

## ORDINANCE NO. 2020-003

### **AN ORDINANCE OF THE CITY OF SEQUIM, WASHINGTON DECLARING AN EMERGENCY NECESSITATING THE NEED TO ADOPT INTERIM CONTROLS BY AMENDING CHAPTER 17.64 OF THE SEQUIM MUNICIPAL CODE RELATING TO SUBDIVISION GUARANTEES; ENTERING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, RCW 35A.63.220 and RCW 36.70A.390 authorize 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**, Washington State's vested rights doctrine, which may allow certain land use applications to vest to land use regulations which are in effect early in the application process, could allow subdivision applications to vest in inadequate regulations, undermining effective City planning for these facilities; and

**WHEREAS**, in its review and approval of applications for subdivisions, the City has discovered that certain provisions of SMC Chapter 17.64 do not achieve the City's land use objectives as previously expected, in that its language related to subdivision guarantees can be read to allow developers to bond for *all* required improvements and begin selling lots, which can lead to a situation where lot purchasers cannot secure building permits or developers can abandon projects without completing them; and

**WHEREAS**, the City Council intends to amend SMC Chapter 17.64 of the Sequim Municipal Code relating to Subdivision Guarantees; 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, DOES HEREBY ORDAIN 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 SMC Chapter 17.64 and adopting interim controls. The City Council may adopt additional findings when a public hearing is held or when presented with evidence.

**Section 2. Amendment.** The City of Sequim Municipal Code Section 17.64 is hereby amended as set forth in the attached Exhibit A.

**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 2010-005 and 98-005 which are repealed or amended by this ordinance shall remain in force and effect until the effective date of this ordinance and as set forth below.

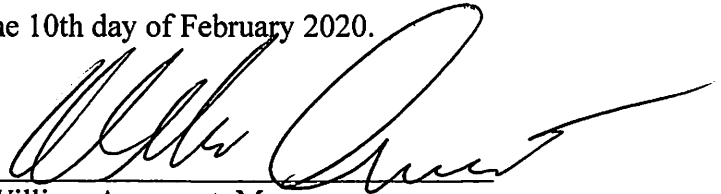
Such repeals and amendments shall not be construed as affecting any existing right acquired under the ordinances repealed or amended, nor as affecting any proceeding instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor the administrative action taken thereunder. Notwithstanding the foregoing actions, obligations under such ordinances or permits issued thereunder and in effect on the effective date of this ordinance shall continue in full force and effect, and no liability thereunder, civil or criminal, shall be 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 shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

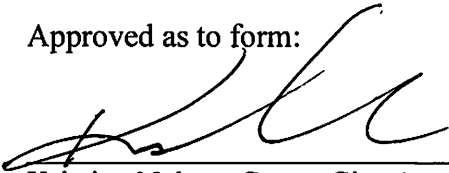
**Section 6. Declaration of Emergency and Effective Date.** The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council as required by RCW 35A.13.190. Without immediate 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 protecting public safety and ensuring adequate road access for subdivisions. 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 August 10, 2020), and will 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.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF SEQUIM,  
WASHINGTON, at a regular meeting thereof held the 10th day of February 2020.**

  
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William Armacost, Mayor

Approved as to form:

  
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Kristina Nelson-Gross, City Attorney

Attest:

  
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Sara McMillon, City Clerk

02/10/2020  
Effective Date