

**ORDINANCE NO. 887**

AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 AND RCW 36.70A.390; IMPOSING A SIX MONTH MORATORIUM UPON THE RECEIPT AND PROCESSING OF SUBDIVISION APPLICATIONS AND APPLICATIONS FOR BUILDING PERMITS AND OTHER LAND USE DEVELOPMENT APPROVALS FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT WITHIN THE MULTI-FAMILY RESIDENTIAL (R24) AND MIXED USE (MU) ZONES; SETTING FORTH FINDINGS AND CONCLUSIONS IN SUPPORT OF SAID MORATORIUM; ENUMERATING LIMITED EXCEPTIONS; SETTING A PUBLIC HEARING DATE; PROVIDING FOR SEVERABILITY; DECLARING A PUBLIC EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

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WHEREAS, pursuant to Chapter 35A.63 RCW and Chapter 36.70A RCW, the City of Carnation has established various zoning districts to ensure orderly and appropriate land use development consistent with the City's Comprehensive Plan; and

WHEREAS, the purpose of the Multi-Family Residential (R24) zoning district is primarily to accommodate a range of housing types, including townhouse, cottage and multifamily developments, at a scale that is appropriate to the City of Carnation; and

WHEREAS, the purpose of the Mixed Use (MU) zoning district is to accommodate a mixture of residential, office and commercial uses, while still allowing for residential uses on the ground floor; and

WHEREAS, under the City's current zoning regulations, multi-family apartments are permitted only within the R24 and MU zoning districts, and the City had intended and

anticipated that future development within said zones would include a meaningful quotient of new multi-family apartments; and

WHEREAS, ensuring the reasonable availability of and/or opportunity for the development of multi-family apartments within the City is vital to achieving the City's affordable housing goals and the mix of housing types contemplated by the City's community vision; and

WHEREAS, the City Council is concerned about the apparent trend toward single-family residential development within the R24 and MU zoning districts, which if unchecked could significantly thwart the opportunity for constructing new multi-family apartments and other, more affordable housing options within said zones; and

WHEREAS, the City Council wishes to assess whether the City is growing in a manner consistent with its adopted goals and policies, and within the context of the City's planning requirements and population targets under the Growth Management Act; and

WHEREAS, the City Council needs time to adequately evaluate recent development and currently vested projects to determine if the City's current zoning regulations are producing a result that meets the community's housing needs and is consistent with the Council's vision; and

WHEREAS, the City Council finds that the vesting of additional land use permit applications within the R24 and MU zoning districts without an analysis of the effects of recently completed and currently vested residential development projects would be detrimental to the public health, safety and welfare; and

WHEREAS, the City desires to impose a moratorium on the receipt and processing of subdivision applications, as well as most building and other land use permit applications for

single-family residential development within the R24 and MU zones until the City's current development regulations are reviewed, evaluated and revised as necessary; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF CARNATION, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. Findings. The Carnation City Council hereby makes the following findings in support of the moratorium imposed by this ordinance:

A. The Carnation City Council hereby adopts as findings of fact the recitals set forth above, which are incorporated by reference.

B. The City is authorized pursuant to RCW 35A.63.220 and RCW 36.70A.390 to adopt development moratoria for the purpose of preserving the *status quo* while development standards are considered, prepared and enacted.

C. Imposing a temporary moratorium upon the receipt and processing of subdivision applications, building permit applications and other land use development applications as provided herein will serve the public interest.

D. The exceptions established under Section 4 of this ordinance will not materially undercut the effectiveness or underlying purposes of the moratorium imposed herein.

Section 2. Conclusions. Based upon the findings enumerated in Section 1, the City Council hereby concludes as follows:

A. The City possesses the legal authority to impose a moratorium on the receipt and processing of subdivision, building and other land use permit applications as provided herein.

B. The City must adopt a moratorium on the receipt and processing of subdivision applications, and for building permit and other land use permit applications for single-family residential development within the R24 and MU zones in order to (1) preserve the *status*

*quo* while the City reviews and revises, as appropriate, its current development regulations, goals and policies for said zones, (2) ensure that any new construction within the R24 and MU zones comports with the City's revised development regulations, and (3) prevent permit applicants from potentially establishing vested rights inconsistent with the City's future regulatory framework:

C. A public emergency exists requiring the moratorium adopted under this ordinance to take effect immediately upon passage.

Section 3. Moratorium Imposed. The City hereby imposes a moratorium upon the receipt and processing of the following land use development applications within the City's Multi-Family (R24) and Mixed Use (MU) zoning districts:

(a) Building permit applications, land use applications, and any other permit and/or approval application for single-family residential development; and

(b) Applications for the subdivision of land, including short subdivisions, formal subdivisions and binding site plans.

Section 4. Exceptions. The moratorium imposed under Section 3 shall be subject to the following exceptions:

(a) The moratorium shall not apply to prevent the processing and issuance of any permit or approval where the fully complete, valid application for which was filed by June 6, 2017.

(b) The moratorium shall also not apply to:

(i) permit applications for the repair, restoration, refurbishment or replacement of existing single-family residences;

(ii) permit applications for on-premises signs and fences pursuant to Chapter 15.68 CMC;

(iii) applications for final short plats, as well as any utility extensions and/or other site improvements directly necessary to obtain approval of the final short plat, where a fully complete, valid application for preliminary short plat approval was submitted by June 6, 2017;

(iv) applications for final formal plats, as well as any utility extensions and/or other site improvements directly necessary to obtain approval of the final formal plat, where a full complete, valid preliminary plat application was submitted prior to June 6, 2017; and

(v) boundary line adjustments.

Section 5. Public Hearing. The City Clerk is hereby authorized and directed to schedule a public hearing on the moratorium imposed under Section 3 in this ordinance and to provide notice of said hearing in accordance with applicable standards and procedures. Said hearing shall be held no later than 60 days after the date of adoption hereof. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council may adopt additional legislative findings in support of this ordinance at the conclusion of said hearing.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held 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 7. Declaration of Emergency; Immediate Effective Date; Sunset. The findings and conclusions above are adopted by the City Council in support of the designation of this ordinance as a public emergency ordinance necessary for the protection of the public health, public safety, public property and public welfare. This ordinance shall take effect immediately upon adoption by the Council, by a vote of a majority of the Council plus one, and shall remain effective for six months unless terminated earlier or extended by the City Council.

APPROVED by the Carnation City Council this 6th day of June, 2017.

  
MAYOR, JIM BERGER

ATTEST/AUTHENTICATED:

  
CITY CLERK, MARY MADOLE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY   
J. ZACHARY LELL

FILED WITH THE CITY CLERK: ..... 06/05/2017  
PASSED BY THE CITY COUNCIL: .... 06/06/2017  
PUBLISHED: ..... 06/14/2017  
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