

ORDINANCE NO. 922

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, ADOPTING AN EXTENSION OF SIX MONTHS TO THE MORATORIUM ADOPTED UNDER ORDINANCE NO. 893, AND EXTENDED FOR AN ADDITIONAL YEAR IN SIX-MONTH INCREMENTS BY ORDINANCE NOS. 902 AND 915, ON THE ACCEPTANCE OF CERTAIN APPLICATIONS TO DIVIDE LAND FOR RESIDENTIAL USE IN THE RS-7200 AND RS-15,000 ZONING DISTRICTS AS SHOWN ON THE OFFICIAL ZONING MAP, UNTIL THE CITY COMPLETES IMPLEMENTATION OF THE DECEMBER 2007 COMPREHENSIVE PLAN AMENDMENTS THROUGH CODE REVIEW AND AMENDMENTS RELATING TO THE DIVISION OF LAND FOR RESIDENTIAL USE IN THE RS-7200 AND RS-15,000 ZONING DISTRICTS, AND DECLARING AN EMERGENCY NECESSITATING IMMEDIATE ADOPTION OF THE MORATORIUM EXTENSION.

WHEREAS, the City Council of the City of Langley may extend a moratorium for a period of up to six months on the acceptance of certain applications to divide land for residential use, as long as the City Council holds a public hearing on the proposed moratorium extension prior to the termination date of the moratorium; and

WHEREAS, on June 6, 2007, the Langley City Council passed Ordinance No. 891 imposing an immediate moratorium on the acceptance of certain applications to divide land for residential use in the RS-7200 and RS-15,000 zoning districts as shown on the official zoning map; and

WHEREAS, the City Council held a public hearing on the moratorium on July 18, 2007, after which, following due deliberation, the Council voted unanimously to confirm the emergency moratorium initiated on June 6, 2007; and

WHEREAS, the City Council on August 1, 2007 approved Ordinance No. 893 entering findings and conclusions and adopting a work plan in support of the continued maintenance of the moratorium for a period of one year after the adoption of the moratorium; and

WHEREAS, the City Council held a public hearing on the moratorium on July 18, 2007, after which, following due deliberation, the Council voted unanimously to confirm the emergency moratorium initiated on June 6, 2007; and

WHEREAS, the City Council voted unanimously on June 4, 2008 to extend the moratorium for an additional six months following a public hearing and with due consideration for continuing to protect the City from applications to divide land that would be inconsistent with the City's Comprehensive Plan; and

WHEREAS, the City Council held a public hearing on December 1, 2008 to accept testimony on extending the moratorium for an additional six months after which, following due deliberation, the Council voted unanimously to extend the moratorium for a period of six months; and

WHEREAS, the City Council held a public hearing on June 1, 2009 to accept testimony on extending the moratorium for an additional six months after which, following due deliberation, the Council voted unanimously to extend the moratorium for a period of six months. Now, therefore,

THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Definitions. For the purpose of this Ordinance, the following definitions shall apply:

(21)

A. **“Exempt Applications”** shall include all of the following permit applications to divide land by long plat, short plat or binding site plan which:

1. propose a division of land by long plat, short plat or binding site plan on property located outside the RS-7200 and RS 15,000 zoning districts as depicted on the Official Zoning Map for the City of Langley;

2. propose a division of land for the sole purpose of dividing two or more existing single family residences on a single parcel of land such that each residence would be located on a separate parcel;

3. propose a division of land by short plat or binding site plan on existing lots of record so long as said proposal is located wholly within the areas delineated on the map attached to this ordinance as Exhibit A;

4. propose a division of land for the sole purpose of creating a new lot to be designated and protected as open space; and

5. propose an amendment to a previously approved preliminary or final long plat, short plat or binding site plan that does not increase the number of dwelling units.

B. **“Non-Exempt Applications”** shall include any application to divide land for residential use proposed to take place on property located within the City’s RS-7200 and RS-15,000 zoning districts, submitted after the effective date of Ordinance 891. The RS-7200 and RS-15,000 zoning districts are shown on the City’s Official Zoning Map, as adopted in LMC Section 18.02.070, a copy of which is attached to this Ordinance as Exhibit B.

Section 2. Purpose. The purpose of this moratorium extension is to allow the City to continue and complete the process of reviewing and amending the Langley Comprehensive Plan and Development Regulations to achieve a more sustainable pattern of development using smart

growth principles, to meet the requirements of the Growth Management Act and more specifically to address an identified conflict between a newly adopted community vision and the form, density and use of land that is currently permitted in the City's two largest zoning districts, the RS-7200 and RS-15,000. The City Council approved a major revision to its Comprehensive Plan on December 19, 2007 which included several components in the Land Use Element that were not anticipated when the moratorium was first enacted effective June 6, 2007. In particular, the revised Comprehensive Plan singled out subarea planning with innovative techniques as the primary tools for implementing housing density, site-specific zoning, community design and land use intensity. As a direct consequence of these policy decisions, the amount of work necessary to fully implement the Comprehensive Plan, including the process for creating and adopting subarea plans in those areas affected by the moratorium, has grown and will take additional time to complete. On March 19, 2008, the City Council formally initiated a list of potential amendments to the Langley development regulations, and the work and public participation efforts that are required to formulate, draft and review these amendments is being actively pursued. The Planning Advisory Board has substantially completed a draft revised subdivision ordinance that will be consistent with the revised Comprehensive Plan goals and policies, is working diligently to create innovative tools such as land use budgeting, transfer of development rights and form-based codes that collectively will ensure that any new development will be consistent with the Comprehensive Plan and Growth Management Act. In addition, City staff are nearing completion on a substantially revised Community Capital Element which will established city-wide levels of service for physical, social and geographical capital, and a major revision to the administrative chapter and re-codification as a unified development code. The City anticipates that this work will be completed by November of 2009, including environmental

review, notification to State agencies, a public hearing before the Planning Advisory Board and final review by the City Council. Continuing the moratorium during this period will allow the citizens and officials of Langley to finalize new land division regulations without the possibility that developers will flood the City with applications for development under the existing codes. Additional time is needed to fully incorporate the community's vision as expressed in the Comprehensive Plan, develop subarea plans and adopt new codes to implement that vision.

Section 3. Moratorium Extended. The moratorium on the acceptance of all non-exempt applications for property inside the City limits adopted under Ordinance No. 893 and extended under Ordinance Nos. 902 and 915 shall be extended for six additional months. The City Council hereby directs the City Clerk to schedule consideration of the termination of this moratorium at least three weeks prior to the expiration of the moratorium. The Council shall make the decision to terminate the moratorium by ordinance, and termination shall not otherwise be presumed to have occurred.

Section 4. Duration of Moratorium. The extension of the moratorium approved with this Ordinance shall commence on the date of adoption of this Ordinance. As long as the City conducts the public hearing as scheduled on June 1, 2009, the moratorium shall not terminate until six (6) months after the date of adoption, or at the time all of the tasks described herein have been accomplished, whichever is sooner.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. 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 extension to the moratorium, non-exempt applications could be vested, leading to development that could be incompatible with the codes and subareas eventually adopted by the City.

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 set forth in Section 6, as long as it is approved by a majority plus one of the entire membership of the City Council.

PASSED by the City Council and approved by the Mayor of the City of Langley, this 1st day of June 2009.

Paul Samuelson, Mayor

ATTEST/AUTHENTICATED:

Debbie Mahler, City Clerk

APPROVED AS TO FORM:

Grant Weed, City Attorney