

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON**

**ORDINANCE 177A**

**AMENDMENT TO PROCEDURES FOR PROCESSING LAND  
USE DEVELOPMENT APPLICATIONS**

**WHEREAS**, since 1995 the Washington State Legislature has enacted several pieces of legislation pertaining to regulatory reform, e.g. Chapter 347, laws of 1995, codified primarily in Chapters 36.70A, 36.70B, and 36.70C; and

**WHEREAS**, these legislative enactments mandate among other things that counties must adopt procedures to streamline and facilitate the processing of land use development applications; and

**WHEREAS**, Ordinance No. 177 was adopted by the Board of Pacific County Commissioners on February 23, 2016 and became effective March 1, 2016; and

**WHEREAS**, this amendment will provide procedures for processing applications under Critical Areas and Resource Lands Ordinance No. 180A; and

**WHEREAS**, the Findings of Fact and Conclusions of Law which will be forthcoming justify the amendment to the Procedures for Processing Lands Use Development Applications.

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, PACIFIC COUNTY, WASHINGTON, THAT ORDINANCE NO. 177A WHICH AMENDS PACIFIC COUNTY ORDINANCE NO. 177, IS ADOPTED AS FOLLOWS:**

**Section 3. Application Types and Classification**

Summary of Development Approvals by Review Type						
Type:	I	II	III	IV	Heard By	Appeal
<b><u>Ordinance 180 – Critical Lands and Resource Lands</u></b>						
• Administrative Review	<u>X</u>				DCD	Hearings Examiner
• Variance		<u>X</u>			Hearings Examiner <sup>[1]</sup>	Superior Court
• Reasonable Use Exception		<u>X</u>			Hearings Examiner <sup>1</sup>	Superior Court
• Administrative Reasonable Use Exception <sup>[2]</sup>	<u>X</u>				DCD	Hearings Examiner
• Administrative Variance (0-10%) <sup>[3]</sup>	<u>X</u>				DCD	Hearings Examiner

<sup>[2]</sup> Administrative Reasonable Use Exceptions may be granted for single family residences requesting up to 3,000 square feet of impacts.

#### Section 4. Type I Process – Ministerial Decisions

##### 4) Administrative Reasonable Use Exception

- a) An application for a variance(s) shall be subject to Type I review if the portion of the site where the provisions of this chapter allow for construction of a single-family residence and appurtenances less than 3,000 square feet, or if the requested exception would provide relief from standards for which a variance cannot be granted under this chapter.
- b) Administrative Reasonable use exception requests shall only be granted if all of the following criteria are met:
  - i) The application of this Ordinance would deny economically reasonable use of the property so that there is no economically reasonable use with a lesser impact on the critical area than that proposed;
  - ii) The proposed development does not pose a threat to the public health and safety, including first responders and the occupants or users of the proposed use or activity or the occupants or users of nearby properties;
  - iii) Any proposed modification to critical areas and resource land will be the minimum necessary to allow economically reasonable use of the property;
  - iv) Appropriate mitigation of adverse effects to the critical area are incorporated into the project design; and
  - v) The inability of the applicant to derive economically reasonable use of the property is not the result of actions by the applicant after the effective date of this Ordinance, or its predecessor.
  - vi) The proposed development should only be applicable to single family residences and appurtenances such as accessory structures, on-site septic systems, and landscaping areas.


#### **EFFECTIVE DATE**

This amendment shall take effect on the 1<sup>st</sup> day of January, 2020.

PASSED by the Board of Pacific County Commissioners meeting in continued session at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 30<sup>th</sup> day of December, 2019.

2 AYE; 0 NAY; 0 ABSTAIN; 1 ABSENT

BOARD OF COUNTY COMMISSIONERS  
PACIFIC COUNTY, WASHINGTON

  
\_\_\_\_\_  
Frank Wolfe, Chairman

  
\_\_\_\_\_  
Lisa Olsen, Commissioner

absent  
\_\_\_\_\_  
Mike Runyon, Commissioner

ATTEST

  
\_\_\_\_\_  
Marie Guernsey, Clerk of the Board