

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Hearing Examiner Andrew Reeves

BEFORE THE CITY OF SHORELINE HEARING EXAMINER

In re:

SOUND TRANSIT

SPECIAL USE PERMIT APPLICATION

Application No. SPL18-0140

CITY OF SHORELINE'S
APPLICATION OF
SMC 20.30.330(D) VESTING

Pursuant to Shoreline Municipal Code (SMC) 20.30.330(D), Sound Transit requested a vesting period of five (5) years from the date of the Hearing Examiner's decision for Special Use Permit (SUP), SPL18-0140. SPL18-140 seeks to permit the use of a corridor of land transecting the City of Shoreline for a Light Rail Transit System/Facility, a special use in all zoning districts of the City except the campus zones. If the Hearing Examiner grants this request, then the expiration date for the vesting period must be set forth as a condition of approval in the Hearing Examiner's decision. At the April 24, 2019 public hearing, the Hearing Examiner inquired as to the meaning of this SMC provision. Specifically, the inquiry was to what "vests" for the five (5) year period.

A. Application of SMC 20.30.330(D) to the SUP Decision

In reviewing Sound Transit's SUP application, deemed complete on August 16, 2018, the City utilized its Comprehensive Plan goals and policies, the applicable SMC regulations, and the applicable Engineering Development Manual standards to review the light rail system's compatibility with the surrounding area. During this review process, the City formulated recommended conditions of approval to ensure compatibility of the special use with the surrounding community and, in doing so, analyzed various modifications, departures, and deviations requested by Sound Transit.

1 The City interprets SMC 20.30.330(D) as providing Sound Transit five (5) years
2 from the date of the Hearing Examiner's decision to submit any and all building permits
3 necessary for the construction of its Light Rail Transit System/Facility subject to the
4 conditions of approval set forth the Hearing Examiner's SUP decision and benefitting from
5 all modifications, departures, and deviations granted by the Hearing Examiner in the SUP
6 decision. If a complete building permit application is filed within this time period, the
7 vested status of the Special Use Permit shall be automatically extended for the time period
8 during which the building permit application is pending prior to issuance, provided that if
9 the building permit application expires or is cancelled, the vested status of the SUP also
10 expires or is canceled.

11 **B. Recommended Revised Condition M.1 for SPL18-0140.**

12 Based on the above, the City recommends the following revised Condition of
13 Approval M.1 as provided in the May 1st submittal to the Clerk:

14 **M. SUP Vesting Decision**

15 1. Special Use Permit SPL18-0140 shall be vested for a period of five (5)
16 consecutive years to the applicable development regulations contained in
17 SMC Title 20 that are in effect at the time of the issuance of the Hearing
18 Examiner Decision, after which the SUP shall expire unless a complete
19 building permit application is filed before the end of the five-year period.
20 During the vesting period, Sound Transit has the right to construct the
21 Project subject to the terms and conditions set forth in the Hearing
22 Examiner's decision, including all approved modifications, departures, and
23 deviations. Based on the five-year vesting period, SPL 18-0140 shall expire
24 [*insert date of Hearing Examiner Decision*].

25 DATED this 2nd day of May 2019.

By:



Julie Ainsworth-Taylor, WSBA #36777
Assistant City Attorney
City of Shoreline