Ordinance No. 630 , 1998

An ordinance extending the Clallam County Interim Critical Areas Ordinance, Chapter 27.12, Clallam County Code. (Ordinance 471, 1992, Ordinance 493, 1992, Ordinance 533, 1993, Ordinance 609, 1997, Ordinance 612, 1997, and Ordinance 618, 1997)

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Section 1   Purpose. This 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 need for extending the interim critical area rules:

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.   The Clallam County Interim Critical Areas Ordinance was extended previously under Ordinance 609, 1997, Ordinance 612, 1997, and Ordinance 618, 1997. Ordinance 618, 1997 expires on January 24, 1998.

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.   The Clallam County Interim Critical Area Protection Ordinance is consistent with the Clallam County Comprehensive Plan. 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.

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6. The Board of Clallam County Commissioners held several worksessions on the recommended final critical area protection rules by the Clallam County Shorelines and Sensitive Area Committee and concluded that additional issues need to be resolved prior to considering adoption of final critical area protection rules. Issues include, but are not limited to, consistency of critical area rules with other regulations such as agricultural land protection; integration of Clallam County Floodplain Management Code, Chapter 32.01, C.C.C, into the final critical areas rules; and regulations governing floodplains.

7. 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.

8. 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.

9. Chapter 36.70A.390 RCW allows a county governing body to adopt interim official controls for periods not longer than six (6) months. Interim official controls may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Section 3   This ordinance is adopted under the authority of Section 3.10 of the Clallam County Charter.

Section 4   This ordinance shall cease to be effective on July 24, 1998. The Board of Clallam County Commissioners may terminate this ordinance upon adoption of final critical area protection rules consistent with the Clallam County Comprehensive Plan, Title 31, Clallam County Code, that become effective prior to the expiration date of this ordinance.

Section 5   This ordinance shall come into full force and effect the date Ordinance 618, 1997, ceases to be effective, which is January 24, 1998, but not sooner than ten (10) days after adoption by the Board of Clallam County Commissioners.

PASSED AND ADOPTED THIS _13th_ day of _January_____, 1998.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Carole Y. Boardman

Carole Boardman, Chair

Phillip Kitchel (signature)

Phillip Kitchel

Martha M. Ireland (signature)

Martha Ireland

ATTEST:

Karen Flores

Karen Flores
Clerk of the Board

cc: Community Development
minutes
file