



DATE: October 5, 2021

TO: Chair Hummer and Members of the East Bellevue Community Council

FROM: Trisna Tanus, Consulting Attorney
Caleb Miller, Senior Planner
Development Services Department

SUBJECT: Courtesy Hearing – Residential Occupancy Land Use Code Amendment

I. Introduction

On October 5, the East Bellevue Community Council (EBCC) will hold a courtesy hearing on a Land Use Code Amendment (LUCA) to remove residential occupancy limits from the Land Use Code (LUC). This LUCA is in direct response to recent state legislation addressing local authority to limit occupancy for residential dwellings. File No. 21-111196-AD.

II. Discussion

A. Background

The proposed LUCA will amend chapters 20.20, 20.30N, and 20.50 LUC to remove residential occupancy limits as required by chapter 35A.21 RCW, amended by Senate Bill (SB) 5235. A strike-draft of the proposed LUCA is provided as Attachment A. An analysis of the proposed amendments and how they respond to SB 5235 can be found in the staff report (Attachment B).

On July 12, the City Council adopted Ordinance No. 6586 (Attachment C) imposing an interim official control (IOC) to remove residential occupancy limits from the LUC. This IOC was intended to quickly conform the LUC to state law prior to the effective date of SB 5235, July 25. The EBCC subsequently approved Resolution No. 545 on August 3, which enacted the IOC within the EBCC jurisdictional area. The proposed amendments in this LUCA are generally the same as those in the IOC, with one additional amendment clarifying occupancy limits for Boarding Houses.

B. Code Amendment Review Process

The Planning Commission was introduced to the LUCA at the September 8 Study Session. After discussion, the Planning Commission directed staff to prepare and schedule the LUCA for public hearing, which is scheduled for October 13.

The EBCC is now being asked to hold a courtesy hearing. Notice of the courtesy hearing before the EBCC was provided in the Weekly Permit Bulletin on September 23 and the Seattle Times on September 28. The timing of this courtesy hearing ahead of the public hearing before the

Planning Commission will enable the EBCC to transmit their comments directly to the Planning Commission.

Following the Planning Commission public hearing on October 13, the Planning Commission will be asked to make a recommendation on the LUCA to the City Council. Staff will then introduce the LUCA to Council at a study session and at a subsequent meeting, Council is anticipated take action on the LUCA. If the Council adopts, or adopts with modification, the LUCA, then following Council action, the EBCC will be asked to hold a public hearing and approve/disapprove the ordinance adopting the LUCA. Staff expects this process to be completed prior to the expiration of the IOC on January 12, 2022.

C. EBCC Jurisdiction

The EBCC jurisdictional area contains primarily residential land use districts, as shown in the map of land use districts in the EBCC (Attachment D).

III. Comprehensive Plan

LUC 20.30J.135 establishes the decision criteria for an application to amend the text of the Land Use Code, which include a requirement for consistency with the Comprehensive Plan. Those criteria, and the relationship of this LUCA to them, are discussed in the staff report (Attachment B).

III. Action requested of the EBCC

The EBCC is requested to hold the courtesy hearing on the LUCA. Staff will be present at the October 5 courtesy hearing to answer any questions the EBCC may have. If there are questions before this meeting, please contact Caleb Miller, 452-4574 or at cwmiller@bellevuewa.gov.

ATTACHMENTS:

- A. LUCA Strike-Draft
- B. LUCA Staff Report
- C. Ordinance No. 6586
- D. EBCC Jurisdictional Area Land Use Districts Map