

CHAPTER XX.02 GENERAL PROVISIONS

xx.02.010	Introduction.
xx.02.020	Administration.
xx.02.030	Interpretations.
xx.02.040	Financial Guarantees.
xx.02.050	Liability.
xx.02.060	Severability.

xx.02.010 Introduction. This Title ~~of the Pend Oreille County Code~~ was created ~~in order~~ to integrate ~~the most frequently used~~ land use planning ~~ordinances regulations~~ into a single ~~streamlined and user friendly~~ code utilizing a common set of definitions and procedures. ~~Subsequent revisions will be made as the County's Development Standards are updated in accordance with the provisions of the County's Comprehensive Plan and State and Federal law.~~

xx.02.020 Administration. The Board of County Commissioners shall designate a ~~County~~ Community Development Director who shall be responsible for the administration of this Title and related County planning provisions.

- A. The authority, responsibilities, and duties of the Community Development Director and his/her designee(s) shall include, but not be limited to:
1. Establishing and maintaining such application forms and administrative procedures as may be necessary to implement this Title;
 2. Interpreting County ~~ordinances regulations~~, codes, and requirements and determining the applicability of this Title to proposed projects and development activities;
 3. Establishing and maintaining a fee schedule for all land use and building permit activities ~~in accordance with the approved County budget~~ and any fee ordinances that may be approved by the Board of County Commissioners;
 4. ~~Establishing and~~ Coordinate with Public Works to maintain ~~ensuring~~ standards for the design and construction of any public works or improvements that may be required as a condition of approval for any land use or building permit activity are met;
 5. Serving as the SEPA Responsible Official;

6. ~~The Oversight of the~~ review and approval of land use, shoreline, building permit, and related- applications;
7. ~~Facilitating Inspectiong and examining-examination of~~ structures or tracts of land, and to order in writing, remedies for any condition found to be in violation of the Pend Oreille County ~~Code-Development Regulationsand County ordinances~~;
8. The enforcement of county codes and ~~ordinances~~regulations, the approval of compliance plans, the imposition and collection of fines for violations, issuance of Stop Work Orders, and/or the imposition of penalties;
9. Coordinating the activities of County Staff and Consultants involved in land use planning activities; and
10. Administering inter-local planning agreements for the coordinated delivery of planning services in the incorporated areas and designated Urban Growth Areas of the County.

xx.02.030 Interpretations. Wherever the requirements of this Title are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants to which the County is a party, the most restrictive or those imposing the higher standards shall govern.

- A. The Director of ~~the County Department of~~ Community Development and/or his/her designee is authorized to make such interpretations of this Title as may be necessary to promote the streamlined implementation of the Comprehensive Plan, provide efficient development reviews, ~~remove inequities between property and business owners~~, resolve conflicting requirements, clarify provisions, correct cross references, and/or to avoid unnecessary hardship; and
- B. Any person may submit a written request to the Community Development Director for a formal interpretation of the provisions of this Title or those codes referenced to this Title. The request shall reference the specific Titles, Chapters, or Sections in question and should include relevant background information and supporting documentation.

xx.02.040 Financial Guarantees. Prior to issuance of a permit or approval of a proposed development activity, the County may require an Applicant to provide a financial guarantee to assure compliance with the provisions of this Title, the conditions of required permits, and approved plans. Improvements and facilities that may require a financial guarantee by the Applicant may

include, but is not limited to, temporary and permanent erosion and sedimentation control measures, drainage controls, activities in or near shorelines or environmentally sensitive areas, and restoration work.

- A. Financial guarantees shall be in a form acceptable to the County and will not be released until all work is completed in accordance with the approved plans and conditions of the permit. All work must be completed within the time limits as noted on the permit or the approved plan for the project. If not completed, the County may use the financial guarantee to complete the work as outlined in the permit or approved plans, or complete those items of work that would safeguard adjacent or downstream property owners or may deposit the financial guarantee in a designated account as contribution toward the cost of completing the work. Collection of the financial guarantee does not relieve the Applicant of the responsibility to complete the work and the County may act as necessary to insure completion of the work.
- B. All financial guarantees shall run continuously until released by the County and shall not be subject to an expiration or cancellation date.
- C. Applicants ~~may~~will be required to submit for County review and approval an estimate for the work to be accomplished, prepared by an engineer or qualified professional based on current construction costs. The County will establish the minimum financial guarantee at 125 percent of the estimate to allow for inflation, engineering expenses and administrative costs should the County have to complete the work. The County shall retain from the funds all costs associated with administration, collection of the funds and completion of the guaranteed work.
- D. Upon receipt of acceptable documentation and verification by inspection, the County will release the applicable financial guarantee, provided that the County may retain a portion or require a new financial guarantee to ensure that the improvements are adequately maintained and perform as designed.

xx.02.050 Liability. The granting or approval of any structure or use shall not constitute a representation, guarantee, or warranty of any kind or nature by the County or any official or employee thereof, on the practicality or safety of any structure or use proposed and shall create no liability upon or cause of action against such public body, official, or employee for any damage that may result therefrom.

xx.02.060 Severability. If any provision of this Title or its application to any person or legal entity is held to be invalid, the remainder of this Title, or the

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application of this Title or the application of the provision to other persons or entities or circumstances shall not be affected.

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