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ORDINANCE NO. 2007-05

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RENEWING A SIX-MONTH MORATORIUM ON THE ACCEPTANCE OF ANY NEW APPLICATIONS FOR SUBDIVISIONS, SHORT SUBDIVISIONS, BINDING SITE PLANS, AND PLANNED UNIT DEVELOPMENTS ON LAND WHICH CONTAINS OR LIES WITHIN TWO HUNDRED FEET OF ANY STREAM, LAKE, OR WETLAND, PENDING THE ADOPTION OF UPDATED CRITICAL AREAS REGULATIONS; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, through the adoption of Ordinance No. 2006-20 on September 13, 2006, the Poulsbo City Council imposed a six-month moratorium upon the receipt and processing of applications for subdivisions, short subdivisions, binding site plans, and planned unit development on land with or near streams, lakes, and wetlands; and

WHEREAS, the City held a public hearing on November 1, 2006, as required under RCW 36A.70.390 and RCW 35A.63.220; and

WHEREAS, the chief purpose of the moratorium is to preserve the *status quo* while the City completes its review of new critical areas regulations based upon best available science and until the new critical areas regulations are considered and duly enacted; and

WHEREAS, the critical areas updates have been reviewed by the Poulsbo Planning Commission and are presently before the Poulsbo City Council for review, but such review will not be fully completed prior to the original expiration date of the moratorium; and

WHEREAS, the City requires additional time to allow further opportunity for comment by the Department of Fish and Wildlife, the Tribes and the Department of Community and Economic Development and to take public testimony prior to adoption of the updated critical areas regulations, substantially in accordance with the proposed timeline attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, it is necessary to renew the moratorium imposed under Ordinance No. 2006-20 in order to prevent applications for subdivisions, short subdivisions, binding site plans, and planned unit development on land with or near streams, lakes, and wetlands from obtaining vested development rights inconsistent with the anticipated code amendments that will likely result from the adoption of new critical areas regulations; and

WHEREAS, the City of Poulsbo is authorized to renew moratoria and interim zoning controls under RCW 36.70A.390 and RCW 35A.63.220; and

WHEREAS, the City Council held a public hearing on March 7, 2007, to consider testimony in connection with the moratorium and the need for renewal; now, therefore,

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. Findings. The Poulsbo City Council adopts as its findings in support of the moratorium renewal effected by this ordinance the recitals set forth in Ordinance No. 2006-20, which are incorporated herein by this reference, and the recitals set forth above.

Section 2. Renewal of Moratorium on Certain Development Applications.
The moratorium imposed under Ordinance No. 2006-20 upon the acceptance of any new applications for subdivisions, short subdivisions, binding site plans, and planned unit developments on land in the City of Poulsbo which contains or lies within two hundred feet of

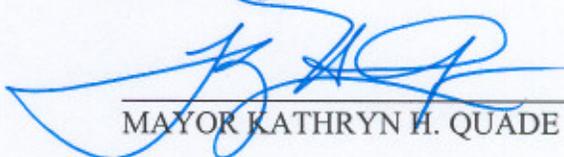
any stream, lake, or wetland regulated by Chapter 16.20 of the Poulsbo Municipal Code is hereby renewed for an additional six-month period commencing on March 13, 2007.

Section 3. Effective Period for Moratorium. The moratorium imposed under Ordinance No. 2006-20 and renewed herein shall be in effect through September 12, 2007, and shall automatically expire on that date unless the same is renewed as provided in RCW 36.70A.390 and RCW 35A.63.220, or unless terminated sooner by the Poulsbo City Council.

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. The Poulsbo City Council hereby finds and declares that an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare and to prevent the potential for local environmental degradation. This ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

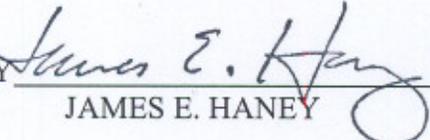
APPROVED:


MAYOR KATHRYN H. QUADE

ATTEST/AUTHENTICATED:

Karol Jones
CITY CLERK KAROL JONES, CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JAMES E. HANEY

FILED WITH THE CITY CLERK: 2/28/2007
PASSED BY THE CITY COUNCIL: 3/7/2007
PUBLISHED: 3/14/2007
EFFECTIVE DATE: 3/7/2007
ORDINANCE NO. 2007-05

SUMMARY OF ORDINANCE NO. 2007-05

of the City of Poulsbo, Washington

On the 7th day of March, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-05. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, IMPOSING A SIX-MONTH MORATORIUM ON THE ACCEPTANCE OF ANY NEW APPLICATIONS FOR SUBDIVISIONS, SHORT SUBDIVISIONS, BINDING SITE PLANS, AND PLANNED UNIT DEVELOPMENTS ON LAND WHICH CONTAINS OR LIES WITHIN TWO HUNDRED FEET OF ANY STREAM, LAKE, OR WETLAND, PENDING THE ADOPTION OF UPDATED CRITICAL AREAS REGULATIONS; ESTABLISHING NOVEMBER 1, 2006 AS THE DATE FOR A PUBLIC HEARING ON SUCH MORATORIUM; DECLARING AN EMERGENCY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 8th day of March, 2007.

Karol Jones
CITY CLERK KAROL JONES, CMC

ATTACHMENT A

Critical Areas Ordinance Review Timeline			
Task	March	April	May
Moratorium Hearing at City Council	March 7, 2007		
State Agencies, Tribe Review Stakeholders' proposal; Staff reviews agency comments	March 7-21, 2007		
City Council Continued Public Hearing	March 21, 2007		
City Council Closes Public Hearing; Deliberate		April 4, 2007	
Approve new CAO		April 11, 2007	
Adopt ordinance; transmit to CTED; lift moratorium		April 18, 2007	