

## CITY COUNCIL REGULAR SESSION

Public Hearing and action on 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.

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## EXECUTIVE SUMMARY

On July 12, 2021, 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 RCW 35A.21.430, which was amended in 2021 by Washington State House Bill (HB) 1220 to mandate these allowances.

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 Council previously held a Public Hearing and extended the IOC under Ordinance No. 6637 (Attachment B) on December 13, 2021.

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. However, this work is anticipated to require additional time beyond the duration of the first extension. As such, a second extension of the IOC is necessary.

## RECOMMENDATION

Move to hold the Public Hearing and, following the Public Hearing, adopt Ordinance No. 6668

## BACKGROUND/ANALYSIS

### Interim Regulations

On July 12, 2021, Council adopted an IOC under Ordinance No. 6585 in direct response to RCW 35A.21.430. 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 under HB 1220, are included in the LUC definitions of Homeless Services Uses.

### Process Requirements

Under the terms of RCW 36.70A.390, the IOCs remain in effect for a period of six months. An 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.

On December 13, 2021, Council held a Public Hearing to consider an extension of the IOC adopted by Ordinance No. 6585. Following the hearing, Council adopted Ordinance No. 6637, which extended the IOC by six months to expire on July 12.

The Public Hearing scheduled for July 5 will provide Council with an opportunity, consistent with the GMA, to further extend the IOC after considering public comment and testimony. This will satisfy the procedural requirements necessary to extend the IOC for a second six-month period, ending on January 12, 2023.

The City will continue to process permanent code amendments as required by state law and as provided under RCW 35A.21.430. This work is expected to be completed within the six-month extension period of this Ordinance.

## POLICY & FISCAL IMPACTS

### Policy Impact

The IOC Ordinance No. 6585 brought the LUC into immediate compliance with state law as amended under RCW 35A.21.430. Subsequent extension of the IOC under Ordinance No. 6637 has maintained this compliance.

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. However, this work is anticipated to require additional time beyond the current July 12 expiration of the IOC. As such, an extension of the IOC is necessary. The Public Hearing scheduled for July 5 will satisfy the requirements necessary to extend the IOC for a second six-month period, ending on January 12, 2023.

### 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, 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.
2. Do not hold the Public Hearing, do not adopt the Ordinance, and provide alternative direction to staff.

## **ATTACHMENTS**

- A. Staff Report including Ordinance No. 6585
- B. Ordinance No. 6637  
Proposed Ordinance No. 6668

## **AVAILABLE IN COUNCIL LIBRARY**

N/A