

**CITY COUNCIL AGENDA ITEM**  
CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Adoption of Ordinance No. 754 Instituting a Moratorium on Self-Service Storage Facilities in All Zones in the City.
<b>DEPARTMENT:</b>	Planning and Community Development
<b>PRESENTED BY:</b>	Rachael Markle, Director Planning & Community Development
<b>ACTION:</b>	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

**PROBLEM/ISSUE STATEMENT:**

In the last few months, City staff has seen substantial interest in potential new self-service storage facilities being located in Shoreline. Recent activity (in the last five months) includes:

- Issuing development permits for two (2) self-service storage facilities;
- Conducting five (5) pre-application meetings for potential future construction of self-service storage facilities and processing five (5) associated Unlisted Use Code Interpretation applications;
- Receiving a development inquiry and an Unlisted Use Code Interpretation Application about a self-service storage facility; and
- Proposed self-service storage facilities that would be constructed directly adjacent to or across from other self-service storage facilities.

This activity prompted discussion regarding how the City regulates this use.

**RESOURCE/FINANCIAL IMPACT**

A moratorium on the acceptance of permit applications for self-service storage facilities will have little impact on staff resources. Staff resources have already been allocated to work on amendments to the Development Code to consider the addition of self-service storage facilities to the City's Use Table.

**RECOMMENDATION**

Staff recommends that Council waive Council Rule 3.5.B, requiring a second reading of an ordinance, and adopt Ordinance No. 754, enacting an emergency six (6) month city-wide moratorium on the acceptance of all applications for self service storage facilities. Passage of an emergency ordinance requires approval by at least a majority plus one of the whole membership of the council.

Approved By:            City Manager **DT**    City Attorney **MK**

## **INTRODUCTION**

Based on recent permitting, pre-application meetings and inquiries about self-service storage facilities, staff recommends that Council enact a citywide moratorium on the acceptance of permit applications for self-service storage facilities. A moratorium would not change any of the City's existing plans or regulations but instead will allow staff time to study the appropriateness of self-service storage facilities in relationship to current regulations and plans and allow the City to determine what areas of the City to permit the location of this use. A moratorium will also allow for the evaluation of potential issues associated with the permitting of self-storage facilities beyond the compatibility with plans and zones, including the appropriate mechanism by which to review these uses and whether specific design standards (index criteria) should be instituted.

## **BACKGROUND**

SMC Chapter 20.20, at SMC 20.20.046, defines "self-service storage facility" as an establishment containing separate storage spaces that are leased or rented as individual units. This chapter does not provide a specific definition for "mini storage" but staff considers them parallel uses and therefore, for the purpose of this moratorium the terms are synonymous. Recently, staff interpreted self-service storage facilities as being General Retail Trade/Services, which are permitted outright in the Neighborhood Business, Community Business (CB), Mixed Business (MB) and Town Center (TC) 1, 2 and 3. It was this interpretation that resulted in two self-service storage facilities receiving permits, one within the CB zone at 14535 Bothell Way NE and the other within the MB zone at 16523 Aurora Avenue N (See Attachment B – Map). These facilities are vested and any moratorium would not impact their development under those approved permits.

A subsequent large influx of pre-application meetings and inquiries for self-service storage facilities, above the recently permitted facilities, resulted in a request for an interpretation by the Planning Director regarding whether the facilities are in fact permitted outright. The Director's interpretation that the facilities should be considered an "unclassified use" called into question the previous staff interpretation that self-service storage facilities should be treated as "General Retail Trade/Services".

As of March 2015, "mini storage" became a listed use in the Mixed Use Residential zone (MUR) 45' and 70'. Mini Storage in these zones requires a Conditional Use Permit and is only allowed as an accessory (30% of the gross floor area of a building or the first level of a multi-level building). Neither mini storage nor self-service storage facilities are listed uses in any of the other Use Tables for other zones. Therefore, self-service storage facilities should have been considered as an Unlisted Use and not a General Retail Trade/Service.

Unlisted Uses are described in SMC 20.40.570 and grant the Planning Director discretion to permit or condition an unlisted use upon review of an application for Code interpretation. In July 2016, the City began requiring any applicant proposing a self-service storage facility in any zone other than the MUR zones to apply for a Code Interpretation to determine if the use is allowed in a zone.

The following chart denotes those locations in the City that have recently conducted pre-application meetings and/or submitted a Code Interpretation for a self-service storage facility.

**Potential Self-Service Storage Facility Projects (See Attachment B – Map)**

	<b>Address</b>	<b>Zone</b>	<b>Pre application Meeting Held</b>	<b>Unlisted Use application</b>
1	19237 Aurora Ave N	Mixed Business	Yes	Tracking No. 302142 Issued & approved
2	19022 Aurora Ave N	Mixed Business	No	Tracking No. 302165 Issued & approved
3	17000 Aurora Avenue N	Mixed Business (& Town Center)	Yes	Tracking No. 302164 Issued & approved
4	20029 19 <sup>th</sup> Ave NE	Community Business	Yes	Tracking No. 302156 Issued & approved
5	17703 15 <sup>th</sup> Ave NE	Community Business	Yes	Tracking No. 302166 Issued & approved
6	14553 Bothell Way NE	Community Business	Yes	Tracking No. 302157 Issued & approved

As of the writing and issuance of this staff report, none of the potential projects listed in the table above have submitted a complete building permit application. As such, they are not currently vested to current City regulations.

**ANALYSIS**

Moratoria are regulated by the Revised Code of Washington (RCW) 36.70A.390 and RCW 35A.63.220. Both of these statutes require that the City Council hold a public hearing on the moratorium within at least sixty days of adoption the moratorium. The Public Hearing, if the moratorium is enacted on August 8, will be scheduled on or before Monday, October 3, 2016. The moratorium may be in effect for no longer than six months. The moratorium, however, may be extended to up to a year if supported by a work plan or renewed for one or more six month periods following a public hearing and findings of fact supporting the continuation are made prior to each renewal.

Staff’s recommendation for a moratorium was prompted, as noted above, by an unusually large number of inquiries regarding the establishment of self-service storage facilities and the lack of clear development regulations to adequately address this use. The reason for this moratorium is not only to allow time for staff to analyze and the public to consider where and/or under what conditions to allow self-service storage facilities in the City, but to determine how these facilities can be designed to be

consistent with the goals and policies of the surrounding community. The use is currently not listed in the use table except in SMC Table 20.40.160 Station Area Uses.

There are some areas that the City has devoted considerable time and resources to create subarea and community renewal plans that establish a vision for their development. The City also has many Comprehensive Plan policies that apply to how certain areas of the City are to be developed. Additionally, the City has historic resources in non-residential zones that, based on adopted policy, deserve additional consideration.

### **Alternatives**

The alternatives considered by staff include:

1. Adopt a city-wide moratorium on the acceptance of all permit applications for self-service storage facilities; or
2. Adopt a city-wide moratorium on the acceptance of all permit applications for self-service storage facilities except from those proponents who have been issued an Unlisted Use Code Interpretation finding the site location acceptable but have not filed a complete building permit application; or
3. Continue to evaluate on a case by case basis using the Unlisted Use process whether proposed self-service storage facilities are permitted in all zones. This process would be used until the Development Code can be amended to specifically list self-service storage facilities as a use in the Development Code; or

**Staff is recommending alternative No. 1 Adopt a city-wide moratorium on the acceptance of all permit applications for self-service storage facilities.** Staff also considers Alternative No. 2 to be viable and will provide information in this report should the Council choose this alternative. Staff is not recommending alternatives 3.

### **City Wide Moratorium With or Without Exceptions (Alternatives 1 & 2)**

Self-service storage facilities in certain zoning districts may not be consistent with adopted goals and policies. As the above discussion denotes, with the exception of the MUR zones, the City's development regulations are silent as to this use. A city-wide moratorium (Alternative 1) would provide certainty for developers in that it is clear no applications will be accepted for any property within the City and would allow the City time to analyze this issue based on the city as a whole.

This analysis would likely include not only where these facilities should be located but may also include consideration of potential distribution or limitation on numbers, and design standards so as to mitigate impacts and ensure compatibility with the vision for the area. And, since the City is not required to maintain the moratorium in its entirety over the six month period, once Staff has analyzed a specific area/zone, that area/zone could be released from the moratorium.

### **Alternative 2:** Adopt a city-wide moratorium excepting specified projects

Staff recognizes that several proponents have submitted and received Unlisted Use Code Interpretation that had stated their site location, in MB and CB zones, is currently allowed. Therefore, if the City Council elects a city-wide moratorium, Council could also

consider Alternative 2 which would be a city-wide moratorium excepting those proponents who have received a Unlisted Use Code Interpretation. While these interpretations do not “vest” the development, such an exception would nevertheless allow them to be treated the same as the two legally vested projects.

If the Council elects this option, the Ordinance would need to be amended as provided below:

Add two additional Whereas clauses to the Ordinance:

WHEREAS, recognizing the investment the proponent has made to date in the proposed project, this moratorium is not intended to apply to the six (6) proposed self-service storage projects for which the Director of Planning & Community Development has issued a Code Interpretation finding the location of the project is acceptable for use as a self-service storage facility but, as of the date of this moratorium, have not submitted a complete building permit application; and

WHEREAS, the six (6) proposed projects are referenced by the following Administrative Interpretation file numbers: 302142 (19237 Aurora Ave N), 302156 (20029 - 19th Ave NE), 302157 (14553 Bothell Way NE), 302164 (17000 Aurora Ave N), 302165 (19022 Aurora Ave N), and 302166 (17703 - 15th Ave NE).

Add an additional line to the end of Section 1 of the Ordinance:

This moratorium does not apply to the six (6) proposed self-service storage projects for which a code interpretation has been issued by the Director of Planning and Community Development accepting the proposed location. These proposed projects are referenced by Administrative Interpretation file numbers: 302142 (19237 Aurora Ave N), 302156 (20029 - 19th Ave NE), 302157 (14553 Bothell Way NE), 302164 (17000 Aurora Ave N), 302165 (19022 Aurora Ave N), and 302166 (17703 - 15th Ave NE).

### **Emergency Ordinance**

RCW 35A.13.190 permits an ordinance to become effective immediately in order to protect the public health, public safety, public property, or public peace if passed by a majority plus one of the whole membership of the council. While neither this RCW, nor RCW 36.70A.390 or RCW 35A.63.220, require an emergency to be declared to enact a moratorium, jurisdictions generally provide a basis for the immediate effect of the moratorium. .

As the Council knows, the City’s development regulations are a vehicle for protecting the health, safety, and welfare of the community. The recent surge of inquiries and applications for self-service storage facilities (eight within the past five months with two already vested) could result in vested development without consideration or proper mitigation for the impacts of these facilities. This vested development may be incompatible with the City’s vision for the area as set forth in the Comprehensive Plan

and other planning documents given the current regulations are silent as to where these uses are to be located. Except for the MUR zones, which limits the facilities, the immediate effectiveness of the moratorium is necessary to preserve the public welfare in all other zones.

**RESOURCE/FINANCIAL IMPACT**

A moratorium on the acceptance of permit applications for self-service storage facilities will have little impact on staff resources. Staff resources have already been allocated to work on amendments to the Development Code to consider the addition of self-service storage facilities to the City's Use Table.

**RECOMMENDATION**

Staff recommends that Council waive Council Rule 3.5.B, requiring a second reading of an ordinance, and adopt Ordinance No. 754, enacting an emergency six (6) month city-wide moratorium on the acceptance of all applications for self service storage facilities. Passage of an emergency ordinance requires by at least a majority plus one of the whole membership of the council.

**ATTACHMENTS**

Attachment A	Ordinance No. 754
Attachment B	Storage Facility Map

## ATTACHMENT A

### ORDINANCE NO. 754

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON ADOPTING A MORATORIUM WITHIN THE CORPORATE BOUNDARIES OF THE CITY ON THE FILING, ACCEPTANCE, PROCESSING, AND/OR APPROVAL OF APPLICATIONS OR PERMITS FOR ANY NEW SELF-SERVICE STORAGE FACILITIES; PROVIDING FOR SEVERABILITY AND THE CORRECTION OF CLERICAL ERRORS; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.**

WHEREAS, Shoreline Municipal Code (SMC) Title 20, the Unified Development Code does not currently list self-service storage facilities in any zoning district within the City. Recent applications for self-service storage facilities, also known as mini-storage facilities, were evaluated by staff under the use category of “General Retail Trade/Services,” which would permit such uses outright in all of the City’s commercial zoning districts except Town Center 4 (TC-4); and

WHEREAS, with the adoption of regulations on March 16, 2015, to implement the 185<sup>th</sup> Street Station Subarea Plan, the use category of “mini-storage” was added to the use tables but only for the MUR-45 and MUR-70 zones; permitting these facilities only as a conditional accessory use limited in size and location; and

WHEREAS, since December 2015, eight (8) self-service storage facility proponents have approached the City about locating in the Mixed Business (MB) and Community Business (CB) zoning districts with the City having processed and permitted two (2) self-service storage facilities as a “General Retail Trade/Service” before recognizing the inconsistency in the Development Code, and

WHEREAS, after further analysis, the Planning and Community Development Director determined that since the use was now allowed in the MUR zones it was not appropriate to process the use as “General Retail Trade/Services” in the non-MUR zones but instead determined it should be considered via the Unlisted Use criteria of SMC 20.40.570, which requires the application for a code interpretation by the Director of Planning and Community Development; and

WHEREAS, given the silence in the City’s development regulations, the Director has determined that a proponent is permitted to submit a self-service storage location in any zoning district outside of the MUR zones subject to the Unlisted Use Process; and

WHEREAS, over the past few weeks, the City has received six (6) requests for code interpretation in the MB and CB zones; finding that the proposed self-service storage facility was compatible in intensity and appearance with other uses permitted in the zoning districts for each; and

## ATTACHMENT A

WHEREAS, based on existing comprehensive planning documents and regulations, the location of self-service storage facilities in all zoning districts should be analyzed, especially in relationship to certain areas of the City for which a specific and unique vision has been established; and

WHEREAS, the City of Shoreline is authorized to adopt a moratorium, interim zoning ordinance, and interim official controls as methods to preserve the status quo while Comprehensive Plan and/or Zoning Code amendments are considered, prepared and enacted; and

WHEREAS, the City desires to impose a moratorium on the filing, acceptance, processing, and/or approval of applications or permits for self-service storage facilities within the corporate boundaries of the City; and

WHEREAS, a moratorium will allow time for the City to adopt development regulations for self-service storage facilities so as to ensure consistency with the City's Comprehensive Plan, the development regulations, and to ensure consistency and conformity with the surrounding community while maintaining the status quo; and

WHEREAS, pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council may adopt a moratorium for a period of up to six (6) months without notice and public hearing provided that the City holds a public hearing within sixty (60) days after the adoption of this Ordinance; and

WHEREAS, RCW 35A.13.190 permits an ordinance to become effective immediately but requires that it be must be passed by a majority plus one of the whole membership of the council to have such an effect; and

WHEREAS, without an immediate moratorium, proponents could file applications vesting development that is incompatible with the City's Comprehensive Plan, development regulations, and vision for certain areas of the City, thereby justifying the declaration of emergency to preserve the public health, safety, and welfare; and

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

**Section 1. Moratorium Established.** The City hereby imposes a moratorium on the filing, acceptance, processing, and/or approval of all new self-service storage facility applications or permits within all zoning districts within the corporate boundaries of the City of Shoreline.

**Section 2. Definition.** SMC 20.20.046 S sets forth a definition of self-service storage facility. For the purpose of this moratorium, a self-service storage facility shall be



## ATTACHMENT A

considered synonymous with self-storage warehouse or facility and with mini-warehouse or mini-storage.

**Section 3. Effective Duration of Moratorium.** The moratorium set forth in this Ordinance shall be in effect for a period of six (6) months from the date this Ordinance is passed and shall automatically expire at the conclusion of that six-month period unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the City Council.

**Section 4. Public Hearing.** Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council will hold a public hearing, at its regular meeting, at 7:15 p.m. in Council Chambers, on October 3, 2016, or as soon thereafter as the business of the City Council shall permit, in order to take public testimony and to consider adopting further findings.

**Section 5. Referral to Staff.** The Director of Planning and Community Development and/or designee is hereby authorized and directed to study and develop appropriate land use regulations pursuant to Washington law and consistent with the Shoreline Comprehensive Plan and associated documents for review and recommendation for inclusion in the provisions of the City of Shoreline Municipal Code, Title 20.

**Section 6. Severability.** If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid or unenforceable for any reason, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**Section 7. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**Section 8. Emergency Ordinance and Effective Date.** The City Council hereby finds and declares this Ordinance is a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, and shall take effect and be in full force immediately upon its adoption by a majority vote plus one of the whole member of the Council, and that the same is not subject to a referendum (RCW 35A.11.090). Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn.App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein. This Ordinance does not affect any existing vested rights, nor will it prohibit the submittal of self-service storage facility applications in those areas of the City not identified on Attachment 1.

**Section 9. Publication.** A summary of this Ordinance consisting of the title and a listing of the areas subject to the moratorium shall be published in the official newspaper.

**ATTACHMENT A**

**PASSED BY THE CITY COUNCIL ON \_\_\_\_\_, August 2016.**

\_\_\_\_\_  
Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jessica Simulcik-Smith  
City Clerk

\_\_\_\_\_  
Margaret King  
City Attorney

Date of Publication: \_\_\_\_\_, 2016  
Effective Date: \_\_\_\_\_, 2016

