

CITY COUNCIL REGULAR SESSION

Public Hearing and action on Ordinance extending an Interim Official Control adopted by Ordinance No. 6585, 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.

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EXECUTIVE SUMMARY

On July 12, Council adopted Ordinance No. 6585 imposing an Interim Official Control (IOC) to allow permanent supportive housing and transitional housing in all land use districts where residential dwellings and/or hotels and motels are allowed, and to allow Homeless Services Uses in all land use districts where hotels and motels are allowed (Attachment A). This Ordinance was adopted in response to the passage of Washington state House Bill (HB) 1220, which mandated these allowances and adopted new state law provisions in RCW 35A.21.430.

Per the requirements of the Growth Management Act (GMA), specifically RCW 36.70A.390, the City may extend the IOC for an additional six-month period if a subsequent public hearing is held and findings of fact are made prior to each renewal. The City is currently in the process of developing permanent regulations to implement the provisions in the IOC and comply with the requirements of RCW 35A.21.430 and the GMA. However, this work is anticipated to require additional time beyond the January 12, 2022 expiration of the IOC. As such, an extension of the IOC is necessary.

RECOMMENDATION

Hold the Public Hearing and, following the Public Hearing, move to adopt Ordinance No. 6637.

BACKGROUND/ANALYSIS

Interim Regulations

On July 12, Council adopted an IOC under Ordinance No. 6585 in direct response to changes to state law now codified at RCW 35A.21.430 and in the GMA. This Ordinance imposed these interim regulations:

- Allow permanent supportive housing and transitional housing in all land use districts where residential dwellings and/or hotels and motels are allowed;

- Allow Homeless Services Uses in all land use districts where hotels and motels are allowed; and
- Clarify that Emergency Housing and Emergency Shelter, as defined in the GMA, are included in the LUC definitions of Homeless Services Uses.

Process Requirements

Council held a public hearing on the adoption of Ordinance No. 6585, within 60 days of enactment, on August 2. Under the terms of RCW 36.70A.390, the IOC adopted by Ordinance No. 6585 remains in effect for a period of six months and will expire on January 12, 2022. The IOC 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. During the public hearing scheduled for December 13, Council is to receive and consider public comment and testimony, which will satisfy the requirements necessary to extend the IOC for an additional six-month period, ending on July 12, 2022.

Should Council adopt the Ordinance extending the IOC for an additional six months, the East Bellevue Community Council (EBCC) will be asked to hold a public hearing on January 4 and approve/disapprove the extension Ordinance within the EBCC jurisdiction.

Staff will continue to process permanent code amendments to bring the City's LUC into compliance with RCW 35A.21.430 and the GMA as required by state law. This work is expected to be completed within the six-month extension period of this Ordinance.

POLICY & FISCAL IMPACTS

Policy Impact

This IOC Ordinance has brought the LUC into immediate compliance with state law. The City is currently in the process of developing permanent regulations to implement the provisions in the IOC consistent with RCW 35A.21.430 and the GMA. The public hearing scheduled for December 13 for Council to receive and consider public comment and testimony will satisfy the requirements necessary to extend the IOC for an additional six-month period, ending on July 12, 2022, while the City completes the land use process for the permanent regulations.

Fiscal Impact

There is no fiscal impact associated with implementing these changes.

OPTIONS

1. Hold the Public Hearing and, following the Public Hearing, adopt the Ordinance extending an Interim Official Control adopted by Ordinance No. 6585, 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.

2. Hold the Public Hearing and, following the Public Hearing, do not adopt the Ordinance and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Staff Report including Ordinance No. 6585
Proposed Ordinance No. 6637

AVAILABLE IN COUNCIL LIBRARY

N/A