

1 Sponsored by: Councilmembers Jim McCune, Connie Ladenburg, Derek Young,
2 Douglas G. Richardson and Dave Morell
3 Requested by: County Executive/Planning and Public Works Dept.
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7 **ORDINANCE NO. 2020-46**

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10 **An Ordinance of the Pierce County Council Temporarily Allowing the**
11 **Planning and Public Works Department to Suspend**
12 **Established Timelines and Expiration Dates Associated with**
13 **Development Permit Applications and Approvals Described**
14 **in Pierce County Code Chapter 1.22, "Pierce County Hearing**
15 **Examiner Code," Title 18, "Development Regulations –**
16 **General Provisions," Title 18A, "Development Regulations –**
17 **Zoning," and Title 18F, "Development Regulations – Land**
18 **Divisions and Boundary Changes" in Response to Economic**
19 **Impacts and Service Disruptions Resulting from the COVID-**
20 **19 Pandemic; and Adopting Findings of Fact.**

21
22 **Whereas**, COVID-19 is a contagious and potentially deadly virus that has been
23 declared a pandemic event by the World Health Organization; and
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25 **Whereas**, President Trump, Governor Inslee, and Executive Dammeier have
26 each declared states of emergency within their respective jurisdictions; and
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28 **Whereas**, the Pierce County Executive's State of Emergency Declaration in
29 Pierce County occurred on March 6, 2020, due to the expanding coronavirus pandemic
30 and to protect the health and safety of persons and property pursuant to the Pierce
31 County Comprehensive Emergency Management Plan and Chapter 2.118 of the Pierce
32 County Code (PCC); and
33

34 **Whereas**, actions to mitigate the spread of COVID-19 is a necessary function of
35 Pierce County government; and
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37 **Whereas**, the COVID-19 pandemic has resulted in a severe downturn in the
38 local, regional, and national housing markets, a reduced demand for new housing, the
39 tightening of budgets, limitations on movement of people and goods, and a reduction in
40 the availability of trades people, leading to a situation where developers of new housing
41 and subdivisions are unable to finalize development proposals in a timely manner; and
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43 **Whereas**, in order to prevent the expiration of development permit applications
44 and approvals during this State of Emergency Declaration, extensions of the expiration
45 dates of certain development related applications and approvals are needed; and
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1 **Whereas**, the expiration of a development permit application or approval can
2 have significant financial impacts to a developer and adversely affect the financial
3 institutions and other investors that have provided financing in support of a development
4 proposal; and

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6 **Whereas**, the National scale of the COVID-19 pandemic and resulting market
7 downturn may severely affect many builders, developers, and the overall economy of
8 Pierce County; and

9
10 **Whereas**, construction related activity is a significant tax generator and provides
11 much needed revenue to local governments to finance public safety and other needed
12 public services; and

13
14 **Whereas**, Title 18 PCC establishes Pierce County’s vesting procedures,
15 including the duration of vested rights; and

16
17 **Whereas**, providing for additional extensions of development related applications
18 and approvals, including the extension of the vested rights associated with these
19 applications and approvals, may aid the local economy by helping the construction
20 industry to weather any downturn, while preserving the investments made in the
21 development permitting process; and

22
23 **Whereas**, maintaining the viability of development applications and approvals will
24 also help to ensure that the development industry is able to respond quickly once the
25 State of Emergency is lifted and favorable conditions return; and

26
27 **Whereas**, the proposed interim regulations are categorically exempt from
28 environmental review under the State Environmental Policy Act (SEPA) pursuant to
29 WAC 197-11-800(20); **Now Therefore**,

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31 **BE IT ORDAINED by the Council of Pierce County:**

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33 Section 1. The Pierce County Council hereby authorizes the Planning and Public
34 Works Department to temporarily suspend established timelines and expiration dates
35 pursuant to Pierce County Code Chapter 1.22, "Pierce County Hearing Examiner
36 Code," Title 18, "Development Regulations – General Provisions," Title 18A,
37 "Development Regulations – Zoning, and Title 18F, "Development Regulations – Land
38 Divisions and Boundary Changes" associated with development related applications,
39 approvals, and permits, and to grant time extensions while the State of Emergency
40 Declaration is in effect, not to exceed six months from the date the Emergency
41 Declaration expires.

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43 Section 2. The Pierce County Council hereby authorizes the Pierce County
44 Hearing Examiner to continue all administrative hearings, including appeal hearings, to
45 a date to be determined by the Examiner while the State of Emergency Declaration is in
46 effect, not to exceed six months from the date the Emergency Declaration expires.



1 Section 3. The Pierce County Council requests the Planning and Public Works
2 Department provide the Council with a report on development permit applications and
3 related construction activity on or about September 1, 2020, in order for the Council to
4 assess the status of development and construction activity within the County in light of
5 the COVID-19 pandemic to determine if additional time extensions are necessary.
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7 Section 4. The Pierce County Council hereby adopts Findings of Fact as shown
8 in Exhibit A, which is attached hereto and incorporated herein by reference.
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11 PASSED this 14th day of April, 2020.
12

13 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

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16 Kate Kennedy
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18 **Denise D. Johnson**
19 Clerk of the Council

Douglas G. Richardson
Douglas G. Richardson
Council Chair

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22 Bruce F. Dammeier
23 **Bruce F. Dammeier**
24 Pierce County Executive
25 Approved Vetoed _____, this
26 15th day of April,
27 2020.
28

29 Date of Publication of
30 Notice of Public Hearing: April 8, 2020

31
32 Effective Date of Ordinance: April 25, 2020



FINDINGS OF FACT

The Pierce County Council finds that:

1. COVID-19 is a contagious and potentially deadly virus that has been declared a pandemic event by the World Health Organization.
2. President Trump, Governor Inslee, and Executive Dammeier have each declared states of emergency due to the expanding coronavirus pandemic.
3. The Pierce County Executive’s State of Emergency declaration in Pierce County occurred on March 6, 2020, due to the expanding coronavirus pandemic and to protect the health and safety of persons and property pursuant to the Pierce County Comprehensive Emergency Management Plan and Pierce County Code, Chapter 2.118.
4. Actions to mitigate the spread of COVID-19 is a necessary function of Pierce County government.
5. The Covid-19 pandemic has caused impacts to commerce, limited the movement of people and goods, reduced the availability of trades people, and will likely prevent the building and development industry’s ability to finalize development proposals in a timely manner, let alone within statutory timelines.
6. The expiration of a development application or approval can have significant financial impacts to a developer and adversely affects other investors that have provided financing in support of a development proposal.
7. The construction industry is a major employer in Pierce County, accounting for approximately 8.5% of all jobs, and is a significant tax generator, providing revenue for local governments to provide public safety and other needed public services.
8. The Pierce County code currently provides for opportunities to obtain time extensions for various applications and approvals; however, these time extensions are of limited duration and do not account for additional time that may be necessary to wait out the current State of Emergency and potential economic downturn.
9. Providing for time extensions of development related applications and approvals may aid the local economy by helping the construction industry to weather the economic downturn.
10. Providing for time extensions would help preserve investments made in the development permitting process and will ensure that the development industry is in a better position to rebound quickly once favorable economic conditions return.



- 1 11. It is in the best interest of the citizens of Pierce County and the local economy to, on
2 a temporary basis, allow for the extension of timelines for development related
3 applications and approvals.
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- 5 12. This action will benefit the local economy by helping to protect the construction
6 industry from the significant financial losses associated with expired permit
7 applications and permit approvals, including the loss of real estate entitlements.
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- 9 13. By authorizing Planning and Public Works to suspend established timelines and
10 expiration dates associated with development related permits and grant extensions
11 not exceeding six months at a time, it will provide much needed regulatory support to
12 the construction industry and larger local economy.
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- 14 14. By authorizing the Pierce County Hearing Examiner to continue all administrative
15 hearings, including appeal hearings, to a date to be determined by the Examiner
16 while the State of Emergency Declaration is in effect, not to exceed six months from
17 the date the Emergency Declaration expires will provide the Hearing Examiner's
18 office the necessary flexibility to conduct business and respond to its case load
19 during the pandemic.
20
- 21 15. The Pierce County Council will revisit this matter with the Pierce County Executive
22 on or about September 1, 2020 to assess the status of the pandemic and determine
23 whether to extend the authority granted by this Ordinance.
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- 25 16. The proposed interim regulations are categorically exempt from environmental
26 review under the State Environmental Policy Act (SEPA) pursuant to WAC 197-11-
27 800(20).
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