

SEQUIM CITY COUNCIL AGENDA COVER SHEET

MEETING DATE: December 10, 2018

FROM: Barry Berezowsky, DCD Director

BB
initials

SUBJECT/ISSUE: Ordinance No. 2018-12 Adopting Interim Regulations in Economic Opportunity Areas (EOAs) and Consolidating said Regulations with the High Technology and Light Industrial (HTLI) Zoning Regulations Creating a New Business and Employment Zoning District

Discussion dates	11/13/2018			
CATEGORY	<input type="checkbox"/> City Manager Report	<input type="checkbox"/> Information Only	Time Needed for Presentation	
	<input checked="" type="checkbox"/> Public Hearing	<input type="checkbox"/> Consent Agenda	15	
	<input type="checkbox"/> Other Business			
Reviewed by		Initials	Date	
Charlie Bush, City Manager		CPB	12/5/18	
Kristina Nelson-Gross		KNG	12/3/18	
Karen Kuznek-Reese, City Clerk		KKR	12/5/18	

PROBLEM/ISSUE STATEMENT:

On October 22, 2018 the Sequim City Council amended the 2015 Comprehensive Land Use Plan (the Plan) removing the requirement to prepare a subarea plan prior to development other than single-family residential occurring in the City’s two Economic Opportunity Areas (EOAs).

With the removal of the subarea planning requirement, development other than single-family housing was still not allowed because these two zoning districts did not have any associated zoning regulations such as permitted uses or bulk and dimensional standards. Due to the lack of zoning the City Council directed staff to prepare an interim development regulation for the City’s two EOAs.

In response to the Council’s direction staff prepared interim regulations addressing development within the City’s two EOAs and on November 13, 2018 the Sequim City Council took emergency action and adopted Interim Ordinance 2018-12 Adopting Interim Regulations to provide for zoning in the City’s Two Economic Opportunity Areas

(EOAs) and consolidating said regulations with the High Technology and Light Industrial (HTLI) Zoning regulations creating a new Business and Employment Zoning District.

Under the emergency action statute, the City Council must hold a public hearing within 60 days of adoption. Tonight's public hearing satisfies that legal requirement. During this hearing, Council will take public testimony on this issue and may, but is not required to, amend the findings of fact it adopted on November 13 as part of Ordinance 2018-12. This emergency ordinance remains in effect until Council adopts a permanent ordinance brought through the traditional ordinance process including SEPA and Planning Commission review or 6 months have passed, whichever occurs first.

LIST OF ATTACHMENTS:

1. Exhibit A – New Title Interim EOA Zoning Regulations
2. 18.20.120 & Table Strikeouts
3. Ordinance 2018-12 Interim EOA Zoning Regulations

DISCUSSION/ANALYSIS:

None

FINANCIAL IMPLICATIONS:

None

RECOMMENDATION:

Direct staff to process the Interim Regulations through the City's regular code adoption/amendment process.

MOTION: I move to ratify the November 13, 2018 approval of Interim Ordinance 2018-12 establishing land use regulations for the City's two EOAs, modifying some regulations in effect in the HTLI and consolidating these areas into a "Business and Employment" zoning district. I further move to direct staff to process the Interim Regulations through the City's regular code adoption/amendment process, which includes review and a recommendation by the City's Planning Commission, to be brought back to Council for a final review and decision.

Chapter 18.33
Economic Opportunity Areas
BUSINESS AND EMPLOYMENT DISTRICTS

Sections:

- 18.33.010 Zoning districts.**
- 18.33.020 Purposes.**
- 18.33.030 Uses.**
- 18.33.040 Development standards.**
- 18.33.050 Site planning and design guidelines.**
- 18.33.060 Performance standards.**
- 18.33.070 Commercial/residential mixed use.**
- 18.33.080 Parking and loading standards.**
- 18.33.090 Signage standards.**
- 18.33.100 Project review.**

18.33.010 Establishment of zoning districts.

The city's comprehensive plan establishes three land use designations that support the business and employment goals and policies of the city of Sequim. The three land use designations will also serve as titles of zoning districts on the city's zoning map, and are identified as:

- A. Bell Creek Economic Opportunity Area (BCEOA)
- B. River Road Economic Opportunity Area (RREOA).
- C. High Tech Light industrial (HTLI).

The three business and employment districts are intended to enhance Sequim's economic base by providing suitable areas to support the employment needs of the community. The business and employment districts provide for the location of manufacturing, product

processing, research and development facilities, assembly, warehousing, distribution, professional services, corporate headquarters, medical facilities and complementary educational and recreational uses among others. Limited retail, business and support services that generally serve the needs of the districts' tenants and patrons as well as limited multi-family mixed residential/commercial uses are also allowed. All three districts are intended to expand and diversify the city's economic base and increase the number and range of living-wage jobs.

18.33.020 Purposes.

A. The Bell Creek Economic Opportunity Area (BCEOA) district provides for business and professional offices, corporate headquarters, research and development facilities, light industry/manufacturing and complementary retail, commercial, educational, recreational and limited multi-family residential uses. The district is not intended to support the general commercial needs of the community.

B. The River Road Economic Opportunity Area (RREOA) district is intended to enhance the city's economic base by providing for an integrated grouping of businesses and buildings of a larger size and scale than the BCEOA and HTLI districts may support. The RREOA district supports a variety of uses, such as light manufacturing, professional office buildings, retail, commercial, multi-family residential and warehousing and distribution.

C. The light industrial (HTLI) district provides appropriate locations for combining light, clean industries, including industrial service, manufacturing, fabrication, assembly and production; business and technology research and development; and warehousing, distribution and storage activities. Uses are typically not reliant on unprocessed natural resources. Professional offices and sale of goods produced on site are subordinate to permitted activities.

18.33.030 Uses.

A. Types of uses. For the purposes of this chapter, there are four kinds of uses:

1. A permitted (P) use is one that is permitted outright, subject to all the applicable provisions of this title and relevant portions of the Sequim Municipal Code.
2. A conditional use (C) is type C-2 discretionary use reviewed through the process set forth in Chapter [20.01.100](#) governing conditional uses.

3. A prohibited use (X) is one that is not permitted in the zoning district under any circumstances.

B. Recognizing that there may be certain uses not mentioned specifically in Table 18.33.031 because of changing businesses, technology advances, or other reasons, the DCD Director is authorized to make similar use determinations, as set forth in Section [18.20.015](#).

The following Table 18.33.031 is a list of uses for the three zoning districts:

Table 18.33.031 Business and Employment District Uses

USE	BCEOA	RRWOA	HTLI
Office and Professional Services			
All forms of corporate, professional, public, brokerage, administrative, financial, building trade, and research offices	P	P	X
Corporate headquarters and regional offices	P	P	X
Office-oriented service providers, such as communications services, photocopying, courier and messenger services, graphic design, printing, promotional products, and the like	P	P	X
Office equipment sales and services	P	P	X
Technology service and support, copy and connectivity centers, telework centers	P	P	X
Business/Technology Research and Development			
Biotechnology/medical laboratories	C	C	C
Computer technology	P	P	P
Electronic components and board systems engineering and development	P	P	P
Research and research industry-oriented service providers	P	P	P
Software engineering	P	P	X
Commercial Services and Retail			
Commercial convenience, personal services, and restaurant establishments	P	P	X

Table 18.33.031 Business and Employment District Uses

USE	BCEOA	RRWOA	HTLI
<i>(In existing and/or new structures 5,000 square feet or larger, commercial convenience, personal service uses, and restaurant eating/drinking establishments are allowed but are to be subordinate to the building's primary uses. All commercial uses located in the structure are limited to 25% of the building's gross square footage. No drive-through facilities are allowed.)</i>			
Commercial retail in conjunction with a primary use <i>(Retail sales of products assembled, manufactured, etc., in the OCI/BP/LI zoning districts are allowed but are to be subordinate to the building's primary use. Retail sales use is limited to 25% of the building's gross square footage.)</i>	P	P	P
Food service contractor/caterer	P	P	P
Food and drink where manufactured and sold on premises <i>(on-premises tasting room, restaurant, and/or retail sales limited to 25% of gross square footage)</i>	C	C	C
Nursery/landscaping materials retail sales	C	P	X
Wholesale product showrooms	P	P	C
Light Industrial			
Equipment rental	X	X	C
Industrial laundry and upholstery services	X	C	P
Resource recycling and recovery (not including recycling drop off facilities)	X	X	C
Manufacturing			
Beverage products	C	P	P
Cabinet shop or carpenter shop	X	C	P
Electrical and electronic equipment manufacture	P	P	P
Electrical component assembly, including assembly of computer products, office equipment, and related components	P	P	P
Metal, wood and other materials fabrication and assembly in an enclosed building	C	C	P
Food and kindred products, manufacture, processing and packaging	C	C	P

Table 18.33.031 Business and Employment District Uses

USE	BCEOA	RRWOA	HTLI
<i>(excluding animal slaughtering and processing)</i>			
Furniture and fixtures manufacture and assembly	C	P	P
Handcrafted products, crafts or other art-related items	P	P	P
Measuring, analyzing and control instruments	P	P	P
Medical equipment and supplies	P	P	P
Miscellaneous light fabrication and assembly not otherwise named	C	C	P
Perfumes, cosmetics and similar preparations	C	C	P
Photographic, medical, audio and optical equipment	P	P	P
Printing, publishing and allied products	C	P	P
Products made from light stone, clay and glass	P	P	P
Textiles, apparel and leather goods	P	C	C
Warehousing, Distribution and Storage			
Equipment/materials outdoor storage as a primary use (including building trade and landscaping)			
a. Storage yards occupying less than 10,000 square feet	X	C	P
b. Storage yards occupying more than 10,000 square feet	X	C	C
Mail order or direct selling and distribution	P	P	P
Packing, crating and convention and trade show services	P	P	P
Processing and/or packaging previously prepared materials	P	P	P
Self-serve mini-storage	X	X	X
Truck and freight transportation services	X	X	X
Warehousing, product distribution, and wholesale trade	X	C	P
Residential			

Table 18.33.031 Business and Employment District Uses

USE	BCEOA	RRWOA	HTLI
Dwelling units above nonresidential uses (mixed use structures) <i>(Nonresidential uses must be located on ground level or first floor if ground level is parking)</i>	P	P	X
Employee/security units in conjunction with manufacturing, distribution or storage uses	P	P	P
Existing residential use without increase in density (subject to nonconforming regulations)	P	P	P
Live/work units	P	P	X
Public and Quasi-Public			
Essential public facilities, state and regional	P	P	P
Essential public facilities, local	C	C	C
Government maintenance shops and fleet vehicle storage	C	C	P
Public administration office and services	P	P	P
Public parks	P	P	P
Solid waste transfer facilities	X	X	C
Recycling drop off facilities	X	X	C
Utility facilities and utility system	P	P	P
Transit facilities, including park and ride lots and transfer centers	C	C	C
Wireless communication facilities (exceeding 21' in height)	C	C	C
Co-location on existing facility or structure	C	C	C
Wireless communication facilities (20' or less)	P	P	P
Other			
Ambulatory and outpatient care services (physicians, outpatient clinics, dentists)	P	P	X

Table 18.33.031 Business and Employment District Uses

USE	BCEOA	RRWOA	HTLI
Child care centers	C (As a secondary use)	C	C (As a secondary use)
College, universities, technical, trade and other specialty schools	P	C	C
Grade schools (K—12)	C	C	X
Hospital	C	C	X
Museums, historic and cultural exhibits	P	P	X
Privately owned amusement, sports or recreation establishments <i>(retail sales limited to 25% of use's total square footage)</i>	P	P	X
Churches, new freestanding/monument structures and existing building(s) 5,000 square feet or larger	C	C	X
Churches, under 5,000 square feet and within an existing building(s)	C	C	X
Sports arena or stadium	C	C	X
Veterinary clinics and hospitals (not including kennels)	P	P	X

18.33.040 Development standards.

For development standards, see Table 18.33.040 below.

Table 18.33 042 Business and Employment Districts Development Standards

Standard	Bell Creek EOA	River Road EOA	HTLI
Minimum/Maximum Lot Area	Minimum/Maximum Lot Area	Minimum/Maximum Lot Area	Minimum/Maximum Lot Area
Maximum Height	50 feet for single-use building; 60 feet for mixed-use building. Roof mounted mechanical equipment and its screening is not included in the height calculation	35 feet for single use building; 45 for mixed-use building. Roof mounted mechanical equipment and its screening is not included in the height calculation	50 feet. Roof mounted mechanical equipment and its screening is not included in the height calculation
Maximum Lot Coverage	Based on stormwater, parking, and landscaping standards per SMC 13.104, 18.22, and 18.24.130 respectively but to also achieve FAR/density minimums	Based on stormwater, parking, and landscaping standards per SMC 13.104, 18.22, and 18.24.130 respectively	. Based on stormwater, parking, and landscaping standards per SMC 13.104, 18.22, and 18.24.130 respectively
Minimum Setback and Buffer adjacent to public right-of-way	10 feet with additional landscaping and pedestrian connection to buildings	10 feet with additional landscaping and pedestrian connection to buildings	10 feet with additional landscaping and pedestrian connection to buildings
Minimum setback and buffer when lot lines are adjacent to a R zoning district	20', plus an additional 1 foot for each foot the building wall facing an R district exceeds an average of 35' in height, to a maximum setback of 40'	20' ¹	20', plus an additional 1 foot for each foot the building wall facing an R district exceeds an average of 35' in height, to a maximum setback of 40'
Minimum setback and buffer when lot lines are adjacent to a nonresidential zoning district	Front yard: 10' Other yards: 5' Street (public or private) frontage: 10' <i>Setbacks may be enlarged to provide additional area to meet overall site landscaping requirement</i>	Front yard: 10' Other yards: 5' Street (public or private) frontage: 10' <i>Setbacks may be enlarged to provide additional area to meet overall site landscaping requirement</i>	Front yard: 10' Other yards: 5' Street (public or private) frontage: 10' <i>Setbacks may be enlarged to provide additional area to meet overall site landscaping requirement</i>
Mixed commercial/residential use residential density	No density threshold.	No density threshold.	N/A
Attached residential density	Min. 12 units/acre	Min 12 units/acre	N/A
Use Mix Threshold ²	Office/professional/technology/development/manufacturing/research etc. = minimum of 55 % of overall site	N/A	N/A
	Mixed use commercial/residential maximum of 30% of site		
	Attached residential Min 12 dwelling units/acre and maximum height of 4 stories. Maximum of 15% of site		

¹ No additional setback because 35 feet is maximum height limit in RREOA zone.

² Mixed use threshold based on Hovee report and not applicable to the RREOA and HTLI.

Parking	See 18.33.090 below. See 18.48 for additional parking standards	See 18.33.090 below. See 18.48 for additional parking standards	See 18.33.090 below. See 18.48 for additional parking standards
---------	---	---	---

18.33.050 Site planning and design guidelines

The following design guidelines are intended to guide the design process for development in the employment and business zoning districts and supersede SMC 18.24.

A. Landscaping.

1. A minimum of twenty percent of the property area must be landscaped. Setback, parking lot, street trees and building perimeter landscaping contribute to this requirement.

a. Critical area buffers may count toward this requirement, but cannot contribute more than forty percent of the twenty percent overall site landscaping requirement.

b. Retaining land at its natural grade with existing native vegetation is strongly encouraged and may contribute toward the required landscape percentage requirement if the existing vegetation is healthy and likely to survive development. A maintenance assurance device, agreement or bond for two years will be required to ensure the existing vegetation remains healthy and additional vegetation appropriate to the overall site’s landscape plan must be installed if the existing vegetation does not survive.

c. Low impact development techniques for stormwater management that are not fenced and can be designed to integrate vegetation appropriately into the site’s overall landscape plan, may count toward this requirement at the determination and approval of the review authority.

2. Setback Landscaping.

a. Setback areas are to be landscaped and covered with live plant materials that will ultimately cover seventy-five percent of the ground area within three years. One tree (deciduous tree of a minimum of two inches caliper or one six-

foot-high evergreen tree) and three shrubs, each of which will attain a height of three and one-half feet within three years, must be provided for every three hundred square feet of area to be landscaped.

b. Setback landscaping may include low impact development stormwater management facilities that are not fenced and can be designed to integrate vegetation appropriately into the setback's landscape area.

c. When adjacent to any R zoning district, setback landscaping must be provided for the full width of the setback and include a combination of sight-obscuring fencing, solid screen of evergreen trees and shrubs and berming, as approved by the review authority.

3. Street Trees. Street trees and related landscaping must be provided forty feet on center for arterials and thirty feet on center for collectors within a minimum five-foot planting strip. Groundcover of sod or other approved groundcover will be provided. Species of trees are as set forth in the city's master street tree plan, if applicable, or as otherwise approved by the review authority.

4. Parking Lot Landscaping. Parking lots with more than ten spaces must be landscaped. A minimum of five percent of the parking lot area (that area inside parking lot perimeter curbing) must be landscaped; planting areas must be a minimum of five feet width. Providing adequate shading opportunities should be taken into account. Parked vehicles may not overhang if the planting area is the minimum width of five feet. Wheel stops will be required when any parking space abuts landscaping. Unfenced low impact development stormwater management facilities may be located in parking lot landscaping when feasible and when designed to be integrated appropriately in the landscaped area.

5. Building Perimeter Landscaping. For any building wall that exceeds an average of thirty feet in height and combined with an unmodulated wall exceeding one hundred feet in length (not including loading areas), a planting bed is required, with a hierarchy of plantings for at least sixty percent of the wall's length provided:

a. Columnar trees and large shrubs must be installed a minimum of four feet from the building's foundation within a minimum six-foot-wide planting bed at the structure's foundation/base; or larger trees may be planted twenty-five feet on

center within a fifteen-foot planting bed and a minimum ten feet from the building's foundation.

b. Shrubs or small trees must be planted minimum three to six feet on center (depending on size at maturity) within the required planting bed.

c. Groundcover or other organic material must be provided to reduce wind and water erosion.

B. On-Site Pedestrian Circulation.

1. Buildings must be linked to their fronting street(s) with primary walkways.

2. Primary walkways must be a minimum of five feet in width, and must be visually distinct from parking lot and driveway surfaces. Pedestrian walkways may be of permeable surfacing when appropriate and as approved by the city engineer.

3. Secondary walkways are those that provide for pedestrian connection between buildings without depending upon parking lots. All buildings must be linked to each other by a secondary walkway promoting the shortest distance between building entrances. When adjacent to an undeveloped parcel, a secondary walkway must be provided to the property line to provide future pedestrian connection separate from a future street connection. Secondary walkways do not need to be paved.

C. On-Site Pedestrian Circulation.

1. Sidewalks To Be Constructed in Business & Employment Districts. The property owner must provide and fully develop sidewalks along the entire frontage of the subject property if there is any new construction or remodel of the primary structure of that property and (i) the street grade has previously been approved by the public works director or (ii) if the curbs and gutters are currently in place along the access road abutting the subject property. Sidewalk construction must meet City standards and be completed before a building permit for the new construction or remodel will be issued. This provision applies to all allowed uses in any commercial or mixed use district.

2. Minimum Sidewalk Development Standards. Sidewalks must be established consistent with adopted City of Sequim Streetscape Standards. The standards

contained within SMC Title [17](#), Subdivisions, and the Public Works Handbook and/or to match existing adjacent sidewalks. Where sidewalk depths are inconsistent a transition area must be provided to avoid hazardous conditions. (Ord. 97-019 § 4, Exh. B) Primary walkways must be visually distinct from parking lot and driveway surfaces. Pedestrian walkways may be of permeable surfacing when appropriate and as approved by the city engineer.

D. Building Design Standards. The purpose of building design standards in the business and employment zoning districts is to facilitate attractive Pacific Northwest architectural design and scale by avoiding large blank walls, bright colors and providing roof line treatment. The following standards apply to building design in all three of the business and employment zoning districts. The city's administrative design review process applies to all proposals that require site plan review or a building permit that contains substantial building facade alteration to the exterior of an existing building. See also Chapter [18.24](#).



Figure 1
Example of Pacific Northwest
Architecture

1. Building Facades.

- a. Architectural interest is required for all building facades visible from public streets and other publicly visible areas, such as parking areas.
 - i. Publicly visible building walls must incorporate insets or offsets, canopies, colonnades, wing walls, trellises, building facade landscaping,

material variation, multi-planed roof line, or other features which diminish large blank walls.



Figure 2
Example of recesses and projections
providing for interest in façade design

ii. For publicly visible building walls exceeding 50 feet in length, offset elements are required that break up the plane of the wall into at least three sections. Recesses and/or projections must have a depth of at least 3 percent of the facades length and extend at least 20 percent of the facades length.



Figure 3
Multiple façade treatment from color
to building materials provides
architectural interest in façade visible
from street.

b. Provide visual terminus to tops of buildings. To avoid a truncated appearance, all structures must have a visual “cap.” Options include extended eaves; steep pitch hip, gable or saltbox roof form; false pitch roof with appearance of hip gable or saltbox; or projecting cornice of appropriate scale to the building and part of building’s trim detail.

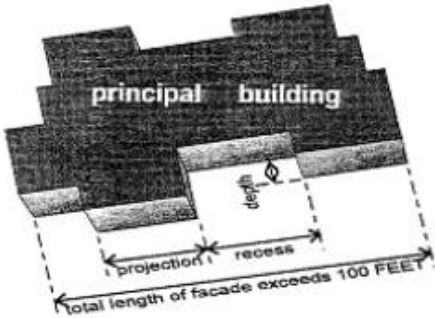
c. Primary building entrances must be physically oriented to the street and primary pedestrian walkway. The primary entrances to structures, including



Figure 4
Multiple tenant building provides interest to entry ways with offsets and color and architecturally interesting courtyard/plaza.

all entrances to individual tenant spaces, must be clearly identifiable through architectural design. Specific treatments include, but are not limited to, wall modulation, arcades, overhangs, recesses/projections, raised and projected cornices, peaked roof forms, arches, gables, window clusters, landscape treatment, material/color/texture change, awnings, moldings, planters, balconies, architectural details such as tile work and moldings which are integrated into the structure and pedestrian amenities, such as benches and

tables.



projections / recesses shall comprise at least 20% of facade length with a minimum depth of 3% of facade length



Animating features such as these must total 60% of total facade length for any facade abutting a public street

Figure 5



Figure 6
Courtyard with benches and planters

2. Materials.

a. Facades visible from public streets or other publicly visible areas must provide visual interest by providing a variety of building materials, windows, artwork, or other techniques. Desired materials include brick, wood, horizontal lap siding made of wood or cement-like materials; split-faced block or ground-faced block.

b. For structures including residential (mixed use structures) or live/work units, siding materials must include but are not limited to two of the following: horizontal lap siding (of any lap design) made of wood or cement-like materials, shingles made of cedar or cement-like materials, board and batten (or panels with similarly spaced battens), brick, or stone (real or cultured). Typically, the residential component will be differentiated from the nonresidential uses by scale and amount of detailing.

c. No unscreened facades visible from public streets and pathways may include the following:

1. Smooth-faced concrete block;

2. Smooth-faced tilt-up concrete panels;
3. Smooth-faced prefabricated steel panels;
4. Prefabricated manufactured or modular units.

d. Blank walls are not allowed on any ground-level building wall abutting any form of public walkways or streets except as required for the structural integrity of the building. Buildings should be provided with a distinct “base” through the use of materials, texture or massing.



The careful alignment of windows provides visual balance to this facade. Notice that it is not always necessary to center windows on a wall plane. Usually, however, noncentered windows look better below a hip than below a gable.



The scattered and haphazard arrangement of windows on this facade results in poor balance in the overall building design.

3. Commercial facades at street level abutting the street shall include windows, executed as described in subsection (B)(2) of this section, and as described in SMC [18.24.100\(B\)\(6\)](#). (Ord. 2009-011 § 2 (Exh. B); Ord. 2008-007 § 2)

Figure 7

e. Buildings must provide generous amounts of windows, skylights, or similar natural light-producing products to create ground floors with a “transparent” quality and to enhance the use of natural light and reduce energy consumption. No window or door may consist of polished (mirrored) or highly reflective colored glass

c. Color.

- a. Main color of exterior walls is limited to subtle earth tone colors. Soft white, sands, grays, muted pastels, and deep, rich earth colors (terra cotta, forest green) are acceptable.
- b. Trim color may be lighter or darker shades of the main color, soft white, or contrast or complement the main color but may not be bright or bold.
- c. Accents or graphics may be brighter than main or trim color and are limited to fifteen percent of the facade area, excluding glass. Bright, high contrast color banding is limited to maximum four inches in width.

18.33.060 Performance standards.

No land or structure may be used or occupied unless there is compliance with the following minimum performance standards:

- A. Outdoor Storage. Outdoor storage of materials and supplies must be completely screened with a combination of fencing and landscaping, from adjacent properties and public right-of-way and be located in the interior of the lot to the extent possible as determined by the DCD Director.
- B. Trash enclosures. Trash enclosures will be screened and placed either to the side or rear of each building. The enclosures will be made of the same or similar materials of that of the principal building of which the enclosure belongs to.
- C. Emissions. Any air emissions must meet applicable regulations of the Puget Sound Clean Air Agency, and no visible, frequent smoke, dust, or gases may be emitted.
- D. Exterior Lighting. Exterior lighting, except for warning or emergency lighting, must be hooded or shielded so illumination is directed downward and confined to the property boundaries of the light source.
- E. Noise. Noise levels may not exceed the maximum allowed in Chapter [173-60](#) WAC for Class B (commercial) or Class C (industrial) environmental designations as appropriate to the use, or as set forth in the International Building Code requirements.
- F. Exterior Mechanical Equipment.
 - 1. All HVAC equipment, pumps, heaters and other mechanical devices must be screened from view from adjacent streets and properties.

2. Vents, mechanical penthouses, elevator equipment and similar appurtenances may extend no more than fifteen feet above the roof line, must be surrounded by a sight-obscuring screen constructed to the same height as the mechanical equipment, and conform to the following criteria:

- a. The screen must be integrated into the architecture of the building.
- b. The screen must obscure to the extent possible the view of the appurtenances from adjacent streets and properties.
- c. Rod, wire and dish antennas are exempt from the screening requirement if the screening would interfere with the effective operation of the antenna.

- G. Heat and Glare. Except for exterior lighting, operations producing heat and glare must be conducted within an enclosed building.
- H. Ground and Soil Contamination. Materials must be handled in such a manner to prevent ground or soil pollution, or which may contaminate aquifer or other natural drainage systems as required by state and local health agencies.
- I. Fire and Explosive Hazards. The manufacture, use, processing or storage of flammable liquids or materials, liquids or gases that produce flammable or explosive vapors or gases are permitted in accordance with the regulations of the adopted International Fire Code and International Building Code.
- J. In addition to the standards identified above, the city may utilize its authority under the State Environmental Policy Act (SEPA), to identify additional mitigations on impacts to the environment, as determined at time of project review.

18.33.070 Commercial/residential mixed use.

A. Mixed Use Structures³. Mixed use structures allow for placement of a mix of commercial, business, employment and residential uses in a single building. Mixed use structures are intended to allow for efficient use of land and public services in an urban setting; encourage convenient access between employment, services and residential opportunities; and increase development alternatives.

³ For development standards for horizontal mixed use development see SMC 1822.080 Mixed Use.



Figure 8
Mixed Use Building
Architectural interest achieved
through a mix of building materials,
overhangs, offsets and cornice
treatment.

1. Permitted nonresidential uses must be located on the ground floor. However, part of the ground floor may be used as a driveway to rear or under building or under-grade parking, or as a public pedestrian park area. Residential units may be allowed in the rear 40% of the ground floor of a mixed-use structure if that portion of the ground floor does not front a public street. In all other cases the residential units must be located above allowed nonresidential uses (residences may not be located at street/ground level or below except as allowed above). The number of residential units are limited by the mixed-use structure's required development standards (lot coverage, height, landscaping, parking and setbacks) for the underlying zoning district.
2. At least one outdoor activity feature must be provided for the mixed-use building, including but not limited to courtyards, delineated gathering spaces, or seating areas. These areas may consist of hardscape and/or landscaping.
3. A minimum of forty square feet of private open space must be provided for each of the residential units, such as a private outdoor balcony.

4. On-site pedestrian circulation that links the public street and the primary entrance to the structure or residential units must be provided. When the pedestrian circulation crosses driveways, parking areas and loading areas, it must be clearly identifiable through use of different paving materials.

5. Each unit will have an associated 30 feet of private on-site storage either in the units, garage, basement or, in some circumstances, the rear 40% of the structures ground floor if this area does not front a public street.

B. Live/Work Units. Live/work units are allowed in the BCEOA and RREOA zoning districts and are a building use that combines business or manufacturing activities within the same structure as a residential living space. Live/work units are distinctive from mixed use because the business owner or employee must live in the unit. In addition, they can provide affordable work and housing space, meet the needs of special groups such as artists, and serve to incubate new businesses.



Figure 9
Live Work Units

1. The total live/work unit is limited to three thousand square feet in gross floor area.

2. The nonresidential use portion must be located on the first floor of the unit or, if parking is the first floor, the unit's main floor area.
3. The nonresidential area is limited to fifty percent of live/work unit's area.
4. Living space must be physically integrated and connected internally to the live/work unit and not be rented, leased, sold or occupied separately.
5. Private outdoor open space must be provided for the live/work units, such as a balcony or patio.
6. On-premises sales of goods are limited to those produced within the live/work unit or related to the permitted business activity.
7. A valid business license associated with the business or manufacturing activity must be obtained from the city.
8. Other restrictions may apply subject to the requirements of the adopted International Building Code.

18.33.080 Parking and loading standards.

The following standards apply to parking and loading in the BCEOA, RREOA and HTLI zoning districts. See 18.48.050 for parking requirements for uses not listed below. All other applicable provisions from Chapter [18.48](#), except 18.48.060 also apply.

A. Number of Spaces Required.

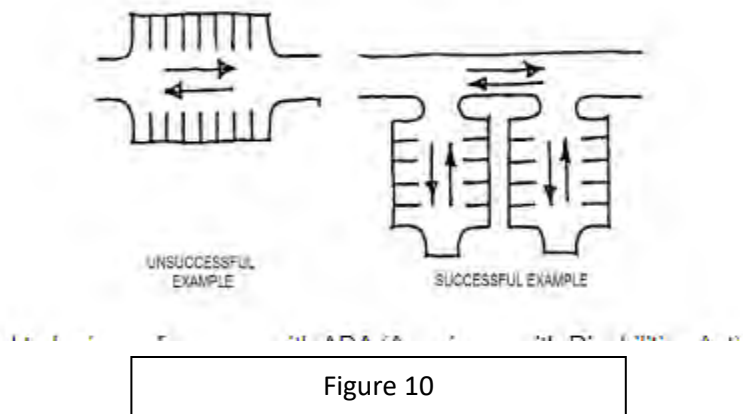
1. Office and professional services (except medical): one space/ 300 sf.
2. Business/technical research and development: one space/ 500 sf.
3. Medical office: one space/200 sq. ft.
4. Hospitals one space/longer-term care bed and one space for each 200 square feet of outpatient area.
3. Commercial Services and Retail.
 - a. Convenience and personal services: one space/ 250gsf.

- b. Eating/drinking establishments: one space/table; plus one space/four stools; plus one space/employee based on largest shift.
- 4. Building trade/landscaping materials sales: one space per three hundred sf of retail area; and one space per five hundred sf of warehouse or storage area (including outdoor).
- 5. Food/drink manufacturing: one space per five hundred sf.
 - a. Food/drink with on-premises tasting room, restaurant and/or retail sales space: one space per two hundred sf.
- 6. Manufacturing: one space/750 sf.
- 7. Warehouse, distribution and storage: one space per five hundred sf.
- 8. Mixed use residential and live/work units: one and one-half spaces per residential unit in addition to other use required spaces, including additional customer/client and employee spaces for live/work units.
- 9. Ambulatory and outpatient care services: one space per two hundred sf.
- 10. Assembly uses: to be determined by DCD Director at time of project.
- 11. Other uses not specifically listed above or in SMC 18.48.050 must furnish parking as required by the director based upon the most analogous use or through a parking study⁴.

B. When underbuilding parking is proposed in a business and employment zoning district and the structure fronts a collector or arterial street, at least fifty percent of street frontage (of the collector or arterial street) must include square footage that is to be occupied by permitted uses.

⁴ Parking Studies. An applicant may request a modification, to be allowed by the approval body, to the minimum number of parking or loading spaces required, by providing a study from a qualified professional that substantiates that parking demand can be met with a reduced requirement due to such factors as drive-by trip capture, hours of operation, or alternative transportation availability for the customer base (SMC 18.48.070C).

- C. Parking or staging of delivery trucks on public streets is prohibited; provided, that smaller delivery trucks (e.g., UPS, FedEx) may park on public streets when on-street parking is available.
- D. The primary vehicular access to businesses and loading areas must avoid a street that primarily serves residential uses.
- E. Entrances and exits to and from parking and loading facilities must be minimized in number and clearly marked with appropriate directional signage.
- F. Internal circulation must be designed for safety and efficiency by reducing conflicts between vehicular and pedestrian traffic, combining circulation and access areas where possible, and providing adequate truck maneuvering, stacking, and loading areas.
- G. Loading facilities must be located internal to the site. Loading docks and doors facing a public street must be offset from the access drive and screened from the street as much as possible.
- H. Driveways and parking areas must be landscaped, screened from residential areas, have shared driveways where possible and designed to meet ADA requirements.
- I. Transit-Oriented Development. Transit-oriented developments, approved as a planned unit development, or commercial uses, approved under the provisions of a binding site plan, may propose reduced parking requirements in lieu of provisions for alternate modes of transportation.
- J. When possible parking aisles will be separated from site circulation routes (see Figure 10).



18.33.090 Signage standards.

The following standards, which may deviate from Chapter 18.58, apply to signage in the BCEOA, RREOA and HTLI zoning districts.

A. Wall-mounted signs will be no larger than fifty square feet; or one square foot per one foot of lineal facade area where the sign is affixed, not to exceed two hundred square feet per sign, whichever is greater. In no case may the total length of all signs exceed 60 percent of the lineal feet of the building frontage (see Figure 11).

1. For multi-occupancy buildings, the facade area for each tenant or user is derived by measuring only the surface area of the exterior facade of the premises actually used by the tenant or use. One sign is allowed per tenant or use.
2. One wall-mounted sign as a business directory of the multiple-business building is allowed per street frontage and must be located near the entrance(s) to the building. The identification sign may not exceed 20 square feet.
3. Wall signs must be centered, proportional, and shaped to the architectural features of the buildings (see Figure 11).
4. No wall-mounted sign may extend above the height of the roof line or parapet of the building.



Figure 11
Wall Sign Placement

- B: Freestanding/monument sign area. The total allowable sign area for freestanding/monument signs is 25 square feet or one-half square foot of sign area for each lineal foot of street frontage, whichever is greater, up to a maximum of 50 square feet of freestanding/monument sign area.
- C. Height. The maximum height of a freestanding/monument sign located within five feet of the public right-of-way or private street is four feet. Signs set back a minimum of five feet are permitted a height of five feet plus one-half foot of height for each additional foot of setback exceeding five feet up to a maximum of eight feet in height. Any sign in excess of eight feet as permitted by this code in subsection 18.58.110(D)(5) must be set back a minimum of 10 feet.
- D. Base Height Provision. The copy of all signage must be at least one foot above grade to allow vertical space for landscaping and to enhance the visibility of the sign (see Figure 12).



Figure 12

- E. Location. No freestanding/monument signs may be located within any vision triangle or within 25 feet of the right-of-way of any street intersecting the street on which the freestanding/monument sign fronts.
- F. Address Numbers. Legible address numbers are required on all freestanding/monument signs. Address numbers are exempt from sign area standards.
- G. Free standing signs do not include pole/pylon signs which are prohibited – see Figure 13 below (SMC 18.58.070 (B))

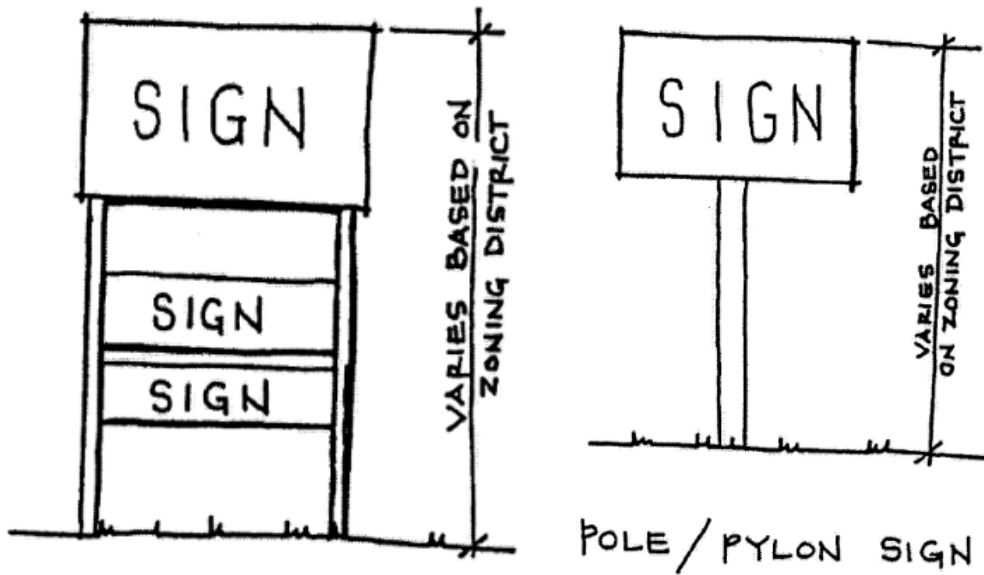


Figure 13

1. No more than one freestanding/monument/monument sign is permitted per multiple-occupancy building unless the building fronts more than one public street, where one additional freestanding/monument/monument sign is allowed per additional street frontage. One sign located at the corner of two arterial streets upon which the building fronts in lieu of one sign on each street frontage.
2. All freestanding/monument/monument signs must be located as close as possible to the center of the street frontage on which they are located.
3. All freestanding/monument/monument signs must be located in a planting/landscaped bed of equal area to that of the sign. The planting bed may be included within a landscape/planting strip required in 18.33.050. The minimum dimension of the planting bed must be five feet measured from inside face of curb to inside face of curb. The planting beds will be improved with the following:
 - i. One-gallon groundcover planted 12 inches on center; and

ii. One shrub per 10 square feet of sign area. Shrubs located within the vision clearance area may not be taller than 36 inches at full height.

4. Multi-Building Business Development.

a. Each building in a multi-business center may have no more than one freestanding/monument sign unless the building fronts more than one public street, where one additional freestanding/monument sign is allowed.

b. One identification sign per entrance/exit for multi-business centers is allowed; provided, that the identification sign is no larger than thirty square feet and eight feet in height.

c. For horizontally mixed-use projects permitted by the municipal code, a sign program, which implements the intent of this chapter, must be approved as part of the discretionary approval of the planned unit development, binding site plan or other allowed application process.

e. Directional signs may not exceed six square feet per face and must be located on the premises to which the sign is intended to guide or direct traffic. Directional signs are not included in the maximum number of freestanding/monument signs allowed.

f. Illumination of signs must not interfere with traffic, traffic control devices or the signs of others. Signs on awnings or canopies may not be illuminated internally if the light illuminates other than the sign.

g. No sign, except as otherwise permitted by this chapter, may be permitted that does not pertain directly to an approved use or business conducted on the premises.

18.33.100 Project review.

Before a building permit will be issued, the design review process and requirements found in Chapter [18.24](#) must be followed. If a use is identified as a C, the conditional use and site plan review process will be consolidated. All project permits follow the process set forth in Title [20](#), Land Use and Development.

18.20.120 High-tech light industrial – HTLI zone table.

Zone Intent: Increase opportunities for new primary employment and local economic diversity by creating new districts for high-tech light industrial use within the existing urban fabric where services and transportation are available.							
Permitted Uses	Size Limitations	General Development Standards					
		Maximum Height	Minimum Front Yard	Minimum Side/Rear Yard	Maximum Lot Coverage	Required Parking	Site Requirements
High-Tech Research and Development (including fabrication and assembly)	None	50'	10'	Side: 20' but 50' if adjacent to R zone	As determined to meet stormwater management (Chapter 13.104S MC), parking, and landscape requirements (Chapter 18.22 SM C and SMC 18.24.130)	Depends on use and facility (see Chapter 18.48S MC)	Site plan per Chapter 18.22 S MC and design review per Chapter 18.24 S MC Fencing per SMC 18.24.140
Education/Training Facilities, Vocational				Rear: 20' but 50' if adjacent to R zone			
Retail/Service (see note)	10% of total development (see note)						
Public Facilities and Services	None			Major: same as above Minor: 40' but 20' if			

~~Zone Intent: Increase opportunities for new primary employment and local economic diversity by creating new districts for high-tech light industrial use within the existing urban fabric where services and transportation are available.~~

-

Permitted Uses	Size Limitations	General Development Standards					
		Maximum Height	Minimum Front Yard	Minimum Side/Rear Yard	Maximum Lot Coverage	Required Parking	Site Requirements
				adjacent to R zone			
Communication Facilities/Towers (see Chapter <u>18.61</u> SMC for wireless communications)		< 65'		1.5 times the height of a tower, antenna, or dish		None	Fencing per SMC <u>18.24.140</u>

~~Accessory Uses and Structures: See Chapter 18.59 SMC~~

Conditional Uses:
Major: public facilities, major; towers, antennas 65 feet or more (including amateur radio) and supporting structures (other than wireless communications facilities)
Minor: public facilities, minor

Notes: Warehouse, wholesale, and distribution; day care; and professional offices are allowed incidental activities if accessory to a primary use. Retail and services are only permitted as part of master-planned development as a dependent convenience use to on-site personnel. These tables are intended to replace zoning and bulk and

~~Zone Intent: Increase opportunities for new primary employment and local economic diversity by creating new districts for high-tech light industrial use within the existing urban fabric where services and transportation are available.~~

Permitted Uses	Size Limitations	General Development Standards					
		Maximum Height	Minimum Front Yard	Minimum Side/Rear Yard	Maximum Lot Coverage	Required Parking	Site Requirements

~~dimensional standards only. References to other SMC titles or chapters are for illustrative purposes only. Specific requirements may vary and depend upon the project submitted.~~

(Ord. 2017-012 § 1 (Exh. A))

18.20.140 Economic opportunity area – EOA zone table.

~~Zone Intent: Provide opportunity to utilize large, underdeveloped or vacant lands with good access to transportation and infrastructure as venues to expand and diversify the city’s economic base and increase the number and range of living-wage jobs, including in mixed-use development.~~

Permitted Uses	Size Limitations	General Development Standards					
		Maximum Height	Front Yard Setbacks	Minimum Side/Rear Yard	Maximum Lot Coverage	Required Parking	Site Requirements

~~**Note:** This zone classification is subject to the master-planned zone classification and procedures of SMC 18.30.035(A) that specify that until a subarea plan is adopted for an EOA, the provisions of SMC 18.20.050 apply.~~

~~These tables are intended to replace zoning and bulk and dimensional standards only. References to other SMC titles or chapters are for illustrative purposes only. Specific requirements may vary and depend upon the project submitted.~~

(Ord. 2017-012 § 1 (Exh. A))

~~18.22.030 Sidewalks.~~

~~Sidewalks shall be established consistent with the following standards:~~

~~A. Sidewalks To Be Constructed in Commercial and Mixed Use Districts. If the street grade has been previously approved by the public works director, or if the curbs and gutters are currently in place along the access road abutting the subject property, then any new construction or remodel of the primary structure of that property for all uses permitted within any commercial or mixed use district shall require the property owner to provide and fully develop sidewalks along the entire frontage of the subject property in compliance with the sidewalk construction standards of this chapter prior to issuance of a building permit for said construction.~~

~~B. Minimum Sidewalk Development Standards. Sidewalks shall be established consistent with adopted City of Sequim Streetscape Standards. The standards contained within SMC Title 17, Subdivisions, and the Public Works Handbook and/or to match existing adjacent sidewalks. Where sidewalk depths are inconsistent a transition area shall be provided to avoid hazardous conditions. (Ord. 97-019 § 4, Exh. B) (Replaced by 18.33.050(C)).~~

~~18.24.100 Materials.~~

~~B. Standards.~~

~~1. Predominant exterior building materials shall be constructed with high-quality materials such as:~~

- ~~a. Brick masonry;~~
- ~~b. Wood, large timbers;~~
- ~~c. Sandstone;~~
- ~~d. River rock and other native stone;~~
- ~~e. Tinted, textured, concrete masonry units;~~

~~f. Recycled and ecologically friendly materials;~~

~~g. Transparency elements such as windows and frames, showcases, skylights, and display windows;~~

~~h. Architectural metal panels, sheets, and beams.~~

~~2. Siding materials are limited to horizontal lap siding (of any lap design) made of wood or of cement-like materials; shingles made of cedar or cement-like materials; board and batten (or panels with similarly spaced battens); and brick, stone (real or cultured), nonscored, or split-faced block (CMU).~~

~~3. Stucco, tile, terra-cotta concrete, spandrel glass, corrugated metal panels and ground-faced or scored concrete block may be used as accent materials on commercial, mixed use and/or multifamily projects, not to exceed 20 percent of any given facade. Standing seam metal siding with separately attached battens (with proportions similar to board and batten siding) may be used in gables only, or on up to 20 percent of any given facade.~~

~~4. No unscreened facades visible from public streets and pathways shall include the following:~~

~~a. Smooth-faced concrete block;~~

~~b. Smooth-faced tilt-up concrete panels;~~

~~c. Smooth-faced prefabricated steel panels;~~

~~d. Prefabricated manufactured or modular units.~~

~~5. Blank walls shall not be allowed in any ground-level building wall abutting any form of public walkways or streets except as required for the structural integrity of the building. Buildings should be provided with a distinct "base" through the use of materials, texture or massing.~~

~~6. Buildings shall provide generous amounts of windows, skylights, or similar natural light-producing products to create ground floors with a "transparent" quality and to enhance the use of natural light and reduce energy consumption. No window or door shall consist of polished (mirrored) or highly reflective colored glass. (Ord. 2013-011 § 1 (Exh. A); Ord. 2009-011 § 2 (Exh. B); Ord. 2008-007 § 2; Ord. 2003-018 § 1)_(Replaces 18.24.100 (B)~~

~~18.24.050 Facades, exterior walls and entryways.~~

~~A. Guideline. Facades should provide visual interest, identity, character and scale that will be consistent with the community's Visioning Report dated September 16, 1993. The intent is to create an environment human in scale where structures blend into the totality of the completed complex or neighborhood. The entire site should have an overall pleasing effect with the structures being responsible to the environment.~~

~~Entryway design elements should provide visual equity and employ enhanced aesthetic character to the building. The standards identify desirable entryway design features. Entrances should coordinate with pedestrian networking and public connectivity to and through the site and neighboring sites.~~

~~All facades of a building abutting public ways, such as but not limited to streets, sidewalks, and pathways, should be of a pleasing character appropriate to the pedestrian scale.~~

~~B. Standards.~~

~~1. Facades greater than 50 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 50 horizontal feet.~~

~~2. Facades that face public streets or provide primary access to the building's site shall have a variety of architectural treatments along no less than 60 percent of their horizontal length. Facades, exterior walls and entryways not facing public streets or providing primary access to the building site shall provide consistent architectural treatment.~~

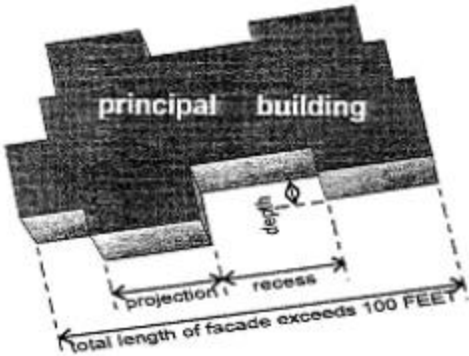
~~3. All building facades visible to residentially zoned properties and/or public streets shall comply with the requirements of SMC 18.24.130 (Landscaping and buffering) and these standards and guidelines.~~

~~4. Facades that face public streets or provide primary access to the building's site shall have clearly defined, highly visible customer entrances featuring no fewer than three of the following:~~

- ~~a. Canopies or porticos;~~
- ~~b. Overhangs;~~
- ~~c. Recesses/projections;~~
- ~~d. Arcades;~~
- ~~e. Raised and projected cornices;~~

- f. ~~Peaked roof forms;~~
- g. ~~Arches;~~
- h. ~~Outdoor patios or community spaces;~~
- i. ~~Display windows;~~
- j. ~~Architectural details such as tile work and moldings which are integrated into the building structure and design;~~
- k. ~~Integral planters that incorporate landscaped areas and/or places for sitting;~~
- l. ~~Balconies.~~

~~5. Blank walls shall not be allowed in any ground-level building wall abutting public sidewalks/walkways and streets, except as required for the structural integrity of the building.~~



projections / recesses shall comprise at least 20% of facade length with a minimum depth of 3% of facade length

Figure 1



Animating features such as these must total 60% of total facade length for any facade abutting a public street

(Ord. 2009-011 § 2 (Exh. B); Ord. 2008-007 § 2; Ord. 2003-018 § 1),(Replaced by 18.33.050 (D)(1))

18.24.120 Colors.

A. ~~Guideline. Color is an important and dominant aspect of building design. When selecting colors, consider how the medium can emphasize different materials and levels of detail to a building.~~

B. ~~Standards. A project applicant shall graphically propose a color palette for their project. The palette shall include all the materials/colors proposed for the project, including, but not limited to, field or base color(s), trim colors, accent colors, and colors of natural materials.~~

~~The field or base color is one of the most dominating features of the building; trim colors are used on the building's secondary features, while accent colors can emphasize the finer, more characteristic elements of the building's design. Typically, no more than three distinct colors should be used in one building, but additional colors may be considered if they are close shades of one of the other three colors.~~

~~1. Field or Base Colors. When more than one base color is proposed, the hues of each color shall be analogous or next to each other on the paint manufacturer's color wheel. The light/dark values and color saturations of each base color shall be equal; base colors of new construction shall be analogous to existing adjacent structures' base colors. Note: paint manufacturers will be able to assist in the coordination of the various colors as described herein.~~

~~2. Trim colors (fascia, cornice, waist, window, door, skirt trim, etc.) are allowed to be in contrast to the base colors but shall have the same light/dark value and color saturation as the base colors, except whites and achromatic gray colors (gray made from black and white only) may be of any light/dark value. For example, the base color might be Spanish green (a light muted green from the blue-yellow family) and the trim color might be maroon (a deep reddish-brown from the red-blue family) as long as the two colors complement each other in their brightness and intensity.~~

~~3. Accent colors can be of different light/dark values than base or trim colors. Accent colors can be brighter than field or trim colors. Accent colors shall be used with restraint. Appropriate areas for accent colors are those details that might otherwise go unnoticed, such as moldings or molding indentations, medallions, and shadow lines, roof windows and door frames. Doors are also an appropriate location for accent colors.~~

~~4. Natural Material Colors. Natural materials such as stones, clay masonries, split-faced concrete masonry, cedar and redwood have intrinsically pleasing hues, values and saturations of color. These materials shall not be refinished or painted so as to alter their natural tones (exception: wood siding materials may be stained when the material's character is maintained); when these natural materials are used in combination with painted or stained~~

~~materials, the painted or stained colors shall be of the same or analogous tones and of similar light/dark values and color saturations.~~

~~5. All applied colors shall have low reflectance and blend well with the surrounding environment.~~

~~6. Prefinished non-natural material colors on premanufactured awnings, canopies, marquees or other assemblies shall not be highly reflective; when primary or secondary colors are proposed they shall have light/dark values and color saturations that match the structure's base color(s).~~

~~7. When roof colors are not in a grey tone (chromatic or achromatic grey) the colors shall have light/dark values and color saturations similar to the structure's base color(s). Color restrictions apply to flat or low-pitched roofs only when the parapet or other screening device does not fully conceal the roofing surface from view. (Ord. 2009-011 § 2 (Exh. B); Ord. 2008-007 § 2) Replaced by 18.24.120(C)~~

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; and

WHEREAS, the City Council held a public hearing on December 10, 2018 to take public testimony on this matter; and

WHEREAS, the City Council ratifies this Ordinance and directs staff to initiate the process to adopt a permanent ordinance;

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 2 and adopting interim controls.

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

Kristina Nelson-Gross, City Attorney

Approved Date

Publication Date

November 13, 2018
Effective Date