

## CLARK COUNTY STAFF REPORT

**DEPARTMENT:** Community Planning

**DATE:** August 6, 2019

**REQUESTED ACTION:**

A public hearing to take testimony on Interim Emergency Ordinance No. 2018-12-64 which was adopted by Clark County Council on December 18, 2018. State law (RCW 35.63.200 and RCW 36.70A.390) provides that an interim ordinance may be effective for 6 months, and may be extended for additional 6 months. Clark County Council held a public hearing on February 12, 2019 and extended the emergency ordinance by 6 months.

\_\_\_\_ Consent    ☒ Hearing    \_\_\_\_ County Manager

---

**BACKGROUND**

The Council enacted emergency ordinance 2018-12-64 suspending provisions in the Clark County Plan, Plan and Code made by section 4 of Ordinance 2016-04-03, section 1 of Ordinance 2016-05-03, by adopting a limited moratorium on applications to develop lands within the Rural Industrial Land Bank Overlay.

**COUNCIL POLICY IMPLICATIONS**

There are no known policy implications. State law (RCW 35.63.200 and RCW 36.70A.390) provides that an interim ordinance may be effective for 6 months, and may be extended for additional 6 months periods. Clark County Council held a public hearing on February 12, 2019 and extended the emergency by 6 months. The purpose of Interim Emergency Ordinance No. 2018-12-64 was to demonstrate a level of compliance with the orders of the Growth Management Hearings Board. This would continue that compliance for a six-month period. See options available to Council in Exhibit 1.

**ADMINISTRATIVE POLICY IMPLICATIONS**

N/A

**COMMUNITY OUTREACH**

N/A

**BUDGET IMPLICATIONS**

YES	NO	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Action falls within existing budget capacity.
<input type="checkbox"/>	<input type="checkbox"/>	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
<input type="checkbox"/>	<input type="checkbox"/>	Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.



## BUDGET DETAILS

Local Fund Dollar Amount	
Grant Fund Dollar Amount	
Account	
Company Name	

### DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>

*Oliver Oriako*

Oliver Oriako  
Community Planning Director  
564.397.4112

Shawn Hennessee  
County Manager

APPROVED: *[Signature]*  
CLARK COUNTY, WASHINGTON  
BOARD OF COUNTY COUNCILORS

DATE: *Aug. 6, 2019*

SR# \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Shawn Hennessee, County Manager

DATE: \_\_\_\_\_





## BUDGET IMPACT ATTACHMENT

### Part I: Narrative Explanation

I. A – Explanation of what the request does that has fiscal impact and the assumptions for developing revenue and costing information

### Part II: Estimated Revenues

Fund #/Title	2017-2018 Biennium		2019 Annual Budget		2020 Annual Budget	
	GF	Total	GF	Total	GF	Total
<b>Total</b>						

II. A – Describe the type of revenue (grant, fees, etc.)

### Part III: Estimated Expenditures

III. A – Expenditures summed up

Fund #/Title	FTE's	2017-2018 Biennium		2019 Annual Budget		2020 Annual Budget	
		GF	Total	GF	Total	GF	Total
<b>Total</b>							

III. B – Expenditure by object category

Fund #/Title	2017-2018 Biennium		2019 Annual Budget		2020 Annual Budget	
	GF	Total	GF	Total	GF	Total
Salary/Benefits						
Contractual						
Supplies						
Travel						
Other controllables						
Capital Outlays						
Inter-fund Transfers						
Debt Service						
<b>Total</b>						





*proud past, promising future*

Exhibit 1.

## COMMUNITY PLANNING

### MEMORANDIUM

TO: Clark County Council  
FROM: Oliver Orjiako, Director  
DATE: August 6, 2019  
SUBJECT: Public Hearing relating to Interim Ordinance No. 2018-12-64

### INTRODUCTION

The purpose of the public hearing is take testimony on Ordinance 2018-12-64 which was adopted by the Board of County Council (Council) on December 18, 2018. The resolution enacted interim emergency ordinance 2018-12-64 suspending provisions in the Clark County Plan, Plan Map and Code made by section 4 of Ordinance 2016-04-03 and section 1 of Ordinance 2016-05-03, and adopting a limited moratorium on applications to develop lands within the Rural Industrial Land Bank Overlay.

State law (RCW 35.63.200 and RCW 36.70A.390) provides that an interim ordinance may be effective for 6 months, and may be extended for additional 6 months periods. Clark County Council held a public hearing on February 12, 2019 and extended the emergency ordinance by 6 months.

### BACKGROUND

Pursuant to the Growth Management Act (GMA), the Council adopted Ordinance 2016-04-03 and Ordinance 2016-05-03 (together, the Amendments), which revised the Clark County 20-Year Comprehensive Growth Management Plan (Plan) Map, the Clark County Code (CCC or Zoning Ordinance) and the zoning map as follows:

Parcel numbers as listed below are changed from a Comprehensive Plan designation of Agriculture and zoning designation of agriculture (AG-20) to a designation of Employment Center and a zoning designation of light industrial with a rural industrial land bank overlay (IL-RILB):

198335000, 198375000, 196656000, 198111000, 198324000, 198112000, 198101000, 198075000, 198072000, 198080000, 19802000, 198113000, and 198076000.



The Amendments were timely appealed to the Washington Growth Management Hearings Board, Western Region (Hearings Board).

The County has not received and processed any application and/or pre-application for development in the Rural Industrial Land Bank (RILB) overlay district since the effective date of Ordinance 2016-04-03.

The Hearings Board on March 23, 2017, issued its Final Decision and Order (Order) finding and concluding that the portions of the Amendment described above had violated GMA, and directed Clark County to come into compliance with GMA. The Hearings Board has further determined that the County's 2016 Plan Update is invalid, as it relates to the properties in the Rural Industrial Land Bank designation.

The Council directed appeal of the Hearings Board ruling on this matter. The case is pending at the Court of Appeal Division II.

In order to continue the effect of an interim ordinance, state law requires provides that an interim ordinance may be effective for 6 months, and may be extended for additional 6 months periods. Clark County Council held a duly advertised public hearing on February 12, 2019, provided for public testimony, and adopted findings supporting the ordinance.

## **OPTIONS**

The Board has two options with regard to the moratorium:

Option 1. Extend the moratorium by six months, while waiting for the Court of Appeal ruling. Re-adoption of the six month extension could be necessary in February 2020.

Option 2. End the moratorium by repealing Interim Emergency Ordinance 2018-12-64.