

Ordinance No. 162B
Zoning

Findings of Fact

1. The Board of Pacific County Commissioners adopted the Pacific County Comprehensive Plan in August 2010, and subsequently adopted Ordinance 162 Section 20 – Oysterville Historic District and Design Review in December 2012.
2. Pacific County Ordinance 162 Section 20 established and designated an Oysterville Design Review Board “to review all architectural and historical preservation matters related to physical construction within the boundaries of the Oysterville historic district”.
3. The Board of Pacific County Commissioners conducted a public hearing on July 12, 2012 to consider amendments to Section 20 of Ordinance No. 162/Zoning.
4. Public Comment was received via mail and email prior to the July 12, 2016 public hearing and also during the public hearing. The comments have been entered into the record.
5. Notice of the July 12, 2016, public hearing was advertised in the Chinook Observer, and a Press Release of the hearing was provided to the Pacific County Press, South Beach Bulletin, and the Willapa Harbor Herald and published on Pacific County’s website.
6. The Board of Pacific County Commissioners continued the July 12, 2016 public hearing to July 18, 2016 in accordance with Chapter 42.30.090 RCW.
7. Notice of the continued public hearing was provided to the Chinook Observer, Pacific County Press, South Beach Bulletin, and the Willapa Harbor Herald and published on Pacific County’s website after the adjournment and before the July 18, 2016 continued meeting.
8. Due to the small community of approximately sixty (60) homeowners and the requirement that every member but one have property interests within the Oysterville Historical District, the application of the Appearance of Fairness Doctrine RCW 42.36.010 calls into question the propriety of the design review process where quasi-judicial decisions are being made by people whose real property values are affected by their decisions. Having a hearings examiner also curtails inadvertent ex parte communications in this small community between members of the quasi-judicial review board and the parties having an interest in their decision, forbidden by Chapter 42.36.060 RCW.
9. Through this Amendment to Ordinance 162, Section 20, the Pacific County Board of County Commissioners has elected to contract with a Hearings Examiner.
10. The Board of Pacific County Commissioners deems it to be in the public interest to amend Ordinance 162, Section 20 to provide the property owners with an avenue to timely develop and refurbish their properties, while maintaining the historic character of the Oysterville Historic District.
11. Any Findings of Fact that is also a Conclusion of Law shall be treated as such.

ADOPTED by the Board of Pacific County Commissioners the 26th day of July, 2016 meeting in regular 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.

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT.

APPROVED AS TO FORM:

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Prosecutor's Office WSBA#

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Frank Wolfe
Frank Wolfe, Chairman

ATTEST:

Marie Guernsey
Marie Guernsey, Clerk of the Board

Lisa Ayers
Lisa Ayers, Commissioner

Steve Rogers
Steve Rogers, Commissioner

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Conclusions of Law

1. The Washington State Growth Management Act (GMA), Chapter 36.70A RCW, mandates that Counties and Cities required or choosing to plan under the authority of the Growth Management Act must adopt development regulations consistent with the jurisdictional Comprehensive Plan and state law.
2. Land use/zoning ordinances are considered to be a GMA development regulation by State Law.
3. The Board of Pacific County Commissioners adopted the Pacific County Comprehensive Plan in August 2010, and subsequently adopted Ordinance 162 Section 20 – Oysterville Historic District and Design Review in December 2012.
4. RCW 36.70A.020(7) sets the goal that “Applications for . . . local government permits should be processed in a timely and fair manner to ensure predictability.”
5. RCW 64.40.020 gives property owners a cause of action against the County if the County’s land use action is untimely.
6. Ordinance No. 162B allows for applications to be heard in a timely manner.
7. Chapter 42.36.010 RCW applies the “interest of fairness doctrine” to “quasi-judicial actions of local decision making bodies that determine the legal rights, duties, and privileges of specific parties in contested case proceedings”, such as the application of the Oysterville Design Review Standards to individual land-use requests. The “interest of fairness doctrine” requires that land use hearings be procedurally fair and appear to be conducted by impartial decision makers.
8. Chapter 42.36.060 RCW prohibits ex parte contacts between interested parties and the person or persons making quasi-judicial decisions, unless that communication is made part of the record and contrary evidence allowed before the action considered.
9. Ordinance No. 162B provides great transparency to the procedure and removes the decision-maker from the subject community, thus greatly reducing potential challenges to the fairness of the process and result.
10. Any Conclusion of Law that is a Finding of Fact shall be treated as such.

ADOPTED by the Board of Pacific County Commissioners the 26th day of July, 2016 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.

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT.

APPROVED AS TO FORM:

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Excused 21357
Prosecutor's Office WSBA#

[Signature]
Frank Wolfe, Chairman

ATTEST:

[Signature]
Lisa Ayers, Commissioner

[Signature]
Marie Guernsey, Clerk of the Board

[Signature]
Steve Rogers, Commissioner