

24 WHEREAS, these applications and pre-applications, to the extent that they have
25 vested pursuant to state law and the Clark County Code, are governed by the standards
26 and criteria in effect at the date of vesting; and,

27 WHEREAS, the Hearings Board on March 23, 2017, issued an Order finding and
28 concluding that the portions of the 2016 Plan Update described above had violated
29 GMA, and directed Clark County to come into compliance with GMA; and,

30 WHEREAS, the Hearings Board has not determined that the County's 2016 Plan
31 Update is invalid, as it relates to Agriculture, Forest and Rural lands, but may do so in
32 the future unless the Council adopts compliant legislation governing these lands; and,

33 WHEREAS, determinations of noncompliance and invalidity under GMA threaten
34 the County's ability to apply and receive favorable consideration for grants and loans
35 from the Washington State Public Works fund, to the detriment of the County's ability to
36 construct and improve needed transportation infrastructure throughout the County; and,

37 WHEREAS, a determination of invalidity under GMA would prevent the vesting of
38 future applications for land divisions in the County's Agriculture, Forest and Rural areas;
39 and,

40 WHEREAS, immediate suspension of the Plan, Plan Map, Zoning Ordinance and
41 zoning text provisions that created and implemented the AG-10, FR-20, and Rural
42 designations and allowed the upzoning of certain Rural parcels is necessary, due to
43 vesting laws in Washington State and Clark County Code, to provide time for the
44 Council to reevaluate the potential consequences of the 2016 Plan Update in light of the

45 Hearings Board's Order, and any further appeals or proceedings arising from the Order;
46 and,

47 WHEREAS, RCW 36.70A.390 and RCW 35.63.200 authorize the Council to
48 adopt an interim zoning ordinance without holding a public hearing, provided, a duly
49 noticed public hearing is held with 60 days of adoption; and

50 WHEREAS, the Clark County Home Rule Charter authorizes the Council to
51 adopt an ordinance as an emergency that would take immediate effect upon a finding
52 that the ordinance is necessary for the immediate support of the County government
53 and its existing public institutions, and the affirmative votes of 4 (four) Council members;
54 and,

55 WHEREAS, the Board finds and concludes that this interim ordinance would
56 further the public health, safety, and welfare, and is necessary for the immediate
57 support of the County government and its existing public institutions; it is now, therefore,

58 ORDERED, RESOLVED AND DECREED BY THE BOARD OF COUNTY
59 COUNCILORS OF CLARK COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

60 Section 1. Findings. RCW 35.63.200 authorizes adoption of interim zoning
61 measures with certain limitations. In compliance with the requirements of this statute,
62 the Board of County Councilors adopts as findings the pronouncements contained in the
63 above recital provisions.

64 Section 2. Moratorium. The filing of or the receipt by County staff of
65 development applications, including pre-applications, for land divisions pursuant to CCC

66 40.210.010 and Chapter 40.540 CCC, or zone changes pursuant to CCC 40.560.020, in
67 the AG-10, FR-20, R-5, R-10, and R-20 zones are prohibited during the effective period
68 of this ordinance; provided, that an application or pre-application that is both already
69 received by County staff, and either contingently vested or vested, shall retain its status
70 as such and be processed accordingly; and, further provided, that this moratorium does
71 not prohibit the filing or receipt of any application or pre-application for a land division
72 that complied with the Clark County 20-Year Comprehensive Growth Management Plan
73 2004-2024 and the County Code as both were in effect prior to adoption of Amended
74 Ordinance 2016-06-12.

75 Section 3. Effective Date. This interim ordinance will take effect immediately
76 upon adoption by the affirmative votes of at least 4 (four) members of the Board of
77 County Councilors, or in 10 (days) if adopted by the affirmative votes of only 3 (three)
78 Councilors, and will expire upon adoption of a new ordinance following consideration of
79 this matter in a public hearing by the Board of County Councilors or 60 days from
80 adoption, whichever is earlier.

81 Section 4. Instructions to Clerk. The Clerk to the Board shall:

- 82 1. Record a copy of this ordinance with the Clark County Auditor.
- 83 2. Transmit a copy of this ordinance to the state within ten days of its adoption
84 pursuant to RCW 36.70A.106.
- 85 3. Cause notice of adoption of this ordinance to be published forthwith
86 pursuant to RCW 36.70A.290.

87 4. This ordinance is temporary in nature and is not to be codified.

88 ADOPTED BY ROLL CALL VOTE this 25th day of April, 2017.

89 For: Jeanne Stewart, Julie Olson; Marc Boldt; John Blom.

90 Against: Eileen Quiring

BOARD OF COUNTY COUNCILORS

Attest:

Rebecca J. Hutz
Clerk to the Board

By: Marc Boldt
Marc Boldt, Chair

By: _____
Julie Olson, Councilor

By: _____
Jeanne E. Stewart, Councilor

Approved as to form only:

Christine M. Cook
Christine M. Cook
Deputy Prosecuting Attorney

By: _____
John Blom, Councilor

By: _____
Eileen Quiring, Councilor

