

September 25, 2017

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Public Hearing on Interim Official Control Ordinance No. 6368 that amended the Land Use Code (LUC) to assign the permit process required to establish a homeless shelter and to identify the Land Use Districts where a homeless shelter may be permitted.

FISCAL IMPACT

No fiscal impact is expected. This interim amendment to the LUC will be administered by land use staff during review of permit applications while permanent regulations are prepared.

STAFF CONTACT

Carol Helland, Code & Policy Director, 452-2724
Development Services Department

POLICY CONSIDERATION

On August 7, when the City Council adopted Ordinance No. 6368, Council made the policy choice to adopt an Interim Official Control that amended the LUC to add clarity around permitting of homeless shelters in the City by creating a clear definition of the use, ensuring that the permitting process for such use requires a conditional use permit wherever allowed, and noting the land use districts where such use could be established. The policy choice before Council now is whether to continue the interim regulation to allow for preparation of permanent amendments to the LUC regulating homeless shelters.

Notice and a public hearing are not necessary prior to enactment of an Interim Official Control, so the regulations can be put in place quickly. However, a public hearing must be held within 60 days of its adoption. Council is being asked to hold the public hearing necessary for the Interim Official Control to remain in effect.

BACKGROUND

On August 7, the City Council adopted an Interim Official Control amending the LUC to subject homeless shelters to the Conditional Use provisions specified in Part 20.30B LUC and to the general development requirements for Land Use Districts where homeless shelters were already permitted under the existing code.

It is important to emphasize that adoption and continuation of the Interim Official Control is a regulatory action, not an approval of any specific project, nor an approval of any particular location as a site for a specific shelter project.

Because this is an Interim Official Control, a public hearing is required within 60 days of the enactment of the Ordinance in order to remain in effect. On September 25, the City Council will hold a public hearing on the Interim Official Control. Following the public hearing, Council will be asked to provide direction to staff regarding development of permanent regulations which would be prepared during the effective period of Interim Official Control.

The Staff Report describing the background and code amendment process in greater detail is included with this memorandum as Attachment A.

EFFECTIVE DATE

Ordinance No. 6368 became effective on August 15, and the Growth Management Act, RCW 36.70A.390, states that this Interim Official Control may be effective for six (6) months. Council is being asked to hold the public hearing necessary for the Interim Official Control to remain in effect while permanent regulations are prepared. If additional time is needed to complete the permanent regulations, the Interim Official Control may be renewed for one or more additional six (6) month periods if a subsequent public hearing is held and findings of fact are made prior to each successive renewal.

OPTIONS

1. Hold the Public Hearing on Ordinance No. 6368 and, following the Public Hearing, provide staff with direction regarding the preparation of permanent regulations.
2. Hold the Public Hearing on Ordinance No. 6368 and, following the Public Hearing, provide alternative direction to staff.

RECOMMENDATION

Option 1

MOTIONS

Move to open the Public Hearing on Ordinance No. 6368.

Move to close the Public Hearing on Ordinance No. 6368.

ATTACHMENTS

- A. Staff Report including Ordinance No. 6368.

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N/A