



## Department of Planning and Community Development

### Memorandum

Date: April 24, 2018  
To: City Council  
From: Gary Christensen, AICP  
Director  
Subject: Proposed Development Moratorium Ordinance 2018-14

---

#### **BACKGROUND**

On January 9, 2018, the City Council passed Ordinance No. 2018-02, declaring a temporary six-month moratorium on the acceptance of certain development applications, with specified exclusions (“moratorium”). The moratorium was subsequently amended by Ordinance 2018-03 (January 16, 2018), Ordinance No. 2018-05 (February 15, 2018), and Ordinance No. 2018-09 (March 13, 2018). Pursuant to those ordinances, the moratorium was restated, except with regard to the effective date, duration provisions of the moratorium, and the declaration of emergency that was included in the moratorium ordinances. The moratorium continues to have an effective date of January 9, 2018, and it is currently set to expire on July 9, 2018.

The most recent ordinance amending the moratorium, Ordinance No. 2018-09, took effect on March 21, 2018. The attached one-page summary was created to assist the public in understanding what activities were included **AND** excluded from the moratorium. Ordinances 2018-05 and 2018-09 are also attached to this agenda item as reference documents for the Council’s April 24, 2018, meeting.

#### **PROPOSED ORDINANCE 2018-14: REVISED SECTION 3.B:**

##### ***Critical Areas Ordinance Approved and Effective***

The moratorium was imposed, in part, to allow the Council and City staff adequate time to complete the Critical Areas Ordinance (CAO) Update process. The Council adopted the CAO Update (Ordinance No. 2018-01) on February 27, 2018, and the updated regulations are effective on April 23, 2018. The vegetation retention requirements in Section 3.B of Ordinance 2018-05 of the moratorium were created to be consistent with the enhanced aquifer recharge area regulations that were approved through the CAO Update for the R-2, R-1, and R-0.4 zones (see, e.g., BIMC 16.20.100).

Since the updated CAO is now in effect (as of April 23, 2018), it is appropriate to narrow the moratorium to eliminate certain provisions of Section 3.B. However, it is recommended by City staff that the Council not eliminate Section 3.B in its entirety. Staff recommends that the vegetation retention section of Section 3.B remain in effect in the R-2, R-1, and R-0.4 zones within the City’s shoreline jurisdiction (the area within 200 feet of the Ordinary High-Water Mark). Critical areas within the City’s shoreline jurisdiction are regulated by the City’s shoreline master program (see, e.g., BIMC Chapter 16.12 and RCW 36.70A.480(3)(b)). Integration of new

and applicable critical areas regulations into the shoreline master program is essential to ensuring adequate protection of critical areas within the shoreline jurisdiction and no net loss of shoreline ecological functions.

Regulations for critical areas within the City's shoreline jurisdiction are in the process of being updated through an amendment of the City's shoreline master program consistent with the Shoreline Management Act and, at this time, that amendment process is not expected to be complete before July 9, 2018, which is the date that the moratorium is currently set to expire.

### ***Business/Industrial Zone***

Staff recommends removing the Business/Industrial (B/I) zone from the provisions of Section 3.B of the moratorium. As described above, the vegetation retention regulations described in Section 3.B of the moratorium are consistent with the newly enhanced aquifer recharge area protection measures in the updated CAO (see, e.g., BIMC Section 16.20.100). These enhanced aquifer recharge area vegetation preservation measures apply to the R-2, R-1, and R-0.4 zones in the updated CAO, and therefore staff recommends that the moratorium be narrowed to no longer apply Section 3.B of the moratorium to the B/I zone. Development in the B/I zone is subject to full screen roadside buffers, full screen buffers to residential areas, and parking lot landscaping pursuant to BIMC 18.15.010.

Under this proposal, the submission of applicable new Major Site Plans and Design Review and Major Conditional Use Permits in the B/I zone will continue to be prohibited under Section 3.C of the moratorium.