

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6732

AN ORDINANCE extending the life of certain complete building permit applications, complete clearing and grading permit applications, issued building permits, and issued clearing and grading permits when complete permit applications have been submitted to the City, or the issued permits remain active, between the effective date of this Ordinance and June 30, 2023; providing for an exception for civil violations; providing for severability; and establishing an effective date.

WHEREAS, the Bellevue City Council has adopted regulations establishing time limits for building permit applications and clearing and grading applications to remain active, and expiration periods for issued building permits and clearing and grading permits; and

WHEREAS, the Bellevue City Council has adopted regulations that provide performance standards that require permit applicants and permittees to advance through permit review and commence construction to maintain the validity of an application or issued permit; and

WHEREAS, when a building permit is issued, the vested status of the project, ancillary permits, and approvals run with the vested status of the issued building permit and expire pursuant to the terms of BCC 23.05.100.E; and

WHEREAS, clearing and grading permits for plat infrastructure are stand-alone permits, that vest on submittal of a complete application for a clearing and grading permit, and expire under the provisions set forth in BCC 23.76.045.A; and

WHEREAS, development in Bellevue has been impacted and may continue to be impacted for the foreseeable future by multiple factors, including an office market in transition as employers and employees jointly determine the future of remote work, inflation of construction and land costs, interest rates, and changes in the tech industry; and

WHEREAS, if issued building permits or clearing and grading permits or complete building and clearing and grading permit applications expire, it may be difficult for project proponents, due to economic and financial market conditions, to sell projects or to obtain capital to restart and complete projects, which could, in turn, add additional cost and time to both permit applicants and the City in order to realize completion of development projects; and

WHEREAS, certain building permit applications, issued building permits, and clearing and grading permits for plat infrastructure will expire and others have the potential to expire during the next one hundred eighty (180) days, putting development projects approved within the last few years or currently under construction at risk; and

WHEREAS, allowing permit applications and permits to expire may expose the City to consequences in the form of decreased tax revenues, underutilized and vacant land, and the short and long-term impacts associated with abandoned construction; and

WHEREAS, although Bellevue remains in a strong and stable position for development, with a diverse and highly trained local workforce, well-known national employers, and an excellent quality of life, many development projects currently approved by the City or under review by the City need the benefit of permit application extensions and issued permit extensions to respond to uncertain market forces; and

WHEREAS, the City Council reviewed and considered this permit extension Ordinance at its March 13, 2023 and March 27, 2023 meetings, and based on public comment received, Council decided to provide the permit application and issued permit extensions contained herein to completed permit applications and issued permits active between the effective date of this Ordinance and June 30, 2023; and

WHEREAS, the City Council has a compelling interest in the protection of the health and safety of all of its residents and has a compelling interest in ensuring that the goals and policies in the Comprehensive Plan, as well as other policy and planning documents, are fulfilled; and

WHEREAS, the City has a compelling interest in responding to the current economic and development market and finds it necessary to provide relief to project proponents by providing balanced options that extend the life of certain permit applications and issued permits over the short-term; now, therefore,

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

Section 1. Extension of Time Limits for Building Permit Applications. The time limitation set forth in BCC 23.05.090.H for building permit applications is temporarily extended by one hundred eighty (180) days. This extension supplements the provisions of BCC 23.05.090.H, and applies only to complete building permit applications active on the effective date of this Ordinance and complete building permit applications submitted to the City between the effective date of this Ordinance and June 30, 2023. In addition, all complete building permit applications active on the effective date of this Ordinance or submitted to the City

between the effective date of this Ordinance and June 30, 2023, if and when the permit is issued, will receive the extensions set forth in Section 2 below.

Section 2. Extension of Expiration Period for Issued Building Permits. The expiration period for issued building permits set forth in BCC 23.05.100.E.2 is extended by one hundred eighty (180) days. Additionally, the one year period in which to commence work, as set forth in BCC 23.05.100.E.1, is extended by an additional one hundred eighty (180) days. These extensions supplement the provisions of BCC 23.05.100.E and apply only to issued building permits active on the effective date of this Ordinance, building permits issued between the effective date of this Ordinance and June 30, 2023, and issued building permits when the complete permit application was submitted to the City by June 30, 2023 pursuant to Section 1 of this Ordinance.

Section 3. Extension of Time Limits for Clearing and Grading Permit Applications for Plat Infrastructure. The time limitation set forth in BCC 23.76.045.A for clearing and grading permit applications for plat infrastructure (GE) is temporarily extended by an additional one hundred eighty (180) days. This extension supplements the provisions of BCC 23.76.045.A and applies only to complete (GE) clearing and grading permit applications that are active on the effective date of this Ordinance and complete clearing and grading permit applications submitted to the City between the effective date of this Ordinance and June 30, 2023. Additionally, all GE permits issued in conjunction with complete clearing and grading permit applications active on the effective date of this Ordinance or submitted to the City between the effective date of this Ordinance and June 30, 2023, if and when the permit is issued, will receive the extensions set forth in Section 4 below.

Section 4. Extension of Expiration Period for Issued Clearing and Grading Permits. The expiration period of issued clearing and grading permits for plat infrastructure (GE permits) set forth in BCC 23.76.045.A.2.b.ii is extended by one hundred eighty (180) days. Additionally, the one year period in which to commence work, as set forth in BCC 23.76.045.A.2.b.i, is extended by an additional one hundred eighty (180) days. This extension supplements the provisions of BCC 23.76.045.A and applies only to GE permits active on the effective date of this Ordinance, clearing and grading permits issued between the effective date of this Ordinance and June 30, 2023, and issued clearing and grading permits when the complete permit application was submitted to the City by June 30, 2023 pursuant to Section 3 of this Ordinance.

Section 5. Exception for Civil Violations. The time extensions provided by this Ordinance shall not apply to any properties that are the subject of an active request for voluntary compliance or civil violation proceeding under Chapter 1.18 BCC.

Section 6. Severability. Should any provision of this Ordinance or its application to any person or circumstances be held invalid, the remainder of the

Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 7. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this _____ day of _____, 2023 and signed in authentication of its passage this _____ day of _____, 2023.

(SEAL)

Lynne Robinson, Mayor

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

Matthew McFarland, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published _____