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**ORDINANCE NO. 3746**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING AN INTERIM ZONING ORDINANCE AMENDING THE PROVISIONS OF ECDC 20.12.090(B), AMENDING THE PROVISIONS OF ECDC 20.11.050, FORWARDING FOR REVIEW AND RECOMMENDATION TO THE CITY'S PLANNING BOARD A NEW PARKING STANDARD FOR THE HIGHWAY 99 CORRIDOR, PROVIDING FOR A SUNSET CLAUSE, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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WHEREAS, RCW 36.70A.390 authorizes adoption of interim zoning ordinances so long as a public hearing is held within at least sixty days of its adoption, so long as the interim ordinance is effective for no longer than six months unless extended by action of the City Council; and

WHEREAS, in order to deal with the provisions of the current economic downturn, the City staff has recommended certain measures, which have been approved for circulation to the entire City Council by the City Council's community services committee; and

WHEREAS, the City Council deems it to be in the public interest to adopt amendments to ECDC 20.12.090(B) and ECDC 20.11.050 in order to extend design review approvals; and

WHEREAS, the City Council deems it to be in the public interest to refer new parking standards for the Hwy 99 corridor to the Edmonds Planning Board; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. The provisions of ECDC 20.12.090 Lapse of approval, (B) Time extension is hereby amended as an interim zoning ordinance to read as follows:

**20.12.090 Lapse of approval.**

...

**B. Time extension.**

1. Application. The applicant may apply for up to two extensions of up to one year each by submitting a letter, prior to the date that the approval or an extension thereof lapses, to the Planning Division along with any other supplemental documentation which the Planning Manager may require, which demonstrates that he/she is making substantial progress relative to the conditions adopted by the ADB or hearing examiner and that circumstances beyond his or her control are preventing timely compliance. In the event of an appeal, a one-year extension shall commence from the date a final decision is entered in favor of such applicant or approval of such extension.

2. Fee. The applicant shall include with a letter of request, such fee as established by ordinance. No application shall be complete unless accompanied by the required fee.

Section 2. The Edmonds Community Development Code Section 20.11.050

Lapse of approval is hereby amended to read as follows:

**20.11.050 Lapse of approval.**

A. Time Limit. Unless the owner submits a fully completed building permit application necessary to bring about the approved alterations, or, if no building permit application is required, substantially commences the use allowed within two (2) years from the date of approval, ADB or hearing examiner approval shall expire and be null and void, unless the owner files a fully completed application for an extension of time prior to the expiration date. For the purposes of this section the date of approval shall be the date on which the ADB's or hearing examiner's minutes or other method of conveying the final written decision of the ADB or hearing examiner as adopted are mailed to

the applicant. In the event of appeal, the date of approval shall be the date on which a final decision is entered by the city council or court of competent jurisdiction in favor of the applicant or approval of such extension .

B. Time Extension.

1. Application. The applicant may apply for up to two extensions of one year each by submitting a letter, prior to the date that approval lapses, to the planning division along with any other supplemental documentation which the planning manager may require, which demonstrates that he/she is making substantial progress relative to the conditions adopted by the ADB or hearing examiner and that circumstances are beyond his/her control preventing timely compliance. In the event of an appeal, the one-year extension shall commence from the date a final decision is entered in favor of such extension.

2. Fee. The applicant shall include with the letter of request such fee as is established by ordinance. No application shall be complete unless accompanied by the required fee.

3. Review of Extension Application. An application for an extension shall be reviewed by the planning official as provided in ECDC 20.95.040.

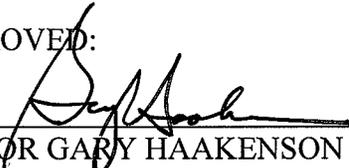
Section 3. The Edmonds Planning Board is hereby requested and directed to review and develop stream lines or more efficient parking standards for Hwy 99.

Section 4. In accordance with the provisions of RCW 36.70A.390, a public hearing regarding the adoption of this interim zoning ordinance shall be held on the 17th day of August, 2009 at 7:00 PM or as soon thereafter as this matter may be heard. Such hearing shall occur in the Edmonds City Council Chambers in conjunction with the regularly scheduled Edmonds City Council meeting.

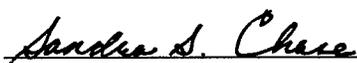
Section 5. The provisions of Section 1 and 2 of this interim zoning ordinance shall expire on their terms six months from the effective date of this ordinance unless extended, following appropriate hearing, by act of the Edmonds City Council.

Section 6. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

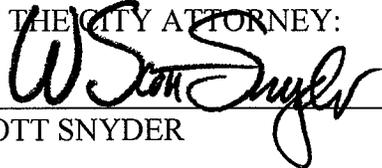
APPROVED:

  
MAYOR GARY HAAKENSON

ATTEST/AUTHENTICATED:

  
CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY   
W. SCOTT SNYDER

|                             |            |                      |
|-----------------------------|------------|----------------------|
| FILED WITH THE CITY CLERK:  | 06/19/2009 |                      |
| PASSED BY THE CITY COUNCIL: | 06/23/2009 |                      |
| PUBLISHED:                  | 07/11/2009 |                      |
| EFFECTIVE DATE:             | 07/16/2009 | (Expires 01/16/2010) |
| ORDINANCE NO. <u>3746</u>   |            |                      |

**SUMMARY OF ORDINANCE NO. 3746**

of the City of Edmonds, Washington

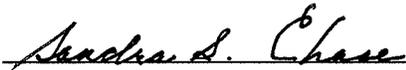
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On the 23rd day of June, 2009, the City Council of the City of Edmonds, passed Ordinance No. 3746. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING AN INTERIM ZONING ORDINANCE AMENDING THE PROVISIONS OF ECDC 20.12.090(B), AMENDING THE PROVISIONS OF ECDC 20.11.050, FORWARDING FOR REVIEW AND RECOMMENDATION TO THE CITY'S PLANNING BOARD A NEW PARKING STANDARD FOR THE HIGHWAY 99 CORRIDOR, PROVIDING FOR A SUNSET CLAUSE, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 24th day of June, 2009.

  
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CITY CLERK, SANDRA S. CHASE

# Affidavit of Publication

STATE OF WASHINGTON,  
COUNTY OF SNOHOMISH

} S.S.



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The full text of this Ordinance will be mailed upon request.  
DATED this 24th day of June, 2009.

CITY CLERK, SANDRA S. CHASE

Published: July 11, 2009.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance NO. 3746

Interim Zoning Ordinance

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

July 11, 2009

and that said newspaper was regularly distributed to its subscribers during all of said period.

Principal Clerk

Subscribed and sworn to before me this

13th

day of July, 2009

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.

RECEIVED

JUL 21 2009

EDMONDS CITY CLERK

Account Name: City of Edmonds

Account Number: 101416

Order Number: 0001657293

