

**REPEALED**

**ORDINANCE NO. 207**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, 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, AND DECLARING AN EMERGENCY.**

WHEREAS, on March 22, 1999, the City Council adopted City Ordinance No. 192, extending for six months an existing moratorium on the creation of building lots less than 7,200 square foot 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 have been submitted to the Shoreline Planning Commission for public review on September 2<sup>nd</sup> of this year, with a formal recommendation scheduled to be forwarded to the Shoreline City Council on September 16, 1999; 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 November 1999; and

WHEREAS, the above schedule for production of new development regulations requires the City to continue regulating land use applications under the development standards 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 Numbers 170 and 192, 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 further 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 until the final adoption of new development regulations that implement the Shoreline Comprehensive Plan; 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, DOES 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 set forth in Ordinance No. 170, the Findings of Fact set forth in Ordinance No. 192, 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 complete the process for 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, and extended by City Ordinance No. 192, 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.** Consistent with RCW 35A.63.220 and RCW 36.70A.390, a public hearing upon the moratorium extension proposed by this Ordinance shall be held on September 13, 1999, prior to its adoption by City Council.

**Section 4. Effective Period of Moratorium.** This moratorium shall be effective immediately upon the expiration of the moratorium established by Ordinance No. 192, on September 23, 1999, and shall thereafter continue in effect for 180 days, unless repealed by the adoption of permanent development regulations providing revised standards for the development of land in all zoning districts within the City of Shoreline.

**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.

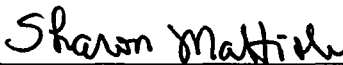
**Section 7.** Effective Date. This Ordinance, as an emergency ordinance necessary for the protection of the public health, safety and welfare, shall take effect and be in full force immediately upon its adoption.

**Section 8.** Publication. The summary of this ordinance is approved as a summary of this ordinance for publication in the official newspaper of the City.


**PASSED BY THE CITY COUNCIL ON SEPTEMBER 13, 1999**

  
\_\_\_\_\_  
Mayor Scott Jepsen

**ATTEST:**

  
\_\_\_\_\_  
Sharon Mattioli, CMC  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Ian Sievers  
City Attorney

Date of Publication: September 16, 1999

Effective Date: September 13, 1999