

ORDINANCE NO. 192

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

WHEREAS, On September 28, 1998, the City Council adopted City Ordinance No. 170, which established a six month moratorium on the creation of building lots less than 7,200 square feet in area in the R-4 and R-6 residential zones; and

WHEREAS, in accordance with the requirements of the Growth Management Act (RCW 36.70A), the City Council adopted the City of Shoreline Comprehensive Plan on November 23, 1998; and

WHEREAS, under the provisions of the Growth Management Act the City is required to adopt development regulations implementing the City of Shoreline Comprehensive Plan by no later than November 23, 1999; and

WHEREAS, the City has initiated a public outreach and planning process for the production of new land development regulations; and

WHEREAS, new regulations governing the submission and review of land use applications are scheduled to be submitted to the Shoreline Planning Commission for public review in June of this year; and

WHEREAS, new regulations providing revised standards for the development of land in all zoning districts within the City of Shoreline will be submitted to the Planning Commission for public review in October 1999; and

WHEREAS, the above schedule for production of new development regulations requires the City to continue regulating land use applications under the provisions of the interim zoning code (Title 21A of the King County Code, adopted on June 26, 1995 by City Ordinance No.11) until the review and adoption process is completed; and

WHEREAS, since the adoption of City Ordinance No. 170, the continued review of subdivision applications vested under previous regulations and proposing the creation of residential building lots smaller than 7200 square feet in area in the R-6 residential zone has led to additional concerns being expressed by citizens about their impact on established neighborhoods; and

WHEREAS, policy provisions of the City of Shoreline Comprehensive Plan support new residential development that is compatible with existing neighborhoods; and

WHEREAS, existing land use regulations do not provide development standards that require the integration of new residential development with existing neighborhoods; and

WHEREAS, the acceptance of development applications proposing the creation of residential building lots of less than 7200 square feet in area will potentially impose significant harm on the City by allowing land that is available for new residential development to be subdivided and developed in a manner that is incompatible with existing neighborhoods; and

WHEREAS, a six month extension of the present moratorium on certain subdivision activities will allow the City to preserve planning options and prevent a substantial change in the character of the City pending the final adoption of new development regulations; and

WHEREAS, the density level resulting from the creation of lots smaller than 7200 square feet in the R-4 and R-6 zones potentially conflicts with the Shoreline Comprehensive Plan Goals for public safety and public services (e.g. schools, emergency services, roadways, utilities); and

WHEREAS, the continued development of lots smaller than 7200 square feet in the R-4 and R-6 zones may make the effective protection of environmentally sensitive areas more difficult under both existing and future land development regulations; and

WHEREAS, the continued creation of such lots may be inconsistent with the City of Shoreline Comprehensive Plan goals for orderly growth and harmonious development; and

WHEREAS, the City Council has determined that the integrity of existing land uses, the Comprehensive Plan, and the State Growth Management Act planning process will suffer significant harm unless the moratorium preventing the creation of residential building lots smaller than 7200 square feet in area in the R-4 and R-6 zones is extended; 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. Finding of Fact. Based upon the testimony received at the public hearing held on November 23, 1998 on the adoption of City Ordinance No. 170, which are

incorporated herein as if fully set forth, the Findings of Fact in Ordinance No. 170 and the Findings of Fact set forth in this Ordinance, the City Council now makes the following Findings of Fact. The continued imposition of a moratorium on the creation of residential building lots smaller than 7200 square feet in area in the R-4 and R-6 residential zones will allow the City Council to proceed with the review and adoption of permanent development regulations that promote the creation of new residential development that is consistent with the character of established residential neighborhoods, is supported by adequate infrastructure, and protects key elements of the natural environment.

Section 2. Moratorium Extended. The moratorium adopted in Ordinance No. 170 upon the filing, acceptance, or approval of any application for the subdivision of land in the R-4 and R-6 zones which would result in the creation of any building lot of less than 7200 square feet in area, is hereby extended for a period of 180 days

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, a public hearing upon the moratorium extension established by this Ordinance shall be held within 60 days of the adoption of this Ordinance.

Section 4. Effective Period of Moratorium. This moratorium shall be effective immediately upon the expiration of the moratorium established by Ordinance No. 170, March 27, 1999, and shall thereafter continue in effect for 180 days.

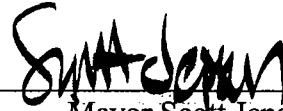
Section 5. SEPA Exemption. Pursuant to Ordinance No. 52, Adopting King County SEPA regulations, and Washington Administrative Code Section 197-11-880, the City Council finds that an exemption under SEPA for this action is necessary to prevent an imminent threat to public health and safety and to prevent an imminent threat of serious environmental degradation through continued development under existing regulations. The City shall conduct SEPA review of any permanent regulations proposed to replace this moratorium.

Section 6. 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 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.

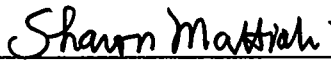
PASSED BY THE CITY COUNCIL ON MARCH 22, 1999.



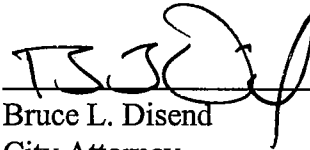
Mayor Scott Jepsen

ATTEST:

APPROVED AS TO FORM:



Sharon Mattioli, CMC
City Clerk



Bruce L. Disend
City Attorney

Date of Publication: March 25, 1999
Effective Date: March 22, 1999