

CITY COUNCIL REGULAR SESSION

Public Hearing on Ordinance No. 6586, imposing an interim official control to amend sections 20.20.120, 20.20.700, and 20.50.020 of the Land Use Code (LUC) to remove limitations on the number of unrelated persons that may occupy a dwelling unit, and amend LUC 20.50.044 and LUC 20.50.046 for clarification and consistency; providing for severability; and establishing an effective date.

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EXECUTIVE SUMMARY

On July 12, Council adopted Ordinance No. 6586 (attached to the Staff Report – Attachment A) imposing an Interim Official Control (IOC) to remove occupancy limits for residential uses from the LUC. This Ordinance was adopted in response to the passage of Washington state Senate Bill (SB) 5235, which addressed local authority to regulate the number of unrelated occupants living in a dwelling unit, and was designed to bring the City into immediate compliance with SB 5235.

Notice and a Public Hearing are not necessary prior to enactment of an IOC, so the regulations can be put in place quickly. However, a Public Hearing must be held within 60 days of IOC adoption. Council is asked to hold the Public Hearing necessary for the IOC to remain in effect. Following the Public Hearing, staff will seek initiation and direction regarding processing of the permanent Land Use Code Amendment (LUCA), which will be prepared during the effective period of the IOC.

RECOMMENDATION

Hold the Public Hearing on Ordinance No. 6586 and, following the Public Hearing, initiate and provide direction regarding processing of the permanent LUCA.

BACKGROUND/ANALYSIS

On July 12, Council adopted an IOC under Ordinance No. 6586, which included the following amendments to the LUC:

- Revising the definition of “Family” to remove limits on the maximum number of unrelated persons that may occupy a dwelling unit;
- Amending the definition of “Single Housekeeping Unit” to clarify that transient lodging occupants may not be considered a single housekeeping unit;
- Removing occupancy limits for Accessory Dwelling Units (ADUs) in order to comply with the requirements in SB 5235; and
- Removing occupancy limits for Rooming Houses in order to comply with the requirements in SB 5235.

This IOC Ordinance is in direct response to the passage of SB 5235, which restricted the authority of cities in Washington to regulate the number of unrelated occupants living in a dwelling unit.

Because this is an IOC, per the Growth Management Act (GMA), RCW 36.70A.390, and the applicable Code City provisions in state law, RCW 35A.63.220, a Public Hearing is required within 60 days of the enactment of the Ordinance for the IOC to remain in effect. This Public Hearing is within the GMA-required 60-day window. Following the Public Hearing, Council will be asked to initiate and provide direction regarding processing of the permanent LUCA.

The Staff Report describing the background, code amendment process, and the components of the IOC in greater detail is included with this Memorandum as Attachment A. A redlined strike-draft of the IOC amendments is attached as Attachment B.

POLICY & FISCAL IMPACTS

Policy Impact

This IOC Ordinance has brought the LUC into immediate compliance with state law as amended by SB 5235. A Public Hearing is required within 60 days of enactment of this Ordinance for the IOC to remain in effect. If directed by Council, a permanent LUCA will be prepared during the effective period of this Ordinance.

Fiscal Impact

There is no fiscal impact associated with implementing these changes.

OPTIONS

1. Hold the Public Hearing on Ordinance No. 6586 and, following the Public Hearing, initiate and provide direction regarding processing of the permanent LUCA.
2. Hold the Public Hearing on Ordinance No. 6586 and, following the Public Hearing, provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Staff Report including Ordinance No. 6586
- B. IOC Red-Lined Strike-Draft

AVAILABLE IN COUNCIL LIBRARY

N/A