

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6668

AN ORDINANCE extending an Interim Official Control adopted by Ordinance No. 6585, and extended by Ordinance No. 6637, which amended sections 20.10.440, 20.25A.050, 20.25D.070, 20.25F.010, 20.25L.020, and 20.25P.050 of the Land Use Code (LUC) to allow permanent supportive housing and transitional housing in all land use districts where residential uses and/or hotels and motels are allowed, and to allow Homeless Services Uses in all land use districts where hotels and motels are allowed; amending the definition of Homeless Services Uses in LUC 20.20.455 for conformance and consistency with state law; providing for severability; and establishing an effective date.

WHEREAS, in 2021, the Washington State Legislature enacted House Bill (HB) 1220, which requires cities like Bellevue to allow development of permanent supportive housing and transitional housing in all land use districts where residential dwellings and/or hotels are allowed; and

WHEREAS, HB 1220 also requires cities like Bellevue to allow emergency housing and indoor emergency shelter in all land use districts where hotels are allowed; and

WHEREAS, HB 1220 became effective on July 25, 2021, and the above-described provisions in HB 1220 were codified at RCW 35A.21.430 and in the Growth Management Act, chapter 36.70A RCW (GMA); and

WHEREAS, through this state mandate, the City was required to regulate permanent supportive housing and transitional housing consistent with RCW 35A.21.430 on July 25, 2021, and the City was required to regulate emergency housing and indoor emergency shelter consistent with RCW 35A.21.430 by September 30, 2021; and

WHEREAS, the City of Bellevue LUC currently does not define or regulate permanent supportive housing or transitional housing as distinct land uses; and

WHEREAS, the definition of “Homeless Services Use” in LUC 20.20.455.C.1.a is consistent with the definition for “emergency housing” as adopted by HB 1220 and codified in the GMA; and

WHEREAS, the definition of “Overnight Shelter: Permanent” in LUC 20.20.455.C.1.d is consistent with the definition for “emergency shelter” as adopted by HB 1220 and codified in the GMA; and

WHEREAS, the City of Bellevue LUC currently prohibits Homeless Services Uses in the Neighborhood Mixed Use and Office and Limited Business – Open Space Land Use Districts; and

WHEREAS, the City of Bellevue LUC currently allows hotels and motels in the Neighborhood Mixed Use and Office and Limited Business – Open Space Land Use Districts; and

WHEREAS, RCW 35A.21.430 requires that the City allow emergency housing and indoor emergency shelter in Neighborhood Mixed Use and Office and Limited Business – Open Space Land Use Districts, to the extent that the City allows hotel use in those districts; and

WHEREAS, Comprehensive Plan Policy LU-15 directs the City to provide, through land use regulation, the potential for a broad range of housing choices to meet the changing needs of the community; and

WHEREAS, Comprehensive Plan Policy HO-38 recommends supporting regional efforts to prevent homelessness through the provision of a range of affordable housing options, and to support efforts to move homeless persons and families to long-term financial independence; and

WHEREAS, Comprehensive Plan Policy HS-18 recommends supporting an intentional local community response to homelessness with housing and supportive services provided to families, youth, and single adults; and

WHEREAS, on July 12, 2021, the City Council adopted Ordinance No. 6585, which imposed an Interim Official Control to bring the City of Bellevue into immediate compliance with state law with respect to local regulation of permanent supportive housing, transitional housing, emergency housing, and indoor emergency shelter uses identified in RCW 35A.21.430 and the GMA; and

WHEREAS, under the GMA, the City was required to hold a public hearing within 60 days of adopting Ordinance No. 6585, and consistent with the GMA, the City Council held a public hearing on August 2, 2021 to consider the Interim Official Control; and

WHEREAS, following the August 2, 2021, public hearing, the City Council affirmed that Ordinance No. 6585 should remain in effect for an initial six-month period, to January 12, 2022; and

WHEREAS, following a required public hearing on December 13, 2021, the City Council adopted Ordinance No. 6637, extending the interim Official Control by six months, to expire on July 12, 2022; and

WHEREAS, the City is currently processing permanent regulations to ensure compliance with RCW 35A.21.430 and the GMA, and the permanent regulations have been and will be reviewed and considered by the City Council and any other relevant boards or commissions as needed; and

WHEREAS, development of permanent code amendments necessary to implement provisions contained in the Interim Official Control will require additional time beyond July 12, 2022; and

WHEREAS, an extension of the Interim Official Control is necessary to provide time for the City to further draft, consider, and, potentially, adopt permanent regulations to ensure compliance with RCW 35A.21.430 and the GMA; and

WHEREAS, the Environmental Coordinator for the City of Bellevue has determined that an extension of the Interim Official Control is Categorically Exempt from the Threshold Determination requirements of the State Environmental Policy Act pursuant to the terms of WAC 197-11-800; and

WHEREAS, the City Council duly held the public hearing required by the GMA on July 5, 2022, so as to hear and consider public comment and testimony regarding extension of this Interim Official Control; and

WHEREAS, the City Council adopts the foregoing as its findings of fact justifying adoption of this Ordinance; now, therefore

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

Section 1. Extension of Interim Official Control. The Interim Official Control adopted by Ordinance No. 6585 is hereby extended for an additional six-month period, to January 12, 2023, unless repealed, extended, or modified by the City Council after a subsequent public hearing and entry of additional findings of fact pursuant to RCW 35A.63.220 and RCW 36.70A.390.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Section 4. Findings of Fact. The findings contained in this Ordinance are hereby adopted as Findings of Fact to justify adoption of this Interim Official Control.

Passed by the City Council this _____ day of _____, 2022 and signed in authentication of its passage this _____ day of _____, 2022.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:
Kathryn L. Gerla, City Attorney

Matthew McFarland, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published: _____