

CITY COUNCIL REGULAR SESSION

Ordinance imposing 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; providing for severability; and establishing an effective date.

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EXECUTIVE SUMMARY

The interim official control is intended to quickly respond to and provide relief for applicants for and holders of Temporary Use Permits. The Ordinance will toll the time limitation for active Temporary Use Permits and suspend the restriction for application of successive permits, thereby supporting applicants who rely on these permits to operate businesses and services during the COVID-19 pandemic and Safe Start Washington. Since this is an interim official control, a public hearing will be required within 60 days of the enactment of this Ordinance in order for the tolling limitation and the suspension of successive application restriction to remain in effect.

RECOMMENDATION

Move to adopt Ordinance No. 6530

BACKGROUND/ANALYSIS

This proposed interim official control is intended to quickly respond to and provide relief for applicants for and holders of Temporary Use Permits who rely on these permits to resume and operate businesses and services. This interim official control will toll the time duration for active Temporary Use Permits and suspend the restriction for application of successive permits, when these permits are related to mitigating the impacts of COVID-19 and Safe Start Washington.

Background

On February 29, 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 COVID-19 and the effects of its extreme risk of person-to-person transmission, which significantly impacts the life and health of residents of the State of Washington, as well as the state economy. After several months under a Stay Home – Stay Healthy Order, in May 2020, the Governor implemented a county-based four-phased reopening plan called Safe Start Washington.

On June 19, King County was approved to move to Phase 2 of Safe Start Washington, which allowed certain businesses to open and activities to take place, so long as they operated following social distancing and other health and safety requirements. On July 28, the Governor indefinitely paused counties progressing in the reopening phases under the Safe Start Washington plan due to the continued rise of cases and spread of coronavirus statewide. The practical implications of this pause were that restaurants, retail stores, educational facilities, religious services, and other businesses and services were required to limit their activities to a percentage of full capacities.

Temporary Use Permits

A Temporary Use Permit, Part 20.30M LUC, is a mechanism by which the City may 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. Generally, per LUC 20.30M.145, a Temporary Use Permit is valid for up to 90 calendar days from the effective date of the permit. A property owner or other holder of a Temporary Use Permit may not apply for a successive Temporary Use Permit for 30 days following the expiration of an approved permit for that property per LUC 20.30M.150.

The City has issued Temporary Use Permits for restaurants, retail stores, and entertainment companies to operate in outdoor parking lots and other spaces, in order to increase their overall capacities while remaining in compliance with Safe Start Washington's social distancing and other health and safety requirements. Additionally, the City has received inquiries and expects to receive applications for temporary uses for portable structures from educational institutions, as well as comparable inquiries and applications from healthcare providers for drive-in or drive-through medical services.

With the long duration of Safe Start Washington, compounded by the indefinite pause in the ability of Washington counties to progress in the reopening phases, active Temporary Use Permits as well as any new permits will expire prior to King County completing Safe Start Washington. Also, a permit holder with an expiring Temporary Use Permit will not be able to maintain continuous operations due to the restriction on successive applications.

The proposed interim official control is intended to provide relief for applicants for and holders of Temporary Use Permits who rely on these permits to operate their businesses and services. For Temporary Use Permits related to mitigating the impacts of COVID-19 and Safe Start Washington, the Ordinance will toll the time limitation for active permits and suspend the restriction for applications of successive permits until King County completes Safe Start Washington.

Notice and a public hearing are not necessary prior to adoption of an interim official control, to allow for the regulations to be put in place quickly. However, a public hearing must be held within 60 days of its adoption. In addition, the Growth Management Act, RCW 36.70A.390, states that this interim official control may be effective for six months, and if necessary, may be renewed for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each successive renewal.

POLICY & FISCAL IMPACTS

Policy Impact

This proposed interim official control is intended to quickly respond to and provide relief for applicants for and holders of Temporary Use Permits who rely on these permits to resume and operate businesses and services. This interim official control will toll the time duration for active Temporary Use Permits and suspend the restriction for application of successive permits, when these permits are related to mitigating the impacts of COVID-19 and Safe Start Washington.

Since this is an interim official control, a public hearing will be required within 60 days of the enactment of this Ordinance to remain in effect.

Fiscal Impact

While the consequences of expiring Temporary Use Permits could be financially devastating for property owners, business owners, and service providers, the City may also bear the burden in the form of decreased tax revenues, underutilized properties and businesses, and short and long-term impacts associated with suspended activities and closed businesses.

OPTIONS

1. Adopt the Ordinance imposing 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; providing for severability; and establishing an effective date.
2. Do not adopt the Ordinance and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

A. Current Part 20.30M LUC – Temporary Use Permit
Proposed Ordinance No. 6530

AVAILABLE IN COUNCIL LIBRARY

N/A