

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Public Hearing on Moratorium and Interim Development Regulations for the Regional Business (RB) zone
DEPARTMENT:	City Attorney's Office; Planning and Development Services
PRESENTED BY:	Rachel Markle, Acting Director, PDS Steven Cohn, Senior Planner

PROBLEM/ISSUE STATEMENT: On May 12, 2008 the Council adopted Ordinance No. 505 which adopted a moratorium on residential development in the RB zone which does not meet interim regulations that limit the maximum residential density in the Regional zoning districts. During the six-month period following adoption of the this ordinance, no development permit applications may be submitted or processed which propose more than an average of 110 dwellings per acre on an RB zoned site.

Officially, the interim action is defined as a moratorium, since it modifies the current code immediately. The statute authorizing land use moratoria is RCW 35A.63.220 and under the Growth Management Act, RCW 36.70A.390. The key features are adoption of an ordinance without public hearing notice or recommendation from the Planning Commission. The moratorium ordinance must be scheduled for a public hearing and adoption of findings within 60 days from its initial passage. It may remain in effect for up to six months, but may be extended after a second public hearing.

Given a liberal vesting rule for development of property in this state, Washington courts have expressly endorsed the use of moratoria to freeze the status quo quickly to prevent owners from securing a vested right by filing an application before a deliberative review of land use changes can be completed.

Staff encourages comments on the permanent development regulations. The schedule provides on-going opportunities for public comment. First, since staff is now drafting proposed permanent regulations, the public is encouraged to contact Steven Cohn in Planning & Development Services with ideas and suggestions. Second, the public is invited to provide written and/or oral comments to the Planning Commission when the Commission conducts public hearings on the proposed permanent development regulations later this year. Notice of the hearing and the draft permanent regulations will be published well in advance of the public hearing. The public will also have an opportunity to

address written or oral comments to the City Council when the proposed regulations are placed on the Council agendas.

ALTERNATIVES ANALYZED:

The action before the Council is to conduct a public hearing on Ordinance No. 505 required by state law in order to continue this Ordinance in effect for the full six-month term.

The proposal would preclude the filing of any application for residential development within Shoreline's Regional Business (RB) zoning district which exceeds 110 dwelling units per acre, unless a neighborhood plan, subarea plan or special district overlay plan authorizing a higher density has been approved.

The Council may decide to repeal or amend Ordinance No. 505 following consideration of testimony at the public hearing. In such a case, the Council would direct staff to prepare a repealing ordinance for a future agenda. If the Council finds Ordinance No. 505 should continue in effect without amendments no Council action is required.

FINANCIAL IMPACT: There are no financial impacts of this council action, which is to take public testimony and either retain, amend or repeal Ordinance No. 505.

RECOMMENDATION

Staff recommends that Council take no additional action. Taking no action will reaffirm the adoption of Ordinance No. 505 which keeps the six-month moratorium in place.

Approved By: City Manager  City Attorney _____

Attachments:

Attachment A: Ordinance No. 505

ORDINANCE NO. 505

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING A MORATORIUM FOR SIX MONTHS ON THE FILING OR ACCEPTANCE OF ANY APPLICATIONS FOR RESIDENTIAL DEVELOPMENT OF LAND WITHIN THE REGIONAL BUSINESS LAND USE DISTRICT WHICH EXCEED A DENSITY OF 110 DWELLING UNITS PER ACRE.

WHEREAS, under the provisions of the Growth Management Act the City has adopted development regulations implementing the City of Shoreline Comprehensive Plan; and

WHEREAS, the Regional Business (RB) land use district allows residential development, but does not place an absolute limit on the permitted number of dwelling units per acre; and

WHEREAS, the continued acceptance of development applications proposing new residential development utilizing existing Regional Business (RB) zone density provisions may allow development that is incompatible with nearby existing land uses and circulation systems, leading to problematic traffic conditions and an erosion of community character and harmony; and

WHEREAS, a six-month moratorium on the filing of certain applications for residential development in the Regional Business (RB) zone will allow the City to preserve planning options and prevent substantial change until the existing land areas so designated and the text of development standards applicable to residential development in this zone is reviewed and any needed revisions are made to these regulations; and

WHEREAS, scheduled updates to the City's Comprehensive Plan include subarea plans for the Town Center and Southbridge Subareas in 2008-2009; and

WHEREAS, the City Council has determined from recent public correspondence and comment that the integrity of existing land uses in and adjacent to Regional Business (RB) zones may suffer irreparable harm unless a moratorium is adopted; and

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

WHEREAS, pursuant to SEPA regulation SMC 20.30.550 adopting 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; now therefore,

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

Section 1. Finding of Fact. The recitals set forth above are hereby adopted as findings of the City Council.

Section 2. Moratorium and Interim Regulation Adopted. A moratorium is adopted upon the filing of any application for residential development within the Regional Business (RB) zoning district of the City which exceeds 110 dwelling units per acre, unless a neighborhood plan, subarea plan or special district overlay plan authorizing a higher density has been approved. No land use development proposal or application may be filed or accepted which proposes a development described in this section.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and 36.70A.390 the City Clerk shall notice a public hearing before the City Council to take testimony concerning this moratorium within sixty days of passage of this ordinance.

Section 4. Effective Dates. The City Council declares that an emergency exists requiring passage of this ordinance for the protection of public health, safety, welfare and peace based on the Findings set forth in Section 1 of this ordinance. This ordinance shall take effect and be in full force immediately upon passage and shall expire six months from its effective date unless extended or repealed according to law.

Section 5. Permanent Regulations. The City Council directs the staff to begin work on permanent regulations for the Regional Business (RB) zone to replace the interim regulations adopted herein, and in so doing to consider the policy guidance provided by the adopted Council Goals and the adopted Strategies for Housing, Economic Development and Environmental Sustainability.

Section 6. Publication. The title of this ordinance is approved as a summary of the ordinance for publication in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON MAY 12, 2008

Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of publication: May 15, 2008
Effective date: May 12, 2008

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