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## CARNATION CITY COUNCIL AGENDA Special Meeting

*Mayor Jim Ribail, Deputy Mayor Adair Hawkins, Brodie Nelson, Ryan Burrell, Jessica Merizan*

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**DATE:** February 13, 2024

**TIME:** 6:00 P.M.

**LOCATION:** City Hall (4621 Tolt Avenue)

1. **CALL TO ORDER:** Mayor Jim Ribail
2. **ROLL CALL:** City Clerk Lora Wilmes
3. **AGENDA BILLS:**
  - a. AB24-19: An Ordinance pursuant to RCW 35a.63.220 and 36.70a.390; imposing a temporary six (6) month moratorium upon the receipt and processing of project permit applications for certain development; setting forth findings of fact in support of said moratorium; providing for exclusions; stating the effect on vested rights; scheduling a public hearing date; authorizing official interpretations by the city of carnation development services director; providing for severability; declaring an emergency; and establishing an immediate effective date.
4. **ADJOURNMENT:** Mayor Jim Ribail



# CARNATION CITY COUNCIL AGENDA BILL

<p><b>TITLE:</b> An Ordinance Of The City Of Carnation, Washington, Adopted Pursuant To RCW 35a.63.220 And 36.70a.390; Imposing A Temporary Six (6) Month Moratorium Upon The Receipt And Processing Of Project Permit Applications For Certain Development; Setting Forth Findings Of Fact In Support Of Said Moratorium; Providing For Exclusions; Stating The Effect On Vested Rights; Scheduling A Public Hearing Date; Authorizing Official Interpretations By The City Of Carnation Development Services Director; Providing For Severability; Declaring An Emergency; And Establishing An Immediate Effective Date.</p>	<b>Agenda Bill No.:</b>		<b>AB24-19</b>		
	<b>Type of Action:</b>		<b>Ordinance</b>		
	<b>Origin:</b> <i>(Council/Manager)</i>		City Manager		
	<b>Agenda Bill Author:</b>		City Manager		
<p><b>EXHIBITS:</b>  PROPOSED ORDINANCE 24-985</p>	<b>Date Submitted:</b>	02/13/24			
	<b>For Agenda of:</b>	02/13/24			
	<b>Expenditure Required:</b>	\$100,000			
	<b>Amount Budgeted:</b>	N/A			
	<b>Appropriation Required:</b>	\$100,000			
	<p><b>SUMMARY STATEMENT AND DISCUSSION:</b>  At the January 20, 2024 Council retreat, the Council discussed its interest in a residential moratorium for 2024 and possibly 2025. On February 6, the Council set public hearings to gather input. On February 13, 2024 during this special meeting of the Council, it adopts a moratorium on residential developments above 5 units.</p>				
<p><b>RECOMMENDED ACTION:</b> I move to adopt Ordinance 24-985.</p>					
<p><b>LEGISLATIVE HISTORY:</b></p>					
<p><b>ACTION TAKEN</b></p>					
<b>MOTION AS PROPOSED</b>			<b>MOTION AS AMENDED</b>		
Motion made by:			Motion made by:		
Second by:			Second by:		
	YES Vote	NO Vote		YES Vote	NO Vote
Hawkins			Hawkins		
Ribail			Ribail		
Nelson			Nelson		
Burrell			Burrell		
Merizan			Merizan		
Passed/Failed			Passed/Failed		
Ordinance/Resolution No.:			Ordinance/Resolution No.:		

**ORDINANCE NUMBER  
24-985  
CITY OF CARNATION  
Carnation, Washington**

**AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, ADOPTED PURSUANT TO RCW 35A.63.220 AND 36.70A.390; IMPOSING A TEMPORARY SIX (6) MONTH MORATORIUM UPON THE RECEIPT AND PROCESSING OF PROJECT PERMIT APPLICATIONS FOR CERTAIN DEVELOPMENT; SETTING FORTH FINDINGS OF FACT IN SUPPORT OF SAID MORATORIUM; PROVIDING FOR EXCLUSIONS; STATING THE EFFECT ON VESTED RIGHTS; SCHEDULING A PUBLIC HEARING DATE; AUTHORIZING OFFICIAL INTERPRETATIONS BY THE CITY OF CARNATION DEVELOPMENT SERVICES DIRECTOR; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.**

**WHEREAS**, the City of Carnation has experienced significant growth as a result of past Council's legislative priorities and direction; and

**WHEREAS**, two major construction projects and several mid-sized constructions projects have been permitted and will produce close to 250 housing units; and

**WHEREAS**, these developments reflect a growth approach needed to support major investment in the city infrastructure, and

**WHEREAS**, the policy direction at the time of these two developments lacked a cohesive operational plan of coordinated standards and the City of Carnation Municipal Code; and

**WHEREAS**, the City of Carnation needs to produce consistent utility standards for new development by updating Title 13 to ensure consistency with Titles 12-16; and

**WHEREAS**, the City of Carnation must provide street, landscape and engineering standards that can accommodate future growth; and

**WHEREAS**, this lack of operational framework has created conflicts and concerns within these housing developments such as lack of aesthetic, lack of desirable density, lack of appropriate heights, lack of green principles, lack of access to city assets, lack of affordability, and inappropriate parking; and

**WHEREAS**, the Growth Management Act (GMA) imposed housing requirements on the City of Carnation which will be reflected in the Comprehensive Plan update of 2024/Housing Element and the City plans to facilitate the development of 100-161 new units by 2040; and

**WHEREAS**, based on the updates to the City’s Comprehensive Plan, it is likely that medium sized residential developments will seek permitting; and

**WHEREAS**, City staff have identified several issues such as architectural fit within the community, urban design element, vertical mixed use, affordable house, parking, standards, public safety, green principles, and tribal ancestral lands that need to be addressed in a strategic, deliberate, data-driven manner; and

**WHEREAS**, the City needs additional time to consider major revisions to its operational framework in light of the updates to the Comprehensive Plan; and

**WHEREAS**, this moratorium will enable the City to develop code revisions and deliver recommended alternatives to the City Council for design standards to create and reflect the character of Carnation, Landscaping Standards, Street Standards, plan for Green infrastructure, and propose housing actions consistent with the Comprehensive plan before more development decisions that do not reflect the City Council’s vision are made; and

**WHEREAS**, City Code revisions require recommendations from the PPB, the CMO would need to craft recommendations for the PPB’s review of proposed Code revisions at which time the City Council would then act on the recommendations; and

**WHEREAS**, the City Council would be asked to authorize and appropriate funds in a 2024 budget adjustment for research resources for City Code revision alternatives if needed; and

**WHEREAS**, addressing each all of these issues will take time and as previously stated will likely result in updates to the City Code, plan clarifications, and new policies or procedures that will be aimed at improving the success of the implementation of the Comprehensive Plan; and

**WHEREAS**, vested projects that are currently under construction or have already filed complete permit applications as well as specifically identified excluded projects may proceed with development during the moratorium period; and

**WHEREAS**, the moratorium imposed herein promotes the public good and is necessary for the protection of public health, safety, property, and welfare. A public emergency exists requiring that the City’s moratorium become effective immediately upon adoption; and

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

**Section 1.** Findings. The City of Carnation adopts the recitals as Findings of Fact in support of the moratorium imposed by this ordinance.

**Section 2.** Moratorium Imposed. Unless expressly excluded under Sections 3 and 4 of this ordinance, the City hereby imposes a temporary moratorium, as described in Section 2, for those properties requesting the following permit applications:

Residential Building permit applications or residential land use applications for projects over 5 units (limited to Administrative Site Development Permits, Site Development Permits, plats, and short plats).

**Section 3.** Effect Upon Vested Rights. The moratorium imposed under Section 2 of this ordinance shall apply prospectively only, and shall operate to prevent acceptance and processing of any Permit Applications submitted after the effective date hereof. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe upon any permit applicant's vested development rights – as defined by Washington State law and City of Carnation regulations – provided such permit applicant has filed a complete Permit Application before the effective date hereof.

**Section 4.** Exclusions. The provisions of this moratorium shall not apply to any projects that are vested via contract; or, are not in conflict with the topics requiring additional consideration as identified in this ordinance. These exclusions, unless modified by the City Council, are specifically limited to:

- A. Those properties covered by approved Development Agreements;
- B. Transit Oriented Development projects;
- C. Essential public facilities such as fire stations and hospitals;
- D. Publicly-funded Schools;
- E. Projects that involve the sale and development of land currently owned by the City of Carnation and public Capital Projects;
- F. Remodels and Tenant Improvements;
- G. Single-family homes, on lots already vested through platting approvals;
- H. Affordable Housing Projects with affordable units representing at least forty percent (40%) of the total proposed number of units; and
- I. Emergency repairs or construction necessitated by a natural disaster such as fire, flooding, earthquake, or other similar cause.

**Section 5.** Public Hearing. Pursuant to RCW 35A.63.220 and 36.70A.390, a public hearing on the moratorium imposed under Section 2 of this ordinance is hereby scheduled for March 5 and March 19, 2024 at 6:00 p.m. or as soon thereafter as it can be heard, in the City Council Chambers of Carnation City Hall. The City Clerk is authorized and directed to provide public

notice of said hearing in accordance with applicable City standards. The City Council may in its discretion adopt additional findings of fact at the conclusion of said hearing.

**Section 6.** Interpretative Authority. The City of Carnation Development Services Director, or designee, is hereby authorized to issue official interpretations arising under or otherwise necessitated by this ordinance.

**Section 7.** Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

**Section 8.** Declaration of Emergency; Effective Date; Duration. Based upon the findings enumerated in Section 1 of this ordinance, the City Council declares a public emergency necessitating an immediate effective date of the moratorium imposed hereunder. Said moratorium shall take effect immediately, and shall remain effective for six (6) months unless terminated earlier by the City Council. PROVIDED, that the City Council may, in its sole discretion, renew said moratorium for one (1) or more six (6) month periods in accordance with Washington State law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City of Carnation.

**APPROVED** by the Carnation City Council this 13<sup>th</sup> day of February, 2024

CITY OF CARNATION

By \_\_\_\_\_  
\_\_\_\_\_, Mayor

ATTEST:

By \_\_\_\_\_  
\_\_\_\_\_, City Clerk

APPROVED AS TO FORM:

By \_\_\_\_\_  
Emily Guildner, City Attorney