

ORDINANCE NO. 14365

**AN ORDINANCE WHICH ESTABLISHES A MORATORIUM PROHIBITING ANY NEW PLANNED RURAL DEVELOPMENT (PRD) UNDER CHAPTER 20.30 THURSTON COUNTY CODE (TCC), AND PLANNED RURAL RESIDENTIAL DEVELOPMENT (PRRD) UNDER CHAPTER 20.30A TCC, AND FOR OTHER MATTERS PROPERLY RELATED THERETO.**

**WHEREAS**, pursuant to RCW 36.70A.390 and other lawful authority, the Board of Thurston County Commissioners (Board) has the authority to enact moratoria; and

**WHEREAS**, pursuant to RCW 36.70A.390 and other lawful authority, the Board has the authority to enact moratoria for a period of one (1) year with a public hearing and work plan; and

**WHEREAS**, pursuant to RCW 36.70A.390, the Board must hold a public hearing on a moratorium within 60-days of its adoption and adopt findings of fact justifying the action; and

**WHEREAS**, The Board enacted Ordinance No. 13222 on November 8, 2004 which imposed interim regulations temporarily limiting the size of housing cluster developments in rural Thurston County and removing the provision for awarding density bonuses in cluster developments; and

**WHEREAS**, Ordinance No. 13222 was renewed by Ordinance Numbers 13462, 13578, and 13675; and

**WHEREAS**, Ordinance No. 13222 was amended by Ordinance No. 13756 on February 12, 2007; and

**WHEREAS**, Ordinance No. 13222, as amended by Ordinance No 13756, was renewed by Ordinance Numbers 13786, 13905, 14039, 14116, 14198, 14264, and 14337; and

**WHEREAS**, the Thurston County Planning Commission has studied the issue and has recommended the aforementioned interim regulations be adopted as a permanent change to cluster regulations; and

**WHEREAS**, the Board has reviewed the Planning Commission's recommendation and finds that more study needs to take place prior to permanent changes being made to Thurston County's rural cluster regulations; and

**WHEREAS**, the Board finds that no new cluster developments should be allowed until more study is completed to gauge the impacts of new cluster developments on rural areas; and

**WHEREAS**, the Board finds that without the moratorium, new cluster developments with urban density impacts are possible under the current zoning regulations; and

**WHEREAS**, the Growth Management Act requires that Thurston County preserve and protect agricultural uses through the Thurston County Comprehensive Plan and development regulations; and

**WHEREAS**, the Board finds that there are land use conflicts between certain types and sizes of cluster development and agricultural uses that need further study by Thurston County; and

**WHEREAS**, RCW 36.70A.170 requires Thurston County to designate and protect critical areas; and

**WHEREAS**, the Board finds that there are land use conflicts between certain types and sizes of cluster development and critical areas that need further study by Thurston County; and

**WHEREAS**, the current regulations may permit incompatible uses with farming and rural areas that may be detrimental to rural character and future agricultural uses; and

**WHEREAS**, the status quo must be maintained to prevent the vesting of new PRD's and PRRD's in anticipation of a possible changes; and

**WHEREAS**, the Board has directed staff to include review of PRD's and PRRD's on the 2010 Official Docket of Comprehensive Plan Amendment proposals; and

**WHEREAS**, the review of the cluster regulations will be performed as part of the annual work plan for the 2010 Thurston County Comprehensive Plan amendment process; and

**WHEREAS**, the 2010 Thurston County Comprehensive Plan amendment process is expected to be completed by March 2011; and

**WHEREAS**, there are goals and policies in the Comprehensive Plan regarding cluster development; and

**WHEREAS**, the Comprehensive Plan may only be amended once per year, and the cluster regulations may require amendment to the Comprehensive Plan; and

**WHEREAS**, the moratorium will remain in place while the County works with its citizens and interested parties to consider the amendment as part of the proposed 2010 amendment to the Thurston County Comprehensive Plan; and

**WHEREAS**, the Thurston County Planning Commission will need time to deliberate the merits and issues of cluster development in the rural area as requested by the Board; and

**WHEREAS**, on March 31, 2010 the County Commissioners adopted a similar moratorium. The County did not hold a public hearing within the required 60 days and, therefore, is adopting this ordinance to cure any noncompliance with RCW 36.70A.390; and

**WHEREAS**, the Board believes that establishing the moratorium 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. Moratorium.** A moratorium is hereby established on new developments proposed under Chapter 20.30 TCC, Planned Residential Development (PRD), and Chapter 20.30A TCC, Planned Rural Residential Development (PRRD). During the pendency of the moratorium, no applications for a PRD or PRRD will be accepted or processed by Thurston County. Any vested applications or existing approvals under Chapter 20.30 TCC and Chapter 20.30A TCC may continue under the applicable provisions.

**Section 2. Ordinance Repealed.** Ordinance No. 13222, as amended by Ordinance No. 13756, which was last renewed by Ordinance No. 14337, is hereby repealed. Any vested applications or existing approvals under Ordinance No. 13222, as amended, may continue under the applicable provisions.

**Section 3. Duration.** This ordinance shall expire March 31, 2011, *or earlier by Board action.*

**Section 4. 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 hereof.

**Section 5. Effective Date.** This Ordinance shall take effect immediately upon adoption.

ADOPTED: *June 16, 2010*

ATTEST:

*LaBonda J. Bowyer*  
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS  
Thurston County, Washington

*India Roney*  
Chairman

APPROVED AS TO FORM:

EDWARD G. HOLM  
PROSECUTING ATTORNEY

*Jeffrey G. Fancher*  
Deputy Prosecuting Attorney

*Excused*  
Commissioner *Wolfe*

*Karen Valenzuela*  
Commissioner