ORDINANCE NO. 2025–013

AN ORDINANCE OF THE CITY OF SEQUIM, WASHINGTON, ADOPTED PURSUANT TO RCW 36.70A.390; IMPOSING AN IMMEDIATE MORATORIUM ON THE FILING, ACCEPTANCE, PROCESSING, AND/OR APPROVAL OF APPLICATIONS FOR MASTER PLANS; SETTING FORTH FINDINGS OF FACT IN SUPPORT OF THIS MORATORIUM; SETTING A PUBLIC HEARING TO BE HELD WITHIN 60 DAYS; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, within the express terms of the Growth Management Act ("GMA"), the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses; and

WHEREAS, moratoriums enacted under RCW 36.70A.390 and/or RCW 35.63.200 are methods by which local governments may preserve the status quo so that updates to the City's Comprehensive Plan and development regulations are not rendered moot by intervening permit projects; and

WHEREAS, the City of Sequim ("City") is currently in the process of the GMA periodic update to its Comprehensive Plan; and

WHEREAS, the City has received a population and employment allocation, as well as a housing target from Clallam County for the 2025 Comprehensive Plan update; and

WHEREAS, the City has hired a consultant to perform a residential and economic market study as a component of the Comprehensive Plan update; and

WHEREAS, the State Legislature made significant amendments to the GMA during the 2022 and 2023 legislative session which task cities to increase their housing capacity; and

WHEREAS, the City is interested in expanding development options for residential development as part of the 2025 Comprehensive Plan update; and

WHEREAS, the City will review, revise, and update the Land Use Chapter of the Comprehensive Plan, including land use policies and designations, as part of the 2025 Comprehensive Plan update process; and

WHEREAS, the City will review, revise, and update Sequim Municipal Code (SMC) Title 18 Zoning and SMC 18.30 Master Planned Overlay as part of the 2025 Comprehensive Plan update process; and

WHEREAS, the City desires the time necessary to complete the review, revision, and update of its Comprehensive Plan and zoning ordinances; and

WHEREAS, during this review process, the City has identified potential revisions that the City Council has determined that the public interest would be served by a more extensive discussion relating to subarea plans; and

WHEREAS, the City Comprehensive Plan update will include analysis and evaluation of existing and future levels of service for transportation facilities and infrastructure (including water and sewer), which is likely to result in an updated list of improvement projects; and

WHEREAS, master plan projects are significantly larger than most other developments, which requires clarity in the City's level of service standards; and

WHEREAS, master plans may be required to contribute financially their proportionate share of these infrastructure improvements, and it is prudent to allow for the completion of the City's Comprehensive Plan, including the required capital facilities plan; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands; and

WHEREAS, it is the City's responsibility to ensure that the Comprehensive Plan and its development regulations are clear and consistent to provide guidance to potential applicants; and

WHEREAS, unless a moratorium on new applications for master plans is adopted, a master plan could be reviewed and processed prior to the City determining the land use policies and development regulations that best meet the City's vision, as determined by the 2025 Comprehensive Plan update process that is currently underway; 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 moratorium imposed herein promotes the public good and is necessary for the protection of public health, property, safety, and welfare; and

WHEREAS, a public emergency exists requiring that the City's moratorium become effective immediately upon adoption;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEQUIM, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the moratorium established by this ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 3 below.

Section 2. Moratorium Imposed. As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11 of the Washington State Constitution, and pursuant

to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35.63.200, the City hereby imposes a temporary moratorium as described below:

A. The City will not accept any new master plan applications for development on vacant undeveloped property within the incorporated city limits; and

B. The City will not process or approve any pending master plan applications.

Section 3. Public Hearing. Pursuant to RCW 35.63.200 and RCW 36.70A.390, the City Council will hold a public hearing within 60 days of passing this ordinance. Said public hearing is scheduled to be held at the Sequim Civic Center, 152 W Cedar Street, Sequim, Washington, on September 22, 2025, at 5:30 p.m., or as soon thereafter as the same may be heard. Public testimony will be taken at the hearing and the City Council may, but it is not obligated to, consider adopting further findings of fact justifying the moratorium after the close of such hearing.

Section 4. Duration. This moratorium will take effect immediately and remain effective for six months. Council may, at its sole discretion, renew the moratorium for one or more six-month periods in accordance with State law.

Section 5. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by State or Federal law or regulation, such decision or preemption will not affect the validity of the remaining portions of this ordinance or its application to other person or circumstances.

Section 6. Declaration of Emergency and Effective Date. This ordinance, as a public emergency ordinance necessary for the protection of public health, public safety, public property, and public peace, takes effect and will be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "Whereas" clauses above, all of which are adopted by reference as findings of fact as if fully set forth herein.

PASSED by the City Council of the City of Sequim by a majority plus one vote at its regular meeting held the 28th day of July 2025.

FOR Mayor Janisse
Brandon Janisse, Mayor

Attest:

Heather Robley
Heather Robley, City Clerk

Approved as to form:

Kristina Nelson-Gross, City Attorney

Publication Date: 08/01/2025

Effective Date (Date of Adoption): 07/28/2025