



DATE: August 3, 2021

TO: Chair Hummer and Members of the East Bellevue Community Council

FROM: Trisna Tanus, Consulting Attorney
Caleb Miller, Senior Planner
Development Services Department

SUBJECT: Public Hearing – Ordinance No. 6586

I. Introduction

On August 3, the East Bellevue Community Council (EBCC) will hold a public hearing and take action on Ordinance No. 6586 imposing an Interim Official Control (IOC) to remove residential occupancy limits from the Land Use Code (LUC). The City Council adopted Ordinance No. 6586 on July 12. A copy of the Ordinance is provided as Attachment A.

II. Discussion

A. Background

The City Council adopted Ordinance No. 6586 in response to the passage of Senate Bill (SB) 5235 in the Washington State Legislature. The new state legislation prohibits cities from imposing occupancy limits on residential dwellings.

Prior to the adoption of the IOC, the LUC limited the number of unrelated occupants in a dwelling unit to no more than four (4), which was inconsistent with state law, as amended under SB 5235. Therefore, this IOC was necessary to bring the LUC into immediate compliance with state law as amended under SB 5235 prior to the effective date of the bill, July 25.

B. Interim Official Control

The IOC amended the LUC for immediate consistency with the mandates in SB 5235. The amendments included:

- Revising the definition of “Family” to remove limits on the maximum number of unrelated persons that can be considered a family;
- Amending the definition of “Single Housekeeping Unit” to clarify that transient lodging occupants may not be considered a single housekeeping unit;
- Removing occupancy limits for Accessory Dwelling Units (ADUs); and
- Removing occupancy limits for Rooming Houses.

The specific LUC sections amended with this IOC can be found in the Ordinance (Attachment A). Additional information and analysis of how the amendments are consistent with the decision criteria for amendments to the text of the LUC in LUC 20.30J.135 can be found in the staff report (Attachment B).

Notice and a public hearing are not necessary prior to adoption of an IOC, to allow for the regulations to be put in place quickly. However, a public hearing must be held within 60 days of its adoption; this required public hearing will be held during the August 2 City Council meeting. IOCs are effective for six (6) months following adoption and may be renewed for one or more six (6) month periods, provided a subsequent public hearing is held.

C. EBCC Jurisdiction

The EBCC jurisdictional area contains primarily residential land use districts, as shown in the map of land use districts in the EBCC (Attachment C).

III. Comprehensive Plan

LUC 20.30J.135 establishes the decision criteria for an application to amend the text of the Land Use Code. Those criteria, and the relationship of the IOC to them, are discussed in the staff report (Attachment B).

III. Action requested of the EBCC

Following the public hearing and review of Ordinance No. 6586, the EBCC is requested to adopt Resolution No. 595 approving Ordinance No. 6586.

Staff will be present at the August 3 public hearing to answer any questions you may have. If there are questions prior to this meeting, please contact Caleb Miller, 452-4574 or at cwmiller@bellevuewa.gov.

ATTACHMENTS:

- A. Ordinance No. 6586
- B. Staff Report
- C. EBCC Jurisdictional Area Land Use Districts Map