

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

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

PROBLEM/ISSUE STATEMENT:

On August 8, 2016, the Council adopted Ordinance No. 754 which enacted a moratorium that immediately prohibited the City from accepting and processing and/or approving all applications or permits for any new self-service storage facilities for six months. State law (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. Moratoria are regulated by the RCW 36.70A.390 and RCW 35A.63.220.

Tonight’s public hearing is intended to satisfy the State’s requirement for a public hearing within 60 days of the enacting of the moratorium on August 8, 2016. The purpose of this public hearing is to create a forum for the public to provide testimony to the Council on the advantages or disadvantages of the moratorium and to provide suggestions for regulation of self-service storage facilities for the future.

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 conduct a Public Hearing on adopted Ordinance No. 754 that instituted a citywide prohibition on the filing, acceptance, processing, and/ or approval of applications or permits for any new self-service storage facilities within the City.

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

BACKGROUND

This year, staff began to see a substantial interest in potential new self-service storage facilities being located in Shoreline. This activity included:

- 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
- Identification of self-service storage facilities proposed for construction directly adjacent to or across from other self-service storage facilities.

This activity prompted discussion regarding how the City regulates this use. Based on these discussions, on August 8, 2016 through Ordinance No. 754 (Attachment A), Council enacted a citywide moratorium for six months on the acceptance of permit applications for self-service storage facilities. The staff report for this Council action can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2016/staffreport080816-8b.pdf>.

State law (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. Moratoria are regulated by the RCW 36.70A.390 and RCW 35A.63.220.

This moratorium provides staff with the time to study the appropriateness of self-service storage facilities in relationship to current regulations and plans and allows the City to determine what areas of the City to permit the location of this use. A moratorium also allows 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.

As noted in the August 8 Staff Report, the Shoreline Municipal Code (SMC 20.20.046) defines “self-service storage facility” as an establishment containing separate storage spaces that are leased or rented as individual units. 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 zones. 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). These facilities are vested and the moratorium does not impact their development under those approved permits.

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 (also noted on Attachment B).

Potential Self-Service Storage Facility Projects

	Address	Zone	Pre-application Meeting Held	Unlisted Use Application
1	19237 Aurora Avenue N	Mixed Business	Yes	Tracking No. 302142 Issued & approved
2	19022 Aurora Avenue 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 th Avenue NE	Community Business	Yes	Tracking No. 302156 Issued & approved
5	17703 15 th Avenue NE	Community Business	Yes	Tracking No. 302166 Issued & approved
6	14553 Bothell Way NE	Community Business	Yes	Tracking No. 302157 Issued & approved

Given this level of interest, as noted above, on August 8, the Council decided to adopt a citywide moratorium on the acceptance of all permit applications for self-service storage facilities. The moratorium may be in effect for no longer than six (6) 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.

DISCUSSION

Tonight’s public hearing is intended to satisfy the State’s requirement for a public hearing within 60 days of the enacting of the moratorium on August 8. The purpose of this public hearing is to create a forum for the public to provide testimony to the Council on the advantages or disadvantages of the moratorium and to provide suggestions for regulation of self-service storage facilities for the future.

Staff proposes to work with the Planning Commission, proponents for self-service storage facilities and the public to draft Development Code amendments to resolve the moratorium on self-service storage facilities within the initial six month period. This work is proposed to be accomplished as part of the scheduled 2016 Development Code ‘amendment batch’.

Staff proposes the following steps to achieve resolution on the moratorium:

Date	Action
October 3, 2016	City Council Public Hearing on Moratorium
October 6, 2016	TENTATIVE - Planning Commission Study Session on Self Service Storage Facilities. <i>The Planning Commission's schedule is open on October 6. If staff makes substantial progress on independent research including information gathering from self-service storage industry experts, then the discussion on self-service storage facility amendments can move from October 20 to October 6th in an attempt to expedite the resolution of the moratorium.</i>
October 20, 2016	Planning Commission Study Session on 2016 Development Code Amendments including Self-Service Storage Facilities
November 3, 2016	Planning Commission Study Session on 2016 Development Code Amendments including Self-Service Storage Facilities
December 1, 2016	Planning Commission Public Hearing on 2016 Development Code Amendments including Self-Service Storage Facilities
January 9, 2017	City Council Study Session on 2016 Development Code Amendments including Self-Service Storage Facilities
January 30, 2017	City Council Adoption of 2016 Development Code Amendments including Self-Service Storage Facilities
February 8, 2017	The six (6) month moratorium ends unless extended or resolved

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 conduct a Public Hearing on adopted Ordinance No. 754 that instituted a citywide prohibition on the filing, acceptance, processing, and/ or approval of applications or permits for any new self-service storage facilities within the City.

ATTACHMENTS

- Attachment A: Ordinance No. 754
- Attachment B: Storage Facility Locations Map

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 185th 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

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 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.

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.

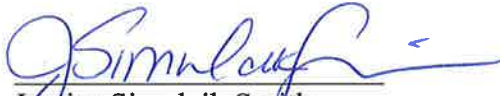
PASSED BY THE CITY COUNCIL ON AUGUST 8, 2016.



Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:



Jessica Simulcik Smith
City Clerk



Margaret King
City Attorney

Date of Publication: August 11, 2016
Effective Date: August 8, 2016

Storage Facility Locations

Existing and Proposed Storage Facilities

- Existing Storage Facilities - 5 facilities
- Vested Storage Facilities - 2 projects
- Proposed Storage Facilities - 6 projects

Zoning

- TC-1 to TC-4; Town Center
- MUR-70; Mixed Use Residential (70' height)
- MUR-45; Mixed Use Residential (45' height)
- MUR-35; Mixed Use Residential (35' height)
- MB; Mixed Business
- CB; Community Business
- NB; Neighborhood Business
- PA 3; Planned Area 3
- C; Campus
- CZ; Contract Zone
- R-48; Residential, 48 units/acre
- R-24; Residential, 24 units/acre
- R-18; Residential, 18 units/acre
- R-12; Residential, 12 units/acre
- R-8; Residential, 8 units/acre
- R-6; Residential, 6 units/acre
- R-4; Residential, 4 units/acre

Zoning Phase

- 2, Unlock 2021
- 3, Unlock 2033

Other Map Features

- City Boundary
- Open Water
- Streets Outside Shoreline
- Collector Arterial
- Local Street
- Interstate
- Minor Arterial
- Principal Arterial
- Park



No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.



Date: 8/5/2016

Document Name: MS Temp Moratorium

