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2-2597

Ordinance No. 609, 1997

An emergency ordinance to extend the expiration date of the Clallam County Interim Critical Area Ordinance, Chapter 27.12, Clallam County Code

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Section 1 Purpose. This emergency ordinance extends the expiration date of the Clallam County Interim Critical Area Ordinance, Chapter 27.12, Clallam County Code, in order to:

1. Maintain the public health, safety, and welfare.
2. Assure continued protection of critical areas as required under the Clallam County Comprehensive Plan, Title 31, Clallam County Code, and Chapter 36.70A, Revised Code of Washington.
3. Allow the Board of Clallam County Commissioners additional time to adopt final critical area protection rules that are consistent with the Clallam County Comprehensive Plan, Title 31, Clallam County Code, and Chapter 36.70A, Revised Code of Washington.

Section 2 Findings of Fact. The Board of Clallam County Commissioners finds the following facts to create a public emergency:

1. The Board of Clallam County Commissioners adopted the Clallam County Interim Critical Areas Ordinance, Chapter 27.12, Clallam County Code, on June 16, 1992. The purpose of this ordinance was to designate and protect critical areas as required by the Growth Management Act of 1990 by supplementing the development requirements contained in the various chapters of the Clallam County Code by providing for additional controls and measures to protect such designated critical areas. It was adopted under the authority of Chapter 36.70A Revised Code of Washington, Chapter 36.70, Revised Code of Washington, and the Clallam County Charter.
2. Section 240 of the Clallam County Interim Critical Areas Ordinance (ICAO) states that the ICAO shall expire within one year after completion of the Clallam County Comprehensive Plan adopted pursuant to Chapter 36.70A Revised Code of Washington. Clallam County adopted its comprehensive plan pursuant to Chapter 36.70A RCW on February 27, 1996. Therefore, the Clallam County Interim Critical Areas Ordinance, Chapter 27.12, Clallam County Code will expire on February 27, 1997.
3. Clallam County is required to enact development regulations that are consistent with and implement the comprehensive plan as required by Chapter 36.70A, Revised Code of Washington.
4. Section 31.02.320 of the Clallam County Comprehensive Plan states that the Interim Critical Areas Ordinance shall be adopted as the County's final critical area ordinance, and that this ordinance shall be amended as necessary to implement watershed or special area studies and to maintain consistency with the Comprehensive Plan.

5. The Clallam County Shoreline and Sensitive Area Committee (SSAC) forwarded a recommendation on adoption of final critical area protection rules on July 30, 1996 to the Board of Clallam County Commissioners.
6. The Board of Clallam County Commissioners are required under the Section 3.10 of the Clallam County Charter to hold a public hearing to consider adoption of ordinances. The Board has determined that additional review is needed prior to scheduling a public hearing on adoption of final critical area protection rules.
7. The Board of Clallam County Commissioners held a worksession on October 16, 1996, to review the Shoreline and Sensitive Area Committee recommendation on adoption of final critical area protection rules.
8. The Board of Clallam County Commissioners scheduled a worksession on February 25, 1997, to further review the Shoreline and Sensitive Area Committee recommendation on adoption of final critical area protection rules, and to establish a work schedule for adoption of final critical area protection rules consistent with the Clallam County Comprehensive Plan, within the effective time period of this emergency ordinance.
9. Clallam County is responsible for protecting critical areas under the: Clallam County Comprehensive Plan, Title 31, Clallam County Code; State Environmental Policy Act, Chapter 43.21 Revised Code of Washington; Clallam County Environmental Policy Ordinance, Chapter 27.01, Clallam County Code; Shoreline Management Act of 1971, Chapter 90.58, Revised Code of Washington, Clallam County Shoreline Management Ordinance, Chapter 35.01, Clallam County Code; and the Clallam County Shoreline Master Program. Protection of critical areas under the above regulations without specific critical area protection development standards would: increase permit processing times; decrease local control; and increase uncertainty among the public and development community.
10. Expiration of the Clallam County Interim Critical Areas Ordinance without adoption of final critical area protection rules consistent with the Comprehensive Plan would place the County out of compliance with the Growth Management Act. County non-compliance with the Growth Management Act may result in state sanctions against the County such as withholding the County's share of state-collected transportation taxes. In addition, non-compliance may impact the continued funding of existing County programs supported by state grants and the eligibility of the County for applied for state grants that require compliance with the Growth Management Act for funding.

Section 3 Extension of Interim Critical Area Protection Rules. The Board of Clallam County Commissioners hereby extends the expiration date of Section 240 of the Clallam County Interim Critical Areas Ordinance, Chapter 27.12, Clallam County Code, sixty (60) days from the effective date of this ordinance.

Section 4 Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application to other persons or circumstances shall not be affected.

- Section 5 Conflict. Where other County regulations are in conflict with this ordinance, the more restrictive regulation shall apply and such application shall extend only to those specific provisions which are more restrictive.
- Section 6 Termination of Ordinance. The provisions of this ordinance shall cease to be effective as of the sixty-first (61st) day following the date of enactment and shall not be reenacted as an emergency ordinance. This ordinance may be extended only after holding a public hearing on adoption of final critical area protection rules. The Board of Clallam County Commissioners may terminate this ordinance upon adoption of critical area protection rules consistent with the Clallam County Comprehensive Plan, Title 31, Clallam County Code, that become effective prior to the termination date of this emergency ordinance.
- Section 7 Authority. This emergency ordinance is adopted under the authority of Section 3.20 of the Clallam County Charter.
- Section 8 Effective Date. This ordinance shall come into full force and effect upon the approval of the Board of County Commissioners.

PASSED AND ADOPTED THIS 25th day of February, 1997.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Carole Boardman
Carole Boardman

Phillip Kitchel
Phillip Kitchel

Martha M. Ireland
Martha Ireland, Chair

ATTEST:

Karen Flores
Karen Flores
Clerk of the Board

cc: Community Development
Minutes