

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5943

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; declaring a public emergency; providing for severability; and establishing an immediate effective date.

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, staff presented information to the City Council on February 22, 2010, demonstrating that certain single family and commercial building permit applications, issued building permits, and preliminary short plat approvals will expire during the course of the next year; and

WHEREAS, the current recession has created significant barriers for new commercial and residential development, putting projects approved within the last few years or currently under construction at risk of failure; and

WHEREAS, if the associated permit applications or permits with existing projects expire, the current condition of the financial markets will render it difficult, if not impossible for developers to either sell projects or obtain capital necessary to restart or complete projects; 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 sites; and

WHEREAS, once permit applications or permits expire, project proponents are required to re-apply, adding additional time and cost to projects; and

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

WHEREAS, the City Council desires to immediately respond to the current economic climate and provide relief to project proponents by providing balanced options that extend the life of certain permit applications and issued permits over the short-term;

WHEREAS, for the reasons set forth above, the City Council finds 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 ordinances, which may take 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 thereby 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 an additional 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 active building permit applications 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 additional year. Additionally, the one year period in which to commence work, as set forth in BCC 23.05.100.E.1, is extended to two years. 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 an additional 180 days. This extension supplements the provisions of BCC 23.76.045.A and applies only to complete clearing and grading permit applications associated with preliminary short plat approvals that are active on the effective date of this ordinance. In addition, all GE clearing and grading permit applications associated with preliminary short plat approvals, active on the effective date of this ordinance, 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 for 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 additional year. 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 one year, totaling two years. This extension supplements the provisions of BCC 23.76.045.A, and applies only to GE permits associated with preliminary short plat approvals, 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 circumstance 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 hereby finds and declares that a public emergency exists and that this ordinance is a public emergency ordinance necessary for the protection of the public health and safety and should, therefore, take effect upon adoption. The facts upon which this public emergency is based include all recitals set out in this ordinance as well as those facts contained in the legislative record.

Section 8. Effective Date. In accordance with RCW 35A.13.190, this ordinance, as a public emergency ordinance, shall take effect and be in force immediately upon adoption.

Passed by the City Council this 15th day of March, 2010
and signed in authentication of its passage this 15th day of March,
2010.

(SEAL)

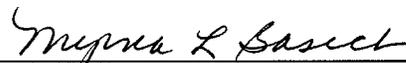

Don Davidson, DDS
Mayor

Approved as to form:

Lori M. Riordan, City Attorney


Lacey Madche, Assistant City Attorney

Attest:


Myrna L. Basich, City Clerk

Published March 18, 2010