

City Of Woodland
City Council Meeting Agenda Summary Sheet

Agenda Item: Ordinance 1500 – An Ordinance Declaring and Emergency and Imposing a Temporary Moratorium through June of 2022 on the Acceptance and Processing of Applications for Permits for the Development or Expansion of Residential Uses within the Central Business (C-1), Highway Commercial (C-2), and Neighborhood Commercial (C-3) Zoning Districts as Defined in Woodland Municipal Code Title 17 and Establishing an Immediate Effective Date and Authorize Publication by Summary. (First and Final Reading)

Agenda Item #: Public Hearing
For Agenda of: January 26, 2022
Department: Clerk-Treasurer/CDD
Date Submitted: January 25, 2022

Cost of Item: _____
Amount Budgeted: _____
Unexpended Balance: _____

BARS #: _____
Description: _____

Department Supervisor Approval: Travis Goddard, Community Development Director/Deputy Clerk Treasurer

Committee Recommendation: _____

- Agenda Item Supporting Narrative (list attachments, supporting documents):**
- Moratorium Ordinance – Ord 1500
 - Adopted Work Plan

Summary Statement

The city adopted a moratorium on the acceptance and processing of applications for permits for the development and expansion of residential uses within the commercial zoning districts in the City of Woodland. (ORDs 1486 and 1491)

Background - The City has been working on a housing action plan, including a buildable lands model, for more than a year. Delays and lack of public participation have caused that project to be extended until June 2022. Plans to start an update of the comprehensive plan in June of 2021 have been put on hold due to workload and participation concerns. However, the Retooling Our Code batch of code changes for housing have proceeded and are ready for review and adoption.

In addition to the housing work, the city has had several non-traditional projects that challenge the City’s ability to regulate and plan for growth. At the March 15th, 2021, council meeting, the Council discussed the Kirkland Senior Living proposal for converting an industrial property into

commercial as part of a proposal to building a mixed-use commercial/residential project. The project also revealed that the code has no density standard for commercial mixed-use project. The council denied the request for a comprehensive plan change and a zone change on the basis that there was inadequate ratio of commercial to residential space to justify a commercial designation, and that the location of the residences was not a good fit for the neighborhood.

On June 1st, 2021, the council was asked to review an appeal of the Conditional Use Permit for the Belmont Loop RV Park. In that case, the appellants have asked the council to consider whether the use is “residential in nature” and the appropriateness of “residential” uses in the C-2 zoning district. That hearing was continued to July 19, 2021, where the Council denied the appeal and upheld the Hearing Examiner’s ruling.

However, by the time of that hearing, the city had prepared and adopted a temporary six-month moratorium against accepting new applications for projects that provide housing units in commercial zoning districts pursuant to RCW 36.70A.390 and 35A.63.220. This moratorium does not affect approved or vested projects like Belmont RV.

The Council authorized the Planning Commission (PC) to work on making the necessary changes to the city code and the PC adopted a work plan for completing the code changes by April 2022, 10 months after the adoption of the moratorium. Under RCW 35A.63.220, the moratorium can be up to one year if a work plan is developed to address the code issues above.

Staff is asking that the City Council adopt Ordinance 1500 adopting the moratorium to allow for the completion of the Residential Uses in Commercial Zone work plan.

Here is the applicable state code for code cities -

A legislative body that adopts a moratorium or interim zoning ordinance, without holding a public hearing on the proposed moratorium or interim zoning ordinance, shall hold a public hearing on the adopted moratorium or interim zoning ordinance within at least sixty days of its adoption, whether or not the legislative body received a recommendation on the matter from the planning agency. If the legislative body does not adopt findings of fact justifying its action before this hearing, then the legislative body shall do so immediately after this public hearing. **A moratorium or interim zoning ordinance adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period.** A moratorium of [or] interim zoning ordinance may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.

Wash. Rev. Code Ann. § 35A.63.220 (West)

ORDINANCE NO. 1500

AN ORDINANCE DECLARING AN EMERGENCY AND CONTINUING A TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR PERMITS FOR THE DEVELOPMENT OR EXPANSION OF RESIDENTIAL USES WITHIN THE CENTRAL BUSINESS (C-1), HIGHWAY COMMERCIAL (C-2), AND NEIGHBORHOOD COMMERCIAL (C-3) ZONING DISTRICTS AS DEFINED IN WOODLAND MUNICIPAL CODE TITLE 17 AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE AND AUTHORIZE PUBLICATION BY SUMMARY.

WHEREAS, the city has the authority to adopt temporary moratoria pursuant to RCW 36.70A.390 and 35A.63.200; and

WHEREAS, the city adopted Ordinance 1486 on June 21, 2021 starting a temporary moratorium; and

WHEREAS, the city subsequently approved Ordinance 1491 on September 7, 2021 holding a public hearing and adopting findings of fact for the moratorium as required by law; and

WHEREAS, the City's Planning Commission has an approved work plan with a public hearing in February, 2022, and a drafted ordinance to be forwarded to the City Council for consideration and action the end of April 2022, keeping the total duration of the moratorium to less than one year as provided for by RCW 35A.63.200; and

WHEREAS, the city continues to receive application submittals and inquiries into residential or residential-like developments in commercial zones in spite of the adopted moratorium and approved work plan, and

WHEREAS, the conditions which required the emergency moratorium as outlined in Ordinances 1486 and 1491 still exist and have not yet been ameliorated; and

WHEREAS, the continuing temporary moratorium as proposed, including a work plan herein will allow the city the additional time needed to evaluate the appropriateness of having residential uses and development within the City commercial zones, to research and develop standards for the development of mixed-use standards for commercial/residential facilities, to implement additional new regulation elements, and to amend and update existing zoning ordinances if necessary; and

WHEREAS, an extended temporary moratorium will enable the city to hold public hearings and maximize public input in the development of standards without jeopardizing any possible land use options that could otherwise be precluded by unrestricted development; and

WHEREAS, the City Council believes that the continuation of the temporary moratorium promotes the public health, safety, and general welfare and convenience of the people of Woodland, and will encourage the most desirable and productive use of land and properties now and in the future;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODLAND AS FOLLOWS:

Section 1. Temporary Moratorium. As authorized by RCW 36.70A.390 and RCW 35A.63.200, the City Council hereby adopts and confirms a temporary moratorium upon the acceptance and processing of applications for permits for the development projects in the Central Business (C-1), Highway Commercial (C-2), Neighborhood Commercial (C-3), zoning districts as defined in Woodland Municipal Code Title 17, for any project.

Section 2. Exemptions. The moratorium established in Section 1 of this ordinance shall not apply to permits required for upkeep, repair, or maintenance of existing residential structures or work mandated by the City to maintain public health and safety.

Section 3. Duration. This moratorium shall be in effect through June 21, 2022 which will be the maximum one-year moratorium under RCW.

Section 4. Vested Rights. The moratorium created by this ordinance does not apply to properties with vested rights existing on the date of enactment of this ordinance. "Vested Rights" shall be defined in accordance with state law.

Section 5. Public Hearing Required. Pursuant to RCW 35A.63.200 and RCW 36.70A.390, a public hearing on the adopted moratorium shall be held no more than sixty days from the adoption of this ordinance.

Section 6. Effective date. The City Council hereby finds and declares that a continued emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall therefore become effective immediately upon passage. The City Clerk is directed to publish a summary hereof including the title at the earliest possible publication date.

ADOPTED this 26th day of January 2022.

CITY OF WOODLAND, WASHINGTON

Approved:

William A Finn, Mayor

Attest:

Georgina Anderson, Deputy Clerk / Treasurer

Approved as to form:

Frank F. Randolph, City Attorney

WORK PLAN

Code discussion and workshop – December 16, 2021

Workshop – January 20, 2022

Public Hearing – February 17, 2022

City Council

- ▶ Introduction Workshop – March 7, 2022
- ▶ First Reading – March 21, 2022
- ▶ Second Reading – April 4, 2022