

ORDINANCE NO. 1248

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, RENEWING INTERIM DEVELOPMENT REGULATIONS AS AUTHORIZED BY THE GROWTH MANAGEMENT ACT RELATING TO INDOOR EMERGENCY SHELTERS AND HOUSING, TRANSITIONAL HOUSING, AND PERMANENT SUPPORTIVE HOUSING; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100; and

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has conferred upon the governing bodies of Washington cities the right to establish and adopt interim development regulations and renewals of interim regulation for one or more six-month periods; and

WHEREAS, on September 9, 2021, the City Council of Lake Forest Park adopted interim development regulations for indoor emergency shelters, emergency housing, transitional housing, and permanent supportive housing (together "Emergency Housing") in Ordinance No. 1227; and

WHEREAS, the interim development regulations were renewed in Ordinance No. 1236, after a public hearing held on March 10, 2022; and

WHEREAS, the interim regulations were adopted in response legislation adopted in 2021, that included an addition to RCW 35A.21.430, that among other things, requires cities to allow Emergency Housing in certain zones; prohibits cities from excluding transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed; and prohibits cities from excluding indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed (except if allowed in the majority of zones within a one-mile proximity to transit); and

WHEREAS, as authorized by RCW 35A.21.430, the interim regulations in Ordinance No. 1227 included reasonable occupancy, spacing, and intensity of use requirements on Emergency Housing to protect public health and safety while also using best efforts to not restrict the number of units below the number to be assigned to the City by the Washington State Department of Commerce ("Department of Commerce"); and

WHEREAS, when the interim regulations were initially adopted, the City had not been provided with the data, as described in the 2021 amendment to RCW 36.70A.070(2)(a), from Department of Commerce to identify the number of housing units necessary to manage the City’s projected growth, including Emergency Housing units; and

WHEREAS, due to the lack of data and recommended methodology from the Department of Commerce, in Ordinance No. 1227, the Council based reasonable intensity, spacing, and occupancy requirements on data that was currently available to the City; and

WHEREAS, recent communications from the Department of Commerce indicate that the City will not be provided information regarding a methodology and targets addressing Emergency Housing needs sooner than December of 2022; and

WHEREAS, once the City receives the necessary guidance and data from the Department of Commerce, the City will have the information necessary to adopt permanent regulations regarding Emergency Housing unit targets, locations, and reasonable intensity, spacing, and occupancy requirements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. FINDINGS. The recitals and findings set forth above and those adopted in Ordinances No. 1227 and Ordinance No.1236 are hereby adopted as the City Council’s findings in support of renewing the interim development regulations initially adopted in Ordinance No.1227.

Section 2. RENEWAL OF INTERIM DEVELOPMENT REGULATIONS. Having held a public hearing on September 8, 2022, regarding the renewal of the interim regulations adopted initially in Ordinance No. 1227, and pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, the interim development regulations adopted in Ordinance No. 1227 are hereby renewed.

Section 3. EFFECTIVE DURATION OF RENEWED INTERIM DEVELOPMENT REGULATIONS. The interim development regulations adopted in Ordinance No. 1227 are renewed and in effect for a period of six (6) months from the date this ordinance is effective and shall automatically expire, unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the City Council.

Section 4. REFERRAL TO STAFF. The Planning Director and/or his designee (the “Director”) is hereby authorized and directed to develop appropriate permanent development regulations pursuant to Washington law, for review and recommendation for inclusion in the LFPMC regarding emergency housing and shelter, transitional housing, and permanent supportive housing as required by RCW 35A.21.430.

Section 5. SEVERABILITY. Should any portion of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. CORRECTIONS. The City Clerk is authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 7. EFFECTIVE DATE. This ordinance shall take effect five (5) days after passage and publication.

APPROVED BY A MAJORITY of the Lake Forest Park City Council this ____ day of September, 2022.

APPROVED:

Jeff Johnson
Mayor

ATTEST/AUTHENTICATED:

Matthew McLean
City Clerk

APPROVED AS TO FORM:

Kim Adams Pratt
City Attorney

Introduced: _____
Adopted: _____
Posted: _____
Published: _____
Effective: _____