

ORDINANCE NO. 1827-15

AN INTERIM ORDINANCE OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, ADOPTING A MORATORIUM ON THE PROCESSING OR ACCEPTING OF APPLICATIONS, PERMITS OR LICENSING AND ESTABLISHMENT FOR ANY BUILDING OR LAND USE ACTIVITY INVOLVING PUBLIC USES IN THE MIXED COMMERCIAL ZONE, PROVIDING FOR A PUBLIC HEARING, ESTABLISHING AN EFFECTIVE DATE AND PROVIDING THAT THE MORATORIUM, UNLESS EXTENDED, WILL SUNSET WITHIN SIX (6) MONTHS OF THE DATE OF ADOPTION.

WHEREAS, SWMC 17.20.010 A. includes permitted uses in the city's mixed commercial zone and those uses currently include non-tax generating uses such as "public uses" which are uses carried on by a government agency or its authorized representative, and

WHEREAS, the intent of the mixed commercial zone is to encourage a compatible mix of commercial and residential development with standards intended to present an attractive and welcoming appearance to visitors at the entrances to the city and at selected nodes along major roads; manage traffic impacts; encourage more non-motorized trips and reduce stormwater runoff; and

WHEREAS, the mixed commercial zones are generally located along the city's busiest streets and intersections which have been developed to support high intensity retail, and

WHEREAS, the city recently completed significant and expensive improvements to the SR 20/Moore Street corridor including center turn lanes, sidewalks, street frontage improvements, intersection improvements and the lowering of the highway under the BNSF trestle to support redevelopment in the mixed commercial zone, and

WHEREAS, the city council recently rezoned a number of parcels from residential zoning to mixed commercial to further support the redevelopment of those properties and create a vibrant retail corridor along SR 20/Moore Street; and

WHEREAS, all of these improvements were intended to increase business development and increase tax revenues to support vital services to the citizens of Sedro-Woolley, and

WHEREAS, public uses generally are exempt from property taxes and do not generate any retail sales tax; and

WHEREAS, some public uses offer no access or benefits to residents of the City of Sedro-Woolley; and

WHEREAS, public uses create a demand for services from the city such as law enforcement and fire department responses but do not contribute to the costs of those services; and

WHEREAS, the City Council finds that allowing for unfettered public uses in the mixed commercial zone would defeat the improvements, zoning and plans for the vibrant retail corridor, and

WHEREAS, the City's current zoning regulations do not address the impacts associated with public uses which may be detrimental to the community; and

WHEREAS, SWMC 17.20.050 requires design review for developments in the mixed commercial zone only in cases where the development is subject to environmental review; and

WHEREAS, said developments could have a significant impact on the appearance of the city's mixed commercial zone that could adversely impact the community; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize cities to adopt moratoria to preserve the status quo while new plans or regulations are considered and prepared and to hold a public hearing on the moratorium within 60 days of the commencement of the moratorium; and

WHEREAS, the City Council finds that the impacts associated with unplanned and uncoordinated public uses in the mixed commercial zone are deleterious to the health, safety and welfare of the city, and

WHEREAS, the citizens of Sedro-Woolley would be well served if the City more fully addressed and understood the potential effects of public uses in the mixed commercial zone as well as the limited design review currently required under SWMC 17.20.050; and

WHEREAS, the City needs time to review existing information on the effects of these potential uses and to evaluate where such activities should be permitted and to review the Sedro-Woolley Municipal Code in a comprehensive fashion to determine whether it sufficiently addresses the impacts of such uses, and if not, to adopt appropriate regulation; and

WHEREAS, the City Council finds that an emergency exists within the City, and that imposing a moratorium and barring the acceptance of all applications for and the issuance of business licenses or land use/development approvals/permits under the Sedro-Woolley Municipal Code for public uses in the mixed commercial zone is necessary for the immediate preservation of the public peace, health, safety and welfare and for the support of City government and its existing institutions until additional review has been completed and any necessary code revisions have been adopted by the City Council; and

WHEREAS, the City Council adopts this Ordinance for the express purpose of fostering its substantial government interest in ensuring that the City is in compliance with State laws and to allow adequate time for staff to review its development regulations; and

WHEREAS, the immediate enactment of a moratorium on the acceptance or processing of applications for building or land use activities involving public uses in the mixed commercial

zone, is necessary to protect the public health, safety, or welfare and is a legitimate exercise of the City's police power; and

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. That the City Council adopts the recitals set forth above as its findings of fact justifying adoption of this Ordinance and incorporates those recitals as if set forth fully herein.

SECTION 2. Pursuant to the provisions of RCW 36.70A.390 and RCW 35A.63.220, a moratorium is hereby imposed on the acceptance or processing of any applications or licenses for businesses, building or land use activities relating to public uses in the mixed commercial zone, unless the application was fully vested under Washington's vested rights doctrine prior to the adoption of this Ordinance.

SECTION 3. "Public use" means a use carried on by a government agency or its authorized representative as defined in SWMC 17.04.030.

SECTION 4. This moratorium shall remain in effect for six months from the date of its adoption unless earlier terminated or renewed if a subsequent public hearing is held and findings of fact are made prior to each renewal.

SECTION 5. It is the intent of the City Council to repeal the moratorium as soon as it adopts amended development regulations that address zoning and land use issues associated with public uses in the mixed commercial zone. However, if the City Council deems it necessary, the moratorium may be renewed for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

SECTION 6. Pursuant to RCW 36.70A.390 and/or RCW 35A.63.220, the City Council shall hold a public hearing on this moratorium within sixty (60) days of its adoption. The Council has scheduled a public hearing for December 9, 2015. Immediately after the public hearing, the City Council shall adopt findings of fact on the subject of this moratorium, and either justify its continued imposition or cancel the moratorium.

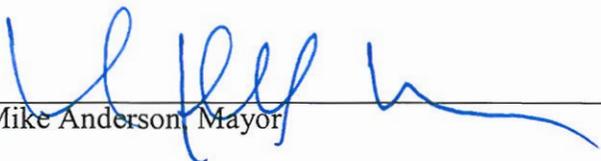
SECTION 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 8. Effective Date and Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). Without an immediate moratorium on the City's acceptance of business licenses, building applications, permits or other types of land use/development permits/approvals, such applications could become vested under regulations subject to change by the City in this comprehensive review and regulation amendment/adoption process. This Ordinance will not affect any existing rights, or any vested applications previously submitted to the City.

SECTION 9. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, this Interim Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

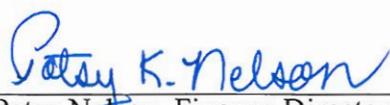
PASSED AND ADOPTED by the City Council of the City of Sedro-Woolley at a regular meeting thereof this 28th day of October, 2015.

SIGNED AND APPROVED this 28th day of October, 2015.



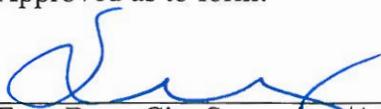
Mike Anderson, Mayor

Attest:



Patsy Nelson, Finance Director

Approved as to form:



Eron Berg, City Supervisor/Attorney

Published _____