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**Walla Walla County Commissioners**

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**Ordinance No. 324**

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## **Ordinance No. 324**

### **BOARD OF COUNTY COMMISSIONERS WALLA WALLA COUNTY, WASHINGTON**

An ordinance relating to the adoption of a moratorium on the filing of applications for the creation of tracts of land that are ten acres in areas and larger in the Agricultural Residential (AR-10) zoning district as shown on the Walla Walla County Zoning Map.

WHEREAS, the Walla Walla County Board of County Commissioners adopted Ordinances 308 and Resolution No. 04360 on December 27, 2004 which created a cluster development system to conserve agricultural lands; and

WHEREAS, the Eastern Washington Growth Management Hearings Board ("EWGMHB") issued a Final Decision and Order on August 10, 2005 invalidating a portion of Ordinance 308 that was applicable in the AR-10 zoning district and further directed Walla Walla County to bring itself into compliance by February 6, 2005; and

WHEREAS, the County has appealed the EWGMHB Final Decision and Order (FDO) to the Walla Walla County Superior Court and wishes to defer compliance with the FDO until such time as a judgment is issued by the Superior Court or a settlement agreement is formalized; and

WHEREAS, The County and the appellants entered into a formal mediation process to resolve their dispute. The mediation resulted in a conceptual agreement that is being formalized and will include the imposition of a moratorium by the County to prevent the filing of new land division applications in the AR-10 zoning district during the time that certain amendments to the County's development regulations are being processed to fulfill the settlement principles.

WHEREAS, allowing additional applications for land division to create parcels of land ten acres and larger in the Agricultural Residential 10 acre zoning district to be filed and become vested under the current land use designations within the AR-10 zoning district would result in development and further fragmentation of a portion of the County's agricultural land base conserves farmland in a less effective manner than would occur through a well planned cluster development system.

WHEREAS, RCW 36.70A.390 authorizes the County to adopt a moratorium and to do so without a public hearing provided that a public hearing is held within 60 days of adoption of the moratorium;



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WHEREAS, the Board of County Commissioners has determined that a moratorium on the filing of land divisions to create parcels ten acres and larger in the Agricultural Residential 10 acre zoning district is necessary for the protection of the public health, safety and general welfare and that a legal emergency exists requiring immediate imposition of the moratorium; and

NOW THEREFORE, the Walla Walla County Board of Commissioners does hereby ordain as follows:

**Section 1. Imposition of Moratorium.** A moratorium is imposed on the filing of new applications for the creation of tracts of land that are ten acres in area and larger in the Agricultural Residential zoning district (AR-10) as shown on the Walla Walla County Zoning Map.

**Section 2. "Moratorium Property".** Shall include all lands in Walla Walla County that are zoned Agricultural-Residential 10 acre minimum.

**Section 3. Declaration of Emergency.** The Board of County Commissioners finds that an emergency exists and that the moratorium is necessary for the protection of the public health, safety and general welfare.

**Section 4. Effective Date.** This ordinance shall take effect immediately upon its adoption for a period of six (6) months, unless repealed, extended or modified by the Board of County Commissioners.

**Section 5. Duration of Moratorium.** In light of the above, the Commissioners desire to maintain the moratorium for a period of six months. This moratorium shall apply to all land division applications as described in Section 1 for property within the area defined as the Moratorium Property. The Commissioners shall make the decision to terminate by ordinance and termination shall not otherwise be presumed to have occurred.

**Section 6. Public Hearing.** A public hearing on the moratorium adopted herein shall be held before the Board of County Commissioners within sixty (60) days of its adoption.

**Section 7. Adoption of Findings of Fact.** As required by RCW 36.70A.390, the County Commissioners will adopt the following findings of fact to support the continued imposition of the County's six (6) month moratorium on the acceptance of Non-Exempt Applications.


**Section 8. Savings and Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

**Section 9. Publication.** This Ordinance will be published by an approved summary consisting of the title.



PASSED by the Walla Walla County Board of County Commissioners in regular session at Walla Walla, Washington, by the following vote, then signed by its membership and attested by its Clerk in authorization of such passage this 5<sup>th</sup> day of December, 2005.

WALLA WALLA COUNTY

  
Gregory A. Tompkins  
Gregory A. Tompkins, Chairman

Gregg C. Loney  
Gregg C. Loney, Commissioner

David G. Carey  
David G. Carey, Commissioner

ATTEST/AUTHENTICATED:

By: Connie R. Vinti  
Connie R. Vinti, Clerk of the Board

APPROVED AS TO FORM:

By: James L. Hagle  
COUNTY PROSECUTING ATTORNEY

BOARD OF WALLA WALLA COUNTY COMMISSIONERS,  
WALLA WALLA COUNTY, WASHINGTON

