

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5714

AN ORDINANCE imposing a moratorium on the acceptance of applications for the review and/or issuance of Permits for any new development, addition or alteration within the Moratorium Area, as such terms are defined in this ordinance; declaring a public emergency; and establishing an immediate effective date.

WHEREAS, the Bellevue City Council has previously identified a goal to connect the Meydenbauer Bay area with Downtown Bellevue through a park or other form of publicly accessible connection, which goal is articulated in the Park and Open Space Acquisition goals described in the Comprehensive Plan and in other policy/planning documents; and

WHEREAS, additional planning is necessary to determine the appropriate form of and locations for such connections; and

WHEREAS, current public rights of way are insufficient to encourage pedestrian and vehicle trips between Meydenbauer Bay and Downtown Bellevue; and

WHEREAS, the planning area impacted by the policy to connect Meydenbauer Bay and Downtown includes the area between city-owned property on Meydenbauer Bay and the Downtown Park, as shown on Attachment A (the "Moratorium Area"); and

WHEREAS, the City Council finds that new development or additions or alterations to existing development within the Moratorium Area could compromise implementation of its long-range vision for connecting the waterfront with Downtown Bellevue; and

WHEREAS, the applicable provisions of the Bellevue Land Use Code, other City Codes and existing infrastructure in the Moratorium Area do not adequately address the need for and form of access and connection between Meydenbauer Bay and Downtown Bellevue; 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, without a moratorium the City could, in the near future, receive applications for development, additions or alterations in the Moratorium Area that would conflict with the achievement of the long-range vision for this area as described in the Comprehensive Plan and other policy/planning documents; and

WHEREAS, a moratorium on new development and additions or alterations to existing development in the Moratorium Area is required in order to allow sufficient time to draft Comprehensive Plan and Bellevue Land Use Code and other City Code amendments that encourage and allow implementation of the long-range vision, and to present such amendments to the Planning Commission and City Council through the City's amendment process; and

WHEREAS, Washington state law, including RCW 35A.63.220 and RCW 36.70A.390, authorizes Washington cities to adopt moratoria and provides a process for a public hearing that must be held within sixty days of the date of the adoption of a moratorium; now, therefore

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

Section 1. Imposition of Moratorium. A moratorium is hereby imposed in the Moratorium Area on the application for, intake of, review of, or issuance of any subdivision, short subdivision, land use approval, land use permit, building permit, variance, license, and/or other approval for any new use, change in use, new development, or additions or alterations to existing development (collectively such approvals and permits are referred to herein as "Permits"); provided, that the City may continue to accept and issue Permits necessary to correct existing life/safety issues that would otherwise pose a threat to property or residents or occupants of an existing structure; and further provided that the City may continue to process and issue those individual Permits that became vested prior to the effective date of this moratorium.

Section 2. Duration and Scope of Moratorium. The moratorium imposed by this ordinance shall become effective on the date hereof, and shall continue in effect for an initial period of sixty (60) days, unless repealed, extended or modified by the City Council after subsequent public hearings and the entry of additional findings of fact pursuant to RCW 35A.63.220.

Section 3. Initial Findings of Fact.

- A. The above recitals are hereby incorporated as findings of fact;
- B. Establishing a significant public connection between Meydenbauer Bay and Downtown Bellevue is a long-standing goal of the City, described in the Comprehensive Plan and other policy/planning documents;
- C. Existing City Code provisions and existing infrastructure are inadequate to support implementation of this long-range goal;
- D. New development or the investment in existing development represented by additions or alterations to existing development and uses within the Moratorium Area prior to review of the City's Land Use Code, other City Codes and Comprehensive Plan and amendments thereto compromise the ability to achieve the City's goals; and
- E. New development or the investment in existing development represented by additions or alterations to existing development and uses within the Moratorium Area prior to completion of such review would be detrimental to the health and safety of the citizens of the City of Bellevue, and would allow the establishment of vested rights contrary to and inconsistent with those amendments to the Comprehensive Plan and Bellevue Land Use Code and other City Codes that the City may adopt in order to achieve its vision.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall hold a public hearing on this moratorium within sixty (60) days of its adoption, or no later than March 12, 2007, so as to hear and consider public comment and testimony regarding this moratorium. Following such hearing, the City Council may adopt additional findings of fact, and may extend the moratorium for a period of up to six (6) months. If a period of more than six months is required to complete consideration of any changes to the Comprehensive Plan or Bellevue City Codes, the Council may adopt additional extensions after any required public hearing, pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 5. Definitions.

- A. As used in this ordinance "Moratorium Area" includes all sites within the area between city-owned property on Meydenbauer Bay and the Downtown Park, as shown on Attachment A.
- B. As used in this ordinance "subdivision", "short subdivision", "variance", "development", "addition", "alteration", and "structure" shall have the meaning given such terms in the Bellevue Land Use Code and Building Code, as applicable.

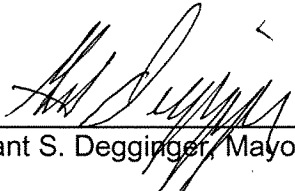
Section 6. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 7. Public 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 are based include all findings and 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 22nd day of January, 2007, and signed in authentication of its passage this 22nd day of January, 2007.

(SEAL)



 Grant S. Degginger, Mayor

Approved as to Form:
Lori M. Riordan, City Attorney

By: 

 Mary Kate Berens, Deputy City Attorney

Attest:



 Myrna L. Basich, City Clerk

Published: January 25, 2007

