

ORDINANCE NO. 162B

**AN ORDINANCE AMENDING
ORDINANCE 162 SECTION 20 – OYSTERVILLE HISTORIC
DISTRICT & DESIGN REVIEW BOARD**

WHEREAS, 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; and

WHEREAS, the Pacific County Ordinance 162 Section 20(D) establishes and designates 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”; and

WHEREAS, 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.”; and

WHEREAS, RCW 64.40.020 gives property owners a cause of action against the County if the County’s land use action is untimely; and

WHEREAS, due to the small community 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; and

WHEREAS, through this Amendment to Ordinance 162, Section 20, the Pacific County Board of County Commissioners has elected to contract with a Hearings Examiner; and

WHEREAS, 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 district.

IN ACCORDANCE WITH CHAPTER 36.32 RCW, CHAPTER 36.70 RCW, AND CHAPTER 36.70A RCW, IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS, PACIFIC COUNTY, WASHINGTON, THAT ORDINANCE NO. 162 IS AMENDED BY ORDINANCE NO. 162B AS FOLLOWS:

Ordinance 162 Section 20(D), (E), (F), (G), (H) (1), and (L) (2): is repealed.

Ordinance 162 Section 20 (I): “ODRB-ACTIONS” is replaced by “OYSTERVILLE DESIGN REVIEW (ODR)-ACTIONS”.

Ordinance 162 Section 20 (K): “It” is replaced with “The Hearings Examiner”.

Ordinance 162 Section 20 (N): “within the jurisdiction of the ODRB” is replaced with “within the Oysterville Historic District”.

Ordinance 162 Section 20 (N) (1): "ODRB" is replaced with "ODR"

All other sections that address the "ODRB" are amended to read the "Hearings Examiner". The Hearing Examiner will hear all Type III Development Permit Applications per Ordinance 150 – Hearings Examiner and Ordinance 177 - Procedures for Processing Land Use Development Applications.

The sections of Ordinance No. 162 that are not modified by Ordinance No. 162B remain in full force and effect.

If any provision or portions thereof, contained in Ordinance No. 162B is held to be unconstitutional, invalid, or unenforceable, said provisions, or portion(s) thereof, shall be deemed severed and the remainder of the Ordinance shall not be affected and shall remain in full force and effect.

Ordinance No. 162B shall take effect immediately.

ADOPTED 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 18th day of July, 2016.

2 AYE; 0 NAY; 0 ABSTAIN; 1 ABSENT

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

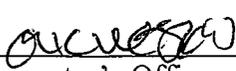


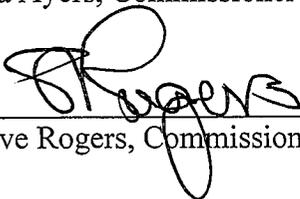
Frank Wolfe, Chair

absent

Lisa Ayers, Commissioner

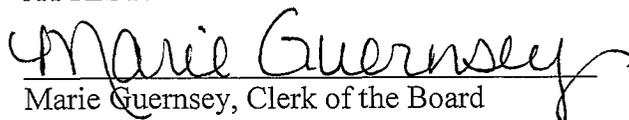
APPROVED AS TO FORM:

 21357
Prosecutor's Office WSBA#



Steve Rogers, Commissioner

ATTEST:



Marie Guernsey, Clerk of the Board