

ORDINANCE NO. 62 OF 1975

An ordinance amending the Clallam County Shoreline Permit Ordinance known as Ordinance No. 44 of 1973 passed April 19, 1973.

The County of Clallam, through its Board of County Commissioners, hereby ordains and enacts:

That Ordinance No. 44 of 1973 is amended in its various sections as follows:

Section 1

Add Section 2, Subsection 16(g). Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee or contract purchaser of a single-family residence, the cost of which does not exceed two thousand five hundred dollars.

Section 2

Eliminate Section 2, Subsection (18).

Section 3

Change Section 3, Subsection (2) (a) (ii) to read:

The guidelines and regulations of the Department;

Section 4

Change Section 4 to read:

A substantial development permit shall not be required for any project with a certification from the governor pursuant to Chapter 80.50 RCW.

Section 5

Eliminate Section 5.

Section 6

Change Section 7 to read:

Section 7. Permits Required for Timber Cutting on Shorelines of Statewide Significance.

Section 7

Change Section 9 to read:

Section 9. NOTICE. Upon submittal of a proper application for a substantial development or timber cutting permit to the shoreline permit administrator, the county shall publish a notice of public hearing on the proposal at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within the county. An affidavit of publication shall be affixed to the application. Within thirty days of the last publication of such notice, any interested person may submit his views on the application in writing to the Advisory Committee or may notify the Board of his desire to be notified of the Board's decision on the permit.

Section 8

Change portions of Section 10 to read:

(1) Application for substantial development and timber cutting permits shall be made with the Planning Department by the property owner, lessee, contract purchaser, other person entitled to possession of the property, or by an authorized agent.

(2) A filing fee in the amount of twenty-five (\$25.00) shall be paid to the Planning Department at the time an application is filed.

Section 9

Change portions of Section 11 to read:

(3) The Advisory Committee shall transmit its recommendations in writing to the Board within a reasonable time after the public hearing.

(5) The Advisory Committee shall consist of nine (9) members, appointed by the Board of County Commissioners.

(6) Five members of the Committee shall constitute a quorum to conduct business and make recommendations. A majority of those present shall be required to make a recommendation.

Section 10

Change Section 12 to read:

(1) Public hearings on substantial development permit applications and timber cutting permit applications shall be conducted by the Advisory Committee.

(2) If, for any reason, testimony on any matter set for public hearing, or being heard, cannot be completed on the date set for such hearing, the Advisory Committee may, before adjournment or recess of such matters under consideration, publicly announce the time and place of the continued hearing and no further notice is required.

(3) The Advisory Committee shall have the power to prescribe rules and regulations for the conduct of hearings before it; ~~and also to issue summons for, and compel the appearance of witnesses,~~ to administer oaths and to preserve order. The privilege of cross-examination of witnesses shall be accorded all interested persons or their counsel in accordance with the rules of the Advisory Committee.

(4) The Advisory Committee shall make and enter written findings from the record and conclusions thereof which support its recommendations and the findings and conclusions shall set forth the manner in which the decision is consistent with:

- (a) The policies as set forth in Section 2 of Chapter 90.58 RCW;
- (b) The guidelines and regulations of the Department, and;
- (c) The Clallam County Shoreline Master Program. Said decision shall recommend approval, denial, or conditional approval of a permit.

#### Section 11

Change a portion of Section 17 to read:

(1) All guidelines and the master program adopted or approved and this ordinance shall be available for public inspection at the office of the Board, the Planning Department and County Auditor.

#### Section 12

Change Section 18 to read:

The building inspector or the shoreline permit administrator may inspect properties as necessary to determine whether permittees have complied with conditions of their respective permits and, whenever there is reasonable cause to believe that development has

occurred upon any premises in violation of the Shoreline Management Act of 1971 and this ordinance, may enter upon such premises at all reasonable times to inspect the same. The building inspector or shoreline permit administrator shall present proper credentials before demanding entry. If such premises are unoccupied, a reasonable effort shall be made to locate the owner or tenant and demand entry. The Shoreline Advisory Committee shall review and comment on the violations discovered and the shoreline permit administrator shall then issue a notice and order to the owner or tenant of the premises advising such person(s) of any violations and requiring him to take whatever action is necessary to comply with the Act and this ordinance. Subsequently, he shall also, where appropriate, seek legal sanctions by the Board as provided in Section 15 of this ordinance and by the Clallam County Prosecuting Attorney as provided in Section 22 of this ordinance.

### Section 13

Change portions of Section 19 to read:

Following the public hearing on any permit and before making a decision to recommend approval, denial or conditional approval of a permit, the Shoreline Advisory Committee shall determine the environmental significance of the proposed development. A determination shall be made that the proposed development will:

- (a) Not have a significant adverse effect on the quality of the environment; or
- (b) Have a significant adverse effect on the quality of the environment.

### Section 14

Change Section 20 to read:

NEGATIVE THRESHOLD DETERMINATION. In the event the Shoreline Advisory Committee determines a proposal will not have a significant adverse effect on the quality of the environment, it shall prepare a proposed declaration of non-significance in accordance with the requirements of the Council on Environmental Policy and the Clallam County Environmental Policy Ordinance.

### Section 15

Change Section 21 to read:

In the case of any application for a substantial development permit by a private person or other governmental body, the shoreline permit

administrator shall require that the applicant provide as part of his application an environmental checklist together with any supporting documentation. The shoreline permit administrator may refuse to process and consider the application if the applicant fails to provide the required information.

Section 16

This ordinance shall take effect as of November 19, 1975, 1975.

Passed by the Board of County Commissioners at a regular meeting thereof on the 19 day of November, 1975.

BOARD OF CLALLAM COUNTY COMMISSIONERS

D. J. Caulkins  
D. J. Caulkins, Chairman

Frank A. Feeley  
Frank A. Feeley

William H. Knapman  
William H. Knapman

ATTEST:

Alice C. Thorne  
Alice C. Thorne, County Auditor  
and Clerk of the Board