

ORDINANCE NO. 170

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, IMPOSING A MORATORIUM FOR SIX MONTHS ON THE FILING, ACCEPTANCE OR APPROVAL OF ANY APPLICATION FOR THE SUBDIVISION OF LAND WITHIN R-4 AND R-6 ZONES WHICH WOULD RESULT IN THE CREATION OF ANY LOT WHICH CONTAINS LESS THAN 7,200 SQUARE FEET IN AREA, AND DECLARING AN EMERGENCY

WHEREAS, the City of Shoreline was incorporated on August 31, 1995; and

WHEREAS, following incorporation, the City had need to adopt an interim Comprehensive Plan and zoning code; and

WHEREAS, pursuant to RCW 35A.63, the City Council adopted King County's 1994 Comprehensive Plan (per Ordinance No. 10) as the City's interim comprehensive plan, and adopted King County Code, Title 21A, as the City's interim zoning code (per Ordinance No. 11); and

WHEREAS, in conformance with the State Growth Management Act, the City Council is in the process of developing a new Comprehensive Plan which will result in the adoption of a new zoning code and land use regulations consistent with the plan; and

WHEREAS, substantial concerns have arisen within the community relating to the zoning provision which permits subdivisions of land in R-4 and R-6 zones resulting in lots which contain less than 7,200 square feet in area; and

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

WHEREAS, the City Council needs time to study the existing and anticipated land use conditions within the City in order to finalize the Comprehensive Plan and to develop regulations necessary to implement the Plan; and

WHEREAS, as part of this planning process, the City Council needs time to determine whether subdivisions in the R-4 and R-6 zones which create lots which are less than 7200 square feet in area, either through the long plat or short plat process, will be consistent with the Comprehensive Plan and the regulations in support thereof; and

WHEREAS, RCW 35A.63.220 provides that the City Council may adopt ordinances establishing moratoria on land use development; and

WHEREAS, the Growth Management Act, RCW 36.70A.390, also provides that the City Council may adopt ordinances establishing moratoria on land use development; and

WHEREAS, a moratorium for six months on certain subdivision activities will allow time for the City Council to complete the adoption of the Comprehensive Plan and prevent a substantial change in the character of the City pending final adoption; and

WHEREAS, the City Planning Commission has studied the potential impacts of small lot development in the R-4 and R-6 zones upon the community and found that the density level resulting from the addition of lots smaller than 7200 square feet, prior to the development of adequate infrastructure, may conflict with the King County Plan goals for public safety and public services; and

WHEREAS, the Planning Commission has found that the level of density which could result from the addition of smaller lots in the R-4 and R-6 zones could reasonably be expected to conflict with the anticipated Shoreline Comprehensive Plan goals for public safety and public services (e.g. schools, emergency services, roadways, utilities); and

WHEREAS, the Planning Commission has found that King County regulations require protection of environmentally sensitive areas (e.g. wetlands, drainage basins, and steep slopes), and the City of Shoreline regulations enacted following adoption of the Comprehensive Plan will likely have similar requirements, the continued development in the R-4 and R-6 zones of lots which are smaller than 7200 square feet may make protection of such areas more difficult; and

WHEREAS, the Planning Commission has found that the level of density that could result from the addition of lots smaller than 7200 square feet may conflict with the 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 has found that such lots may be inconsistent with anticipated future City of Shoreline goals for orderly growth, harmonious development, and/or standards which regulate development; and

WHEREAS, the City Council has determined that the City of Shoreline's land use integrity, and the State Growth Management Act planning process, will suffer significant harm unless immediate action is taken to impose a moratorium on the filing, acceptance or approval of applications for subdivisions of land in R-4 and R-6 zones that would result in lots which contain less than 7,200 square feet in area; and

WHEREAS, the City Council wishes to limit the imposition of a moratorium on the subdivision of land for a reasonable time, and in a reasonable manner, so that the City will have an opportunity to complete development of the Comprehensive Plan and to consider appropriate changes to the City's land use regulations; and

WHEREAS, the potential adverse impacts upon the public health, safety, and welfare, as outlined herein, justify the declaration of an emergency;

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

Section 1. Moratorium. 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 in R-4 and R-6 zones which would result in the creation of any lot which is less than 7,200 square feet in area.

Section 2. 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 following the effective date unless repealed, extended or modified by the City Council after a subsequent public hearing and entry of appropriate findings of fact.

Section 3. 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 within sixty days of the adoption of this Ordinance.

Section 4. SEPA Exemption. Pursuant to Ordinance No. 52, adopting King County SEPA regulations, and the 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.

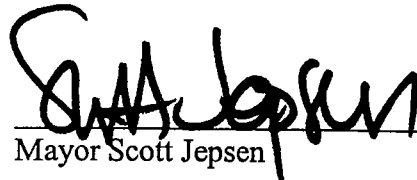
Section 5. Construction. This Ordinance shall not be construed or interpreted to invalidate any vested right of a completed application filed with the City prior to the effective date of this Ordinance.

Section 6. Severability. Should any section, sentence, clause or phrase of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This Ordinance, as an emergency ordinance necessary for the protection of the public health, safety and welfare, shall take effect and be in full force immediately upon its adoption.

Section 8. Publication. This ordinance, or a summary thereof, shall be published in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON SEPTEMBER 28, 1998.


Mayor Scott Jepsen

ATTEST:

APPROVED AS TO FORM:


Sharon Mattioli, CMC
City Clerk


Bruce L. Disend
City Attorney

Date of Publication: October 1, 1998
Effective Date: September 28, 1998