

BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY, WASHINGTON

ORDINANCE NO. 2000-114-CC

An Ordinance Relating to Adoption of a Unified Development Code for Grant County in Accordance with the Washington State Growth Management Act (RCW 36.70A) and the State Environmental Policy Act (SEPA, Chapter 43.21.C RCW); and Rescinding Conflicting Ordinances, Resolutions and Codes.

WHEREAS, in 1990 the Washington State Legislature passed and the Governor signed into law the Growth Management Act (GMA) as contained in SHB No. 2929 (Washington Laws, 1990 1st Ex. Sess., Ch.17), which was subsequently codified as, among other chapters, Chapter 36.70A RCW; and

WHEREAS, Chapter 36.70A RCW required Grant County to adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan; and

WHEREAS, on September 30, 1999, the Grant County Board of Commissioners adopted Ordinance No. 99-158-CC, adopting the Grant County Comprehensive Plan together with the integrated Draft Environmental Impact Statement and the Final Environmental Impact Statement; and

WHEREAS, the Grant County Comprehensive Plan is intended to, among other things, direct and prepare for future growth and development in the County;

WHEREAS, implementation of the Comprehensive Plan is essential to direct the future growth and development of the County in a manner consistent with the Comprehensive Plan's goals, objectives, policies, land use designations, future land use map and mapping criteria; and

WHEREAS, the general purpose of the adoption of development regulations is to implement the goals and policies of the Grant County Comprehensive Plan and to:

1. Encourage land use decision-making in accordance with the public interest, protection of private property rights and the public good, and applicable laws of the State of Washington;
2. Protect the general public health, safety, and welfare;
3. Implement the Grant County Comprehensive Plan goals and policies through land use and other regulations;
4. Provide for the economic, social, and aesthetic advantages of orderly development through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;
5. Provide for adequate public facilities and services in conjunction with development; and
6. Promote general public safety by regulating development of lands containing physical hazards and to minimize adverse environmental impacts of development; and

WHEREAS, current Grant County ordinances pertaining to land division, zoning, environment, and administration of development regulations are not, in every case, consistent with State law and the Grant County Comprehensive Plan; and

WHEREAS, integration of revised regulations consistent with State law and the Grant County Comprehensive Plan into a unified development code will simplify administration and promote ease of use by developers of land in Grant County; and

WHEREAS, beginning in January 2000, the Grant County Planning Commission initiated a thorough review of all existing County ordinances relating to land development in Grant County: to update their

contents; incorporate State mandated regulatory reform process initiatives; and achieve consistency with State law and the Comprehensive Plan; and

WHEREAS, the Grant County Department of Community Development formulated an advisory committee that included agency representatives, land development professionals, representatives of groups having a special interest or expertise in land development, zoning, or environmental protection, to prepare draft text, proposed modifications and recommendations to the Grant County Planning Commission of certain chapters of the Unified Development Code; and

WHEREAS, the Grant County Department of Community Development, in consultation with its advisory committee, produced a final draft Unified Development Code, consisting of revisions and/or additions to the following chapters of the Grant County Code: Title 22 Subdivisions and Plats, Chapters 22.04 Land Division; Title 23 Zoning, Chapters 23.04 Zoning Districts, 23.08 Performance and Use Standards, and 23.12 Development Standards; Title 24 Environment, Chapters 24.04 State Environmental Policy Act, 24.08 Critical Areas and Resource Lands, 24.12 Shorelines, and 24.16 Flood Damage Prevention; Title 25 Administration of Development Regulations, Chapters 25.01 General Provisions, 25.02 Definitions, 25.04 Project Permit Review Procedures, 25.08 Conditional Uses and Variances, 25.12 Legislative Actions, 25.16 Enforcement and Penalties, 25.20 Concurrency, and 25.24 Mitigation and Impact Fees; and

WHEREAS, the Grant County Planning Commission relied upon best available data and science in developing a final draft Unified Development Code; and

WHEREAS, in March 2000, the Grant County Department of Community Development notified the public of the process and schedule for preparation and public review of the Draft Unified Development Code through the mailing of the GMA newsletter, the *Grant County Skyline* to more than 1,000 citizens and agency representatives; and

WHEREAS, free copies of draft development regulations were provided at public hearings, mailed or distributed to agencies, citizens, and interest groups, and placed on the Grant County web site for review; and

WHEREAS, Notice of Proposed Adoption of the Unified Development Code was given to State agencies on March 13, 2000, and, pursuant to SEPA (RCW 43.21C.030(2)(c)), a Notice of Determination Of Significance and Adoption Of Existing Environmental Documentation was given on March 13, 2000; and

WHEREAS, the Grant County Planning Commission completed an extensive public review process that meets or exceeds the requirements of Grant County Resolution establishing *Grant County Growth Management Act (GMA) Public Participation Program* pursuant to RCW 36.70A.020(11) and RCW 36.70A.140; and

WHEREAS, the Grant County Planning Commission compiled an extensive public record, including studies, documents, and correspondence, that was carefully considered during review of the Draft Unified Development Code; and

WHEREAS, the Grant County Planning Commission, having carefully considered the written and oral testimony of the public, agencies, recommendations from staff, changes proposed by the advisory committee, changes proposed by Planning Commission members in its deliberations, did revise the Draft Unified Development Code consistent with the Comprehensive Plan's goals, objectives, policies, land use designations, future land use map and mapping criteria; and

WHEREAS, the Grant County Planning Commission, having sufficiently considered the matter, adopted a motion on July 11, 2000 recommending that the Board of County Commissioners adopt the Draft Unified Development Code, together with the attached findings of fact; and

WHEREAS, upon public notice, the Board of Grant County Commissioners conducted an open record public hearing on August 7, 8 and 9, 2000, to consider the recommendations and findings of fact of the Grant County Planning Commission along with other public comment pertaining to the Draft Unified Development Code; and

WHEREAS, upon public notice, the Board of Grant County Commissioners conducted closed record public workshops on August 24, 25, 28, 30, and 31, 2000, in the Commissioners Public Hearings Room where they reviewed and considered both the July 11, 2000 final recommendations and the complete record provided by the Grant County Planning Commission as well as the public testimony and written comment provided on the Comprehensive Plan during their August 7, 8 and 9, 2000 open record hearings; and

WHEREAS, the Board of Grant County Commissioners considered the entire hearing record including the Planning Commission's recommendation, and written and oral testimony submitted during the Commissioner's hearings; and

WHEREAS, the Unified Development Code has been reviewed by affected State and local agencies and found, generally, to be in compliance with the requirements of the GMA and other pertinent State law; and

WHEREAS, the comments and correspondence provided by affected State and local agencies has been considered during review of the Unified Development Code; and

WHEREAS, to meet the requirements of RCW 43.21C.030(2)(c), Grant County, acting through its Responsible SEPA Official, adopted the Grant County Comprehensive Plan/Draft Environmental Impact Statement and Final Environmental Impact Statement, all of which were reviewed and considered by the Grant County Planning Commission, as being appropriate for the environmental review needs of the proposed adoption of the Unified Development Code; and

WHEREAS, a number of pre-existing development regulations and ordinances that conflict with the Unified Development Code should be rescinded or modified to avoid conflict or confusion; now therefore,

IT IS HEREBY ORDAINED that the Board of Grant County Commissioners adopts the recommendations and findings of fact of the Grant County Planning Commission Recorded Motion dated July 11, 2000, attached as Exhibit E, except as modified or supplemented in the annexed Additional Findings of Fact; and

BE IT FURTHER ORDAINED that the Board of Grant County Commissioners adopts the Grant County Unified Development Code and the Official Zoning Map, dated September 19, 2000; accepts the Grant County Comprehensive Plan/Draft Environmental Impact Statement and Final Environmental Impact Statement as meeting the environmental review needs for the Unified Development Code; adopts the attached Additional Findings of Fact and Conclusions of Law; accepts the attached record compiled by the Grant County Planning Commission; and accepts the attached record compiled by the Board of Grant County Commissioners.

BE IT FURTHER ORDAINED that the Board of Grant County Commissioners rescinds and repeals in their entirety all conflicting ordinances and resolutions including, but not limited to, the following:

1. Grant County Zoning Ordinance, date unknown;
2. Airport Zoning Ordinance, date unknown;

3. Resolution No. 88-2-CC, Binding Site Plan Ordinance, dated October 3, 1984;
4. Flood Damage Prevention Ordinance, dated February 13, 1989;
5. Ordinance No. 90-92-CC, Resolution No. 90-92-CC, Right to Farm Ordinance, dated September 10, 1990;
6. Ordinance No. 91-127-CC, Short Term R.V. Park, dated September 24, 1991;
7. Ordinance No. 92-98-CC, Extended Use R.V. Park, dated July 14, 1992;
8. Ordinance No. 92-110-CC, An Ordinance Relating to Residential Recreational Vehicle Parks, dated September 8, 1992;
9. Ordinance No. 93-49-CC, Resource Lands and Critical Areas Development Ordinance, dated May 23, 1993;
10. Ordinance No. 95-60-CC, Grant County SEPA Ordinance, dated May 1995;
11. Ordinance dated November 4, 1996 rescinding portions of Section V(B)(8) of the Grant County Zoning Ordinance (Segregations);
12. Ordinance dated November 4, 1996 rescinding Exemption No. 4 and portions of Exemption No. 7 under section 2 of the Grant County short plat ordinance (Farmsteads);
13. Ordinance dated November 5, 1996 adopting new section of Grant County short plat ordinance (Section 42);
14. Ordinance No. 97-39-CC dated March 25, 1997 (interim residential zoning density regulations);
15. Ordinance No. 97-150-CC, dated September 23, 1997 re-adopting interim residential zoning density regulations;
16. Ordinance 97-190-CC, An Ordinance Relating to Short Plat and Short Subdivisions, dated November 25, 1997;
17. Ordinance No. 97-191-CC, Platting and Subdivision Ordinance, dated November 25, 1997;
18. Ordinance No. 97-192-CC, Local Project Permit Review Ordinance, dated November 25, 1997;
19. Ordinance No. 98-18-CC, An Ordinance Regarding a Public Interest Determination Affecting Development of Land within the Unincorporated Areas of Grant County, dated February 10, 1998;
20. Ordinance No. 98-29-CC dated March 24, 1998 re-adopting interim residential zoning density regulations;
21. Ordinance No. 98-32-CC dated March 24, 1998 prohibiting commercial, industrial and residential zones within the Agricultural District;
22. Ordinance No. 98-36-CC dated April 7, 1998 adopting legal non-conforming use ordinance;
23. Ordinance No. 98-37-CC dated April 7, 1998 adopting Interim Official Controls in Agricultural District protecting agricultural lands from urban development;
24. Ordinance No. 98-38-CC dated April 7, 1998 adopting reasonable use exception requirements;
25. Ordinance No. 98-144-CC dated September 25, 1998 re-adopting interim residential zoning density regulations;
26. Ordinance No. 98-145-CC dated September 23, 1998 re-adopting Interim Official Controls in Agricultural District protecting agricultural lands from urban development;
27. Ordinance No. 98-157-CC, Interim Official Controls Relating to Reasonable Use Exception, dated October 6, 1998 and extended by Ordinance No. 99-46-CC, dated April, 1999;
28. Ordinance No. 98-174-CC, An Ordinance Establishing Regulation Governing the Siting of Wireless Control Towers, Antennas, Related Apparatus and Structures, for Wireless Communications Systems, Resolution No. 98-174-CC, dated November 2, 1998;
29. Ordinance No. 99-39-CC dated March 23, 1999 re-adopting interim residential zoning density regulations;
30. Ordinance No. 99-40-CC dated March 23, 1999 re-adopting Interim Official Controls in Agricultural District protecting agricultural lands from urban development;
31. Ordinance No. 99-45-CC, Resolution No. 99-45-CC, re-adopting Interim Official Controls in Agricultural District protecting agricultural lands from urban development;
32. Ordinance No. 99-154-CC dated September 27, 1999 re-adopting interim residential zoning density regulations; and
33. Ordinance No. 99-155-CC dated September 27, 1999 re-adopting prohibitions commercial, industrial and residential zones within the Agricultural District.

34. Ordinances adopting changes to the Zoning Code, SEPA ordinance, and Shoreline Master Program to conform to changes to the several laws of the state;

BE IT FURTHER ORDAINED that if any provision or provisions of this ordinance or its application to any person or circumstance is held to be invalid, the remainder of this ordinance or the application of the provision to other persons or circumstances shall not be effected.

BE IT FURTHER ORDAINED, that all prior ordinances, resolutions and/or regulations rescinded and/or repealed by the adoption of this ordinance, are hereby expressly revived in the event that Grant County Unified Development Code and Official Zoning Map are at any time hereafter declared in their entirety to be invalid or of no effect by a reviewing body with jurisdiction, pursuant to RCW 36.70A.302(4).

BE IT FURTHER ORDAINED that the effective date of the Grant County Unified Development Code is October 1, 2000.

BE IT FURTHER ORDAINED that this Ordinance is applicable to development applications determined by the County to be technically complete on or after the effective date of this Ordinance.


BE IT FURTHER ORDAINED that the Board of Grant County Commissioners directs the Director of the Grant County Department of Community Development to provide copies of the Unified Development Code to the Department of Community Development, Trade and Economic Development (DCTED) and to other agencies as may be required by law no later than October 1, 2000, and publish a Notice of Action Taken in newspapers of record and the SEPA Register.

BE IT FURTHER ORDAINED that the Board of Grant County Commissioners adopts all recitals herein as findings of fact in support of this action.

PASSED by the Board of Grant County Commissioners in regular session at Ephrata, Washington, by the following vote, then signed by its membership and attested by its Clerk in authorization of such passage this 25th day of September, 2000.

2 YEA; _____ NAY; _____ ABSTAIN; and 1 ABSENT.

**BOARD OF GRANT COUNTY COMMISSIONERS
GRANT COUNTY, WASHINGTON**



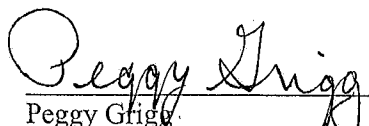
Deborah Moore, Chairperson



LeRoy Allison, Commissioner

Tim Snead, Commissioner

ATTEST:



Peggy Grigg
Clerk of the Board