

**CITY OF MERCER ISLAND
ORDINANCE NO. 22C-12**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON,
AMENDING MERCER ISLAND CITY CODE 19.16.010 DEFINITIONS
RELATING TO THE DEFINITION OF ADULT FAMILY HOME; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING 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, homelessness is a national, state, regional, and local crisis and homelessness has devastating effects on human lives and severe health, safety, social, economic, and environmental impacts on cities, neighborhoods, families, schools, businesses, healthcare facilities, and social service agencies; and

WHEREAS, in 2020, the Washington State legislature passed HB 1023, which amended state statute to allow adult family homes to serve up to eight people (previously six); and

WHEREAS, the effective date of HB 1023 was June 11, 2020; and

WHEREAS, on September 21, 2021, the City Council adopted Ordinance No. 21C-22 establishing temporary code amendments and work plan to adopt permanent amendments to comply with HB 1023; and

WHEREAS, on September 21, 2022, the temporary code amendments adopted by Ordinance No. 21C-22 will expire; and

WHEREAS, on March 23, 2022, the Planning Commission was briefed and provided initial input on permanent code amendments to comply with HB 1023; and

WHEREAS, on March 19, 2022, CPD issued a State Environmental Policy Act (SEPA) threshold determination of non-significance (DNS) consistent with the procedures established in Chapter 19.21 MICC and notified the Washington State Department of Commerce of the City's intent to adopt development code amendments; and

WHEREAS, on April 27, 2022, the Planning Commission held a duly advertised public hearing and made a recommendation to the City Council; and

WHEREAS, on June 21, 2022, the City Council was briefed on the Planning Commission recommendation and had their first reading of this ordinance; and

WHEREAS, on September 6, 2022, the City Council had their second reading of this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Whereas Clauses Adopted. The “Whereas Clauses” set forth in the recital of this Ordinance are hereby adopted as the findings and conclusions of the City Council for passing this Ordinance.

Section 2. Section 19.16.010 MICC, Definitions, Amended. MICC Section 19.16.101, Definitions, is hereby amended as follows. All other definitions not herein amended shall remain as currently written.

[...]

Adult Family Home: As defined and regulated by Chapter 70.128 RCW, an adult family home is the regular family abode of a person or persons who are providing personal care, special care, and room and board to more than one but not more than ~~six~~eight adults who are not related by blood or marriage to the person or persons providing the services.

[...]

Section 3. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this Ordinance or its application to any other person, property, or circumstance.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect and be in full force five days after the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS REGULAR MEETING ON SEPTEMBER 6, 2022.

ATTEST:

CITY OF MERCER ISLAND

Andrea Larson, City Clerk

Salim Nice, Mayor

APPROVED AS TO FORM

Bio Park, City Attorney

Date of publication: _____