

ORDINANCE NO. 2910

AN ORDINANCE OF THE CITY OF ISSAQUAH, WASHINGTON, ADOPTING AN INTERIM ZONING REGULATION ALLOWING CERTAIN COMMERCIAL A-FRAME SIGNS; SUSPENDING THE OPERATION OF CERTAIN PORTIONS OF ISSAQUAH MUNICIPAL CODE SECTION 18.11.230 DURING THE EFFECTIVE PERIOD OF THE INTERIM ZONING REGULATION; SETTING THE DATE FOR A PUBLIC HEARING; DECLARING AN EMERGENCY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the COVID-19 outbreak has led Governor Inslee, King County Executive Constantine, President Trump, and Mayor Pauly to declare a state of emergency and to prescribe restrictive measures on personal interaction in order to slow the spread of the virus; and

WHEREAS, the restrictions imposed by Governor Inslee’s “Stay Home Stay Healthy” Proclamation 20-25 have had a devastating impact on small businesses and the regional economy; and

WHEREAS, the Stay Home Stay Healthy order ended on May 31st and moved to Safe Start – Washington’s Phased Reopening which provides for a careful approach to emerging from the pandemic by allowing more businesses and activities to re-open in phases with adequate social distancing measures and health standards in place to minimize the health impacts of COVID-19; and

WHEREAS, Phased Reopening began in King County on June 5, 2020, after the Washington State Department of Health accepted King County’s plan to allow for limited openings of recreational, social and business activities in a modified Phase 1 of the Governor Jay Inslee’s Safe Start plan; and

WHEREAS, King County has now applied to move to Phase 2 of the Safe Start plan; and

WHEREAS, under Washington state guidance, restaurants, personal service providers and retail operations are now allowed to begin on-site service with reduced occupancy limits; and

WHEREAS, after being closed for months under the Stay Home, Stay Healthy order, small businesses need assistance in notifying patrons that they are open for business, and temporary signage is a critical part of letting passersby know that a business is back open and operating; and

WHEREAS, without the ability to advertise with temporary signs, some businesses may not be able to reopen or may be forced to close permanently; and

WHEREAS, the Administration has recommended that the Council suspend certain provisions of the City's temporary sign regulations in order to promote economic development and allow businesses to re-open and reinvigorate; and

WHEREAS, RCW 36.70A.390 and RCW 35A.63.220 authorize the City to adopt interim regulations as long as a public hearing on the interim regulations is held within sixty days of adoption and as long as such regulations are effective for no more than six months unless further extended; and

WHEREAS, the Issaquah City Council has considered the recommendations of the Administration and has determined to enact interim regulations for the reasons set forth in this Ordinance; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF ISSAQUAH, WASHINGTON, TO ORDAIN AS FOLLOWS:

Section 1. Findings. The recitals set forth above are hereby adopted as the Issaquah City Council's findings justifying the actions taken in this ordinance. The Issaquah City

Council reserves the right to adopt additional findings in support of its actions after the public hearing required by Section 5 below is completed.

Section 2. Suspension of Current Zoning and Permitting Requirements. The following sections of the Issaquah Municipal Code (IMC) are hereby superseded and suspended for the period during which the interim regulations set forth in Section 3 are in effect to the extent they are inconsistent with the interim regulations: IMC 3.64.010 (but only as it pertains to fees for temporary sign permits and any required special use permit fees), 18.11.050 -18.11.080 (but only as they require sign permits for movable commercial A-frame signs), IMC 18.11.230(A), (C) and (F), and IMC 18.11.380(H). IMC 18.11.230(B) is suspended only insofar as the same requires a special use permit.

Section 3. Interim Regulations Related to Movable Commercial A-Frame Signs.

A. Movable commercial A-frame signs shall be allowed without obtaining a sign permit during the term of this interim regulation. Movable commercial A-frame signs shall meet the requirements of IMC 18.11.230(B) (except the special use permit requirements), (D) and (G) and IMC 18.11.380 (except (H)). In addition, movable commercial A-frame signs shall not be located in travel lanes, block sight distance at intersections, or block pedestrian use of the sidewalks. ADA-compliant access must be maintained at all times.

B. The Issaquah City Council reserves the right to repeal these interim regulations at any time and to enforce the provisions of the IMC sections suspended in Section 2 at any time. No vested rights shall accrue to any person or party locating any commercial A-frame sign in the City under these interim regulation, and all commercial A-frame signs shall fully

comply with all provisions of the IMC, included those suspended by the ordinance, upon repeal or expiration of these interim regulations.

Section 4. Interim Nature of Regulations – Limit of Applicability. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the regulations adopted in Sections 2 of this ordinance are interim land use regulations. The regulations shall be in effect for a period of six months from the date this ordinance is effective and shall thereafter expire unless the same are extended as provided by law or unless more permanent regulations are adopted.

Section 5. Public Hearing. The Issaquah City Council shall hold a public hearing on the interim regulations adopted by Sections 2 above on July 20, 2020 at 7:00 p.m. or as soon thereafter as the matter may be heard, in the Issaquah City Council Chambers, provided, that in the event an in-person meeting is prohibited by proclamation of the Governor, the Mayor, or other appropriate legal authority, the hearing may be held virtually using the then-current protocols for conducting remote Issaquah City Council meetings and hearings. Notice of the hearing shall be published in the City’s official newspaper or such other newspaper as the City may be using temporarily in the manner provided for Level 6 Land Use Code Amendment hearings by the City Council.

Section 6. Transmittal to Department of Commerce. Pursuant to RCW 36.70A.106, a copy of this ordinance shall be transmitted to the Washington State Department of Commerce as provided by law.

Section 7. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance, the interim regulations, or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the

remaining portions of this ordinance, the interim regulations, or its application to any other person or situation.

Section 8. Declaration of Emergency – Immediate Effective Date. For the reasons set forth in this ordinance and in the emergency proclamations of Governor Inslee, King County Executive Constantine, Mayor Pauly, and President Trump, the Issaquah City Council finds and declares that a public emergency exists due to the outbreak of COVID-19 that makes this ordinance necessary for the immediate protection of the public health, public safety, public property, and public peace. This ordinance, having been declared an emergency and having received the affirmative votes of at least a majority plus one of the whole membership of the City Council, is not subject to referendum and shall become effective immediately upon adoption. The City Clerk shall publish this ordinance or a summary thereof in the ordinary course of business.

Passed by the City Council of the City of Issaquah this 22nd day of June, 2020.

Approved by the Mayor of the City of Issaquah this 22nd day of June, 2020.

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Mary Lou Pauly
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MARY LOU PAULY, MAYOR

ATTEST/AUTHENTICATED

DocuSigned by:
Christine L Eggers
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CHRISTINE L. EGGERS, CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:

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JAMES E. HANEY, CITY ATTORNEY

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EFFECTIVE DATE: June 22, 2020
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