

CITY COUNCIL AGENDA TOPIC

Public Hearing on Ordinance No. 6926 imposing a one-year moratorium on the acceptance or processing of applications for the establishment, expansion, or development of detention centers in the City of Bellevue; establishing a work plan; declaring an emergency; providing for severability; and establishing an immediate effective date.

Jake Hesselgesser, Acting Director
Nick Whipple, Assistant Director, Code and Policy
Development Services Department

Matt McFarland, Supervising Civil Attorney
City Attorney's Office

EXECUTIVE SUMMARY**ACTION**

City Council public hearing on Ordinance No. 6926, which imposed a one-year moratorium on the acceptance or processing of applications for the establishment, expansion, or development of detention centers in the City of Bellevue. The council adopted the Moratorium Ordinance on June 9 and, on the same date, provided direction to study and evaluate updates to city code, local zoning, and associated land use controls to address, regulate, and mitigate potential impacts associated with detention center use in the City of Bellevue.

RECOMMENDATION

Hold the public hearing on Ordinance No. 6926.

ANALYSIS

On June 9, the council adopted Ordinance No. 6926 and provided direction to study and evaluate updates to city code, local zoning, and associated land use controls to address, regulate, and mitigate potential impacts associated with detention center use in the City of Bellevue.

Tonight's meeting includes the required public hearing on Ordinance No. 6926, which the council must hold for the moratorium to remain effective for a one-year time period. Because the notice, public outreach, and public hearing that would otherwise be required prior to adoption of a Land Use Code Amendment (LUCA) were not required prior to adoption of the ordinance on June 9, this public hearing provides a forum for the city to receive additional public input on the detention center moratorium adopted on June 9.

Moratorium

The Growth Management Act (GMA), at RCW 36.70C.390, and RCW 35A.63.220 allows the city to establish and adopt moratoria when a public hearing is held on the moratoria within 60 days of adoption. In addition, the GMA and associated state law provisions authorize code cities to keep a moratorium, once adopted, in effect for a period of up to six months or, potentially, up to one-year if a legislative work plan is developed for related studies providing for a longer time period.

Under RCW 36.70A.200(1)(b), detention centers are facilities that are operated by a private entity in which

persons are detained in custody under process of law pending the outcome of legal proceedings. These facilities are not used for punishment, correction, counseling, or rehabilitation following the conviction of a criminal offense; and detention centers do not include facilities detaining persons under RCW 71.09.020(7) or (16), chapter 10.77 RCW, or chapter 71.05 RCW. Similarly, “detention centers” or “detention facilities” may also include public or private facilities for the detention, transportation, or food services for persons detained by state or federal law enforcement. These facilities may include, but are not limited to, holding facilities, processing centers, and staging areas for the transportation of detained persons.

Detention centers are becoming more common nationally, including in the Puget Sound region. In response, several jurisdictions in King and Pierce counties have adopted temporary moratoria to allow time to evaluate and establish zoning and development regulations for detention center uses. The ordinance adopted by the council is consistent with GMA guidance regarding detention center uses and facilities, with additional regulatory guidance specific to ongoing Bellevue operations and land uses within the city.

Bellevue's Land Use Code (Title 20 of the Bellevue City Code) does not specifically define or regulate detention centers, which creates uncertainty regarding permitting and applicable development standards. On June 9, the council determined that a temporary moratorium was appropriate while the city evaluates whether updates to the Land Use Code and related regulations are necessary. As a result of these findings and the associated legislative work plan discussed below, the council adopted Ordinance No. 6926.

The legislative work plan initiated by the council and identified in Ordinance No. 6926 fits within the city's existing code and policy work program. During the moratorium, the Development Services Department, in coordination with other city departments, will identify potential gaps in the city's zoning, development regulations, and permitting processes related to detention center uses. The Department will evaluate potential amendments to the Land Use Code and associated regulations and determine whether those amendments should become part of existing or future council-initiated legislative work programs. Before the moratorium expires, the Department will prepare findings and recommendations for council consideration.

The emergency moratorium took effect immediately upon adoption. State law requires the council to hold a public hearing within 60 days of adoption in order for the moratorium to remain in effect. Under the GMA, the moratorium may remain in effect for one year and may be extended in six-month increments following a public hearing and adoption of findings. The council may also terminate the moratorium before its expiration through subsequent legislative action.

POLICY & FISCAL IMPACTS

Policy Impact

The ordinance is necessary to prevent potential harm to public health, safety, welfare, and peace. Further, the moratorium is necessary while the city studies and evaluates updates to city code, zoning, and associated land use control ordinances to address and mitigate potentially significant impacts associated with detention center uses. Development Services does not anticipate that the proposed work plan and schedule will have a significant impact on the city's initiated, or anticipated, code and policy legislative work program.

Fiscal Impact

It is not anticipated that the moratorium or the public hearing on the ordinance will have a negative fiscal impact. The moratorium and work plan could mitigate potential fiscal impacts associated with unregulated, or insufficiently regulated, detention center use within the city.

OPTIONS

1. Hold the public hearing on Ordinance No. 6926.
2. Do not hold the public hearing on Ordinance No. 6926 and, instead, provide alternative direction to staff.

ATTACHMENTS

A. Ordinance No. 6926

AVAILABLE IN COUNCIL LIBRARY

N/A