

**Board of Commissioners
County of Stevens
State of Washington**

**Ordinance No. 04-2010
Stevens County Development Regulations, Title 13
Interim zoning control renewal**

- WHEREAS,** The Board finds that Stevens County opted in to the Growth Management Act (GMA), RCW 36.70A on September 28, 1993 pursuant to Resolution 112-1993; and
- WHEREAS,** The Board finds that RCW 36.70A.040 directs counties to adopt a Comprehensive Land Use Plan and related development regulations; and
- WHEREAS,** The Board finds that Stevens County adopted Stevens County Code, Title 13, by Resolution 32-2003 on March 4, 2003 and Resolution 80-2004 on July 6, 2004; and
- WHEREAS,** The Board finds that the Stevens County Comprehensive Land Use Plan was adopted on July 11, 2006 pursuant to Resolution 59-2006; and
- WHEREAS,** The Board finds that Stevens County adopted Ordinance 08-2009 on October 20th, 2009 which amends Stevens County Code, Title 13 to resolve a GMA compliance issue identified by the Eastern Washington Growth Management Hearings Board (EWGMHB) in Case 05-1-0006; and
- WHEREAS,** The Board finds that the EWGMHB issued an Order in Case 05-1-0006 on December 24, 2009 finding Ordinance 08-2009 non-compliant with the GMA; and
- WHEREAS,** The Board finds that Stevens County filed a petition for review of the Hearings Board order in Superior Court; and
- WHEREAS,** The Board finds that the Hearings Board order in 05-1-0006 requires the county to take compliance action before the Superior Court can rule on the county's petition for review; and
- WHEREAS,** The Board finds that the county wishes to avoid expending limited public resources making (and later repealing) amendments to Title 13 that the county believes are not required by the GMA; and
- WHEREAS,** The Board finds RCW 36.70.795 authorizes the county to adopt an interim zoning ordinance and interim official control; and
- WHEREAS,** The Board finds that pursuant to RCW 36.70.795, the county adopted an interim zoning control on April 26, 2010 by Ordinance 01-2010; and
- WHEREAS,** The Board finds that pursuant to RCW 36.70.795, the Board set a public hearing within 60 days of adoption of the interim zoning control to consider continuing the interim zoning control for up to six months; and
- WHEREAS,** The Board finds an interim ordinance adopted pursuant to RCW 36.70.795 is necessary to maintain compliance with the Hearings Board order while the

county exercises its right to appeal the EWGMHB decision in case no. 05-1-0006; and

WHEREAS, The Board finds that the County does not believe this interim regulation is required by the Growth Management Act but is putting it in place to gain compliance with the EWGMHB in Case 05-1-0006 while appealing their decision; and

WHEREAS, The Board finds that an interim ordinance adopted pursuant to RCW 36.70.795 may be renewed for one or more six-month periods if a subsequent hearing is held and findings are made prior to each renewal.

NOW, THEREFORE, BASED ON THE ABOVE FINDINGS IT IS HEREBY ORDAINED

The County, on an interim basis, will continue to apply the provisions of SCC 13.10.034(3) to development proposals within 200 feet of a mapped Fish and Wildlife Habitat Conservation Area (as represented by a digital polygon in the PHS database) as listed in SCC 13.10.031(1).

BE IT FURTHER ORDAINED that the interim zoning control placed into effect on April 26, 2010 as found in Ordinance 01-2010 and as extended from May 18, 2010 to November 18, 2010 shall be renewed and in full force and effect for an additional six months and shall expire on May 18, 2011 unless further extended as authorized by law.

BE IT FURTHER ORDAINED If any provision of this ordinance or its application to any person, entity or circumstance is for any reason held invalid, the remainder of the ordinance, or the application of the provisions to other persons, entities or circumstances is not effected.

Adopted by the Board of Stevens County Commissioners meeting in regular session at Colville, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 17 day of November, 2010


2 YEA; 0 NAY; 0 ABSTAIN; and 1 ABSENT

**BOARD OF COUNTY COMMISSIONERS
OF STEVENS COUNTY, WASHINGTON
ABSENT**

Larry Guenther, Chairman

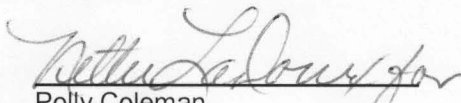


Merrill J. Ott, Commissioner



Malcolm Friedman, Commissioner

ATTEST:



Polly Coleman
Clerk of the Board