

ORDINANCE NO. 1018

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING AND EXTENDING THE INTERIM REGULATIONS FOR THE EXTENSION OF APPLICATION DEADLINE PERIODS DUE TO THE UNAVAILABILITY OF LENDING SOURCES FOR THE CONSTRUCTION OF NEW MULTIFAMILY AND MIXED-USE PROJECTS INITIALLY ADOPTED BY ORDINANCE NO. 992 AND EXTENDED BY ORDINANCE NO 1003; PROVIDING FOR A DURATION OF SIX MONTHS; AND HOLDING A PUBLIC HEARING.

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the State of Washington, and planning pursuant to the Growth Management Act, chapter 36.70A RCW; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390, authorize the City of Shoreline to adopt interim regulations with a duration of no more than six (6) months without review and recommendation by the Shoreline Planning Commission and without holding a public hearing; and

WHEREAS, on August 14, 2023, the City Council adopted Ordinance No. 992, establishing interim regulations allowing for an extension of certain applications that are awaiting issuance but still needing financing for a duration of six (6) months; and

WHEREAS, on February 12, 2024, with the adoption of Ordinance No. 1003, the interim regulations were extended and said extension will expire on August 20, 2024, unless extended again by the City Council; and

WHEREAS, the economic conditions that predicated the adoption and previous extension of Ordinance No. 992 continue to exist today and, therefore, the extension of the interim regulations for an additional six months will provide applicants additional time to act upon applications so as to prevent expiration of those applications during this time of economic downturn; and

WHEREAS, interim regulations are exempt from SEPA review per WAC 197-11-800(19) Procedural Actions, and if the City elects to replace these interim regulations with permanent regulations, SEPA review will be conducted at that time; and

WHEREAS, the City Council considered the interim regulations at its properly noticed July 22, 2024, regular meeting and conducted the required Public Hearing; all meetings were held in a hybrid format providing in-person and remote public participation; and

WHEREAS, due to the current economic conditions, it is in the best interests of the citizens of the City of Shoreline and its local economy to authorize the Director of Planning and Community Development and the Director of Public Works to temporarily grant extensions of the application deadlines to preclude expiration; and

WHEREAS, the City Council established 2023-2025 City Council Goal No. 1, which seeks to strengthen Shoreline's economic climate and opportunities by enhancing the local economy, providing jobs, and supporting lifestyle amenities that the community desires and expects;

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

Section 1. Adoption of Findings of Fact. The City Council hereby adopts the above Recitals as findings of fact and incorporates by reference the Recitals set forth in Ordinance Nos. 992 and 1003.

Section 2. Interim Regulations. These interim regulations relate to all permit applications for the development of multifamily and mixed-use projects identified in the City's permit system by the prefixes MFR or MXU and supporting permit applications required to construct these projects, such as those with the prefixes ROW, DEV, and WWU, that were deemed complete prior to the effective date of Ordinance No. 992 and were deemed by the City as "Ready to Issue" prior to the effective date of Ordinance No. 992, or are deemed "Ready to Issue" prior to the expiration of this Ordinance.

- A. SMC 20.30.100(D) In addition to the one extension authorized by this provision, the Director of Planning and Community Development, or designee, is authorized to grant an additional extension of no more than 360 days. Additionally, if prior to the adoption of this ordinance, Ordinance No. 1018, a "Ready to Issue" permit application(s) has received a 360-day extension pursuant to Ordinance No. 992, such application(s) may be eligible for an additional 360-day extension (for a cumulative maximum total of 1,080 days), subject to Section 2(D) below.
- B. SMC 12.15.040(C) The Director of Public Works or designee is authorized to grant an applicant a right-of-way permit extension in the same number and duration as provided for in Section 2(A) of this Ordinance.
- C. An applicant must submit a written request for extension providing justification related to the economic downturn and impact on construction financing. The request must be submitted to the City before the expiration of the application for which the extension is being sought.
- D. The applicable Director shall have the authority to grant an extension as provided in this Section. A Director may grant an extension for less time, may deny an extension in its entirety, may condition an extension, or may shorten or revoke a temporary extension for good cause. The decision to approve, deny, shorten, or revoke an extension is a discretionary act and a final decision of the City subject to appeal under chapter 36.70C RCW Land Use Petition Act.
- E. Any temporary extension shall be calculated from the initial expiration date of the application. If a development has multiple applications with differing expiration dates, the later expiration date shall be used for the purpose of calculating these extension provisions.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council held a Public Hearing on July 22, 2024, to take public testimony concerning the interim regulations.

Section 4. Directions to the City Clerk.

- A. **Corrections by the City Clerk.** Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this Ordinance, including the correction of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.
- B. **Ordinance not to be Codified.** Because this Ordinance adopts interim regulations, the City Clerk shall not codify this Ordinance.

Section 5. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 6. Publication, Effective Date, and Expiration. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five (5) days after its publication and shall be in effect for a period of six (6) months from its effective date. After which, these interim regulations shall automatically expire unless extended as provided by statute or otherwise superseded by action of the City Council, whichever occurs first.



PASSED BY THE CITY COUNCIL ON AUGUST 5, 2024.



Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:


Jessica Simulcik Smith
City Clerk
Margaret King
City Attorney

Date of Publication: August 8, 2024
Effective Date: August 13, 2024

