

**CITY OF ROSLYN
WASHINGTON**

ORDINANCE NO.

1186

AN ORDINANCE OF THE CITY OF ROSLYN, WASHINGTON, ADOPTING A SIX-MONTH MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND/OR APPROVAL OF APPLICATIONS FOR BUILDING AND LAND DEVELOPMENT PERMITS, AND VARIANCES FROM TITLE 18 AND/OR THE PUBLIC WORKS STANDARDS WITHIN THE CITY OF ROSLYN, DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING THAT THE MORATORIUM WILL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses, specifically as provided by RCW 35A.63.220; and

WHEREAS, recently, the City has received feedback from applicants for development permits regarding concerns and disagreement over the interpretation of various permit requirements and City procedures outlined in the Roslyn Municipal Code (“RMC”); and

WHEREAS, the City’s development regulations are incorporated in the RMC and other documents adopted by reference, such as the Development Guidelines for Public Works Standards (the “Public Works Standards,” last updated June 2005) adopted pursuant to RMC 12.25.010, and the Standards and Guidelines for Preservation, Rehabilitation, Restoration, and Reconstruction of Historic Properties (the “Standards for Historic Properties,” last updated January 2007) adopted pursuant to RMC 18.40.020(C)(11); and

WHEREAS, many of these regulations are outdated or have not been reviewed in conjunction with other City standards and guidelines, which could result in conflicts or inconsistencies in application; and

WHEREAS, for example, Chapter 18.30 RMC, Processing Procedures, and Chapter 18.200, Variances, provide that variances from Title 18 are decided by the Hearing Examiner pursuant to Class 2 review, while variances under the Public Works Standards provide are decided by the City Council, despite the overlap between these related development regulations; and

WHEREAS, due to the unique characteristics of the properties in the City and existing conditions, there are other requirements in the code, such as off-street parking requirements and right-of-way improvements, that are sometimes difficult, if not impossible, for applicants to meet; and

WHEREAS, because of these difficulties and potential for conflicts, the City has experienced an increase in variance applications and other disputes, including permit appeals, which highlight the need for a more holistic review of the RMC and other development standards and guidelines; and

WHEREAS, unless and until the City undertakes a thorough review of its development code and procedures, these disputes are likely to continue, which have significantly impacted the City staff's ability to timely and efficiently process permit applications; and

WHEREAS, the City Council has significant concerns about development and growth in the City under current regulations in the context of the vision and goals of the City, is discussing how to best accommodate growth and development in both general and specific ways, and finds that unless the City acts immediately to preserve the status quo, there are likely to be adverse impacts on the City and its citizens; and

WHEREAS, the City Council's concerns regarding likely adverse impacts related to growth and development under existing regulations require immediate attention by the Council and City staff and include, but are not limited to, the standards and procedures for the acceptance and processing of building and development permit applications; and

WHEREAS, the City needs additional time to consider possible amendments to the City's development regulations to address these issues; and

WHEREAS, pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City may adopt a moratorium of no longer than six (6) months; however, the City may adopt a moratorium of up to one year if a work plan is developed for related studies providing for such a longer period; and

WHEREAS, to promote the public health, safety and welfare the City Council deems it appropriate to impose a moratorium on development applications for a period six (6) months; and

WHEREAS, the City Council shall hold a public hearing a public hearing on January 11, 2022, and may adopt additional findings at the conclusion of said public hearing;

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

Section 1. – Preliminary Findings. The recitals set forth above are hereby adopted as the City Council's preliminary findings in support of the moratorium imposed by this ordinance. The City Council may, in its discretion, adopt additional findings at the conclusion of the public hearing referenced in Section 5 below.

Section 2. – Moratorium Imposed. Pursuant to the provisions of Article 11, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, a moratorium is hereby enacted on the acceptance, processing, and/or approval of applications for building permits, clearing and grading permits, short plats, subdivisions, binding site plans, conditional use permits, reasonable use exceptions, variances from Title 18 and/or the Public Works Standards adopted pursuant to RMC 12.25.010, or any other type of development permits or approvals for any

proposed land use(s) or structure(s) located within the City; provided, however, that complete applications submitted that seek approval of the following may continue to be processed and approved while this moratorium is in effect:

A. Business Licenses, demolition permits, minor clearing and grading permits, interior and exterior remodels that do not involve a change of use or additions, reconstruction of structures damaged by fire or flood, home business permits, ROW use permits not involving construction activity within the ROW, boundary line adjustments between only two parcels, special event permits, special use permits, sign permits, wireless communication facility permits, rezones, street and alley vacations, mechanical only permits, plumbing only permits, re-roof permits, LPG tank placement permits, significant tree permits, short term rentals permit, and city facility rentals.

Section 3. – Effect on Vested Rights. The moratorium imposed under Section 2 of this ordinance shall apply prospectively only, and shall operate to prevent acceptance of permit applications submitted after the effective date of this ordinance. Nothing in this ordinance shall be construed to extinguish, limit, or otherwise infringe on any permit applicant’s vested development rights as defined by state law and City of Roslyn regulations, provided that such a permit applicant has filed a completed permit application before the effective date of this ordinance.

Section 4. – Effective Period for 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 5. – Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council will hold a public hearing, at the City Council’s regular meeting, at 7:00 p.m., on Tuesday, January 11, 2022, or as soon thereafter as the business of the City Council shall permit in order to take public testimony and to consider adopting further findings.

Section 6. – Referral to Staff. City Staff and the Roslyn Historic Planning and Preservation Commission are hereby authorized and directed to study these issues and develop appropriate land use regulations for review and recommendation for inclusion in the zoning regulations or other provisions of the Roslyn Municipal Code.

Section 7. – Severability. If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, 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 8. – 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 9. – Declaration of Emergency and Effective Date. The City Council hereby finds and declares that there is a potential under current development regulations for development

in the City to have negative secondary effects if not first addressed by adequate and appropriate regulations, and that, therefore, an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 14th DAY OF DECEMBER, 2021.

CITY OF ROSLYN



Brent Hals, Mayor

ATTEST/AUTHENTICATED:



Virginia Ekoes, City Clerk

Approved as to form:

Ann Marie Soto, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Date of Publication:
Effective Date: