

ORDINANCE NO. 383, 1990

An ordinance of Clallam County, a political subdivision of the State of Washington, repealing Chapter 26.01 of the Clallam County Code created by Ordinance No. 69, 1976 and creating a new chapter of the Clallam County Code authorizing a planning agency and defining their powers, duties, and procedures in accordance with the provisions of Chapters 36.70 and the Clallam County Charter and recognizing the Clallam County Comprehensive Plan under the statutory authority of Chapter 36.70 R.C.W.

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

**Chapter 26.01**  
**Planning Agency**

Sections:

26.01.010	Purpose and Authority
26.01.020	Department of Community Development
26.01.030	Planning Commission
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**C.C.C. 26.01.010 Purpose and Authority.** The purpose of this chapter is to provide the authority for guiding and regulating the physical development of Clallam County as provided for in R.C.W. 36.70 and the Clallam County Charter, as now or hereafter amended. A planning department, which shall be the department of community development, is hereby created pursuant to R.C.W. 36.70.040 and together with the planning commission, which is hereby created, shall be the planning agency for Clallam County. The authority for planning shall be as authorized in R.C.W. 36.70.040 and the Clallam County Charter, as now or hereafter amended. The Clallam County Comprehensive Plan, as adopted by Ordinance No. 175, 1982, and all subsequent amendments, and all official controls which implement the comprehensive plan are hereby adopted under the authority of Chapter 36.70 R.C.W. and the Clallam County Charter, as now or hereafter amended.

**C.C.C. 26.01.020 Department of Community Development.** The department of community development shall contain the planning department or division for Clallam County and is authorized pursuant to R.C.W. 36.70.040. The planning commission, as authorized in this chapter and the shorelines committee, as authorized in Chapter 26.02, shall assist the department of community development in carrying out its planning related duties. The director of the department shall be responsible to the county administrator and the board of commissioners. The director of the department may delegate the duties and procedures imposed by this title upon division managers.

**C.C.C. 26.01.030 Planning Commission.** The planning commission shall assist the planning department in carrying out its duties, including assistance in the preparation and execution of the comprehensive plan and recommendations to the department for the adoption of official controls and/or amendments thereto. The commission shall consist of nine members and shall be structured so as to provide as nearly as possible an equal number of representatives from each commissioner district. The members of the commission shall be appointed by the board of commissioners. The term of office shall be four years. Members now serving on the commission created by Ordinance No. 69, 1976 are hereby confirmed as members of the commission created by this ordinance for the remainder of their current terms of office. Vacancies occurring on the commission other than through the expiration of a term shall be filled for the unexpired term. Members may be removed from office as set forth in R.C.W. 36.70.110, as now or hereafter amended. Members shall reside in the respective commissioner district, shall be selected without respect to political affiliation, shall not be paid officials nor employees of Clallam County and shall be selected in accordance with the equal opportunity guidelines of the Clallam County Charter.

**C.C.C. 26.01.040 Duties and Responsibilities of the Department.** The department is responsible for the duties and procedures as directed by the county administrator and the board. The duties of the department shall include, but not be limited to, the following:

- (1) The development and implementation of the comprehensive plan as outlined in R.C.W. 36.70.
- (2) The development and administration of all ordinances required to implement the comprehensive plan, including but not limited to the land division, zoning, shoreline, floodplain, recreational vehicle and mobile home park, environmental policy, open space classification and any other ordinance relating to the physical development of the county as assigned by the board.
- (3) The director or his or her representative shall serve as secretary to the planning commission and the shorelines committee.
- (4) The department shall be responsible for coordinating and implementing the State Environmental Policy Act and the Clallam County environmental policy ordinance. The director or designee shall serve as the responsible official under these rules.
- (5) The department shall conduct research as necessary to monitor growth trends and development activities and report to the planning commission and board on their findings.
- (6) The department shall prepare forms and application materials as necessary to implement the various planning ordinances and the department shall be responsible for ensuring that the applications are complete and meet the necessary requirements for content.
- (7) The department shall perform such other duties as required by the board.
- (8) The director or his or her designee shall also make such interpretations as are necessary to carry out the spirit and intent of the comprehensive plan or the ordinances which implement the plan and may take action on land use permits as authorized by ordinance.

**C.C.C. 26.01.050 Duties and Powers of Commission.** The commission shall be responsible to the planning department and the board for its duties and actions. The duties and powers of the commission shall include, but not be limited to, the following:

- (1) Policy recommendations on the development and implementation of the comprehensive plan in accordance with the authority of R.C.W. 36.70, as now or hereafter amended.
- (2) Policy recommendations on the development of all ordinances or official controls and amendments thereto which implement the comprehensive plan.
- (3) Recommendations on all rezones, subdivision plats, planned unit developments, subdivision variances and other requests brought by the board or the department.
- (4) Final orders on zoning conditional use permits, variances and shoreline permits.

- (5) Enter written findings, conclusions and decisions following public hearings on any matter before the commission.
- (6) Decisions of the planning commission may include conditions to permits which are reasonable and necessary to further the public health, safety, welfare, use and interest and maintain the spirit and intent of county ordinances or an adopted comprehensive plan for the county.
- (7) Keep a written record of all meetings and decisions before the commission.
- (8) Other matters referred by the board of commissioners.

**C.C.C. 26.01.060 Organization and Business of the Commission.**

- (1) The commission shall be organized and conduct business as outlined in R.C.W. 36.70, as now or hereafter amended.
- (2) The commission shall elect its own chairman and vice chairman from among its members. The director or representative shall serve as secretary to the commission. The commission shall adopt rules and/or bylaws for the transaction of business and keep written record of its meetings, resolutions, findings, conclusions and determinations, which shall be a matter of public record.
- (3) The recommendation by the commission to the board of any official control or amendments thereto, as defined in R.C.W. 36.70, as now or hereafter amended, shall be by the affirmative vote of not less than a majority of the total members of the commission. Action on permits other than official controls shall be by a majority of those present. Failure to obtain a majority vote shall be considered a denial of the action.
- (4) The commission shall hold at least one regular meeting each month: *Provided*, that the commission, if authorized by its own rules and bylaws, may meet twice monthly and for such other meetings as it may deem necessary to carry out the duties of the commission: *Provided further*, that if no matters over which the planning agency has jurisdiction are pending upon its calendar, a meeting may be canceled.
- (5) Public hearings before the commission are scheduled by the director or designee according to the rules and procedures adopted by the department. Agendas for commission meetings shall be developed by the director or designee in coordination with the chairman of the commission.

**C.C.C. 26.01.070 Administrative Procedures.** The department and the divisions thereunder may adopt administrative procedures and policies to carry out the duties assigned by this chapter and other chapters and to provide interpretation, clarification or amplification on state or county codes and their departmental administration. Administrative procedures and policies shall be approved by the director with legal counsel from the prosecuting attorney's office, when necessary. The department shall advise and/or consult with the planning commission, shorelines committee and/or board of commissioners, as applicable, prior to implementing an administrative policy or procedure. Administrative policies or procedures may be overturned by legislative action of the board of commissioners or by reconsideration by the director. The department and each division thereunder shall make available to the public any adopted administrative procedures and policies.

**C.C.C. 26.01.080 Enforcement.** The director or his or her representative and members of the planning commission and shorelines committee are hereby authorized and directed to enforce the provisions of all ordinances under the planning agency authority. To accomplish enforcement of the applicable codes, the director or designee may enter upon land as allowed in R.C.W. 36.70.500, as now or hereafter amended, order work stopped by serving notice in writing

upon any persons doing work in violation of county ordinances and order any use of structures or land discontinued if in violation of county ordinances. Failure to abide by such orders shall be a misdemeanor.


**C.C.C. 26.01.090 Expenditures.** The expenditures of the planning agency shall be as set forth in the official budget of the department of community development and shall be under the control of the department director, the county administrator and the board.

**C.C.C. 26.01.100 Repealer.** Ordinance No. 69, 1976 is hereby repealed.

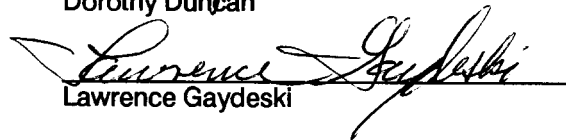
**C.C.C. 26.01.110 Severability.** If any portion of this ordinance or any application thereof is held invalid or unconstitutional for any reason by a court of competent jurisdiction, such portion thereof or any application thereof shall not affect the validity of the remaining portions of the ordinance or its applicability to other persons or circumstances.

PASSED AND ADOPTED THIS 19 day of June, 1990.

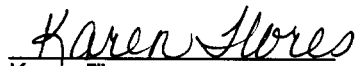
BOARD OF CLALLAM COUNTY COMMISSIONERS

  
Dave Cameron, Chair

  
Dorothy Durcan

  
Lawrence Gaydeski

ATTEST:

  
Karen Flores  
Clerk of the Board

cc: Community Development  
Minutes  
File  
Prosecutor (3)  
Code (1)