

ORDINANCE NO. 0060915

AN ORDINANCE OF KLICKITAT COUNTY, WASHINGTON, RELATING TO LAND USE AND ZONING WITHIN THE HUSUM BZ CORNER PLANNING AREA; REPEALING COMPREHENSIVE PLAN, SUBAREA PLAN, OTHER PLANNING, AND DEVELOPMENT REGULATIONS ADOPTED THROUGH RESOLUTION 08612 AND ORDINANCES 011712 AND 060512-1.

KLICKITAT COUNTY FINDS AND ORDAINS AS FOLLOWS:

Section I Findings

1. Klickitat County has reviewed its planning policies and regulations it adopted in 2012, within the Husum BZ Corner Planning Area. This "three year review" included staff review, a public hearing, and extensive public comment and testimony. As a result of this review, the County finds few citizens wish the 2012 Update to remain in place, and given these sentiments, a repeal is warranted. With a repeal, all pre-existing plan policies and zoning regulations would remain in place.

2. Since the 2012 Update was adopted, conditions have remain largely unchanged within the Planning Area. Due to the limited nature of development, conditions are substantially as they were at the time the County adopted the Update. Development has not exceeded the County's development capacity analysis projecting the addition of 259 new homes over 20 years with the Update. In the past three years, development activity has been quite limited. It has consisted of:

- Land divisions resulting in a total of thirteen (13) new lots.
- The submission of one Resource Lands evaluation.
- No submission of new rezone applications.
- One conditional use permit for recreational lodging was applied for but the application was withdrawn following an appeal. A second conditional use permit for wedding and special event venue in an existing barn was approved.
- Several building permit applications.
- No applications for shoreline permits.

3. The Update included amended Comprehensive and Subarea Plan policies, and revised development regulations, including cultural resource regulations. The cultural resource regulations were adopted on January 17, 2012, following a public hearing and receipt of comment, with the remainder of the Update adopted on June 5, 2012, following a second public hearing and receipt of comment. The Plan policies and code revisions adopted through the Update only apply within the Husum BZ Corner Planning Area of the County.

4. The Update was intended to focus development where infrastructure and services can be provided and where development was already occurring. With respect to the cultural resource regulations, over three years, they have resulted in three cultural resource surveys being required. With only a limited number of undeveloped lots potentially subject to the regulations, most properties were exempt from any County survey requirements.

5. The Update was not required by any law. Klickitat County is a "partially planning" County under the Growth Management Act, Ch. 36.70A RCW ("GMA"), meaning it is not required to adopt a GMA comprehensive plan and implementing development regulations, except as needed to address natural resources and critical areas. Nevertheless, Klickitat County voluntarily elected to plan for the next twenty years of growth within the Husum BZ Corner Planning Area.

6. With this three year review, the County has considered whether to repeal the Update. In doing so, the County would not be taking an action necessitating further SEPA review as it is repealing or "undoing" the action which triggered review in the first place.

7. To complete its three year review, the County held a public hearing on April 23, 2015, following two weeks of newspaper publication, a press release to the local media, website postings, and mailed notice to a number of parties and other entities, including the Confederated Bands and Tribes of the Yakama Nation. Mailed and e-mailed notice to the Yakama Nation noticed occurred on April 6, 2015, with the County confirming receipt. The County extended the written comment period until May 1, 2015, and continued its deliberations on May 26, 2015.

8. The County received a significant amount of comment, both at the public hearing, and in writing. As reflected in comments, the County has faced years of litigation, extensive controversy, and little ability to achieve reasoned consensus, despite the earlier retention of a mediator. This has included defending litigation under a statute since found unconstitutional.¹ Such endless litigation is wearing, and can, particularly in rural areas with limited resources, have the ultimate effect of eroding the very objectives litigants seek. This type of litigation is not unusual in land use matters. Unfortunately, the County finds that at this juncture, there are very few citizens who wish the Update to remain in place.

Section 2. Repeal. Ordinance 060512-1, Ordinance 011712, and Resolution 08612, are repealed in their entirety.

¹ *Davis v. Cox*, ___ Wn.2d ___ (May 28, 2015), issuing a unanimous decision.

Section 3. Effective Date. This ordinance shall take effect 30 days from publication.

ADOPTED this 9th day of June, 2015.



Rex F. Johnston, Chair



Jim Sizemore, Commissioner

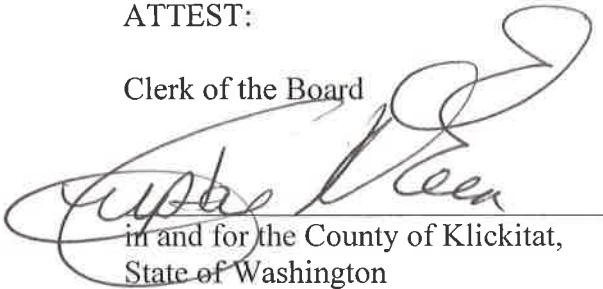


David Sauter, Commissioner

Constituting the Klickitat County
Board of Commissioners
Klickitat County, Washington

ATTEST:

Clerk of the Board



in and for the County of Klickitat,
State of Washington

APPROVED AS TO FORM:



David R. Quesnel
Prosecuting Attorney

