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## STAFF REPORT

TO: Board of County Councilors

FROM: Oliver Orjiako, Director

DATE: June 20, 2017

SUBJECT: Limited Moratorium, Ordinance 2017-04-14

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The Comprehensive Growth Management Plan 2015-2035 was adopted by the Board of County Councilors (Board) on June 28, 2016, and the update took effect on July 8, 2016. The plan was appealed to the Growth Management Hearings Board (GMHB) by Futurewise and the Friends of Clark County and by Clark County Citizens United. The GMHB heard the parties' oral arguments on 24 issues at its hearing on February 8, 2017.

The GMHB issued its final decision and order (FDO) on March 23, 2017. One of the rulings of the GMHB was that the County had violated the Growth Management Act by changing AG-20 zoning to AG-10, and FR-40 zoning to FR-20. The GMHB also ruled that the County's change from three Rural designations (R-5, R-10, R-20) to one Rural designation with three zones had not complied with the law. The GMHB ordered the County to come into compliance.

After reviewing the FDO, the Board decided not to appeal this ruling. As a step toward compliance, the Board, on April 25, 2017, adopted a limited moratorium (Ordinance 2017-04-14) prohibiting the filing or acceptance of applications or pre-applications to divide lands in the AG-10, FR-20, R-20 or R-10 districts, except to the extent that the division would have been permissible under the prior comprehensive plan and code. Zone changes from R-20 or R-10 to districts with smaller lot sizes are also prohibited. Vested or contingently vested applications or pre-applications are not affected by the limited moratorium.

The Board adopted the limited moratorium as an immediately effective interim ordinance under RCW 35.63.200 and the County Charter, at a public meeting, and must readopt it in a public hearing by June 24, to prevent its expiration. The purpose of this hearing is for the Board to take testimony on the limited moratorium.