

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: October 27, 2014

AGENDA ITEM: Chapter 22C.220 MMC <i>Master Planned Senior Communities</i> 6-Month Moratorium Adopted by Ordinance No. 2969	AGENDA SECTION: Public Hearing	
PREPARED BY: Chris Holland, Planning Manager	APPROVED BY:	
ATTACHMENT: 1. Ordinance 2969 2. Affidavit of Public Hearing Publication 3. Affidavit of Public Hearing Postings		
	MAYOR	CAO
BUDGET CODE:	AMOUNT:	

DESCRIPTION:

Ordinance No. 2969 was adopted by Council on September 8, 2014 establishing a 6-month moratorium on the filing, receipt and processing of applications for all permits and development plan approvals, for Master Planned Senior Communities pursuant to Marysville Municipal Code (MMC) Chapter 22C.220. Section 4 of Ordinance No. 2969 established a public hearing to be held before Council on October 27, 2014. Attached is the Affidavit of Public Hearing Publication and Postings for the October 27, 2014 public hearing.

The Planning Commission is reviewing proposed amendments to the MMC Chapter 22C.220 *Master Planned Senior Communities*. The following is the Planning Commission’s work schedule:

- September 9, 2014 Planning Commission Workshop (completed)
- November 12, 2014 Planning Commission Public Hearing
- November 25, 2014 Planning Commission Public Hearing Continuance (if necessary)
- December 8, 2014 Council review of Planning Commission Recommendation

It is anticipated that the Planning Commission will have a recommendation regarding any amendments to MMC Chapter 22C.220 *Master Planned Senior Communities*, prior to the expiration of the 6-month moratorium, which would expire on March 8, 2014.

RECOMMENDED ACTION:

Uphold Ordinance No. 2969 continuing the 6-month moratorium on the filing, receipt and processing of applications for all permits and development plan approvals, for Master Planned Senior Communities, allowing the Planning Commission to review proposed amendments and make a formal recommendation to Council related to Marysville Municipal Code Chapter 22C.220.

COUNCIL ACTION:

--

CITY OF MARYSVILLE

ORDINANCE NO. 2969

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.

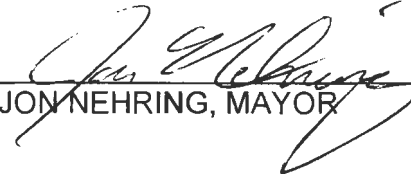
Section 6. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, a copy of this interim ordinance shall be transmitted to the Washington State Department of Commerce.

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 8th day of September, 2014.

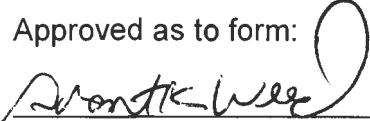
CITY OF MARYSVILLE

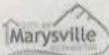

JON NEHRING, MAYOR

Attest:


~~Sandy Langdon, City Clerk~~
April O'Brien, Deputy

Approved as to form:


Grant K. Weed, City Attorney



NOTICE OF PUBLIC HEARING

Notice is hereby given that an open record public hearing will be held before Marysville City Council regarding Ordinance No. 2969, adopted on September 8, 2014, which established a six month moratorium on the filing, receipt and processing of applications for all permits and development plan approvals, for Master Planned Senior Communities pursuant to Marysville Municipal Code Chapter 22C.220.

File Number: PA14021

Date of Hearing: Monday, October 27, 2014 7:00PM

Location: City Hall - Council Meeting Room 2nd Floor

For Information:

Chris Holland, Planning Manager
1049 State Avenue, Marysville, WA 98270; 360.363.8207
cholland@marysvillwa.gov

Any person may appear at the hearing and be heard in support of, or in opposition of the proposed action. Additional information may be obtained at the City of Marysville Community Development Department located at 80 Columbia Avenue, Marysville, Washington 98270.

Special Accommodations: The City of Marysville strives to provide accessible meetings for people with disabilities. Please contact the ADA Coordinator at (360) 363-8084 or 1-800-833-6399 (TDD Only) or 1-800-833-6384 (Voice Relay) two days prior to the meeting date if any special accommodations are needed.

THIS NOTICE IS NOT TO BE REMOVED, CONCEALED OR MUTILATED BEFORE DATE OF HEARING

Published: Marysville Globe:
October 11, 2014
#1158324

AFFIDAVIT OF PUBLICATION

State of Washington,)
County of Snohomish,) SS

C. Paul Brown, Being first duly sworn on oath deposes and says that she is the secretary of **THE MARYSVILLE GLOBE**, a weekly newspaper. That said newspaper is a legal newspaper which has been approved by order of the Superior Court in Snohomish County June 18th, 1962 in compliance with Chapter 213 of Washington Laws of 1941, and it is now has been for more than six months prior to the date of the publication hereinafter referred to, published in the English language continually as a weekly newspaper in Marysville, Snohomish County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a true copy of a

NOTICE OF PUBLIC HEARING - File # PA14-021

as it was published in regular issues (and not in supplement form) of said newspaper once each week for a period of one consecutive week(s), commencing on the 11 day of OCTOBER 20 14, and ending on the 11 day of OCTOBER 20 14, both dates inclusive and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of \$ 55.23, which amount has been paid in full.

C. P. B.

Subscribed and sworn to before me, this 14th day of October, 20 14,
Nancy B. Anderson

Notary Public in and for the State of Washington
Residing at Bainbridge Island. SKOGIT City WA

MARYSVILLE GLOBE
PO Box 145
Marysville, Washington 98270-0145
(360) 659-1300





Community Development Department

AFFIDAVIT OF POSTING

Before the Marysville City Council
 Date of Hearing Monday, Oct 27, 2014
 Purpose of Hearing Ord. 2969 / Moratorium for
Master Planned Senior Communities

Please be advised that on this day, the undersigned, representing the City of Marysville, did post in a minimum of three (3) separate places as provided by City Ordinances and State Laws the following Notice of Public Hearing:

File Number: PA 14-021

Reviewed by: [Signature]

<u>Place Posted</u>	<u>Date Posted</u>	<u>Signature</u>
1. Property: # of signs - <u>0</u>	<u>—</u>	<u>—</u>
2. City Hall	<u>10.10.14</u>	<u>[Signature]</u>
3. Channel 21 (email to Doug Buell)	<u>10.10.14</u>	<u>[Signature]</u>
4. Library	<u>10.10.14</u>	<u>[Signature]</u>
5. MIRS	<u>10.10.14</u>	<u>[Signature]</u>
6. Publication in Marysville Globe Email to pbrown@soundpublishing.com & NAnderson@marysvilleglobe.com	<u>10.10.14</u> <i>emailed - 10.08.14</i>	<u>[Signature]</u>
7. Mailings (300') # <u>0</u> , Date <u>Citywide</u> By <u>—</u>		
8. Lakewood P.O. (per Planner) <u>Msvl. P.O.</u>	<u>10.10.14</u> <u>10.10.14</u>	<u>[Signature]</u>

♦ 80 COLUMBIA AVE, MARYSVILLE WA 98270 – (360) 363-8100 – FAX (360)651-5099 ♦