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M E M O R A N D U M

TO: JARED ANDERSON
MIKE AKARD

CC: LAURI BELL
GAYE HASTY

FROM: CRAIG L. GARRETT

DATE: NOVEMBER 15, 2022

RE: RESOLUTION 22-11-016

At Mike's request, I am providing additional clarification regarding the mislabeled "Sunset Clause". Despite our using the word "Sunset Clause" in describing this amendment, it, in fact is not a Sunset Clause. A Sunset Clause actually provides for an act to terminate on a date certain in the future.

The amendment added to this resolution merely provides that the County Commission may revoke this current resolution at a future date by a majority vote. That is not a Sunset Provision. In fact, the County Commission can revoke this resolution at any time in the future by a majority vote if they choose to do so whether or not it is on or before November 1, 2025. If the Commission does that, however, it constitutes an amendment to our Zoning Ordinance.

The current resolution amends Sections 9.1.F and Section 9.2.F of our current Zoning Ordinance. It does that by removing these sections in their entirety and replacing them with new language. If this resolution is revoked in its entirety in the future, then that will have the effect of then changing the Zoning Ordinance and putting the current minimum lot sizes back in place. Any future vote by the County Commission which has the effect of changing the Zoning Ordinance will require Planning Commission review and a public hearing.

I do not find anything in the law that would prevent the Commission from adding a true Sunset provision that provides that a change that is implemented would actually terminate on a date certain without further action by the Commission. With a true Sunset provision, there is no future vote and, in essence, the current change to the Zoning Ordinance would be considered a temporary amendment for a certain period of time.

I hope this clarifies this amendment.