

ORDINANCE NO. 428, 1991

An ordinance of Clallam County, a political subdivision of the State of Washington, amending Chapter 26.02 of the Clallam County Code by expanding the authority, duties, powers and membership of the Clallam County Shorelines Committee in accordance with the provisions of Chapters 36.70, 36.70A and 90.58 R.C.W. and Chapters 173-14 and 365-190 W.A.C, and the Clallam County Charter.

(All new material shall be underlined; all material deleted is placed within double parentheses and scored through. Revision bars denote sections which have been amended.)

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chapter 26.02
Shorelines and Sensitive Areas Committee

Sections:

- 26.02.010 Authority
- 26.02.020 Membership and Appointment
- 26.02.030 Organization and Business
- 26.02.040 Meetings
- 26.02.050 Duties
- 26.02.060 Powers
- 26.02.090 Severability

C.C.C. 26.02.010 Authority. Pursuant to the Shoreline Management Act, R.C.W. 90.58 and WAC 173-14, as now or hereafter amended, the Growth Management Act, R.C.W. 36.70.A. and WAC 365-190, as now or hereafter amended and the Clallam County Charter, a shorelines and sensitive areas committee, hereinafter referred to as the "committee", is hereby established to assist the planning agency and conduct hearings on shoreline permits, sensitive or critical area permits, management plans or appeals and on ((adjustments)) amendments to the shoreline master program and such ordinances as are necessary to implement protection of critical areas as defined in the Growth Management Act, as now or hereafter amended.

C.C.C. 26.02.020 Membership and Appointment. The ((shorelines-))committee shall consist of ((seven-)) nine members and shall be structured so as to provide as nearly as possible an equal number of representatives from each county commissioner district ((- Provided, that one member may be appointed as an at large member.)) The members of the ((shorelines-))committee shall be appointed by the board of commissioners. The term of office shall be four years. Members now serving on the shorelines ((advisory))committee created by Ordinance No. 384, 1990, ((44, 1973, No. 62, 1975, No. 134, 1981, and No. 310, 1987,)) are hereby confirmed as members of the ((shorelines-))committee created by this ordinance for the remainder of their current terms of office. Vacancies occurring on the committee other than through the expiration of a term shall be filled for the unexpired term. Members may be removed in the same manner 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. 26.02.030 Organization and Business.

- (1) The ~~((shores))~~committee shall conduct business within the statutory authority of the Shoreline Management Act and the Clallam County shoreline permit ordinance, Chapter 35.01, the Growth Management Act and County Planning Enabling Act (R.C.W. 36.70), and such ordinance as necessary to implement the protection of critical areas as defined in the Growth Management Act, as now or hereafter amended. The ~~((shores))~~committee shall elect its own chairman and vice chairman from among its members. The planning director or representative shall serve as secretary to the ~~((shores))~~committee. The ~~((shores))~~committee shall adopt rules and/or by-laws 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.
- (2) The recommendation by the ~~((shores))~~committee to the board on ~~((adjustments))~~amendments to the shoreline master program or any ordinance as necessary to protect critical or sensitive areas, shall be by the affirmative vote of not less than a majority of the total members of the ~~((shores))~~committee. Action on shoreline permits, and other permits, appeals and management plans necessary to protect critical or sensitive areas, shall be by a majority of those present, *Provided*, that no action except continuation of meeting dates may occur with less than a quorum of the ~~((shores))~~committee present, except as otherwise provided by state law. Failure to obtain a majority vote shall be considered a denial of the action.

C.C.C. 26.02.040 Meetings.

- (1) The ~~((shores))~~committee shall conduct a regular meeting at least once each month; however, when there is no business to be conducted, such regular meeting may be cancelled. Further, regular meetings may be continued when deemed appropriate and special meetings may be called at the discretion of the ~~((shores))~~committee and the department of community development.
- (2) Public hearings before the ~~((shores))~~committee are scheduled by the ~~((department))~~planning director or designee according to the rules and procedures adopted by the department. Agendas for ~~((shores))~~committee meetings shall be developed by the planning director or representative in coordination with the chairman of the ~~((shores))~~committee.

C.C.C. 26.02.050 Duties. The ~~((shores))~~committee shall be responsible to the ~~((planning department and the))~~board of commissioners for its duties and actions. The duties of the ~~((shores))~~committee shall include, but not be limited to, the following:

- (1) Policy recommendations on the development, implementation and adjustment of the shoreline master program in accordance with the authority of R.C.W. 90.58, as now or hereafter amended. The ~~((shores))~~committee shall notify and receive authorization from the board of commissioners prior to any initiation of amendments to the shoreline master program.
- (2) Policy recommendations on the development of all ordinances or official controls which implement the shoreline master program.
- (3) Final orders on shoreline substantial development permits, shoreline variances and shoreline conditional use permits.
- (4) Enter written findings, conclusions and decisions following public hearings on ~~((shoreline))~~permit applications, ordinances necessary to protect critical areas or shoreline master program amendments.
- (5) Keep a written record of all meetings and transactions.
- (6) Other matters referred by the board of commissioners.

- (7) Policy recommendations on the development, implementation and amendment of ordinances or official controls to protect critical areas in accordance with the authority of R.C.W. 36.70A, as now or hereafter amended. The committee shall notify and receive authorization from the board of commissioners prior to any initiation of amendments to such ordinances.
- (8) Final orders on critical or sensitive area development permits, variances, management plans or appeals of administrative decisions as authorized under Clallam County Codes which implement protection of critical and sensitive areas in accordance with R.C.W. 36.70A, as now or hereafter amended.

C.C.C. 26.02.060 Powers. The ~~((shoreslines-))~~committee shall have the following authority and powers:

- (1) The decision of the ~~((shoreslines-))~~committee is final and conclusive following a public hearing on all shoreline substantial development permits, shoreline variances and shoreslines conditional use permits unless within ten(10) days following rendering such decision an appeal therefrom is filed with the clerk of the board of commissioners and the ~~((planning division-))~~department of community development by the applicant or other interested persons or agency. Such appeal shall be in writing and shall state specifically the issues that are the subject of the appeal focusing in on the specific inadequacies of the particular decision under dispute and shall be accompanied by fees as set forth in C.C.C. 3.30, as now or hereafter amended. The board of commissioners shall either reverse or affirm the decision of the committee following a public hearing of the matter.
- (2) The ~~((shoreslines-))~~committee shall make recommendations following a public hearing and in accordance with R.C.W. 90.58 on adjustments to the shoreline master program or any other ordinance implementing the shoreline master program or the Growth Management Act and protection of critical areas to the board of commissioners.
- (3) The ~~((shoreslines-))~~committee may attach conditions to permit approvals to ensure the project is in conformance with the shoreline master program goals, policies and regulations and the Shoreline Management Act or with Growth Management Act goals, policies and regulations implementing such goals and policies by Clallam County.
- (4) As specified in such ordinance which implements protection of critical areas as defined in the Growth Management Act, the decision of the committee is final and conclusive on all critical or sensitive area development permits, variances, and management plans, or any other such site specific development plans or permits which the committee is authorized and required to review unless within ten (10) days, or other period of time as specified in ordinance, an appeal therefrom is filed with the clerk of the board of commissioners and the department of community development by the applicant or other interested persons or agency. The board of commissioners shall either reverse or affirm the decision of the committee following a public hearing of the matter.
- ~~((4))~~5) Any other matter referred to the ~~((shoreslines-))~~committee not outlined in this section shall be considered a recommendation to the planning agency or the board of commissioners.

C.C.C. 26.02.090 Severability. If any provision of this chapter or its application to any person or legal entity or circumstances is held invalid the remainder of the chapter, or the application of the provision to other persons or legal entities or circumstances shall not be affected.

PASSED AND ADOPTED THIS 10th day of September, 1991.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Dorothy Duncan
Dorothy Duncan, Chair

Lawrence Gaydeski
Lawrence Gaydeski

Dave Cameron
Dave Cameron

ATTEST:

Karen Flores
Karen Flores
Clerk of the Board

cc: Community Development
Prosecutor (3)
File
Minutes