

## **ORDINANCE 2018-012**

**AN ORDINANCE OF THE CITY OF SEQUIM, WASHINGTON DECLARING AN EMERGENCY, NECESSITATING THE NEED TO ADOPT INTERIM CONTROLS BY AMENDING SECTIONS 18.20.140 AND 18.20.120 OF THE SEQUIM MUNICIPAL CODE RELATING TO ZONING REGULATIONS IN THE TWO ECONOMIC OPPORTUNITY AREAS AND THE HTLI ZONING DISTRICT; ADDING A NEW CHAPTER TO THE SEQUIM MUNICIPAL CODE – CHAPTER 18.33 “BUSINESS AND EMPLOYMENT DISTRICTS”; ENTERING LEGISLATIVE FINDINGS; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS**, RCW 35A.63.220 and RCW 36.70A.390 authorizes cities to adopt interim controls; and

**WHEREAS**, pursuant to RCW 36.70A.390, where a city extends and adopts interim controls without holding a public hearing on the proposed interim controls, it must hold a hearing within at least sixty days of its adoption, whether or not the city has received a recommendation on the matter from the planning commission, and if the city has not adopted findings of fact justifying the interim controls before this hearing, it must do so immediately after the public hearing; and

**WHEREAS**, in its review and approval of the 2018 Comprehensive Plan Docket, the City agreed to remove a requirement to complete a subarea plan prior to any development other than single-family residential being allowed in the City’s two Economic Opportunity Areas (EOAs); and

**WHEREAS**, by removing the requirement to conduct subarea planning prior to development other than single-family housing occurring in the EOAs the City Council determined that the City may have no control over the type of development that could occur in the EOAs because there are no zoning regulations governing the EOAs; and

**WHEREAS**, Washington State’s vested rights doctrine, which may allow certain land use applications to vest to land use regulations that are in effect early in the application process, could allow such applications to vest in inadequate regulations, undermining effective City planning for these facilities; and

**WHEREAS**, the City Council intends to amend Section 18.20.140 of the Sequim Municipal Code relating to the two Economic Opportunity Areas (EOAs) to provide for interim zoning regulations governing development proposed in the EOAs; and

**WHEREAS**, the City Council intends to amend Section 18.20.120 of the Sequim Municipal Code relating to the High Technology and Light Industrial (HTLI) Zoning District to establish a list of allowed land uses and to modify bulk and dimensional standards, and

**WHEREAS**, pursuant to WAC 197-11-880, the adoption of this ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act; and

**WHEREAS**, the City Council finds that the interim controls imposed by this ordinance are necessary for the protection of the public health, safety, property or peace.

**NOW, THEREFORE**, the City Council of the City of Sequim, Washington, ordains as follows:

**Section 1. Findings.** The City Council adopts the recitals set forth above and incorporates those recitals as if fully set forth herein. The City Council also adopts those recitals as findings of fact justifying enactment of this Ordinance amending Section 18 and adopting interim controls. The City Council may adopt additional findings when a public hearing is held or when presented with evidence.

**Section 2.** The City of Sequim Municipal Code Title 18 ZONING is hereby AMENDED as set forth in the attached Exhibit A. Those sections of the Sequim Municipal Code are hereby repealed as set forth in the attached Exhibit B.

**Section 3. Corrections.** The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 4. Savings Clause.** Those portions of Ordinances 2017-012, 2013-011 § 1 (Exh. A); 2009-011 § 2 (Exh. B); 2008-007 § 2; 2003-018 § 1; and 97-019 § 4 in the Sequim Municipal Code that are repealed or amended by this ordinance remain in force and effect until the effective date of this ordinance and as set forth below.

Such repeals and amendments may not be construed as affecting any existing right acquired under the ordinances repealed or amended, nor as affecting any proceeding instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor the administrative action taken thereunder. Notwithstanding the foregoing actions, obligations under such ordinances or permits issued thereunder and in effect on the effective date of this ordinance continue in full force and effect, and no liability thereunder, civil or criminal, is in any way modified. Further, it is not the intention of these actions to reenact any ordinances or parts of ordinances previously repealed or amended, unless this ordinance specifically states such intent to reenact such repealed or amended ordinances.

**Section 5. 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 does not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 6. Declaration of Emergency and Effective Date.** The City Council declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council as required by RCW 35A.13.190.

Without immediate interim controls on the establishment on such uses, development may become vested in a manner that is incompatible with the City's legitimate policy of guiding development in accordance with its comprehensive plan through development regulations. Therefore, the interim controls must be imposed as an emergency measure to protect the public health, safety and welfare.

**Section 7. Duration.** The interim controls established herein are in effect until six-months from the effective date of this Ordinance (to and through May 13, 2019) and automatically expire on that date unless repealed, modified, or extended after subsequent public hearing and entry of appropriate findings of fact as provided in RCW 35A.63.220 and RCW 36.70A.390.

Approved by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Dennis Smith, Mayor

**Attest:**

**Approved as to form:**

\_\_\_\_\_  
Karen Kuznek-Reese, CMC  
City Clerk

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Kristina Nelson-Gross, City Attorney

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Approved Date

\_\_\_\_\_  
Publication Date

November 13, 2018  
Effective Date