

City Of Woodland
City Council Meeting Agenda Summary Sheet

Agenda Item: Ordinance 1489 – Findings of Fact for Ordinance 1486 regarding a moratorium on the acceptance and processing of applications for permits for the development and expansion of residential uses within the commercial zoning districts.

Agenda Item #:	<u>Action Item</u>
For Agenda of:	<u>August 16, 2021</u>
Department:	<u>Clerk-Treasurer/CDD</u>
Date Submitted:	<u>August 9, 2021</u>

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):

- Ordinance 1489 Findings of Facts for Ord 1486
- Public Hearing Packet – August 2nd, 2021 (including Ord 1486)

Summary Statement

On June 21st, 2021 the city adopted Ordinance 1486, 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.

In accordance with RCW 35A.63.220, the City held a Public Hearing on June 2nd, 2021 where the council heard public testimony in opposition to the moratorium. No additional findings of fact were introduced or discussed by the council.

Ordinance 1489 affirms and adopts the findings of facts stated in the Ordinance 1486.

Staff will discuss the moratorium at a workshop with the Planning Commission at their regularly scheduled August 19th, 2021 meeting.

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ORDINANCE NO. 1489

AN ORDINANCE OF THE CITY OF WOODLAND, WASHINGTON, AFFIRMING THE FINDINGS OF FACT OF ORDINANCE 1486 ESTABLISHING A 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.

WHEREAS, the City Council adopted Ordinance 1486 on June 21, 2021, and declared an emergency and approved the Ordinance by a majority plus one, and; and

WHEREAS, RCW 35A.63.220 requires that a public hearing be held within sixty days of the adoption of a moratorium ordinance if the legislative body adopted a moratorium without holding a public hearing, and

WHEREAS, in accordance with RCW 35A.63.220, a duly notice public hearing was held on August 2, 2021 to receive public comment and testimony, and

WHEREAS, Ordinance 1486 contains eighteen "Whereas" statements adopted as Findings of Fact in the ordinance, and

WHEREAS, after conducting a public hearing on August 2, 2021, no additional Findings of Fact were made by the City Council.

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

Section 1. Findings of Ordinance 1486 affirmed. The City of Woodland City Council hereby affirms, without addition or amendment, the Findings of Fact contained within Ordinance 1486.

Section 2. Effective date. 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 ___th day of August 2021.

CITY OF WOODLAND, WASHINGTON

Approved:

William A Finn, Mayor

Attest:

Georgina Anderson, Deputy Clerk / Treasurer

Approved as to form:

Frank F. Randolph, City Attorney

City Of Woodland
City Council Meeting Agenda Summary Sheet

Agenda Item: Public Hearing on 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. (Ord 1486)

Agenda Item #: Public Hearing
For Agenda of: August 2, 2021
Department: Clerk-Treasurer/CDD
Date Submitted: July 28th, 2021

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 1486

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.

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.

Staff is seeking guidance on what code issues the Council would like added to the Retooling Our Code housing batch.

Here is the ordinance 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. 1486

AN ORDINANCE DECLARING AN EMERGENCY AND IMPOSING A TEMPORARY MORATORIUM FOR THE DURATION OF SIX MONTHS 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 has received one pre-application request and two applications for residential or residential-like developments in commercial zones in less than a year, and

WHEREAS, the City currently allows for the placement of residential units as a permitted use in Central Business (C-1) and Highway Commercial (C-2), zone under certain circumstances; and

WHEREAS, the Woodland Comprehensive Plan calls for a maximum utilization of land designated for employment, and a policy target that commercially designated lands will average 20 jobs per acre; and

WHEREAS, given the low number of jobs generated by commercial/residential mixed-use projects, these uses need to be studied by the City; and

WHEREAS, public testimony that the Kirkland Senior Living and Belmont RV hearings, raises questions about the code's ability to regulate residential uses and their associated security concerns; and

WHEREAS, recent changes to the C-2 zoning code which allowed the permitted uses in the C-1 zone to be permitted uses in the C-2 zone, may have been an unintended result of allowing residential development without adequate standards for factors like density and the ratio of commercial and residential uses to ensure that the commercial property continues to meet the comprehensive plan an intent of the commercial zoning district; and

WHEREAS, the C-2 zone is designed to provide for a full range of retail, office, and civic uses, with a city-wide to regional trade area, but intended to minimize any potentially undesirable impacts of such uses on nearby uses and zoning districts; and

WHEREAS, residential uses may generate significant pedestrian or vehicular traffic or other impacts that may affect the economic vibrancy of the commercial area where they are located without adequate standards for density and design; and

WHEREAS, residential and mixed-use facilities may have large impacts which are inconsistent with the City's Comprehensive Plan policies, or that have unpredictable or unmitigated environmental impacts, or that can have unintended impacts for commercial districts which the City code is not equipped to address without further amendment; and

WHEREAS, current regulations may not adequately establish locational or design standards for residential uses in commercial zones; and

WHEREAS, the City intends to complete a Housing Action Plan which is currently in work; and

WHEREAS, the City finds that in order to preserve the ability to prepare a plan for the study area, with the widest range of choices and alternatives for future development, it is necessary to temporarily restrict the development and expansion of residential units until additional review of the code can be completed; and

WHEREAS, without a temporary moratorium the city could, in the near future, receive applications for development that would conflict with, or hinder the development of, the achievement of the long-range vision for these areas that will be defined by its plan; and

WHEREAS, the enactment of this ordinance is of an emergency nature, due to potential adverse land use impacts that may result from continued development residential uses without adequate standards; and

WHEREAS, a temporary moratorium as proposed herein will allow the City additional time to evaluate the appropriateness of having residential uses and development within the City, 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, a 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 may be precluded by unrestricted development; and

WHEREAS, the City Council believes that the adoption of a 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 a temporary moratorium for the duration of six months 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 for six months following the effective date of this ordinance.

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 an 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 21st day of June 2021.

CITY OF WOODLAND, WASHINGTON

Approved:


William A Finn, Mayor

Attest:


Georgina Anderson, Deputy Clerk / Treasurer

Approved as to form:


Frank F. Randolph, City Attorney