

**CITY OF MOUNTLAKE TERRACE**

**ORDINANCE NO. 2511**

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE,  
WASHINGTON, ESTABLISHING A MORATORIUM ON THE FILING  
OR ACCEPTANCE OF APPLICATIONS FOR PERMITS AND  
APPROVALS FOR OR RELATED TO CONDITIONAL USES IN THE RS  
7200 AND RS 8400 (SINGLE HOUSEHOLD RESIDENTIAL DISTRICTS)  
ZONE, AND DECLARING AN EMERGENCY**

**WHEREAS**, several public school sites currently exist within designated Urban Low Residential (single-household residential) districts, as designated on the Official Comprehensive Plan Map; and

**WHEREAS**, Urban Low Residential districts are zoned as either RS 7200 or RS 8400, Single-household Residential District, as designated on the Official Zoning Map; and

**WHEREAS**, prior to calendar year 2007, schools were allowed within single-household residential districts as permitted uses under the City's zoning code; and

**WHEREAS**, pursuant to MTMC 19.23.040, schools within single-household districts are allowed only as conditional uses under the City's zoning code; and

**WHEREAS**, the Evergreen Elementary School is being considered for closure by the Edmonds School District; and

**WHEREAS**, the City of Mountlake Terrace Municipal Code Chapter 19.23 currently allows a number of land uses as conditional uses in the RS 7200 and RS 8400 zoning districts, in addition to a variety of permitted uses; and

**WHEREAS**, some or all of the conditional uses in the RS 7200 and 8400 zoning districts may not be suitable for meeting long-term community goals; and

**WHEREAS**, some of the criteria guiding the siting and development of conditional uses in the RS7200 and RS 8400 zoning districts may need to be revised to help ensure any such new or expanded conditional uses will fit appropriately in the context of the residential neighborhood; and

**WHEREAS**, Washington State's permissive vested rights doctrine allows many land-use applications to vest early in the application process to the existing land-use regulations; and

**WHEREAS**, application for, or approvals related to, conditional use permits within the RS 7200 or 8400 zone will vest in inadequate regulations while the City studies and plans for the

necessary revisions to those regulations and/or standards, therefore undermining effective City planning; and

**WHEREAS**, cities are authorized to adopt comprehensive plans and development regulations to provide for future development and conservation under the Growth Management Act; and

**WHEREAS**, the new uses for school sites within Mountlake Terrace is an appropriate topic for the next Comprehensive Plan amendment cycle; and

**WHEREAS**, new uses of school sites should not proceed before the Planning Commission and the City Council have had the opportunity to evaluate options as part of a public review process; and

**WHEREAS**, a public review of potential Comprehensive Plan amendments will commence by June 2009 and be completed by late 2009; and

**WHEREAS**, allowing certain kinds of development on school sites or potential school sites prior to completion of the next Comprehensive Plan amendment process and/or an opportunity to review development standards affecting conditional uses in the RS 7200 and RS 8400 zoning districts may severely limit the City's ability to set a new direction for the future; and

**WHEREAS**, the City Council finds it prudent to consider both the Comprehensive Plan and the zoning regulations before any future conditional uses are allowed within RS 7200 and RS 8400 zoning districts; and

**WHEREAS**, the City has authority pursuant to RCW 35A.63.220 and 36.70A.390 to enact moratoria on land use matters, and thereafter to hold a public hearing on the moratorium within sixty (60) days of the commencement of the moratorium, to preserve the status quo while considering and preparing new plans or development standards; and

**WHEREAS**, the City Council finds that protection of health, safety and welfare supports the establishment of a moratorium on applications for permits and approvals for all conditional uses in the RS 7200 and RS 8400 while the Comprehensive Plan and associated zoning regulations are being studied for revisions; and

**WHEREAS**, the City Council concludes it must adopt a moratorium concerning the establishing and processing of applications for conditional uses in the RS 7200 and RS 8400 zoning districts as a temporary measure in order to study the issues concerning such uses, to prepare appropriate revisions to the City's plans and regulations, and to avoid possible applications establishing vested rights contrary to and inconsistent with any revisions the City may make to its plans and regulations as a result of the City's study of this matter; and

**WHEREAS**, the City finds that an emergency does exist to protect the public health, safety and welfare;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Moratorium Established.** A moratorium is hereby imposed upon the filing, acceptance or processing of applications for, or approvals related to, conditional uses and upon the expansion of or improvements to any existing conditional uses within the RS 7200 and RS 8400 zoning districts, as identified in Chapter 19.23 MTMC, except that the City's building official may authorize minor repairs as immediately necessary for health and safety purposes.

**Section 2. Term of Moratorium.** The moratorium imposed in this Ordinance shall become effective immediately upon passage of this Ordinance and shall continue in effect until and including September 12, 2009, unless repealed, extended or modified by the City Council after subsequent public hearing and entry of appropriate findings of fact pursuant to RCW 35A.63.220 and 36.70A.390.

**Section 3. Public Hearing.** A public hearing shall be held on the adoption of this moratorium Ordinance, as required by statute, on May 4, 2009, at approximately 7:00 p.m., and appropriate written findings of fact shall be entered immediately thereafter.

**Section 4. Penalty for Violation.** Any person or entity violating any provision of this Ordinance shall be guilty of having committed a gross misdemeanor, and upon conviction thereof, shall be punished by a fine in an amount not to exceed \$5,000.00 or incarceration for a term not to exceed one year or by both such fine and incarceration, and the same is also subject to injunctive and other forms of civil relief which the City may seek.

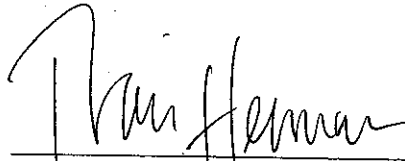
**Section 5. Severability.** If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

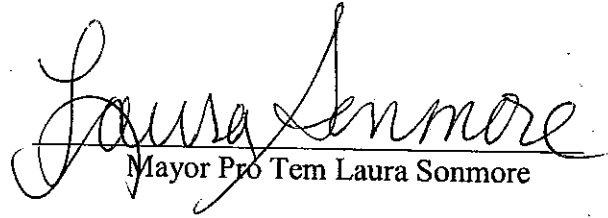
**Section 6. Effective Date.** This Ordinance, passed by a majority plus one of the whole membership of the City Council as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall be effective immediately upon its passage.

**Section 7. Publication.** This Ordinance, or a summary thereof, consisting of the title shall be published in the official newspaper of the City.

PASSED BY THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE this 16<sup>th</sup> day of March, 2009 and signed in authentication of its passage this 16<sup>th</sup> day of March, 2009.

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
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Mayor Pro Tem Laura Sonmore

APPROVED AS TO FORM: Gregory G. Schrag, City Attorney

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