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7-14-98

Ordinance No. 641, 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, Ordinance 618, 1997, and Ordinance 630, 1998)

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 state Growth Management Act (GMA), Chapter 36.70A, RCW, requires Clallam County to have in place development regulations that protect critical areas that are required to be designated under RCW 36.70.170.
2. Clallam County adopted the Interim Critical Areas Ordinance (ICAO), Chapter 27.12, C.C.C., on June 16, 1992 (effective date July 1, 1992). The purpose of the ICAO is to designate and protect critical areas as mandated by the GMA by supplementing the development requirements contained in the various chapters of the Clallam County Code and by providing for additional controls and measures to protect such designated critical areas.
3. Clallam County adopted a Comprehensive Plan (Title 31, C.C.C.) under the authority of the Growth Management Act (Chapter 36.70A RCW) on February 27, 1996.
4. Pursuant to Section 240 of the ICAO, the ICAO shall be considered interim in nature and shall expire within one year after completion of a Comprehensive Plan adopted pursuant to the GMA.
5. The GMA requires Clallam County to review critical area designations and development regulations for consistency with the comprehensive plan and alter such designations and development regulations to ensure consistency.
6. Comprehensive Plan policy C.C.C. 31.02.320 (3) states that the ICAO 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.

7. 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.
8. The Board of Clallam County Commissioners finds that additional issues need to be resolved prior to the adoption of final critical area protection rules. These issues include, but are not limited to: (a) consistency with policies of the County comprehensive plan and adopted watershed and special area plans; (b) integration of County floodplain management (Chapter 32.01, C.C.C) and shoreline management (Chapter 35.01, C.C.C) rules and procedures; (c) avoiding redundancy and conflicts of critical area rules with other overlapping local and state rules; (d) impacts of critical area rules on agricultural land retention and restoration; (e) impacts of potential federal endangered species listings for Hood Canal Summer Chum and Puget Sound Chinook; and (f) impact of recent state legislation limiting the local government ability to review certain types of fisheries enhancement.
9. Clallam County received a grant to develop a strategy to prepare amendments to the Shoreline Master Program (SMP), which are consistent with the requirements of ESHB 1724 integrating the SMP, Comprehensive Plan, and watershed policies with critical area and floodplain development regulations. The strategy is targeted to be completed by September, 1998.
10. Clallam County received a grant to develop a Stormwater Management Program. One component of the Stormwater Management Program is the adoption of a stormwater management ordinance and manual. Ensuring consistency and compatibility between critical area and stormwater regulations is a component of the stormwater program. Draft stormwater regulations are targeted for completion by August, 1998.
11. Clallam County is sponsoring a North Olympic Peninsula Salmon Forum to be held June 25, 1998, at the Clallam County Courthouse, to discuss opportunities and challenges of salmon recovery in light of proposed salmon listings under the Endangered Species Act.
12. Failure to have in place critical area development regulations 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.
13. 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.
14. The ICAO was extended previously under Ordinance 609, 1997, Ordinance 612, 1997, Ordinance 618, 1997, and Ordinance 630, 1998. Ordinance 630, 1998 expires on July 24, 1998.

- 14. Extension of the ICAO as the adopted development standards for protecting critical areas is consistent with the Clallam County Comprehensive Plan as stated under C.C.C. 31.02.320 (3).
- 15. Other state and local statutes overlap jurisdiction with the critical areas code including: State Environmental Policy Act (Chapter 43.21, RCW); Clallam County Environmental Policy (Chapter 27.01, C.C.C.); Shoreline Management Act of 1971 (Chapter 90.58, RCW); Clallam County Shoreline Management Code (Chapter 35.01, C.C.C.); Clallam County Shoreline Master Program; and Clallam County Floodplain Management Code. 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.

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 January 24, 1999. 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 630, 1998, ceases to be effective, which is July 24, 1998, but not sooner than ten (10) days after adoption by the Board of Clallam County Commissioners.

PASSED AND ADOPTED THIS 14th day of July, 1998.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Carole Boardman  
Carole Boardman, Chair

Phillip Kitchel  
Phillip Kitchel

Martha Ireland  
Martha Ireland

ATTEST:

Karen Flores  
Karen Flores  
Clerk of the Board

*cc: Community Development  
minutes  
file*