

January 22, 2018

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Public Hearing on an Ordinance extending Ordinance No. 6368, which imposed an Interim Official Control regarding the permit process required to establish a homeless shelter and identified the Land Use Districts where a homeless shelter may be permitted; providing for severability; and establishing an effective date.

FISCAL IMPACT

No fiscal impact is expected. The application of this extension of the Interim Official Control amending the Land Use Code (LUC) will be administered by land use staff during review of permit applications.

STAFF CONTACTS

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Development Services Department

Kate Berens, Deputy City Manager
Nancy LaCombe, Assistant Director
City Manager's Office

POLICY CONSIDERATION

Should the City Council extend the Interim Official Control that amended the LUC to subject homeless shelters to the Conditional Use provisions specified in LUC Part 20.30B and to the general development requirements for land use districts where homeless shelters are permitted, for an additional six months while the City drafts, considers, and holds hearings on permanent regulations?

BACKGROUND

Process Requirements for Adoption of an Interim Official Control

Allowed uses in the City of Bellevue are governed by the LUC, and the LUC is a development regulation under the Growth Management Act (GMA), Chapter 36.70A RCW. As a result, legislative actions related to the LUC must comply with the process requirements set forth in the GMA.

On August 7, 2017, the City Council adopted Ordinance No. 6368, which imposed an Interim Official Control regarding the permit process required to establish a homeless shelter and identified the Land Use Districts where a homeless shelter may be permitted. By using the GMA “interim official control” adoption process, a Planning Commission public hearing was not required; however, under the GMA, the City Council was required to hold a public hearing within 60 days of adoption of the Ordinance. Thereafter, the City Council held a public hearing on September 25, 2017, which satisfied this requirement.

Under the terms of RCW 36.70A.390, the Interim Official Control adopted by Ordinance No. 6368 remains in effect for a period of six months. The Interim Official Control may be renewed for additional six-month periods, but only if the City holds a subsequent public hearing and makes findings of fact

prior to each renewal. The public hearing scheduled for January 22 will satisfy the requirements necessary to extend the Interim Official Control for an additional six-month period.

Interim Regulations

The City Council Vision Priorities direct the City to work with regional partners to establish an Eastside permanent winter shelter to be ready for the winter of 2018/19. This priority is consistent with the Council's Diversity Advantage Plan, which includes an action item "supporting the establishment of a year-round homeless shelter on the Eastside."

In order to establish a permanent men's shelter, the City Council determined that it is necessary and appropriate to amend the LUC to provide clarity and consistency regarding how shelter use is identified, regulated, and where in the City shelter use is currently allowed. Additionally, Council wanted to address community concerns regarding the regulation of homeless shelters under the LUC.

The Interim Official Control adopted by Ordinance No. 6368 accomplished several objectives:

- Defined Permanent Homeless Shelter as a land use classification in the LUC;
- Allowed homeless shelter uses in all districts where Hotel/Motel uses were allowed;
- Did not allow homeless shelter uses in land use districts where Hotel/Motel uses were not already allowed; and
- Required application of the Conditional Use provisions in LUC Part 20.30B and the general development requirements to establish a homeless shelter use in any district where such use is allowed.

The Interim Official Control was adopted on August 7, 2017, was approved by the East Bellevue Community Council (EBCC) within the EBCC jurisdiction, and will expire on February 7, 2018. The enclosed Ordinance, if adopted, would extend this Interim Official Control to August 7, 2018.

Status of Permanent Regulations Preparation

Scheduling considerations have delayed the City's development of permanent regulations related to designating, permitting and siting of homeless shelters. Substantive work to develop permanent amendments to the LUC is planned for 2018.

Upcoming Steps:

- At the January 22 meeting, Council will hold a public hearing to consider approving an extension of the Interim Official Control for an additional six months, to August 7, 2018.
- If Council adopts the Ordinance extending the Interim Official Control on January 22, the East Bellevue Community Council (EBCC) will be asked to hold a public hearing on February 6 and approve/disapprove the extension Ordinance within the EBCC jurisdiction.
- The City will work to draft, consider, hold hearings and adopt permanent regulations related to designating, permitting and siting of homeless shelters starting the beginning of 2018.

EFFECTIVE DATE

If approved, this Ordinance becomes effective on February 1, 2018.

OPTIONS

1. Adopt the Ordinance extending Ordinance No. 6368, which imposed an Interim Official Control regarding the permit process required to establish a homeless shelter and identified the Land Use

Districts where a homeless shelter may be permitted; providing for severability; and establishing an effective date.

2. Do not adopt the Ordinance and provide alternative direction to staff.

RECOMMENDATION

Option 1

MOTION

Move to adopt Ordinance No. 6398 extending Ordinance No. 6368, which imposed an Interim Official Control regarding the permit process required to establish a homeless shelter and identified the Land Use Districts where a homeless shelter may be permitted; providing for severability; and establishing an effective date.

ATTACHMENTS

A. Ordinance No. 6368

Proposed Ordinance No. 6398

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

N/A