

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6508

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; providing for severability; declaring a public emergency; and establishing an immediate 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, on March 23, 2020, Governor Inslee imposed a Stay Home – Stay Healthy Order throughout Washington State prohibiting all people in Washington State from leaving their homes, with few exceptions, and prohibiting businesses determined by the Governor to be non-essential from conducting business until midnight on April 6, 2020; and

WHEREAS, on March 25, 2020, the Governor issued guidance indicating that his Stay Home – Stay Healthy Order in general prohibits commercial and residential construction because construction is not considered an essential activity under that Order; and

WHEREAS, on April 2, 2020, the Governor extended the duration of his Stay Home – Stay Healthy Order until 11:59 p.m. on May 4, 2020; and

WHEREAS, the Governor may further extend the duration of his Stay Home – Stay Healthy Order; and

WHEREAS, the Bellevue City Council 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 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, for projects requiring a building permit, the vested status of the project, ancillary permits and approval runs with the vested status of a complete building permit application. 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, due to the prohibition on construction in the Governor's Stay Home – Stay Healthy Order and the potential for that order to be further extended, certain single family and commercial 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 of failure; and

WHEREAS, if the permit applications or permits associated with existing projects expire, the current economic downturn and condition of financial markets as a result of COVID-19 will render it difficult, if not impossible, for developers to either sell projects or obtain capital necessary to restart or complete projects, and will add additional time and cost to projects if project proponents are required to re-apply; 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, the City Council has a compelling interest in the protection of the health and safety of all of its residents, and finds it necessary, in order to respond to the current COVID-19 pandemic, to provide relief to project proponents by extending the life of certain permits and permit applications; and

WHEREAS, for the reasons set forth above, the City Council finds that an emergency exists within the city, and that adoption of this ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare; and

WHEREAS, RCW 35A.13.190 authorizes the City Council to adopt an ordinance that takes effect immediately provided the ordinance is passed by a majority plus one of the whole membership of the Council and provided the Council declares an emergency exists necessitating adoption of the ordinance; 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. In addition, all complete building permit applications active on the effective date of this ordinance, 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.

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. Additionally, all GE permits issued in conjunction with clearing and grading permit applications, active on the effective date of this ordinance, 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.

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.

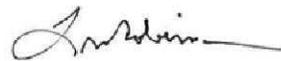
Section 6. Severability. Should any provision of this ordinance or its application to any person or circumstances be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 7. Declaration of Emergency. The City Council finds as a fact and declares that a public emergency exists necessitating that this ordinance take effect immediately upon passage.

Section 8. Effective Date. This ordinance shall take effect and be in force immediately upon passage.

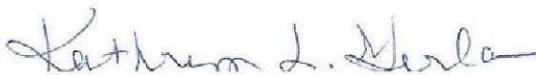
Passed by the City Council this 20th day of April, 2020 and signed in authentication of its passage this 20th day of April, 2020.

(SEAL)



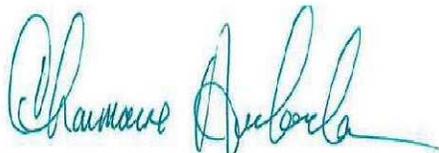
Lynne Robinson, Mayor

Approved as to form:



Kathryn L. Gerla, City Attorney

Attest:



Charmaine Arredondo, City Clerk

Published April 23, 2020.