

ORDINANCE NO. 157

AN ORDINANCE ESTABLISHING A MORATORIUM ON RECEIPT AND PROCESSING OF DEVELOPMENT PERMIT APPLICATIONS PERTAINING TO BUILDING, SUBDIVISION, AND RELATED LAND USE DEVELOPMENT ACTIVITIES IN THE SEAVIEW DUNAL AREA LYING NORTH OF THE CITY OF ILWACO CITY LIMITS, SOUTH OF THE CITY OF LONG BEACH CITY LIMITS, AND WEST OF THE SEAVIEW URBAN GROWTH AREA

WHEREAS, the Board of Pacific County Commissioners adopted the Pacific County Comprehensive Plan on October 13, 1998, and subsequently adopted Ordinance No. 149 – Subdivision, and Ordinance No. 153 – Land Use, to effectuate said plan; and

WHEREAS, the Pacific County Comprehensive Plan anticipated, and Ordinance Nos. 149 and 153 permit, low intensity development to occur in the rural lands portion of the Seaview dunes located north of the city limits of the City of Ilwaco, south of the city limits of the City of Long Beach, and west of the Seaview Urban Growth Area; and

WHEREAS, the Comprehensive Plan and development regulation provisions allowing development in this area were established, in part, in response to anticipated provision of municipal sewer treatment collection services by the Seaview Sewer District; and

WHEREAS, in accordance with Growth Management Act requirements, the Seaview Sewer District recently retracted its service area to exclude any further service extensions into the dunal area west of the Seaview Urban Growth Area; and

WHEREAS, the State of Washington, as conveyed through the Washington State Parks and Recreation Commission, has expressed a renewed interest in preserving the Seaview Dunes natural resources and view-shed; and

WHEREAS, residents of the Seaview community have expressed interest in preserving the Seaview dunal environment, and have voiced a desire to pursue landscape level preservation and transfer of development rights options as an alternative to additional litigation; and

WHEREAS, recent market factors have magnified the pressure to develop this area at the furthest western most building location (200' east of the 1968 Seashore Conservation Line); and

WHEREAS, recent applications to subdivide and develop in the Seaview dunes have resulted in protracted and expensive litigation and development uncertainty; and

WHEREAS, the competing and disparate pressures to develop or preserve this area have created intergovernmental and community tension, disharmony, and inefficiency; and

WHEREAS, Pacific County staff, Washington State Parks and Recreation staff, and representatives of the Seaview community have prepared a discussion paper calling for establishment of a collaborative working group charged with developing a pragmatic means of relocating development potential eastward on an equivalent value basis; and

WHEREAS, crafting a plan to relocate development to the eastern edge of the dunal area on an equivalent value basis will require a technical analysis of equivalent property values, analysis of infrastructure costs, evaluation of critical areas impacts and mitigation requirements, assessment of comparative development costs, determination of development potential, and extensive market research and analysis; and

WHEREAS, given the current development pressure, dunal parcels westerly of the Seaview Urban Growth Area could potentially be developed prior to the completion of this plan, thereby rendering it moot; and

WHEREAS, Chapters 36.70.795 and 36.70A.390 RCW allow the Board to adopt a moratorium on the processing of development permit applications in the event of an emergency; and

WHEREAS, the adoption of an emergency ordinance is exempt under WAC 197-11-880, SEPA; and

WHEREAS, completion of these tasks will require collection and analysis of technical data, development of options, and formal and informal public review and comment; and

WHEREAS, this planning effort is estimated to require at least six months; and

WHEREAS, the ability to receive and process land use applications in the Seaview dunes during the time period in which additional analysis and public review is completed would frustrate the goals and policies of Chapter 36.70A RCW, and as such constitutes an emergency; NOW THEREFORE

BE IT ORDAINED BY THE BOARD OF PACIFIC COUNTY COMMISSIONERS THAT IN ACCORDANCE WITH RCW 36.70.795 AND RCW 36.70A.390, THAT THE FOLLOWING BE ENACTED:

1. A moratorium shall be placed on receipt and/or processing of development permit applications subject to Ordinance Nos. 149 and 153 as they pertain to development proposals located north of the City of Ilwaco city limits, south of the City of Long Beach city limits, and west of the Seaview Urban Growth Area boundary lying 200' west of the Western Boundary of Upland Ownership (aka 200' west of the 1889 line).
2. A moratorium shall also be placed on the receipt and/or processing of comprehensive plan amendments involving intensification of development in the area north of the City of Ilwaco city limits, south of the City of Long

Beach city limits, and west of the Seaview Urban Growth area, unless such an amendment is an outcome of the planning exercise promoted herein and results in relocation of development within or immediately adjacent to the Seaview Urban Growth Area as it exists on the date of adoption of this ordinance.

3. Said moratorium listed above in No. 1 shall not be imposed on land that lies within an approved Subdivision or Short Subdivision and for which a connection to the Seaview Sewer District for provision of sewer collection services has already been purchased, secured, or provided.
4. The Board hereby directs staff from the Department of General Administration and Department of Community Development to work with the Pacific County Planning Commission, interested parties, and the general public to develop and submit proposed rules to amend and/or replace pertinent sections of Ordinance Nos. 149 and/or 153 as they pertain to development in this area.
5. Ordinance No 157 shall take effect immediately.
6. Ordinance No. 157 shall remain in effect until repealed or until February 23, 2006, whichever shall come sooner.
7. The Board shall hold a public hearing on this Ordinance on or before October 21, 2005. At the conclusion of this hearing the Board will either affirm or repeal this Ordinance. If the Ordinance is affirmed, the Board shall adopt findings of fact to support that action.
8. If new permanent rules pertaining to development within the Seaview Dunes cannot be adopted by February 23, 2006, the Board shall take the necessary steps under RCW 36.70.795 and RCW 36.70A.390 to extend this moratorium.

PASSED by the members of the Board of Pacific County Commissioners meeting in regular session this 23rd day of August, 2005, at South Bend, Washington, 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:

David Burke
David Burke - Prosecuting Attorney

BOARD OF COUNTY
COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Norman B. Cuffel
Norman B. Cuffel - Chairman
Pat Hamilton
Pat Hamilton - Commissioner
Jon C. Kaino
Jon C. Kaino, - Commissioner

ATTEST:

Kathy Noren
Kathy Noren - Clerk of the Board

ORDINANCE 157
FINDINGS OF FACT
October 11, 2005

1. The Board of Pacific County Commissioners and the State of Washington Department of Ecology adopted the Pacific County Shoreline Master Program with an effective date of April 8, 1975.
2. The Board of Pacific County Commissioners adopted the Pacific County Comprehensive Plan on October 13, 1998.
3. The Board of Pacific County Commissioners adopted Pacific County Ordinance No. 153 (Land Use), thereby implementing zoning regulations within unincorporated Pacific County, on March 15, 2004.
4. The Shoreline Master Program (SMP) established a building setback line two hundred (200) feet eastward of the 1968 Seashore Conservation Line. This building setback line is currently hundreds of feet eastward of the ocean front dune grass line and is the most eastward building setback line in any ocean front area under jurisdiction of the Pacific County SMP.
5. The Pacific County Comprehensive Plan and Pacific County Ordinance No. 153 recognize the building setback line established by the Shoreline Master Program.
6. The Pacific County Comprehensive Plan and Ordinance No. 153 established a Seaview Urban Growth Area (UGA) encompassing the commercial and residential core of Seaview. The westward boundary of the UGA is two hundred (200) feet west of the 1889 line. The area lying to the west of the UGA and to the east of the established building setback line is designated as Rural Lands.
7. When the Pacific County Comprehensive Plan and Ordinance No. 153 were adopted, all properties in the Seaview dunal area designated for residential use were located within the boundary of the Seaview Sewer District and were therefore eligible for municipal sewer service.
8. The Seaview Sewer District has recently instituted a moratorium on sewer line extensions to parcels located outside of the UGA.
9. The Seaview Sewer District's moratorium responds to GMA mandates and recent court decisions restricting extension of sewer service to properties lying outside of designated Urban Growth Areas.
10. The Seaview Sewer District has stated its intent to amend its service area to comply with GMA and these recent court decisions.
11. The Pacific County Comprehensive Plan, Pacific County Ordinance No. 153 (Land Use), and Pacific County Ordinance No. 149 (Subdivision) establish the uses and densities allowed on parcels west of the UGA and east of the building setback line within the Seaview dunal area.
12. The existing allowed uses and densities in Seaview were determined in part, based upon the presumed availability of municipal sewer service to these parcels.
13. It is compulsory that uses and densities in the Seaview dunal area be re-examined in light of the recent retraction of sewer service to the area.

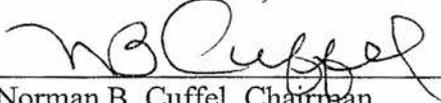
14. The Seaview dunes were created by accretion of sands from the Columbia River. These accretions extend more than a thousand feet westward of the platted lots in Seaview. These accretions extend as tax lots with a variety of western boundaries.
15. Recent studies regarding flooding and tsunami inundation as well as recent catastrophic flooding and tsunami events in other coastal areas highlight the need for a reevaluation of land use and densities in coastal areas based on this newly acquired information.
16. Land use regulation governing development in the Seaview dunes has changed several times, yet has generally allowed low density residential development east of the established building line.
17. The dunal environment has several challenges to efficient and economical development. These challenges include access limitations, wetland and buffer issues, and access to utilities.
18. Development within the Seaview dunes has been controversial for decades. Development proposals have generated public outcry, significant opposition at public meetings and hearings, lengthy appeals, and costly litigation. For these and other reasons, the Seaview dunes have remained almost exclusively undeveloped.
19. As real estate values increase the probability of development within the Seaview dunal area, is greater than ever before.
20. A number of residents of Seaview, the general public, and Washington State Parks and Recreation Commission staff have expressed interest in preserving portions of the dunal area in its current state.
21. A planning team consisting of members of Pacific County staff, the realty and development community, people representing preservationist interests, people representing the interest of impacted property owners, and Washington State Parks staff has formed to pursue the possibility of developing land use approaches that would preserve the majority of the Seaview dunes, while keeping private land owners financially "whole".
22. This planning team has begun working toward this end. There is a reasonable expectation, given a six month moratorium on development, that this team can produce a viable plan to achieve both dunal preservation and protection of land owner value, while improving predictability of development and reducing community disharmony and the threat of litigation.
23. Allowing receipt and/or processing of development permit applications, land division applications and/or comprehensive plan amendments during the planning period would undermine the policy development process.
24. Imposing a temporary moratorium on receipt and/or processing of development permit applications, land divisions and/or comprehensive plan amendments within the Seaview dunal area west of the Seaview Urban Growth Area, north of the City limits of the City of Ilwaco, and south of the city limits of the City of Long Beach, will protect the health, safety and welfare of Pacific County residents, without unduly burdening property owners or the public.

25. Public notice requirements for advertising this hearing have been met.
26. The moratorium that was established effective August 23, 2005 shall be in effect through February 23, 2006.

PASSED by the following vote this 11th day of October, 2005 by the Board of Pacific County Commissioners meeting in regular session at South Bend, Washington, then signed by its membership and attested to by its Clerk in authorization of such passage:

2 YEA; 0 NAY; 0 ABSTAIN; and 1 ABSENT.

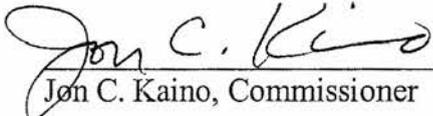
BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON



Norman B. Cuffel, Chairman

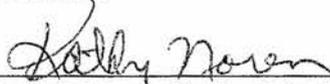
absent

Pat Hamilton, Commissioner



Jon C. Kaino, Commissioner

ATTEST:



Kathy Noren, Clerk of the Board