

ORDINANCE NO. 24-1302

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, ADOPTING INTERIM DEVELOPMENT REGULATIONS AS AUTHORIZED BY THE GROWTH MANAGEMENT ACT RELATING TO INDOOR EMERGENCY SHELTERS AND HOUSING, TRANSITIONAL HOUSING, AND PERMANENT SUPPORTIVE HOUSING; DECLARING AN EMERGENCY; 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 specifically conferred upon the governing bodies of Washington cities the right to establish and adopt interim development regulations and renewals of interim regulations for one or more six-month period; and

WHEREAS, in 2021, the Washington State Legislature passed E2SHB 1220, that included an addition to RCW 35A.21.430, which, among other things, requires cities to allow emergency housing in certain zones in which residential dwelling units and 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 this Ordinance include reasonable occupancy, spacing, and intensity of use requirements on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters (together, "Emergency Housing") to protect public health and safety so long as those reasonable restrictions do not prohibit the number of units assigned by the Washington State Department of Commerce ("Commerce"); and

WHEREAS, the occupancy, spacing, and intensity requirement in these interim regulations are necessary to preserve the public health and safety because they provide for basic health requirements while accommodating the City's needs for such Emergency Housing; and

WHEREAS, on March 2, 2023, the City received notice that Commerce had finalized guidance for counties and municipalities to use in identifying how much emergency housing is needed; and King County and the cities within King County have

used that information to distribute emergency housing locally and incorporate this information into revised Comprehensive Plans that are due to be adopted by December 31, 2024; and

WHEREAS, RCW 36.70A.635 requires the City to adopt, by June 30, 2025, development regulations to implement the middle housing requirements in the Growth Management Act, chapter 36.70A RCW; and as part of the City's holistic look at housing, permanent Emergency Housing regulations will be analyzed and reviewed with the housing regulations due June 30, 2025.

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

Section 1. PRELIMINARY FINDINGS. The recitals and findings set forth above are hereby adopted as the City Council's preliminary findings in support of the interim development regulations imposed by this ordinance.

Section 2. ADOPTION OF INTERIM DEVELOPMENT REGULATIONS. Pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, interim development regulations are hereby enacted amending Chapter 18.08 LFPMC as follows:

18.08.307 Emergency housing.

"Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

18.08.308 Emergency shelter.

"Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

...

18.08.528 Permanent supportive housing.

"Permanent supportive housing" means subsidized, leased housing with no limit on length of stay, paired with on-site or off-site voluntary services designed to support a person living with a disability to be a successful tenant in a housing

arrangement, improve the resident's health status, and connect residents of the housing with community-based health care, treatment, and employment services.

...

...

18.08.652 Transitional housing.

"Transitional housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

Section 3. ADOPTION OF INTERIM DEVELOPMENT REGULATIONS. Pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, interim development regulations are hereby enacted amending permitted use in the Town Center zone as follows:

18.42.020 Permitted uses.

A. The following uses are permitted in the Town Center zone, subject to the general provisions as set forth in this title, except where modified by this chapter:

1. Accessory uses – on-site.
2. Artisanal/craft production and retail subject to 18.42.040(E).
3. Assisted housing facilities.
4. Business offices and uses rendering professional, personal, medical-dental clinics, leasing offices, and instructional services subject to 18.42.040(F).
5. Cultural, entertainment, and recreational facilities.
6. Day care facilities – Type I and Type II subject to 18.42.040(G).
7. Electric vehicle charging stations.
8. Freestanding parking structures subject to 18.42.095, such as regional transit authority facilities.
9. Government buildings and uses.
10. Instructional institution.

11. Micro-mobility programs including bicycle sharing and scooter sharing and related infrastructure.
12. Multiple-family dwelling units.
13. Public markets.
14. Public utilities.
15. Retail sales and services subject to 18.42.040(H).

B. Uses not listed. Uses not listed above may be authorized through a development agreement.

Section 4. ADOPTION OF INTERIM DEVELOPMENT REGULATIONS. Pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, interim development regulations are hereby enacted amending permitted uses and adding limitations on uses in the Corridor Commercial (CC) zone as follows:

18.38.020 Permitted uses.

The following uses are permitted in the CC zone, subject to the off-street parking and landscaping requirements and other general provisions as set forth in this title, except where modified by this chapter:

- A. Retail sales of food and commodities, auto oriented services and sales, repair or sale of boats, motor vehicles, sale of food and alcohol for on-premises consumption, sale of gasoline or other fuels;
- B. Business offices and uses rendering professional, personal, and instructional services, such as real estate or insurance brokerages, consultants, medical or dental clinics, technical training, health clubs, and repair of jewelry, eyeglasses, clothing, household appliances and tools, or other such similar uses, vehicle or tool rentals, pet sales and veterinary clinics;
- C. Government buildings and uses, including but not limited to City Hall, police stations, libraries, administrative offices, and other public service uses that are compatible with the intent of the CC zone;
- D. Hotels and motels;
- E. Public utilities;
- F. Adult use establishments; provided, however, that the operation of an adult use establishment shall be prohibited within 660 feet of any residential zone; and provided further, that adult use establishments shall not be operated concurrently within 660 feet of, nor within the same structure as, the operation of any other adult use establishment;

and provided further, that no adult use establishment shall be located within 660 feet of schools, licensed day care centers, public parks, community centers or public libraries or churches which conduct religious or educational classes for minors.

G. Emergency housing and emergency shelters subject to section 18.38.025 limitations on use, and transitional housing and permanent supportive housing subject to limitations on use in this ordinance.

18.38.025 Limitations on use. Emergency housing and emergency shelter uses in this zone shall be subject to the following further conditions and limitations:

- A. Emergency housing and emergency shelter facilities are Type III decisions pursuant to LFPMC Ch. 16.26.180 (Code administrator's decision requiring notice).
- B. On-site supervision must be provided at all times, unless it can be demonstrated through the operations plan that this level of supervision is not warranted for the population being housed.
- C. The emergency housing or emergency shelter facilities must be located within a half mile walking distance of a bus or rail transit stop so that transit dependent residents are able to reach services and employment.
- D. To avoid a concentration of emergency housing or emergency shelter facilities, at the time of application, there shall be no other approved emergency housing or shelter facility located within a 1000 feet of the proposed emergency housing or shelter facility site. For the purposes of this subsection, distance shall be measured in a straight line between the closest property line of the existing facility and the closest property line of the proposed facility. For purposes of this section, if the City receives applications for proposed facilities that are within a half mile of each other, the first complete application received by the City shall be given priority.
- E. If provided, exterior lighting must be directed downward and glare must be contained within the facility site.
- F. The maximum number of residents in a facility is limited to the general capacity of the building and the level of staffing to be provided, but in no case more than 15.
- G. The organization managing and operating the emergency housing or emergency shelter facilities must submit a parking plan acceptable to the City showing that it has adequate parking to meet the expected demand from residents, staff, service providers and visitors.

Section 5. ADOPTION OF INTERIM DEVELOPMENT REGULATIONS. Pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, interim development regulations are hereby enacted amending the sections of the LFPMC list below in the City's Residential Single-Family (RS) zones, Residential Multifamily (RM) zones, and Southern Gateway zones to allow as permitted uses transitional housing and permanent supportive housing subject to the limitations in Section 6 of this ordinance.

- a. 18.16.010 Permitted uses in RS-20 zone
- b. 18.18.010 Permitted uses in RS-15 zone
- c. 18.20.010 Permitted uses in RS-10 zone
- d. 18.21.010 Permitted uses in RS-9.6 zone
- e. 18.22.010 Permitted uses in RS-7.2 zone
- f. 18.24.020 Permitted uses in RM-3600 zone
- g. 18.26.020 Permitted uses in RM-2400 zone
- h. 18.28.020 Permitted uses in RM-1800 zone
- i. 18.30.020 Permitted uses in RM-900 zone
- j. 18.45.010 Permitted uses in Southern Gateway – Single-Family Residential zone
- k. 18.46.030 Permitted uses in Southern Gateway – Corridor zone
- l. 18.47.030 Permitted uses in Southern Gateway – Transition zone

Section 6. ADOPTION OF INTERIM DEVELOPMENT REGULATIONS. Pursuant to the provisions of RCW 35A.63.220 and RCW 36.70A.390, interim development regulations are hereby enacted adopting limitations on transitional housing and permanent support housing where allowed as a permitted use:

- A. On-site supervision must be provided at all times, unless it can be demonstrated through the operations plan that this level of supervision is not warranted for the population being housed.
- B. On-site services such as laundry, hygiene, meals, case management, and social programs are limited to the residents and not available for drop in use by non-residents.
- C. The organization managing and operating the facility must submit a parking plan acceptable to the City showing that it has adequate parking to meet the expected demand from residents, staff, service providers, and visitors.
- D. The facility must be located within a half mile walking distance of a transit stop so that transit dependent residents are able to reach services and employment.
- E. To avoid a concentration of uses, facilities must be at least 1000 feet from any other permanent supportive housing or transitional housing facilities, calculated as a radius from the property lines of the site.

Section 7. EFFECTIVE DURATION OF INTERIM DEVELOPMENT

REGULATIONS. These interim development regulations set forth in this ordinance shall be in effect for a period of six (6) months from the date this ordinance is passed and shall automatically expire on May 7, 2025, unless the same is renewed as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the City Council.

Section 8. PUBLIC HEARING. A public hearing was held by the City Council regarding these interim development regulations on November 7, 2024, as required by RCW 36.70A.390.

Section 9. 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 E2SHB 1220.

Section 10. 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 11. 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 12. EFFECTIVE DATE. The City Council hereby finds and declares the deadlines in E2SHB 1220 for cities to adopt compliant development regulations cause an emergency which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein. This ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

APPROVED BY A MAJORITY of the Lake Forest Park City Council this 7th day of November, 2024.

APPROVED:

Thomas French
Thomas French (Nov 16, 2024 13:37 PST)

Thomas French
Mayor

ATTEST/AUTHENTICATED:

Matt McLean

Matt McLean
City Clerk

APPROVED AS TO FORM:

Kim Adams Pratt

Kim Adams Pratt (Nov 11, 2024 13:04 PST)

Kim Adams Pratt
City Attorney

Introduced: November 1, 2024
Adopted: November 7, 2024
Posted: November 12, 2024
Published: November 12, 2024
Effective: November 18, 2024