

ORDINANCE NO. 14264

AN INTERIM ORDINANCE RELATED TO ZONING; RENEWING ORDINANCE NO. 13222, AS AMENDED BY ORDINANCE NO. 13756, ADOPTING INTERIM ZONING CONROLS LIMITING THE SIZE OF CLUSTER DEVELOPMENTS PERMITTED IN THE RURAL AREAS OF THURSTON COUNTY, BY AMENDING THURSTON COUNTY CODE SECTIONS 20.02A.040, 20.10.035, 20.10.040, 20.30.020, 20.30.050, 20.30.060, 20.30A.020, 20.30A.040, 20.30A.070, 20.30A.031, AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, pursuant to RCW 36.70A.390 and other lawful authority, the Board of County Commissioners (Board) enacted Ordinance No. 13222 on November 8, 2004 which established interim zoning controls limiting the size of cluster developments permitted in the rural areas of Thurston County for the reasons stated therein which are incorporated herein by this reference; and

WHEREAS, pursuant to RCW 36.70A.390 and other lawful authority, the Board of Thurston County Commissioners (Board) has the authority to renew interim zoning controls for a period of six months; and

WHEREAS, Ordinance No. 13222 was renewed by Ordinance Numbers 13462, 13578, and 13675 for the reasons stated therein which are incorporated herein by this reference; and

WHEREAS, Ordinance No. 13222 was amended by Ordinance No. 13756 on February 12, 2007 for the reasons stated therein which are incorporated herein by this reference; and

WHEREAS, Ordinance No. 13222, as amended by Ordinance No 13756, was renewed by Ordinance Numbers 13786, 13905, 14039, 14116, and 14198 for the reasons stated therein which are incorporated herein by this reference; and

WHEREAS, the Cluster Development Task Force (Task Force) established by the Board has completed its work; and

WHEREAS, development code amendments have been drafted to implement Task Force recommendations; and

WHEREAS, the review of Thurston County's rural land use designations, zone districts and Urban Growth Area resizing was completed in March 2008 to comply with portions of the Western Washington Growth Management Hearings Board's (WWGMHB) July 20, 2005 Final Decision and Order in *1000 Friends of Washington (Futurewise) v. Thurston County*, case #05-2-0002; and

WHEREAS, staff is researching the consistency of the draft development code amendments with the Thurston County Code as revised by the amendments to comply with the WWGMHB final decision and order; and

WHEREAS, staff is researching the consistency of the draft development code amendments with the Thurston County Comprehensive Plan, as revised by the amendments to comply with the WWGMHB final decision and order; and

WHEREAS, staff is researching the consistency of the draft development code amendments with the Yelm/Thurston County Joint Plan, Tenino/Thurston County Joint Plan, Rainier/Thurston County Joint Plan, Rochester Subarea Plan, Grand Mound Subarea Plan, Nisqually Subarea Plan, and other related documents; and

WHEREAS, the proposed amendment affects properties within urban growth areas for the cities and towns in Thurston County including Yelm, Tenino, Rainier; and

WHEREAS, the County-Wide Planning Policies require coordinated development standards within urban growth areas to ensure that development does not occur that is inconsistent with urban development; and

WHEREAS, staff needs additional time to work with the affected jurisdictions to ensure that the new regulations are consistent with their vision; and

WHEREAS, the Planning Commission will review the development code amendments recommended by the Task Force, as well as the consistency of the proposed amendments with the Thurston County Comprehensive Plan, subarea plans, and joint plans, hold a public hearing on the amendments, and forward a recommendation to the Board; and

WHEREAS, the Board finds the findings which necessitated the need for the interim ordinance on November 8, 2004, as amended on February 12, 2007, are relevant until such time as new permanent development code amendments consistent with the Thurston County Comprehensive Plan have been considered and decided upon by the Board; and

WHEREAS, the Board believes that renewing the interim zoning control is necessary for the preservation of the public health, safety, and general welfare of Thurston County residents.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, AS FOLLOWS:

SECTION 1. INTERIM ZONING CONTROL. Ordinance No. 13222, as amended by Ordinance No. 13756, is renewed.

SECTION 2. DURATION. This ordinance shall expire six (6) months after this ordinance the effective date, *or earlier by Board action.*

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase or other portion of this Ordinance or its application to any person is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions herof.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect on August 24, 2009.

ADOPTED: August 11, 2009

ATTEST:

Roberto J. Brumby
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

Excused absence
Chair

APPROVED AS TO FORM:

EDWARD G. HOLM
PROSECUTING ATTORNEY

Leona Jones
Vice-Chair

Jeffrey G. Fancher
Deputy Prosecuting Attorney

Karen Valby Zule
Commissioner