

ORDINANCE NO. 153E

AN ORDINANCE ESTABLISHING A MORATORIUM ON PROCESSING OF DEVELOPMENT PERMIT APPLICATIONS PERTAINING TO TRANSIENT LODGING/VACATION RENTALS AND BED & BREAKFAST FACILITIES SPECIFIED IN ORDINANCE NO. 153 SECTIONS 9.D.3, 10.D.3, 11.D.3, 11.D.4, 12.D.3, 12.E.3, 13.D.4, 13.D.5, 14.B.4, 14.B.5, 15.D.6, 15.D.7, 16.B.10, 16.B.11, 18.B.8, 18.B.9, 21.M AND 21.N, AND DIRECTING DEVELOPMENT OF APPLICABLE NEW LAND USE REGULATIONS

WHEREAS, the Board of Pacific County Commissioners (Board) adopted Pacific County Ordinance No. 153, Land Use on March 8, 2004 and which included transient lodging/vacation rental and Bed & Breakfast (B&B) facility standards contained in Sections 21.M and 21.N; and

WHEREAS, the Board passed Resolution 2010-036 on October 26, 2010 adopting the 2010 Pacific County Comprehensive Plan; and

WHEREAS, Chapter 36.70A.130 RCW requires Pacific County to conduct a periodic update of its development regulations to ensure the development regulations are in compliance with the requirements of GMA and consistent with the County's Comprehensive Plan; and

WHEREAS, the Pacific County Planning Commission has initiated review of the County's development regulations by holding two public "scoping" workshops on October 7, 2010 and November 4, 2010 with the expectation that the public hearing process will start in early 2011; and

WHEREAS, significant public input and opinion was received during both the 2010 Comprehensive Plan Update process and the development regulation scoping workshops regarding the proliferation of transient lodging/vacation rental and B&B facilities, especially in the residential land use districts; and

WHEREAS, significant public input has been received about the incompatibility of more transient lodging/vacation rental and B&B facilities in residential neighborhoods, especially as they relate to traffic, parking, congestion, litter, trespass, noise, and other assorted nuisance activities; and

WHEREAS, significant numbers of complaints have been received by the Pacific County Sheriff's Office and the Department of Community Development regarding traffic, parking, congestion, litter, trespass, noise, and other assorted nuisance activities associated with transient lodging/vacation rental and B&B facilities; and

WHEREAS, the time and expense of responding to complaints about transient lodging/vacation rental and B&B facility is having a negative impact on Departmental budgets; and

WHEREAS, the existing transient lodging/vacation rental and B&B facility development regulations in Pacific County Ordinance No. 153, Land Use, appear to be insufficient in ensuring the transient lodging/vacation rental and B&B facilities are compatible with existing and future residential uses until the existing development regulations can be evaluated and modified; and

WHEREAS, permitting additional transient lodging/vacation rental and B&B's in Pacific County, especially within residential areas, without first revising and updating the County land use development regulations, could have a negative impact on existing residents and existing neighborhoods; and

WHEREAS, further analysis and public review will foster enhanced public participation and forward efforts to ensure that local land use regulations comply with the goals and policies of the Growth Management Act, Chapter 36.70A RCW; 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 ability to review and approve such uses 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, WAC 197-11-880 and Pacific County Ordinance No. 121A & B, 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 AND RCW 36.70A.390, THAT THE FOLLOWING BE ENACTED:

1. A moratorium shall be placed on the receipt and/or processing of development permit applications subject to Ordinance No. 153, Sections 9.D.3, 10.D.3, 11.D.3, 11.D.4, 12.D.3, 12.E.3, 13.D.4, 13.D.5, 14.B.4, 14.B.5, 15.D.6, 15.D.7, 16.B.10, 16.B.11, 18.B.8, 18.B.9, 21.M, and 21.N.
2. The Board hereby directs staff from the Department of Community Development to work with the Pacific County Planning Commission, interested parties, and the general public to develop and submit rules to amend and/or replace Ordinance No. 153 Sections 9.D.3,

10.D.3, 11.D.3, 11.D.4, 12.D.3, 12.E.3, 13.D.4, 13.D.5, 14.B.4, 14.B.5, 15.D.6, 15.D.7, 16.B.10, 16.B.11, 18.B.8, 18.B.9, 21.M, and 21.N.

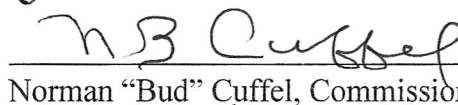
3. Ordinance No. 153E shall take effect immediately.
4. Ordinance No. 153E shall remain in effect until repealed or until May 9, 2011, whichever shall come sooner.
5. The Board shall hold a public hearing on this Ordinance by December 14, 2010 and shall adopt findings of fact after the public hearing.
6. If new permanent rules pertaining to transient lodging/vacation rental and B&B's cannot be adopted by May 9, 2011, the Board shall take the necessary steps under RCW 36.70.795 and RCW 36.70A.390 to extend this moratorium.

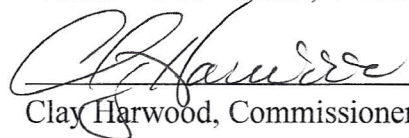
PASSED by the Board of Pacific County Commissioners in regular session at South Bend, Washington, by the following vote, then signed by its membership and attested by its Clerk in authorization of such passage the 9th day of November, 2010:

3 YEA; 0 NAY; 0 ABSTAIN; and 0 ABSENT

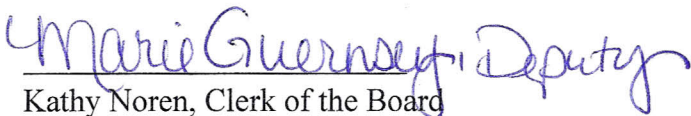
BOARD OF PACIFIC
COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON


Jon C. Kaino, Chair


Norman "Bud" Cuffel, Commissioner


Clay Harwood, Commissioner

Attest:


Kathy Noren, Clerk of the Board