



LAKE STEVENS CITY COUNCIL
STAFF REPORT

Council
Agenda Date: April 14, 2020

Subject: Ordinance 1084 for Temporary Permit Extensions due to COVID 19

Contact
Person/Department: Russ Wright, Community Development **Budget**
Impact: \$0

RECOMMENDATION(S)/ACTION REQUESTED OF COUNCIL: Adopt Ordinance 1084 authorizing temporary extensions of development project and building permits / applications due to impacts to the construction industry from COVID 19.

SUMMARY/BACKGROUND:

On February 29, 2020, the Governor of the State of Washington proclaimed a State of Emergency due to COVID-19. Mayor Gailey proclaimed an emergency on March 5, 2020. On March 25, 2020, Governor Inslee provided official guidance stating that construction activities are not considered essential under Proclamation 20-25, except in limited circumstances.

The continuing COVID-19 epidemic adversely affects businesses of all types, including the local construction industry, which is an important part of the city's and region's economy. In order to prevent the expiration of development related permits, approvals and completed applications during this time of economic downturn, extensions of the expiration dates of certain development related permits and land use actions are warranted

Interim Ordinance 1084 will provide safeguards for land use and building applications under review and permits and decisions that have been issued and cannot commence or be completed due to statewide COVID 19 restrictions. The attached ordinance would authorize the Director of Planning and Community Development or designee to approve six-month extensions beyond those allowed by code to promote a speedy recovery of the building industry when the statewide restrictions are lifted. A public hearing will be held no later than 60-days from April 14, 2020.

APPLICABLE CITY POLICIES: Promote economic development and ensure predictability in the permitting process

BUDGET IMPACT: None

ATTACHMENTS:

- ▶ Exhibit A: Ordinance 1084

**CITY OF LAKE STEVENS
Lake Stevens, Washington**

ORDINANCE NO. 1084

**AN INTERIM ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON
AUTHORIZING CITY OFFICIALS TO TEMPORARILY GRANT EXTENSIONS
TO DEVELOPMENT APPLICATIONS, APPROVED LAND USE ACTIONS AND
CONSTRUCTION PERMITS IN RESPONSE TO THE COVID-19 PANDEMIC;
PROVIDING FOR THE DURATION OF THIS ORDINANCE AND PUBLIC
HEARING; PROVIDING FOR SEVERABILITY, EXPIRATION, SUMMARY
PUBLICATION BY ORDINANCE TITLE AND AN EFFECTIVE DATE.**

WHEREAS, the World Health Organization has determined that a pandemic exists due to the global spread of a highly contagious virus commonly known as COVID-19; and

WHEREAS, on February 29, 2020, the Governor of the State of Washington proclaimed a State of Emergency due to COVID-19 and furthermore on March 25, 2020, Governor Inslee provided official guidance stating that construction activities are not considered essential under Proclamation 20-25, except in limited circumstances; and

WHEREAS, the continuing COVID-19 epidemic adversely affects businesses of all types, including the local construction industry. Constraints on having workers and suppliers being able to access development sites, as well as downturns in the local, regional and national economies, have created a situation where builders and developers may be unable to initiate or finalize development projects for an indeterminate period of time; and

WHEREAS, the expiration of development related permits or related land use approvals can have significant financial impacts to a developer, and also adversely affect financial institutions and investors that have provided financing for a development project; and

WHEREAS, development related activity is a significant tax revenue generator and provides a much-needed source of revenue to local governments to finance public safety and other necessary public services; and

WHEREAS, in order to prevent the expiration of development related permits, approvals and completed applications during this time of economic downturn, extensions of the expiration dates of certain development related permits and land use actions are warranted; and

WHEREAS, Lake Stevens Municipal Code allows extensions to the expiration of development related approvals and land use actions, but such existing extensions may be insufficient to accommodate the scope of an economic downturn; and

WHEREAS, RCW 36.70A.390 provides that the City Council may adopt an immediate interim zoning ordinance for a period of up to six months if a public hearing on the proposal is held within at least sixty (60) days; and

WHEREAS, pursuant to WAC 197-11-880 and LSMC Chapter 16.04, the adoption of this ordinance is exempt from the requirements for a threshold determination under the State Environmental Policy Act (SEPA); and

WHEREAS, the proposed interim official control will promote the public health, safety, morals, and general welfare, and it is consistent with the goals and policies of the Comprehensive Plan; and

WHEREAS, due to current economic conditions due to COVID-19, it is in the best interests of the citizens of Lake Stevens and its local economy to authorize city officials to temporarily grant extensions of the expiration dates for certain development related permits and land use actions.

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

Section 1. Findings of Fact. The City Council adopts and incorporates the foregoing recitals as findings as if set forth fully herein.

Section 2. Extensions of Development Applications and Permits.

- A. This ordinance relates to the identified development project and building applications and permits administered through Title 14 of the Lake Stevens Municipal Code and through the IBC or IRC.
- B. The Director of Planning and Community Development or designee is authorized to extend approved, active and valid Type I through Type III Permits and Decisions, for up to six months, in addition to any extension provided in Chapters 14.16A and 14.16B LSMC.
- C. The Director of Planning and Community Development or designee is authorized to extend any complete, active and valid, but not-yet-approved Type I through Type III application, which would otherwise expire due to inactivity for up to six months, in addition to any extension provided in Chapters 14.16A and 14.16B LSMC.
- D. The Director of Planning and Community Development or designee is authorized to extend any complete, active and valid IBC or IRC building permit or application for up to six months, in addition to any extension provided through the IBC or IRC.
- E. The applicant must submit a written request and justification related to the COVID-19 pandemic, Governor Inslee's Proclamation 20-25 (as clarified or modified) or other related governmental action on the federal, state or local level. The written request shall be submitted to the Director or designee to qualify for a temporary extension of the recipient's permit or approval before the expiration of the permit or approval. In the event that a discrete development project has multiple companion permits (e.g. building & civil) with differing expiration dates, the later expiration date shall be used for purposes of applying these extension provisions.
- F. Upon receipt of the written extension request, the above-noted city official shall have the authority to grant a temporary extension for up to six months. The decision to approve or deny an extension request under this ordinance shall be a discretionary act. Any temporary extension granted shall be calculated from the initial expiration date of the permit or land use action. The above-noted city official shall have the authority to shorten or revoke a temporary extension for good cause.

Section 3. Public Hearing. Pursuant to RCW 36.70A.390, a public hearing on the interim official controls established by this ordinance shall be held within sixty (60) days of the adoption of this ordinance to hear and consider public comment.

Section 4. Expiration. The City Council adopts this interim regulation under the authority of RCW 36.70A.390. Therefore, the interim controls adopted herein shall be in effect for a period of six (6) months from the effective date of this Ordinance and shall automatically expire after a period of six months, unless extended as provided by statute or otherwise superseded by action of Council, whichever occurs first. Because this is an interim ordinance, it shall not be codified.

Section 5. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, a copy of this interim Ordinance shall be transmitted to the Washington State Department of Commerce.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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 7. Effective Date. This Ordinance shall take effect and be in full force five days after passage and publication of an approved summary consisting of the title.

ADOPTED by the City Council and **APPROVED** by the Mayor this 14th day of April 2020.

Brett Gailey, Mayor

ATTEST/AUTHENTICATION:

Kathy Pugh, City Clerk

APPROVED AS TO FORM:

Greg Rubstello, City Attorney

First and Final Reading: _____

Published: _____

Effective Date: _____