

ORDINANCE NO. 991

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 THE ZONING USES OF TRANSIT BUS BASES AND INDIVIDUAL TRANSPORTATION AND TAXI FACILITIES, IN ALL ZONING DISTRICTS; 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, currently permits transit bus bases to be located in 14 of the City's zoning districts, subject to approval of a special use permit; and

WHEREAS, SMC Title 20 currently permits individual transportation and taxi services to be located within four (4) of the City's zoning districts, either outright or subject to approval of a conditional use permit; and

WHEREAS, SMC 20.20 Definitions does not define "individual transportation and taxi"; the use "individual transportation and taxi" is a relict of pre-incorporation zoning of King County. King County Code 21A.06.635 defines this use as: An establishment engaged in furnishing individuals or small group transportation by motor vehicle, including only uses location in SIC Industry Group Nos. 412 Taxi Cabs and 4119 Local Passenger Transportation, Not Elsewhere Classified; and

WHEREAS, SMC 20.20 Definitions does not define "transit bus base"; SMC 20.20.048 does provide a definition for "transit base" which means: An establishment for the storage, dispatch, repair and maintenance of coaches, light rail trains, and other vehicles of a public transit system; and

WHEREAS, based on existing comprehensive planning documents and regulations, allowing for the operation of a transit bus base, individual transportation or taxi facilities in a majority of the City's 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 ordinances, and interim official controls as methods to preserve the status quo while Comprehensive Plan and/or Development Regulation 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, of any type, for

the establishment, continuance, modification, and/or expansion of any transit bus base, individual transportation or taxi facility within the City; and

WHEREAS, a moratorium will allow time for the City to adopt development regulations for the uses impacted by the moratorium that are consistent with the City's Comprehensive Plan, the intent of the zoning districts, 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 if it is passed by a majority plus one of the whole membership of the council; and

WHEREAS, without an immediate moratorium, an application(s) vesting use or development that is incompatible with the City's Comprehensive Plan, development regulations, and vision for certain areas of the City could be filed, thereby justifying the declaration of emergency to preserve the public health, safety, and welfare;

WHEREAS, WAC 197-11-800(19) provides an exemption from review under the State Environmental Policy Act (SEPA) in Chapter 43.21C RCW for adoption of ordinances "relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment" and WAC 197-11-880 provides an exemption for emergencies; and

WHERE, this ordinance provides no license or approval for any land use or modification of the environment and the City Council has determined that it justifies a declaration of emergency, therefore the City's SEPA Responsible Official has determined it exempt from SEPA review pursuant to the WAC 197-11-800(19) and WAC 197-11-880; future permanent zoning regulations will be reviewed in accordance with SEPA Rules;

NOW 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 applications or permits, of any type, for the establishment, continuance, modification, and/or expansion of the following uses within any zoning district of the City: Transit Bus Bases, Individual Transportation and Taxi facilities, or similar uses not expressly listed on the City's Use Table.

Section 2. Definitions. For the purpose of this moratorium, the following definitions shall apply:

Transit Bus Base shall be considered synonymous with Transit Base, as defined in SMC 20.20.048, and shall include transit services provided by a private entity on behalf of a public governmental entity.

Individual Transportation and Taxi shall mean an establishment engaged in furnishing individuals or small group transportation by motor vehicle, including only uses location in SIC Industry Group Nos. 412 Taxi Cabs and 4119 Local Passenger Transportation, Not Elsewhere Classified.

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 or about 7:00 p.m. in Council Chambers, on August 14, 2023, 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 for the uses impacted by the moratorium enacted by this Ordinance 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.

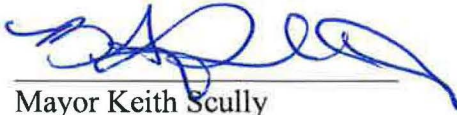
Section 7. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state, or federal laws, codes, rules, or 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 membership of the City 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 JULY 17, 2023.


for Mayor Keith Scully

↳ Betsy Robertson
Deputy Mayor

ATTEST:

APPROVED AS TO FORM:


Jessica Simulcik Smith
City Clerk


Margaret King
City Attorney

Date of Publication: July 20, 2023
Effective Date: July 17, 2023