commercial/Industrial Development	Type III	Hearings Examiner (See Pacific County Ordinance No. 150, or any amendments thereto)

***(THE COUNTY ENGINEER OR HIS OR HER DESIGNEE(S) SHALL BE CONSULTED ON ANY TECHNICAL ISSUES)

- Section 15 of Pacific County Ordinance No. 145, as amended by Ordinance Nos. 145A, 145B, and 145C is amended to read as follows:

Section 15. Miscellaneous

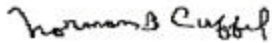
- A. If any section, subsection, clause, phrase, or word in this ordinance or any provision adopted by reference herein is for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the validity or constitutionality of the remaining portions of this ordinance or any provision adopted by reference herein.
 - B. Pacific County Ordinance No. 145 is effective as of April 1, 1996. The amendments and additions to Ordinance No. 145 that are contained in Ordinance No. 145A are effective April 11, 1997. The amendments and additions to Ordinance No. 145 that are contained in Ordinance No. 145B are effective as of August 24, 1999. The amendments and additions to Ordinance No. 145 that are contained in Ordinance No. 145C are effective as of November 28, 2000. The amendments and additions that are contained in Ordinance No. 145D are effective as of the date that Ordinance No. 151 becomes effective.
- If any section, subsection, clause, phrase, or word in Ordinance No. 145D or any provision adopted by reference herein is for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not effect the validity or constitutionality of the remaining portions of this ordinance or any provision adopted by reference herein.
 - The amendments and additions to Ordinance No. 145 which are contained in Sections 1 through 3 of Ordinance No. 145D are effective as of the date that Ordinance No. 151 becomes effective.

[SIGNATURES ON THE FOLLOWING PAGE]

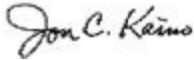
PASSED BY THE BOARD OF COUNTY COMMISSIONERS meeting in special session at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 10 day of July , 2001.

 3 AYE; 0 NAY; 0 ABSTAIN; 0 ABSENT


BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON



Norman Cuffel, Chairperson

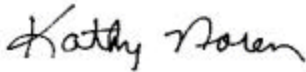


Jon Kaino, Commissioner



Pat Hamilton, Commissioner

ATTEST:



Kathy Noren,
Clerk of the Board