

ORDINANCE NO. 157A

AN ORDINANCE RENEWING AN ESTABLISHED 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 this 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, 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; and

WHEREAS, the Seaview Technical Advisory Committee has held numerous public meetings, and has produced a draft plan ready to submit to the Pacific County Planning Commission for review and hearing; and

WHEREAS, the Technical Advisory Committee has made substantial progress in developing proposed development regulation concepts, and the public has demonstrated significant support for said proposals; and

WHEREAS, there is a reasonable likelihood of concluding this planning exercise within four months because no amendment to the Comprehensive Plan is anticipated; and

WHEREAS, Ordinance No. 157 was adopted on August 23, 2005 and expires February 23, 2006; and

WHEREAS, the task has proven to be sufficiently complex that the adoption of the new development regulations was not feasible in the initial six month moratorium period; and

WHEREAS, the review and hearing process before the Planning Commission and Board of Pacific County Commissioners required to effectuate the land use policy and regulatory changes necessary to effectuate these proposed recommendations will require extension of the development and subdivision moratorium through June of 2006; and

WHEREAS, a four month extension of the development moratorium specified herein is sufficient to allow for the public review process to be completed so long as an amendment to the Pacific County Comprehensive Plan is not proposed; and

WHEREAS, the Board may consider an additional two month extension of this moratorium in the event that significant progress is achieved in producing development regulations; and

WHEREAS the previous statements are hereby deemed to be findings of fact justifying the extension of Ordinance No. 157, and the findings adopted in support of the adoption of Ordinance No. 157 are hereby adopted by reference, 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 is 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 is also 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. The Pacific County Planning Commission is directed to review and consider amendments to development regulations, but not consider any amendment to the Pacific County Comprehensive Plan that involves moving the urban growth boundary in Seaview.
4. Said moratorium listed above in No. 1 is 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.

5. Said moratorium may be extended by action of the Board following public hearing if significant progress in enacting appropriate development regulations is achieved, but under no circumstances will this moratorium be extended beyond August 21, 2006.
6. 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, and other development regulations as they pertain to development in this area.
7. Ordinance No 157A shall take effect immediately.
8. Ordinance No. 157A shall remain in effect until repealed or until June 30, 2006, whichever shall come sooner.
9. If new permanent rules pertaining to development within the Seaview Dunes cannot be adopted by June 30, 2006, the Board may 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 continued session this 21st day of February, 2006, 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

Jon Kaino

Jon Kaino - Chairman

Pat Hamilton

Pat Hamilton - Commissioner

Norman B. Cuffel

Norman B. Cuffel, Commissioner

ATTEST:

Kathy Noren

Kathy Noren - Clerk of the Board