CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6530

AN 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.

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, President 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 July 28, 2020, Governor Inslee indefinitely paused counties progressing in the reopening phases under the state's Safe Start Washington plan due to the continued rise of cases and spread of coronavirus statewide; 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 adverse 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, the City Council adopts the foregoing as its findings of fact justifying adoption of this Ordinance; now, therefore,

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

Section 1. Tolling of Time Limitation for Certain Active Temporary Use Permits. While Washington State's Safe Start Washington plan is in place for King County, the time limitation for the effective duration set forth in LUC 20.30M.145 shall be tolled for active Temporary Use Permits that are related to mitigating the impacts of COVID-19 and Safe Start Washington. The time limitation shall begin on the first calendar day after King County has completed all phases of Safe Start Washington.

Section 2. Suspension of Restriction for Applications of Certain Successive Temporary Use Permits. While Washington State's Safe Start Washington plan is in place for King County, the restriction set forth in LUC 20.30M.150 shall be suspended for applications of successive Temporary Use Permits related to mitigating the impacts of COVID-19 and Safe Start Washington. The restriction to apply for a successive Temporary Use Permit shall resume 30 days after King County has completed all phases of Safe Start Washington.

Section 3. Duration and Scope of Interim Official Control. Pursuant to RCW 36.70A.390, this Interim Official Control is to be in effect for a period of six months. This Interim Official Control 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 renewal.

Section 4. Public Hearing. Pursuant to RCW 36.70A.390, the City Council shall hold a public hearing on this Interim Official Control within sixty (60) days of its adoption, so as to hear and consider public comment and testimony regarding this Interim Official Control. Following such hearing, the City Council may adopt additional findings of fact, and may extend the Interim Official Control for a period up to an additional six (6) months. The City Council may adopt additional six (6) month extensions after any required public hearing, pursuant to RCW 36.70A.390.

Section 5. 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 6. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Section 7. Findings of Fact. The findings contained in this Ordinance are hereby adopted as Findings of Fact to justify adoption of this Interim Official Control.

Passed by the City Council this 12th day of OCTOBER, 2020 and signed in authentication of its passage this 12th day of OCTOBER, 2020.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:

Kathryn L. Gerla, City Attorney

Matthew McFarland, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

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