

ORDINANCE NO. 79

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, IMPOSING A MORATORIUM FOR SIX (6) MONTHS ON THE FILING, ACCEPTANCE OR APPROVAL OF ANY APPLICATION FOR THE SUBDIVISION OF LAND WHICH WOULD RESULT IN THE CREATION OF ANY LOT WHICH IS NARROWER THAN FIFTY (50) FEET IN WIDTH, BASED UPON A CIRCLE MEASUREMENT METHOD, AND CONTAINS LESS THAN 5,000 SQUARE FEET IN AREA WITHIN THE CORPORATE LIMITS OF THE CITY, AND DECLARING AN EMERGENCY

WHEREAS, one of the major concerns of Shoreline residents and one of the major concerns of the Shoreline City Council is the impact of County land use decisions on the Shoreline community; and

WHEREAS, due to the imminent effective date of Initiative 164, the City Council of the City of Shoreline had to adopt a Comprehensive Plan, a Zoning Code, and development regulations less than eight weeks after having taken office; and

WHEREAS, in Ordinance No. 11, the City adopted King County Code, Title 21A, as amended through June, 1995, as the interim zoning code of the City; and

WHEREAS, the City of Shoreline had no professional planning personnel on staff at the time it adopted King County's Comprehensive Plan, Zoning Code, and development regulations as interim regulations of the City; and

WHEREAS, concerns have arisen within the community relating to the King County Zoning provision which permits short plats and subdivisions of land resulting in lots which are narrower than fifty (50) feet in width, based upon the circle measurement method, and contain less than 5,000 square feet in area; and

WHEREAS, RCW 35A.63.220 provides that the City Council may adopt ordinances establishing moratoria or may adopt interim zoning ordinances; and

WHEREAS, the Growth Management Act, at RCW 36.70A.390, provides that the City Council may adopt ordinances establishing moratoria or may adopt interim zoning ordinances; and

WHEREAS, during the first four months since incorporation, September, October, November and December, 1995, the Development Services Group has received 32 applications for short plats. Six (6) were for creation of lots less than 50 feet wide and eight (8) for lots less than 5,000 square feet in size. In December, 1995, letters from

brokers and developers distributed to the individual property owners in the City generated more public awareness and a subsequent increase in the number of proposed short plats for narrow (less than 50 feet wide) lots. During January, February, and the first half of March, 1996, the City received 23 short plat applications, 12 lots to be less than 50 feet wide and 12 for lots less than 5,000 square feet in size; and

WHEREAS, the City Council on February 26, 1996 asked the Planning Commission to hold a public hearing on short platting within the City; and

WHEREAS, the Planning Commission held a public hearing on March 14, 1996, and based on the public testimony has recommended that the City Council adopt a moratorium for six months on certain short platting activities in the City to prevent a substantial change in the character of the City; and

WHEREAS, the Planning Commission found that the density level resulting from the addition of smaller and narrower lots, without adequate infrastructures contradicts King County Plan goals for public safety and public services. Additional development, depending upon location and level of intensity, could reasonably be expected to exceed the current and/or projected capacity of public services and facilities (e.g. schools, emergency services, roadways, utilities); and

WHEREAS, the Planning Commission found that the level of density, which could result from the addition of smaller and narrower lots, could reasonably be expected to contradict anticipated Shoreline Comprehensive Plan goals for public safety and public services (e.g. schools, emergency services, roadways, utilities); and

WHEREAS, the Planning Commission found that King County regulations require protection of environmentally sensitive areas (e.g. wetlands, drainage basins, steep slopes). Pending City of Shoreline regulations will likely have similar requirements. With the addition of small lots, there is a reasonable expectation that there could be considerable challenge to protection of such areas.

WHEREAS, the Planning Commission found that the level of density that could result from the addition of narrower lots could reasonably be anticipated to contradict King County Plan goals calling for development to provide for: a) economic, social and aesthetic advantages of orderly growth; b) harmonious groupings of compatible, complementary land uses; and c) the application of appropriate development standards in order to minimize adverse impacts of uses; and

WHEREAS, the Planning Commission found that such narrow lots could reasonably be anticipated to be inconsistent with likely future City of Shoreline goals for orderly growth, harmonious development, and/or standards which regulate development; and

WHEREAS, the City of Shoreline is beginning to create a city-wide Comprehensive Plan. Existing and anticipated conditions are now under consideration. Goals, objectives and regulations will be developed within 18-24 months. Time to pursue these tasks is required before it is possible to determine whether narrow lot subdivision is consistent with such conditions, goals, objective and regulations; and

WHEREAS, the City Council has determined that significant harm to the City of Shoreline's land use integrity will occur unless immediate action is taken to impose a moratorium on the filing, acceptance or approval of applications for subdivisions of land that would result in lots which are narrower than fifty (50) feet in width, based upon the circle measurement method, and contain less than 5,000 square feet in area; and

WHEREAS, the City Council has determined that an emergency exists within the City and that the public health, safety, and welfare of citizens are threatened, and there exists an imminent threat of serious environmental degradation unless the City Council acts immediately; and

WHEREAS, the City Council wishes to limit the imposition of a moratorium on the subdivision of land for a reasonable time (six months) and in a reasonable manner (only preventing the subdivision of land which would result in the creation of lots which are narrower than fifty (50) feet in width, based upon the circle measurement method, and contain less than 5,000 square feet in area) so that the City Council and Planning Commission will have a reasonable opportunity to consider appropriate changes to the City's zoning code; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON,
DOES ORDAIN AS FOLLOWS:**

Section 1. Moratorium on filing, acceptance or approval of applications for all subdivisions which would result in the creation of any lot which is narrower than fifty (50) feet in width, based upon the circle measurement method Pursuant to RCW 35A.63.220 and RCW 36.70A.390, a moratorium is hereby established on the filing, acceptance or approval of any application for the subdivision of land which would result in the creation of any lot which is narrower than fifty (50) feet in width, based upon the circle measurement method.

Section 2. Moratorium on filing, acceptance or approval of applications for all subdivisions which would result in the creation of any lot which is less than 5,000 square feet in area. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, a moratorium is hereby established on the filing, acceptance or approval of any application for the subdivision of land which would result in the creation of any lot which is less than 5,000 square feet in area.

Section 3. Declaration of Emergency. SEPA Exemption. Pursuant to Ordinance No. 52 adopting King County SEPA regulations and Washington

Administrative Code (WAC 197-11.880), the City Council finds that an exemption under SEPA for this action is necessary to prevent an imminent threat to public health and safety and to prevent an imminent threat of serious environmental degradation through continued development under the existing regulations. SEPA review of any permanent regulations proposed during the course of this moratorium shall be conducted.

Section 4. Effective Period of Moratorium. Pursuant to RCW 35A.63.220 and RCW 36.70A.390 the moratorium imposed hereby shall become effective immediately upon adoption of this Ordinance and shall continue in effect for six months unless repealed, extended or modified by the City Council after a subsequent public hearing and entry of appropriate findings of fact.

Section 5. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, a public hearing on the moratorium established by this Ordinance shall be held before the City Council on May 13, 1996, at the hour of 7:30 p.m. or as soon thereafter as the business of the City Council may permit, which is within sixty days of the adoption of this Ordinance. The public hearing shall be held at Shoreline Community College, Small Dining Room, 16101 Greenwood Avenue North, Shoreline, Washington. All persons who desire to address the City Council regarding the moratorium are invited to attend.

Section 6. Duties of City Clerk. The City Clerk shall cause notice of the public hearing provided for in the preceding section to be published in the Seattle Times at least ten (10) days prior to the hearing date. The City Clerk shall also post notice of the public hearing at the City of Shoreline Offices at 17544 Midvale Avenue N. and at the Shoreline Public Library, 345 N.E. 175th St., Shoreline, Washington at least ten (10) days prior to the hearing date.

Section 7. Severability. Should any section, 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 decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 8. Construction. This Ordinance shall not be construed or interpreted to invalidate any vested right of a completed application filed with the City prior to the effective date of this Ordinance.

Section 9. Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property or public peace, shall take effect and be in full force immediately upon its adoption.

Section 9. Publication. The City shall publish a summary of this Ordinance

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consisting of its title in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON MARCH 25, 1996



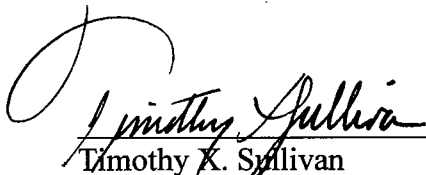
Mayor Connie King

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:



Timothy K. Sullivan
City Attorney

Date of Publication: March 29, 1996
Effective Date: March 25, 1996