RESOLUTION No. 2821

RESOLUTION TEMPORARILY SUSPENDING THE REQUIREMENTS AND ENFORCEMENT OF SMC 10.34.020 OFF-STREET PARKING SPACES TABLE 34-1 RETAIL, TRADE, AND SERVICES LAND USE CATEGORY FOR EXISTING BUSINESSES LOCATED WITHIN THE PROFESSIONAL BUSINESS AND GENERAL BUSINESS ZONING DISTRICTS WHO CHOOSE TO EXPAND OR ESTABLISH OUTDOOR SALES AREAS

WHEREAS, the first confirmed cases of Novel Corona virus (COVID-19) have been detected in Yakima County, and the Centers for Disease Control (CDC) has issued warnings regarding the impacts and severity of such virus; and,

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death and can easily spread from person to person; and,

WHEREAS, on February 29, 2020, the Governor of the State of Washington proclaimed that a State of Emergency exists in all counties in the State of Washington; and,

WHEREAS, on March 23, 2020, the Governor issued Proclamation 20-05 prohibiting and limiting certain activities and encouraging people to stay at home to limit the spread of COVID-19; and,

WHEREAS, on April 2, 2020, the Governor issued Proclamation 20-25.1 extending the effect of the previously-issued Proclamation No. 20-05 until May 4, 2020; and,

WHEREAS, on November, 15, 2020, the Governor issued a four-week state wide set of restrictions in response to the spread of COVID-19;

WHEREAS, the Selah City Council finds that many local businesses have been, and will continue to be, negatively impacted due to decreased patronage as a result of the prohibitions imposed by the Governor's proclamations and restrictions; and,

WHEREAS, the Selah City Council finds that many Selah retail, trade, and service establishments are smaller in size and scale than those of larger cities, and that absent temporary relief from certain otherwise-applicable zoning and usage rules such retail, trade, and service businesses may not be able to successfully operate subject to limitations to occupancy; and,

WHEREAS, the Selah City Council desires to grant temporary relief to Selah retail, trade and service businesses within the Professional (B-1) and General Business (B-2) zoning districts that allows but does not require, businesses to temporarily convert existing parking areas and/or other existing outdoor areas into outdoor sales areas; and

WHEREAS, the Selah City Council finds that it is in the best interest of the City to pass this Resolution; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH:

Section 1. Temporary Suspension of SMC 10.34.020. The City of Selah hereby temporarily suspends the requirements and enforcement of SMC 10.34.020 Off-Street Parking Spaces Table 34-1 Retail, Trade and Services Category for existing businesses located within the Professional (B-1) and General Business (B-2) zoning districts that choose to expand or establish outdoor sales areas within their existing parking lots or other areas deemed allowable by the City of Selah Public Works Director in accordance with the following standards:

- Areas temporarily converted to outdoor sales areas must be clearly marked and separated from areas that are used for ingress and egress of vehicle traffic, for on-premise vehicle traffic, and for on-premises vehicle parking.

- Areas that are presently used for ADA ramps or parking stalls may not be converted and must continue to be used exclusively for ADA purposes. ADA compliance must be maintained at all times.

- Areas that are presently used for ingress and egress vehicle traffic or for on-premises vehicle travel may not be converted and must continue to be used exclusively for such purposes. Only parking stalls and other areas may be converted to outdoor sales areas.

Section 2. Expiration of Resolution. This Resolution shall automatically sunset and expire, and thus no longer have any continued or future effect, at 11:59 p.m., February 28, 2021.

Section 4. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Resolution is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this Resolution.

ADOPTED BY THE CITY COUNCIL at a regular meeting, signed, and approved this 24th day of November 2020.

Sherry Raymond

Sherry Raymond, Mayor

ATTEST:

Dale Novobleski, City Clerk

APPROVED AS TO FORM:

D.R.C

D. R. (Rob) Case, City Attorney