



Bellevue Planning Commission

A Resolution of the Planning Commission
October 13, 2021

ATTACHMENT C

Residential Occupancy Land Use Code Amendment Recommendation

AYE	NAY	ABSENT	
			Mohammad Malakoutian, Chair
			Carolynn Ferris, Vice-Chair
			Vishal Bhargava
			Karol Brown
			Craighton Goepppele
			Radhika Moolgavkar
			Anne Morisseau
On the motion of:			
Seconded by:			
The following resolution was adopted:			

WHEREAS, in 2021, the Washington State Legislature passed Senate Bill 5235, amending RCW 35A.21.341 to prohibit cities in Washington from imposing limits on the number of unrelated persons that may occupy a dwelling unit; and

WHEREAS, the Washington State Legislature, in passing SB 5235, found that local regulations, such as occupancy limits for dwelling units, act as arbitrary barriers and restrictions that limit affordable housing opportunities; and

WHEREAS, the Land Use Code limited the number of unrelated persons that may occupy a dwelling unit to a "Family," which was defined in LUC 20.50.020 as a maximum of four (4) unrelated adults and was, therefore, inconsistent with RCW 35A.21.341; and

WHEREAS, the Land Use Code limited the number of unrelated persons that may occupy both the primary residence and an Accessory Dwelling Unit in LUC 20.20.120 to the number provided in the definition of "Family," which is also inconsistent with RCW 35A.21.341; and

WHEREAS, the Land Use Code limited the number of persons that may occupy a Rooming House to no more than five (5) individuals at any given time in LUC 20.20.700, which is also inconsistent with RCW 35A.21.341; and



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WHEREAS, the Land Use Code limited the number of occupants residing in Boarding Houses for more than 30 days to no more than two (2) unrelated adults, which is also inconsistent RCW 35A.21.341; and

WHEREAS, the Bellevue City Council adopted Interim Official Controls under Ordinance No. 6586 on July 12, 2021 to bring the Land Use Code into immediate compliance with RCW 35A.21.341; and

WHEREAS, the Bellevue City Council initiated processing of permanent development regulations on August 2, 2021; and

WHEREAS, the City of Bellevue Comprehensive Plan encourages the expansion of affordable housing opportunities in Bellevue; and

WHEREAS, Bellevue residents may choose to reduce housing costs by sharing housing and attendant housing expenses with unrelated persons; and

WHEREAS, Chapter 3.64.070 Bellevue City Code and Chapter 20.35.410 Land Use Code establishes the powers and duties of the Planning Commission to act in an advisory capacity to the City Council by holding public hearings, advising, and making recommendations to the City Council on land use ordinances and regulations to implement the comprehensive plan; and

WHEREAS, the Planning Commission held a study session on September 8, 2021, to discuss the proposed land use code amendment to remove residential occupancy limits; and

WHEREAS, the Environmental Coordinator for the City of Bellevue has determined that this text amendment to the Land Use Code would be Categorically Exempt from the Threshold Determination requirements of the State Environmental Policy Act pursuant to the terms of WAC 197-11-800(19); and

WHEREAS, after providing legally-required public notice, the Planning Commission held a public hearing on October 13, 2021 for the residential occupancy land use code amendment; and

WHEREAS the Planning Commission finds that the proposed amendments meet the decision criteria of LUC 20.30J.135 and are consistent with the Comprehensive Plan, enhance the public safety and welfare, and are not contrary to the best interest of the citizens and property owners of the City of Bellevue; now, therefore,

THE PLANNING COMMISSION RECOMMENDS TO THE CITY COUNCIL THAT IT ADOPTS THE RESIDENTIAL OCCUPANCY LAND USE CODE AMENDMENT (21-111196-AD).

Mohammad Malakoutian, Chair

Date

Thara Johnson, staff liaison

Date