

CITY OF MARYSVILLE

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, ESTABLISHING A MORATORIUM ON THE FILING, RECEIPT AND PROCESSING OF APPLICATIONS FOR ALL PERMITS AND DEVELOPMENT PLAN APPROVALS, FOR MASTER PLANNED SENIOR COMMUNITIES PURSUANT TO MMC CHAPTER 22C.220; PROVIDING FOR SEVERABILITY, SETTING A PUBLIC HEARING , DECLARING AN EMERGENCY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Marysville has adopted zoning and development regulations for planned senior communities pursuant to MMC Chapter 22C.220; and

WHEREAS, the City Council finds that additional time is necessary to carefully consider and review the subject regulations for consistency with the intended purposes for which such regulations were originally adopted; and

WHEREAS, RCW 35.63.200 and RCW 36.70A.390 authorize the Council to enact moratoria on land use matters to preserve the status quo while new plans or development standards and regulations are considered and prepared; and

WHEREAS, absent the adoption of a moratorium, applications for development and permits may be submitted pursuant to MMC 22C.220 to the detriment of the City, which may result in undesirable effects such as loss of key commercial corridors and employment capacity to residential uses; and,

WHEREAS, since passage of the original ordinance in 2011, the provisions of MMC 22C.220 have not been utilized in a development proposal and City staff has received inquiries concerning proposals not wholly consistent with the original intent of the ordinance to facilitate a full service continuum of care approach which was envisioned in the provisions; and,

WHEREAS, the City Council finds that protection of the public health, safety, and welfare supports the adoption of a moratorium on all development applications pursuant to MMC 22C.220; and,

WHEREAS, the City Council also desires to insure adequate time to conduct research on appropriate regulations and adequate time to receive public input on proposed revisions to MMC 22C.220; and,

WHEREAS, the City desires to preserve the status quo for the protection of health, safety and welfare of the City residents, as it relates to development projects under MMC 22C.220 until these matters are more fully considered;

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

Section 1. Findings of Fact. The above “Whereas” paragraphs are hereby adopted by reference as the City Council’s Findings of Fact, as if fully set forth herein.

Section 2. Moratorium Established. A moratorium is hereby established upon the filing, receipt and processing of all permit applications or development plan applications pursuant to MMC 22C.220 within the City of Marysville.

No such new permit or development plan application shall be filed, accepted or processed during the effective period of this moratorium; provided, however, that this moratorium shall not affect vested rights, if any, applicable to any such previously submitted and fully completed applications.

Section 3. Declaration of Emergency. 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, and that the same is not subject to a referendum (RCW 35A.12.130). Without an immediate moratorium on the City’s acceptance of development applications pursuant to MMC 22C.220, said developments could locate and develop in a manner incompatible with the codes eventually adopted by the City. Therefore, the moratorium must be imposed as an emergency measure to protect the public health, safety, and welfare.

Section 4. Public Hearing to be Held. A public hearing before the City Council on the issue of the moratorium shall be held no later than sixty (60) days after the effective date herein and is hereby set for October 27, 2014.

Section 5. Severability. If any section, subsection, 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 pre-empted by state or federal law or regulation, such a decision or pre-emption shall not affect the validity or constitutionality of the remaining portions of this Ordinance or its application to any other persons or circumstances.

Section 6. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, a copy of this interim ordinance shall be transmitted to the Washington State Department of Commerce.

Section 7. Publication. This ordinance shall be published by an approved summary consisting of the title.

Section 8. Effective Date. This ordinance shall take effect and be in full force and effect immediately upon passage as long as it is approved by a majority plus one of the entire membership of the City Council, as required by RCW 35A.12.130; provided however, that unless extended by act of the City Council, this ordinance shall automatically expire six (6) months following its adoption.

Passed by the City Council of the City of Marysville, Washington, on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF MARYSVILLE

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JON NEHRING, MAYOR

Attest:

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Sandy Langdon, City Clerk

Approved as to form:

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Grant K. Weed, City Attorney