

**Pend Oreille County  
Washington**

Ordinance No. 2012-3

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PEND OREILLE COUNTY, WASHINGTON LOCALLY ADOPTING REVISIONS TO THE PEND OREILLE COUNTY SHORELINE MASTER PROGRAM AND OFFICIAL SHORELINE MAP; ADOPTING AMENDMENTS TO THE COUNTY DEVELOPMENT REGULATIONS INCLUDING REGULATIONS PROTECTING ENVIRONMENTALLY SENSITIVE AREAS; ESTABLISHING EFFECTIVE DATES; AND PROVIDING FOR SEVERABILITY.**

WHEREAS, the Pend Oreille Board of County Commissioners adopted a Comprehensive Plan recommended by the County Planning Commission on October 17, 2005; and

WHEREAS, the County Comprehensive Plan was prepared and has been implemented in accordance with the provisions of the Washington State Growth Management Act; and

WHEREAS, the Comprehensive Plan that was prepared is truly a community based document that will serve to guide the allocation of limited County resources and day-to-day decision making over the next twenty years; and

WHEREAS, in order to fully implement the Comprehensive Plan the County subsequently updated its Development Regulations in accordance with the provisions of the Growth Management Act; and

WHEREAS, in updating its Development Regulations the County recognized the need to update its regulations to protect environmentally sensitive areas also known as critical areas; and

WHEREAS, following the adoption of the updated Development Regulations the County initiated a process to update their Shoreline Master Program in accordance with the provisions of the Shoreline Management Act; and

WHEREAS, the County initiated the process to update their Shoreline Master Program in advance of the statutory mandate to do so; and

WHEREAS, as a small, rural county, with a depressed, natural resource based economy, the County could not have updated the Shoreline Master Program without financial support from the Washington State Department of Ecology; and

WHEREAS, a grant from the Department of Ecology enabled the County to establish a regional partnership to update the Shoreline Master Program that included the support and participation of the Kalispel Tribe, the Pend Oreille County PUD, the cities and towns, of Metaline, Metaline Falls, Ione, Newport, and Cusick, as well as numerous local, state, and federal resource agencies; and

WHEREAS, over a four-year period, utilizing a process featuring extensive opportunities for public involvement, the County Planning Commission prepared draft amendments to update the County Shoreline Master Program; and

WHEREAS, on or about November 18, 2011 the Pend Oreille County Planning Commission forwarded to the Board of County Commissioners recommended revisions to the County Shoreline Master Program; and

WHEREAS, following a review of the Planning Commissioners recommendations, the Board of County Commissioners authorized the distribution of recommended revisions to the Shoreline Master Program for public review and comment; and

WHEREAS, concurrent with the public review and comment period the County Commissioners authorized County Staff to initiate an integrated SEPA/GMA review process for state agencies; and

WHEREAS, upon completion of the public review and comment period and the 60-day SEPA/GMA state agency review process, the County reviewed all public and state agency comments and made further revisions to the draft Shoreline Master Program; and

WHEREAS, on June 6<sup>th</sup>, 2012 the Board of County Commissioners authorized another public review and comment period on the revised draft Shoreline Master Program; and

WHEREAS, upon completion of the additional public review and comment period, the Board of County Commissioners made further revisions to the draft Shoreline Master Program based on the comments received; and

WHEREAS, in the Fall of 2012 the Board of County Commissioners held several public working session to discuss the public and state agency comments and further revisions to draft Shoreline Master Program; and

WHEREAS, the County has prepared a final draft of the revised Shoreline Master Program that contains Goals and Policies, Shoreline Designations, and Regulations to govern development activities in shoreline areas; and

WHEREAS, the County has also prepared a final draft of revisions to the County Development Regulations necessary to implement the updated Shoreline Master Program in accordance with the provisions of State Law; and

WHEREAS, in preparing these final recommendations the Board of County Commissioners has noted the importance of protecting private property rights and in providing local governments with the clear authority and flexibility necessary to make land use decisions on a case by case basis based on the unique merits of individual situations; and

WHEREAS, the Board of County Commissioners have indicated their intent to seek changes to State Law to further protect private property rights and to clearly authorize local governments with the authority to establish shoreline buffers on a case by case basis as an alternative to the use of standardized buffers;

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF PEND OREILLE COUNTY WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1 Revised Shoreline Master Program Adopted.** The County hereby adopts the Revised Pend Oreille County Shoreline Master Program in substantially the same form as attached in Exhibit A and authorizes the County Director of Community Development to submit such documentation as may be required by the Department of Ecology for the mandated state agency review and approval, provided that the Director is further authorized to correct typographical errors, improve the formatting of the document, and to make corrections to supporting data, dates, and narrative consistent with the actions of the Board of County Commissioners.

**Section 2 Revised Shoreline Map Adopted.** The County hereby adopts the Revised Shoreline Map in substantially the same form as the map in Exhibit B as the Official Shoreline Map for Pend Oreille County.

**Section 3 Critical Areas Maps.** The Board of County Commissioners hereby authorizes the County Department of Information Technology Services in consultation with the County Department of Community Development to update the County Maps to reflect the new Critical Areas and buffers consistent with the provisions of the of the Revised Shoreline Master Program as adopted by the County.

**Section 4 Implementing Regulations.** The following regulations contained in Exhibit A are hereby adopted by the County and the County Director of Community Development is authorized to integrate such documents in substantially the same form into the County Development Regulations:

- a. **XX.34 Shoreline Regulations;**
- b. **XX.36 Environmentally Sensitive Areas;**
- c. **XX.10 Definitions;**
- d. **XX.76 Non-Conforming Uses and Structures; and**
- e. **XX.92 Violations and Enforcement.**

**Section 5 Severability.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 6 Effective Dates.** The Revised Shoreline Master Program, the revised Shoreline Map, and the implementing regulations identified in Section 4 above shall go into effect fourteen days following approval by the Department of Ecology.

**Section 7 Current Master Program Repealed.** The current Pend Oreille County Shoreline Master Program, Shoreline Map, and implementing regulations, including XX.34 Shoreline Regulations, XX.36 Environmentally Sensitive Areas, XX.10 Definitions, XX.76 Non-Conforming Uses and Structures, and XX.92 Violations and Enforcement are hereby repealed on the effective date of this Ordinance. The Director of Community Development is authorized to make such interpretations of this Ordinance and the County Development Regulations as may be necessary to provide for the implementation of the revised Shoreline Master Program.

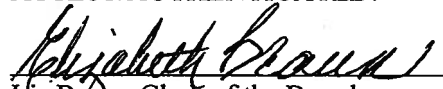
APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AT A REGULAR MEETING  
THEREOF ON THE 30<sup>th</sup> OF October, 2012.

  
Chairperson Laura Merrill

  
Vice-Chair Dianne Wear

  
Commissioner John Hankey

ATTEST/AUTHENTICATED:

  
Liz Braun, Clerk of the Board

Approved as to form:

\_\_\_\_\_  
Thomas Metzger, Pend Oreille County Prosecuting Attorney