



Pend Oreille County

COMMUNITY DEVELOPMENT DEPARTMENT

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Staff Report: 2020 Comprehensive Plan Update

Planning Commission

Hearing Date: 05/11/2021, Continued

Prepared By: Greg Snow

Subject: Update of the Comprehensive Plan, Future Land Use Map, and Development Regulations as part of a County-wide update.

Action: Recommendation to Board of County Commissioners to:

Approve/Deny Proposed Amendment

Summary:

A formal public process has been undertaken to complete a Comprehensive Plan update, a Future Land Use Map (FLUM) update and a Development Regulation and Zoning Map update to comply with RCW 36.70A. The update generally performs the following actions:

- (i) Updates the Pend Oreille County Comprehensive Plan and Development Regulations to better reflect current conditions and areas for future development;
- (ii) Amends the Pend Oreille County Table of Permitted Uses to include new zoning designations;
- (iii) Amends the Pend Oreille County Development Regulations to include new zoning designations and to update subdivision and other regulations; and
- (iv) Amend the zoning and Future Land Use Map designations consistent with the criteria found in the Rural Lands Zoning Density Criteria Matrix set forth in Table 2-8 of the *Pend Oreille County Comprehensive Plan*.
- (v) Amend the Natural Resource land designations based upon a County-wide comprehensive review of agricultural, mineral and forest lands in the County, confirming and updating the lands of long-term commercial significance designated in the County.

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Background:

The original Comprehensive Plan was adopted in 2005 and the Development Regulations in 2006. The Comprehensive Plan is intended to have an 8-year life cycle and provide the opportunity for limited amendments annually to address any discrepancies, or shortcomings or other changes. Historically, the annual update cycle has not been fully taken advantage of.

The intent of this update is to create land use and associated zoning designations that are appropriate to allow Commercial and Industrial uses where they have historically been and where the infrastructure is in place to support these uses and refine the designated resource lands through a County-wide review, in addition to the residential uses already allowed, and to bring the Comprehensive Plan and Development Regulations up to a standard that more accurately reflects current conditions.

It is also intended to remove the Building Regulations, Flood Plain Regulations, and Planning Commission Bylaws Chapters from the Development Regulations and have them become stand-alone documents.

Applicable Code Sections:

Pend Oreille County Development Regulations

RCW 36.70A.130 Comprehensive Plans – Review Procedures and Schedules – Amendments

xx.26.030 Establishment of Zoning Districts

xx.26.040 Permitted and Conditional Uses

xx.36 Environmentally Sensitive Areas

xx.90 Comprehensive Plan Amendments

Table of Permitted Zoning Uses

Public Process:

Workshops were held to review and discuss each chapter and began on June 11, 2019, and were resumed in July, August, October, November and December. In 2020 workshops were held in January, February, and due to COVID not until December. The workshops continued into 2021 in January, February, and April. All of the meetings were appropriately advertised, and the public was provided with an opportunity to comment when they may not otherwise have had an opportunity to do so.

Public Hearing notice was placed in the Newport Miner, the paper of record, on April 21, 2021 and April 28, 2021.

The associated non-project action SEPA was advertised in the Newport Miner on April 21, 2021, and April 28, 2021, and submitted to the SEPA Register on April 23, 2021. The SEPA Determination of Non-Significance was timely appealed, and a public hearing was held in front of the County Hearing Examiner on December 2, 2021. On January 25, 2022, the Hearing Examiner upheld the appeal and directed the following:

“Pend Oreille County should identify and recognize what development would be allowed in the various zone designations under the Comprehensive Plan update and regulations amendments, consider the applicable codes and regulations that control development of those areas and what mitigation measures

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those codes and regulations require in the protection of the environment, and then evaluate as much as possible the probability that the development will occur and what environmental impacts are expected to occur in light of that evaluation.”

A revised SEPA environmental checklist was prepared and routed to the SEPA Register on July 25, 2022, with all areas directed by the Hearing Examiner being addressed. Again, the SEPA Determination of Non-Significance was timely appealed and routed to hearing in front of the County Hearing Examiner on October 13, 2022. At that time the Hearing Examiner denied the appeal on November 22, 2022, and the file was moved forward to the Planning Commission after expiration of the appeal period.

Public Hearing notice was placed in the Newport Miner, the paper of record, on December 28, 2022 and January 04, 2023.

Staff Recommendation:

Staff recommendation is to recommend approval to the Board of County Commissioners.

Suggested Motion:

I move to recommend to the Board of County Commissioners that they **do/do not** approve the request for adopting the proposed Comprehensive Plan, Development Regulation, Zoning Map, and Future Land Use Map Amendment finding that:

- (a) State laws and regulations have been passed that **have/have not** changed the requirements that are to be addressed in the referenced documents.
- (b) Conditions in the County **have/have not** markedly changed since the 2005 version of the Comprehensive Plan, Zoning Designation maps and 2006 version of the Development Regulations, and with these changed conditions, a plan amendment **is/is not** within the public interest.
- (c) The proposal is an update to current scope and **can/cannot** fit within the Planning Department’s work program for the current year.
- (d) The proposal **is/is not** addressing new requirements within the referenced documents or is a clarification of one or more of these documents.
- (e) The public interest **is/is not** served by dealing with the proposal at the present time rather than later.
- (f) The proposal **does/does not** bear a substantial relation to the promotion and preservation of public health, safety and welfare.
- (g) The proposal **will/will not** result in long-term benefits to the County as a whole and **is/is not** in the best interest of the County.
- (h) The proposal **does/does not** comply with the applicable goals and requirements of the Growth Management Act and other related state and federal laws and regulations.

Chairman

Attest, Community

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Development Director

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