

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5961

AN ORDINANCE extending Ordinance No. 5944 imposing an interim official control extending the life of certain preliminary short plat approvals; amending section 2 of Ordinance No. 5944; declaring an emergency, providing for severability; and establishing an effective date.

WHEREAS, the Bellevue City Council adopted LUC 20.45B.150 establishing the time and conditions when preliminary short plats expire, and LUC 20.45B.160 authorizing extensions of the expiration period; and

WHEREAS, under Washington law and the Land Use Code, vesting occurs with the submittal of a complete application for a preliminary short plat approval; and

WHEREAS, under the Bellevue Land Use Code, vesting expires when the preliminary short plat approval expires; and

WHEREAS, the ongoing recession continues to create significant barriers for new commercial and residential development, and continues to put projects approved within the last few years or currently under construction at risk of failure; and

WHEREAS, staff presented information to the City Council on February 22, 2010, demonstrating that certain preliminary short plat approvals will expire over the next year; and

WHEREAS, if the preliminary short plat approvals are allowed to expire, the ongoing condition of the financial markets will render it difficult, if not impossible for developers to either sell projects or obtain capital necessary or to restart or complete projects; and

WHEREAS, once preliminary short plat approvals expire, project proponents are required to re-apply, adding additional time and cost to projects; and

WHEREAS, allowing preliminary short plat approvals to expire may expose the City to consequences in the form of decreased tax revenues, underutilized and vacant land, and the long-term impacts associated with abandoned construction sites; 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, RCW 35A.63.220 and the Growth Management Act at RCW 36.70A.390, authorizes cities to adopt interim official controls provided the City Council holds a public hearing on the interim official control or ordinance within 60 days of the commencement of the ordinance; and

WHEREAS, on March 15, 2010, the City adopted Ordinance No. 5944 establishing an interim official control extending the life of certain preliminary short plat approvals, which ordinance required a public hearing on the interim official control to be held no later than May 14, 2010; and

WHEREAS, the City held a public hearing on May 10, 2010 to consider the initial interim official control extending the life of preliminary short plat approvals for a period of six months; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390, further authorizes Washington cities to extend interim official controls for additional periods of up to six months following a public hearing and adoption of findings of fact; and

WHEREAS, Ordinance No. 5944 will, by its terms, expire on September 11, 2010;

WHEREAS, on September 7, 2010, the City held a public hearing to consider extending Ordinance No. 5944 by an additional 6 month period, thereby extending the life of certain preliminary short plat approvals for a total period of 12 months and

WHEREAS, pursuant to RCW 35A.13.190, ordinances may take effect and be in force immediately upon adoption, 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, and

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, pursuant to WAC 197-11-880, the adoption of this ordinance is exempt from environmental review under the State Environmental Policy Act; 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. Extension of Interim Official Control. Section 2 of Ordinance 5944 is hereby amended to read:

Duration and Scope of Interim Official Control. The extension of time limits granted by this ordinance shall become effective on the effective date of this ordinance and shall remain in effect for a period of twelve months.

Section 2. 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 3. 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 4. Findings of Fact. The findings contained in this ordinance are hereby adopted as Findings of Facts to justify extending Ordinance 5944 imposing the interim official control.

Section 5. 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 7th day of September, 2010 and signed in authentication of its passage this 7th day of September, 2010.

(SEAL)



Don Davidson, DDS
Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Lacey Madche, Assistant City Attorney

Attest:

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09/07/10

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Myrna L. Basich
Myrna L. Basich, City Clerk

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