

ORDINANCE NO. 161

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM THAT RESTRICTS THE URBAN GROWTH AREAS (UGAs) OF THE CITIES OF LONG BEACH, RAYMOND, SOUTH BEND, ILWACO, AND UNINCORPORATED SEAVIEW. THIS ORDINANCE RESTRICTS THE URBAN GROWTH AREAS TO THE BOUNDARIES OF THE EXISTING CITY LIMITS OF LONG BEACH, RAYMOND, SOUTH BEND, AND ILWACO, AND THE PRE-2010 UNINCORPORATED SEAVIEW UGA.

WHEREAS, the Board of Pacific County Commissioners adopted Resolution No. 2010-036 on October 26th, 2010, which amended the County's Comprehensive Plan; and

WHEREAS, on December 28, 2010, Futurewise filed a timely Petition for Review with the Western Washington Growth Management Hearings Board challenging Pacific County's adoption of Resolution No. 2010-036 which amended the County's Comprehensive Plan; and

WHEREAS, as a result of the June 23, 2011 final decision of The Western Washington Growth Management Hearings Board, the COUNTY is required to bring its Comprehensive Plan into compliance with the Growth Management Act by December 19, 2011, by properly sizing its urban growth areas as required by RCW 36.70A.110, RCW 36.70A.115, and RCW 36.70A.130; and

WHEREAS, the Washington State Supreme Court has held that a county's UGA designation cannot exceed the amount of land necessary to accommodate the urban growth projected by The Office of Financial Management (OFM), plus a reasonable land market supply factor; and

WHEREAS, the COUNTY, in consultation with the incorporated cities, should designate Urban Growth Areas that adequately accommodate the projected growth and development for the next 20 years; and

WHEREAS, the COUNTY and CITIES need to work together to comply with the requirements of Chapter 36.70A RCW; and

WHEREAS, discussions with the four (4) incorporated cities have yielded significant progress in modifying the UGAs of the cities, but more time is needed to complete the process; and

WHEREAS, further analysis and public review will foster enhanced public participation and enhance efforts to ensure that the County complies with the goals and policies of the Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, RCW 36.70.795 and 36.70A.390 allow the Board to adopt a moratorium in the event of an emergency; and

WHEREAS, at this juncture the COUNTY does not have enough time to comply with the publishing deadlines delineated in Pacific County Ordinance No. 145 (Land Use Development Applications); and

WHEREAS, the COUNTY can only meet the requirements mandated by the Western Washington Growth Management Hearings Board if the COUNTY declares an emergency under RCW 36.70.795 and RCW 36.70A.390 and holds a hearing which does not meet the technical notice requirements delineated in Pacific County Ordinance No. 145; and

WHEREAS, RCW 36.32.120 authorizes the Board of County Commissioners to make and enforce, by appropriate resolutions or ordinances, all such police and sanitary and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county; and

WHEREAS, RCW 36.32.120 requires at least a ten day notice prior to a public hearing before the Board of County Commissioners and the notice shall at minimum include a summary of the proposed regulation and include the day, hour, and place of hearing as well as a statement that the full text of the proposed regulation will be mailed upon request; and

WHEREAS, failure to act on the County's behalf to bring its Comprehensive Plan into compliance with the Growth Management Act by December 19, 2011, would be inconsistent with the Growth Management Hearings Board's directive; and

WHEREAS, WAC 197-11-880 and Pacific County Ordinance No. 121, Section 5.01 categorically exempt emergency actions from review under the State Environmental Policy Act (SEPA); NOW

THEREFORE BE IT ORDAINED BY THE BOARD OF PACIFIC COUNTY COMMISSIONERS THAT IN ACCORDANCE WITH RCW 36.70.795, RCW 36.70A.390, THE COUNTY DECLARES AS EMERGENCY AND ENACTS THE FOLLOWING PURSUANT TO CHAPTER 36.32 RCW, CHAPTER 36.70 RCW, AND CHAPTER 36.70A RCW:

- SECTION 1. The Urban Growth Areas of the four (4) incorporated cities of Long Beach, Raymond, South Bend, and Ilwaco are hereby set at the existing boundaries of each incorporated city. The boundaries of each city are delineated in Appendix A.
- Section 2. The Urban Growth Area of unincorporated Seaview is set at the boundaries that existed prior to the adoption of the 2010 Pacific County Comprehensive Plan. The boundaries of the Seaview Urban Growth Area are delineated in Appendix B.
- Section 3. Ordinance No. 161 shall take effect immediately.
- Section 4. Ordinance No. 161 shall remain in effect until repealed or until June 13, 2012, whichever shall come sooner.
- Section 5. The Pacific County Department of Community Development shall work in conjunction with the four (4) incorporated cities to designate Urban Growth Areas that adequately accommodate the projected growth and development for the next 20 years.

PASSED by the Board of Pacific County Commissioners 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 the 13th day of December, 2011.

3 AYE; 0 NAY; 0 ABSTAIN; 0 ABSENT

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

Norman "Bud" Cuffel
Norman "Bud" Cuffel, Chairman

Jon Kaino
Jon Kaino, Commissioner

Lisa Ayers
Lisa Ayers, Commissioner

ATTEST:

Maria Guernsey Deputy
Kathy Noren, Clerk of the Board

APPROVED AS TO FORM:

David J. Burke
David J. Burke, Prosecuting Attorney

Appendix A

Section 1. The Urban Growth Areas of the four (4) incorporated cities of Long Beach, Raymond, South Bend, and Ilwaco are hereby set at the existing boundaries of each incorporated city. The boundaries of each city are delineated in Appendix A.



City of Ilwaco
CITY LIMITS/URBAN GROWTH AREAS
ACRES

Legend

-  City Limits
-  Ilwaco UGA

ILWACO
Total UGA Acres - 1,084
Total City Limits Acres - 1,351
Unincorporated UGA Acres - 813



1 inch = 1,500 feet

32 acres

182 acres

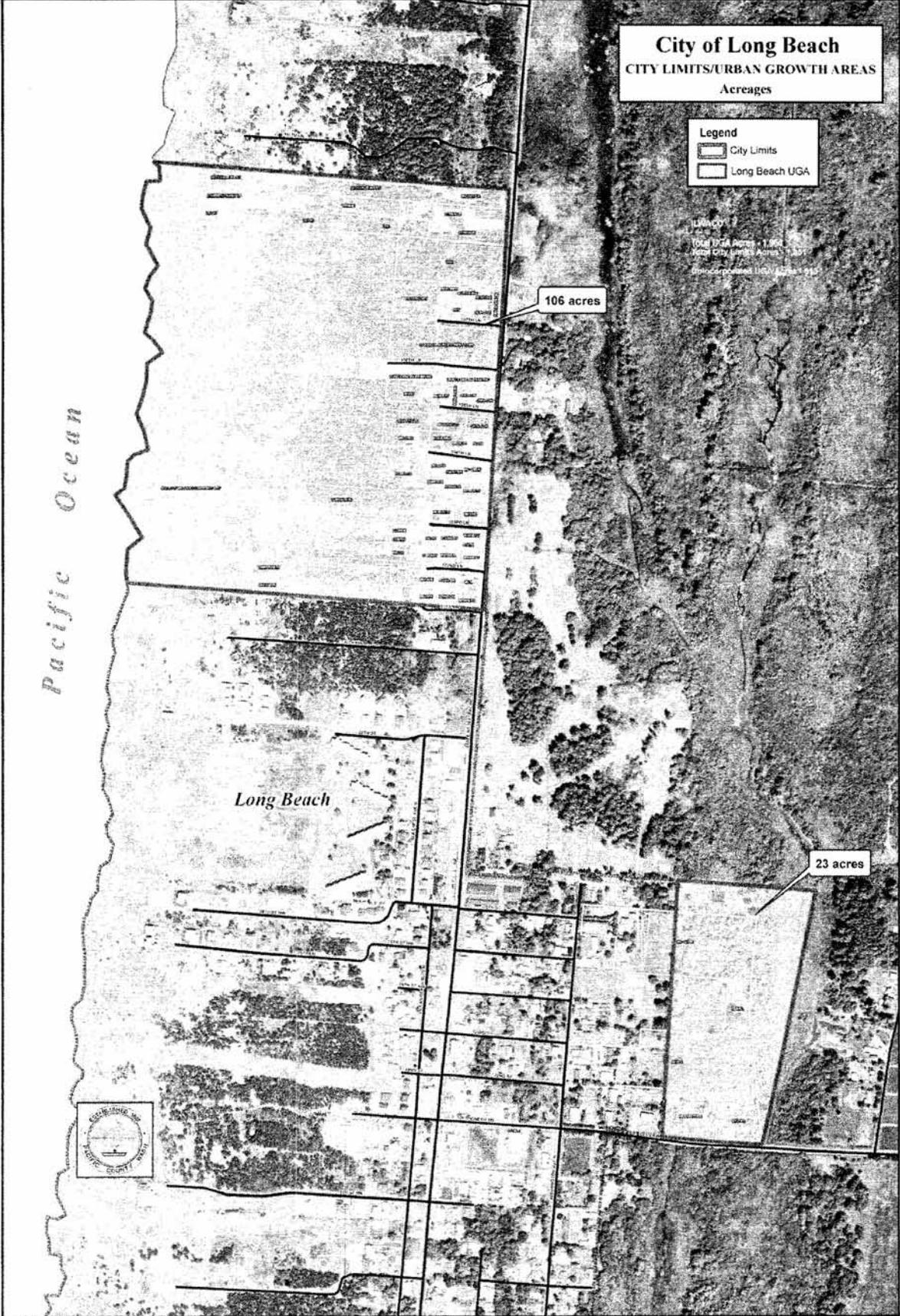
253 acres

146 acres

Pacific Ocean

Baker Bay

Ilwaco



City of Raymond
CITY LIMITS/URBAN GROWTH AREAS
Acreages

Legend
City Limits
Raymond UGA

95 acres

Raymond

River

77 acres

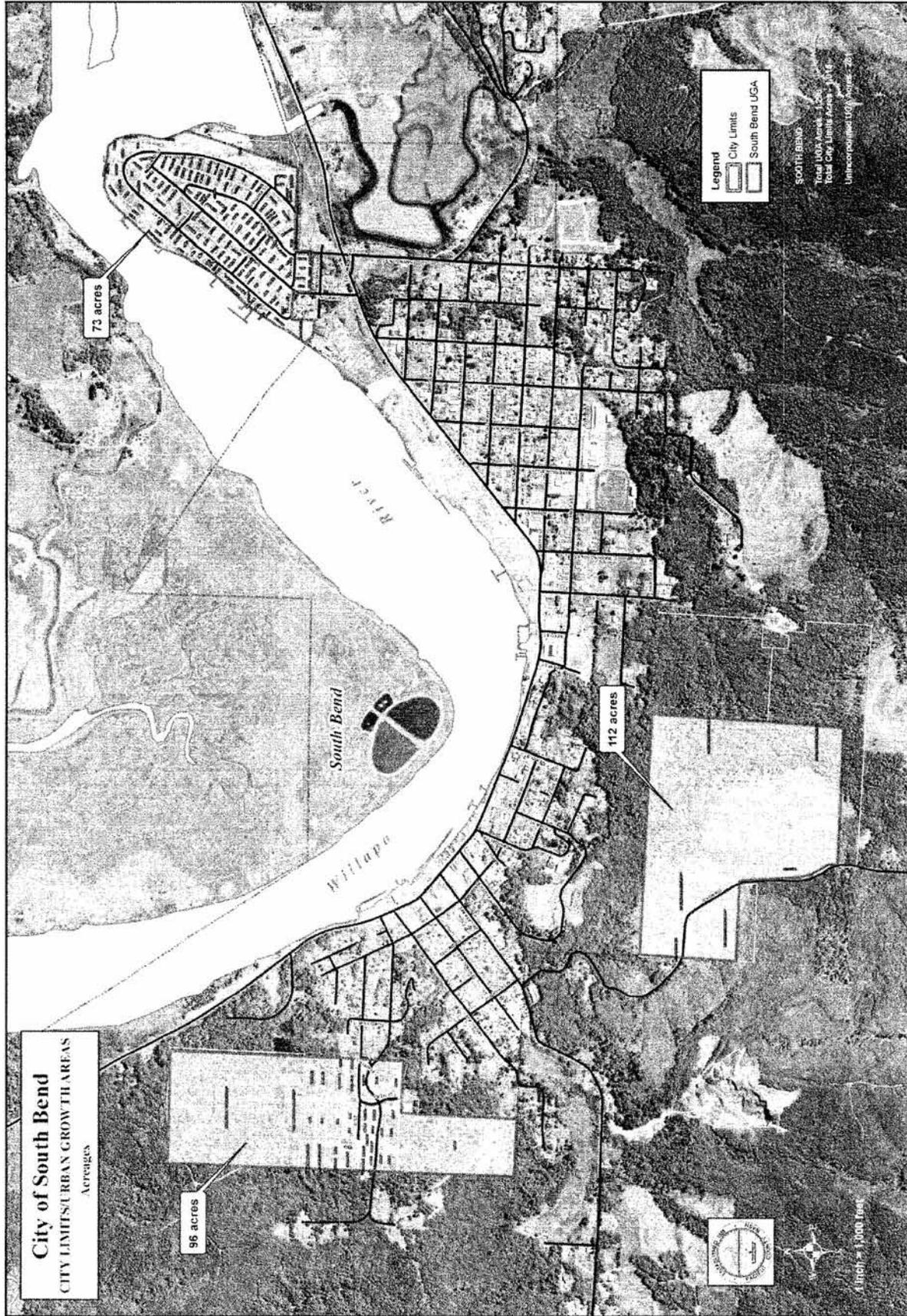
175 acres

23 acres



1 inch = 1,250 feet

RAYMOND
Total UGA Acres - 2,971
Total City Limits Acres - 2,601
Unincorporated UGA Acres - 370



City of South Bend
 CITY LIMITS/URBAN GROWTH AREAS
 Acres

73 acres

96 acres

112 acres

Legend
 City Limits
 South Bend UGA

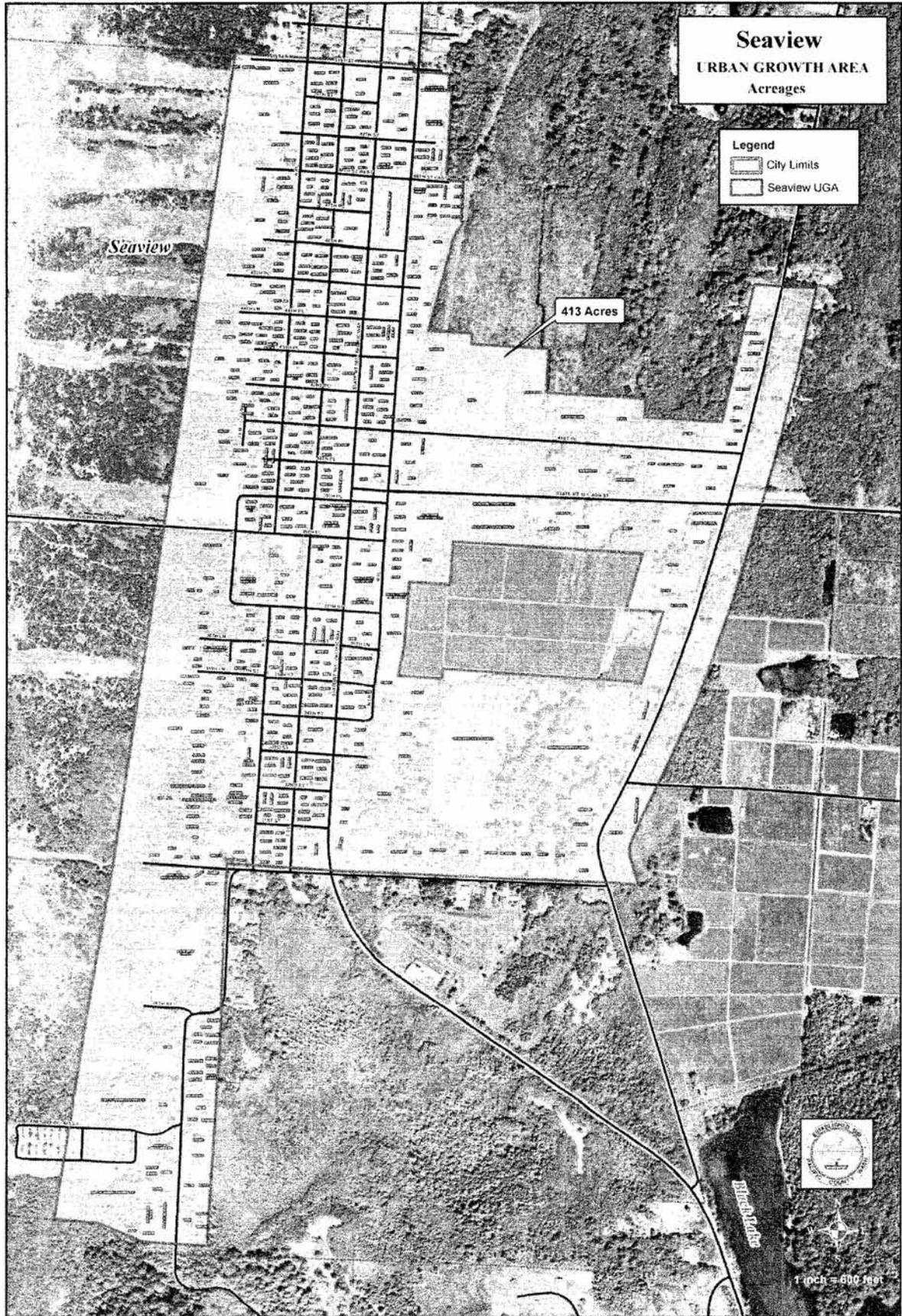
SOUTH BEND
 Total UGA Acres: 1,100
 Total City Limits Acres: 1,100
 Unincorporated UGA: 0



1 inch = 1,000 feet

Appendix B

Section 2. The Urban Growth Area of unincorporated Seaview is set at the boundaries that existed prior to the adoption of the 2010 Pacific County Comprehensive Plan. The boundaries of the Seaview Urban Growth Area are delineated in Appendix B.



Seaview
URBAN GROWTH AREA
Acreages

Legend

- City Limits
- Seaview UGA

413 Acres

Seaview



1 inch = 600 feet

FINDINGS OF FACT
SUPPORTING ORDINANCE No. 161

The Pacific County Board of County Commissioners hereby adopts the following Findings of Fact in support of Pacific County Ordinance No. 161:

Findings of Fact

1. The Board of Pacific County Commissioners adopted Resolution No. 2010-036 on October 26th, 2010, which amended the County's Comprehensive Plan.
2. On December 28, 2010, Futurewise filed a timely Petition for Review with the Western Washington Growth Management Hearings Board challenging Pacific County's adoption of Resolution No. 2010-036 which amended the County's Comprehensive Plan.
3. As a result of the June 23, 2011 final decision of The Western Washington Growth Management Hearings Board, the COUNTY is required to bring its Comprehensive Plan into compliance with the Growth Management Act by December 19, 2011 by properly sizing its urban growth areas as required by RCW 36.70A.110, RCW 36.70A.115, and RCW 36.70A.130.
4. The Washington State Supreme Court has held that a county's UGA designation cannot exceed the amount of land necessary to accommodate the urban growth projected by The Office of Financial Management (OFM), plus a reasonable land market supply factor.
5. The County, in consultation with the incorporated cities, should designate Urban Growth Areas that adequately accommodate the projected growth and development for the next 20 years.
6. The County and Cities need to work together to comply with the requirements of Chapter 36.70A RCW.
7. RCW 36.70.795 and 36.70A.390 allow the Board to adopt a moratorium in the event of an emergency.
8. At this juncture the County does not have enough have enough time to comply with the publishing deadlines delineated in Pacific County Ordinance No. 145 (Land Use Development Applications).
9. The County can only meet the requirements mandated by the Western Washington Growth Management Hearings Board if the County declares an emergency under RCW 36.70.795 and RCW 36.70A.390 and holds a hearing which does not meet the technical notice requirements delineated in Pacific County Ordinance No. 145.

10. Failure to act on the County's behalf to bring its Comprehensive Plan into compliance with the Growth Management Act by December 19, 2011 would be inconsistent with the Growth Management Hearings Board's directive.
11. WAC 197-11-880 and Pacific County Ordinance No. 121, Section 5.01 categorically exempt emergency actions from review under the State Environmental Policy Act (SEPA).
12. RCW 36.32.120 authorizes the Board of County Commissioners to make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated areas of the county.
13. RCW 36.32.120 requires at least a ten day notice prior to a public hearing before the Board of County Commissioners and the notice shall at minimum include a summary of the proposed regulation and include the day, hour, and place of hearing as well as a statement that the full text of the proposed regulation will be mailed upon request.
14. Pacific County staff met with representatives from the four (4) cities on July 18, 2011 to discuss the Western Washington Growth Management Hearings Board's ruling and how it would affect the Urban Growth Areas of each city.
15. Pacific County staff and the representatives from the four (4) cities agreed that it would be in the best interest of all parties involved if they worked together via an Intergovernmental Agreement to review the Urban Growth Areas in order to meet the requirements of the Western Washington Growth Management Hearing's Board's decision.
16. The City of South Bend signed an Intergovernmental Agreement on September 23, 2011 authorizing the County to provide professional Planning and Mapping services to the City.
17. The City of Raymond signed an Intergovernmental Agreement on October 3, 2011 authorizing the County to provide professional Planning and Mapping services to the City.
18. The City of Ilwaco signed an Intergovernmental Agreement on October 27, 2011 authorizing the County to provide professional Planning and Mapping services to the City.
19. The City of Long Beach signed an Intergovernmental Agreement on November 4, 2011 authorizing the County to provide professional Planning and Mapping services to the City.
20. Discussions with the four (4) incorporated cities have yielded significant progress in modifying the cities UGA, but more time is needed to complete the process. As a result, the County does not have enough time at this juncture to comply with the Western Washington Growth Management Hearings Board's decision without declaring an emergency under RCW 36.70.795 and RCW 36.70A.390 and holding a

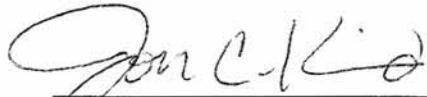
hearing which does not meet the technical notice requirements delineated in Pacific County Ordinance No. 145.

PASSED by the Board of Pacific County Commissioners 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 the 13th day of December, 2011.

3 AYE; 0 NAY; 0 ABSTAIN; 0 ABSENT

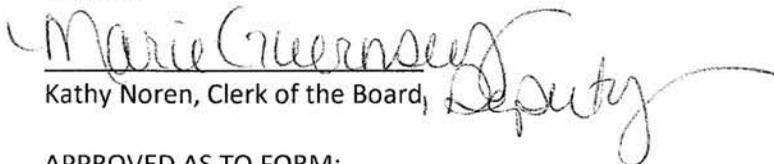
BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON


Norman "Bud" Cuffel, Chairman

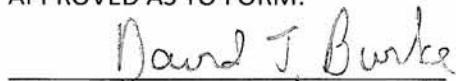

Jon Kaino, Commissioner


Lisa Ayers, Commissioner

ATTEST:


Kathy Noren, Clerk of the Board, Deputy

APPROVED AS TO FORM:


David J. Burke, Prosecuting Attorney