

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6574

AN ORDINANCE extending an Interim Official Control adopted by Ordinance No. 6530, tolling time limitations for certain active Temporary Use Permits, and suspending the restriction for application of certain successive Temporary Use Permits; providing for severability; and establishing an effective date.

WHEREAS, on February 29, 2020, Governor Inslee signed a Proclamation declaring a State of Emergency exists in all counties in the State of Washington due to the worldwide outbreak of the novel coronavirus (COVID-19) and the effects of its extreme risk of person-to-person transmission, which significantly impacts the life and health of Washington's people, as well as the economy; and

WHEREAS, on March 3, 2020, the Mayor of the City of Bellevue, pursuant to the authority granted by Bellevue City Code (BCC) 9.22.010, proclaimed that a civil emergency exists within the City of Bellevue due to the outbreak of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared a state of worldwide pandemic due to COVID-19; and

WHEREAS, on March 13, 2020, former President Donald Trump declared a national emergency due to the COVID-19 virus; and

WHEREAS, in May 2020, Governor Inslee implemented a county-based four-phased reopening plan, Safe Start Washington, that allowed for flexibility and local control to address COVID-19 activity, subject to state Department of Health review and approval of county applications to move to a new phase; and

WHEREAS, on June 19, 2020, King County was approved to move to Phase 2 of Safe Start Washington, which allowed certain businesses to open and activities to take place, with appropriate social distancing and other health and safety requirements; and

WHEREAS, on March 11, 2021, the State of Washington, including King County, was approved to move to Phase 3 of Safe Start Washington, which allowed most businesses to operate at 50 percent capacity, with appropriate social distancing and other health and safety requirements; and

WHEREAS, the Bellevue City Council has adopted regulations to permit a use to locate within the City on an interim basis without requiring full compliance with the development standards of the land use district or by which the City may permit seasonal or transient uses not otherwise permitted through a Temporary Use Permit, Land Use Code (LUC) Part 20.30M; and

WHEREAS, the Bellevue City Council adopted regulations establishing limitations for the duration of issued Temporary Use Permits under LUC 20.30M.145; and

WHEREAS, the Bellevue City Council adopted regulations establishing restrictions on applications for successive Temporary Use Permits under LUC 20.30M.150; and

WHEREAS, while King County has been under Safe Start Washington, the City has issued Temporary Use Permits to permit temporary uses for certain businesses and services impacted by the limitations of Safe Start Washington to resume and operate, while following social distancing and other health and safety requirements; and

WHEREAS, under the current Temporary Use Permit provisions in the LUC, these issued Temporary Use Permits will expire after 90 days and cannot be renewed immediately, even during the time period that King County remains under Safe Start Washington; and

WHEREAS, if these Temporary Use Permits expire and successive permits cannot be obtained, permit holders operating these businesses and services may not be able to continue their operations, even though permit holders are still impacted by the limitations of Safe Start Washington and may be in financial and economic jeopardy; and

WHEREAS, allowing these Temporary Use Permits to expire and restricting any successive permits may expose the City to certain consequences, including decreased tax revenues, underutilized properties and businesses, and the short and long-term impacts associated with suspended and closed businesses and services; and

WHEREAS, the City Council has a compelling interest in protecting the health and safety of all of its residents, and finds it necessary to provide relief to applicants for and holders of Temporary Use Permits who are impacted by the current COVID-19 pandemic and Safe Start Washington; and

WHEREAS, the City Council has a compelling interest in tolling limitations on the duration of active Temporary Use Permits and suspending the provisions in the current LUC related to applications for successive Temporary Use Permits when these permits are related to mitigating the impacts of COVID-19 and Safe Start Washington; and

WHEREAS, on October 12, 2020, the City Council adopted Ordinance No. 6530, which imposed an Interim Official Control tolling time limitations for certain active Temporary Use Permits and suspending the restriction for application of certain successive Temporary Use Permits; and

WHEREAS, under the Growth Management Act (GMA), the City was required to hold a public hearing within 60 days of adopting Ordinance No. 6530, and consistent with the GMA, the City Council held a public hearing on November 16, 2020 to consider the Interim Official Control; and

WHEREAS, following the November 16, 2020 public hearing, the City Council affirmed that Ordinance No. 6530 should remain in effect for an initial six-month period, to April 12, 2021; and

WHEREAS, the impacts and limitations of COVID-19 pandemic and Safe Start Washington are continuing, and some Temporary Use Permits will expire shortly after the Interim Official Control Ordinance ends; and

WHEREAS, an extension of the Interim Official Control is necessary to prevent these Temporary Use Permits from expiring; and

WHEREAS, the Environmental Coordinator for the City of Bellevue has determined that this text amendment to the Land Use Code is Categorically Exempt from the Threshold Determination requirements of the State Environmental Policy Act pursuant to the terms of WAC 197-11-800(19); and

WHEREAS, the City Council duly held the public hearing required by the GMA on April 12, 2021, so as to hear and consider public comment and testimony regarding extension of this Interim Official Control; and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying the extension of the Interim Official Control originally adopted by Ordinance No. 6530 for an additional six-month period; now, therefore

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Extension of Interim Official Control. The Interim Official Control adopted by Ordinance No. 6530 is hereby extended for an additional six-month period, to October 12, 2021, unless repealed, extended, or modified by the City Council after a subsequent public hearing and entry of additional findings of fact pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in force on April 12, 2021.

Section 4. Findings of Fact. The findings contained in this Ordinance are hereby adopted as Findings of Fact to justify extending the Interim Official Control adopted by Ordinance No. 6530.

Passed by the City Council this _____ day of _____, 2021 and signed in authentication of its passage this _____ day of _____, 2021.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:
Kathryn L. Gerla, City Attorney

Matthew McFarland, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published: _____