

**ORDINANCE NO. 1656**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, ADOPTING INTERIM ZONING CONTROLS PERTAINING TO PERMANENT SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING FOR A PERIOD OF SIX MONTHS IN RESPONSE TO ESSHB 1220, PROVIDING FOR EFFECTIVE DATE, HEARING, AND DECLARING AN EMERGENCY.**

**WHEREAS**, under the authority of RCW 35A.63.220 and RCW 36.70A.390, the City may impose interim regulations to be effective for a period of up to six months, and for six month intervals thereafter; and

**WHEREAS**, earlier this year, the state legislature enacted Engrossed Second Substitute House Bill (ESSHB) 1220 signed by Governor Inslee on May 12, 2021, became Chapter 254, Laws of 2021, and will take effect on July 25, 2021; and

**WHEREAS**, Section 3 of ESSHB 1220 mandates that a city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed; and

**WHEREAS**, ESSHB 1220 was passed, in part, to address the growing homeless crisis currently facing Washington State; and

**WHEREAS**, the City of Bonney Lake has no regulations related to the development and operation of transitional housing or permanent supportive housing needed to protect the community and residents of these units; and

**WHEREAS**, the City has not had sufficient time to evaluate the needs of transitional housing or permanent supportive housing and develop regulations between the time that ESSHB 1220 was signed by the Governor and became law; and

**WHEREAS**, in response to ESSHB 1220, the Bonney Lake City Council would like to make certain changes to its development regulations on an interim basis to give City staff and the Planning Commission time to make a recommendation to the City Council with respect to recommendations that will keep the City compliant with ESSHB 1220 on a permanent basis;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1.** Section 18.08.020 of the Bonney Lake Municipal Code and the corresponding portions of Ordinance No. 1416 § 10, Ordinance No. 1483 § 1, Ordinance No. 1520 § 3,

Ordinance No. 1533 § 15, Ordinance No. 1568 § 13, Ordinance No. 1584 § 1, Ordinance No. 1644 § 7, and Ordinance No. 1651 § 2, are each hereby amended to read as follows:

Zone Use	NAICS Code(s)	RC-5	R-1	R-2	R-3	C-1	C-2	E	MC	DC	DM	PF
<b>Essential Public Facilities</b>												
Airports	481111, 481112, 481211, 481212, and 481219							C				
Public colleges and universities	611210 and 611310						P	<del>P</del>		P	P	P
State transportation facilities <sup>[20]</sup>	N/A							P	P	P	P	P
Transit facilities	485111, 485112, 485113, 485119		C	C	P	P	P	P	P	P	P	P
Correctional institutions	922140							C				C
Solid waste handling facilities	562111, 562112, 562119, 562211, 562212, 562213, and 562219							C				
Psychiatric and substance abuse facilities	622210, 623220, and 621420							C	C			
Group homes <sup>[21],[24]</sup>	N/A	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>	
Secure community transition facilities <sup>[22]</sup>	N/A							C				

The paragraphs listed below contain specific limitations that correspond with the bracketed [ ] superscript note numbers from land use matrix:

- [1] Subject to compliance with BLMC 18.22.090.
- [2] Subject to compliance with Chapter 18.31 BLMC, Commercial Development Standards.
- [3] A conditional use permit is required if residential units are located on the first floor of the building.
- [4] Subject to compliance with BLMC 18.22.010.
- [5] Subject to compliance with Chapter 15.08 BLMC, Manufactured Homes.
- [6] Provided, that the park was in existence at the time of annexation into the city.
- [7] Subject to compliance with BLMC Title 16, Division III, Shoreline Code.
- [8] Limited to stables and riding schools in association with a single-family home.
- [9] Subject to compliance with Chapter 18.32 BLMC, Adult Entertainment Facilities.
- [10] Subject to compliance with BLMC 18.22.030.
- [11] Drive-through facilities, services, or windows are prohibited.
- [12] Subject to compliance with BLMC 18.31.040.
- [13] Business can be open for no more than 150 days per year unless it is within the building with a permitted use.
- [14] Subject to compliance with BLMC 18.29.040.
- [15] Subject to compliance with BLMC 18.22.060.
- [16] Subject to the requirements of BLMC 18.22.050.
- [17] Subject to the provisions of Chapter 18.40 BLMC, Electric Vehicle Infrastructure.
- [18] Outdoor storage and sale of building materials and nursery stock is allowed as an accessory use.

Zone Use	NAICS Code(s)	RC-5	R-1	R-2	R-3	C-1	C-2	E	MC	DC	DM	PF
<p><sup>[19]</sup> Outdoor kennel space and/or dog runs are prohibited.</p> <p><sup>[20]</sup> State transportation facilities are defined in RCW 47.06.140</p> <p><sup>[21]</sup> As required to comply with the Federal Fair Housing Act Amendments of 1988 (42 U.S.C. § 3601 et seq.) and RCW 35A.63.240. <u>Group homes also includes permanent supportive housing as defined RCW 36.70A.030(16) and transitional housing as defined in RCW 84.36.043(2)(c).</u></p> <p><sup>[22]</sup> Secure community transition facilities are defined in RCW 71.09.020</p> <p><sup>[23]</sup> Exterior storage of materials or equipment is prohibited. All materials and equipment shall be stored an enclosed building.</p> <p><sup>[24]</sup> <u>Permanent supportive housing and transitional housing shall comply with the standards of BLMC 18.08.040.</u></p>												

**Section 2.** The following section 18.08.040, “Permanent Supportive Housing and Transitional Housing” is hereby added to the Bonney Lake Municipal Code:

**Permanent Supportive Housing and Transitional Housing**

- A. The maximum allowed number of permanent supportive housing dwelling units and transitional housing dwelling units on any given property shall not exceed the number of dwelling units that would be allowed under the zoning classification adopted for the property.
- B. The maximum occupancy load of a permanent supportive housing unit and transitional housing unit shall not exceed one person for every 200 square feet of habitable space as established in Table 1004.5 of the 2018 International Building Code.
- C. The maximum occupancy of a bedroom within a permanent supportive housing unit or transitional housing unit shall be minimum of 70 square feet per individual. In determining if this occupancy limited is exceed rounding to the nearest whole number shall not be allowed.
- D. All bedrooms within a permanent supportive housing unit or transitional housing unit shall comply with the criteria established in the International Residential Code.
- E. No permanent supportive housing unit or transitional housing unit may be located within half a mile of another property than contains permanent supportive housing or transitional housing. Compliance with this standard will be based on the date that a complete application for the safety inspection is submitted to the City.
- F. All operators of permanent supportive housing or transitional housing facility shall utilize the Pierce County Homeless Information Management System.
- G. Prior to beginning operation of a permanent supportive housing unit or transitional housing unit, the unit shall have a safety inspection completed by the City. Once operational the unit shall receive an annual safety inspection completed by the City. As part of the safety

inspection the City shall verify that the regulations set forth herein are met in addition to any other required safety standards established in the Building Codes adopted in Chapter 15.04 BLMC.

H. The City shall charge a \$1,000 fee to cover the review of the application for safety inspection and the actual safety inspection for the permanent supportive housing unit or transitional housing unit.

**Section 3. Hearing.** In accordance with the requirements of state law, a public hearing on these interim regulations will be held within 60 days of adoption of interim regulations.

**Section 4. 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, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

**Section 5. Effective Period of Interim Development Regulations.** This ordinance shall be in effect for a period of six months from the effective date, unless earlier repealed, renewed, or modified by the City Council as provided by State law.

**Section 6. Emergency Declared.** Based on the information provided in the introduction of this ordinance, the Council finds that an emergency exists in that unless this ordinance takes effect immediately, permanent supportive housing and transitional housing will be established without the regulations needed to protect the community and the residents of the facilities. This ordinance is necessary for the immediate preservation of public peace, health or safety, or for the support of City government and its existing public institutions

**Section 7. Effect Date.** This ordinance shall take effect and be in full force immediately upon its passage by the majority plus one of the members of the City Council and that the same shall not be subject to referendum as provided in BLMC 2.04.800(A)(2).

**PASSED BY THE CITY COUNCIL this 20<sup>th</sup> day of July, 2021**

DocuSigned by:  
*Neil Johnson, Jr.*  
20583FB9C281400...

Neil Johnson, Jr., Mayor

**AUTHENTICATED:**

DocuSigned by:

*Harwood T. Edvalson*

F46A10AD29884A1...

Harwood T. Edvalson, City Clerk

City of Bonney Lake, Washington  
**City Council Agenda Bill (AB)**

<b>Department/Staff Contact:</b> Public Services Department Jason Sullivan – Planning & Building Supervisor	<b>Meeting/Workshop Date:</b> July 20, 2021	<b>Agenda Bill Number:</b> AB21-94
<b>Agenda Item Type:</b> Ordinance	<b>Ordinance/Resolution Number:</b> D21-94	<b>Sponsor:</b>

**Agenda Subject:** Permanent Supportive Housing and Transitional Housing Interim Zoning Controls

**Full Title/Motion:** An ordinance of the City Council of the City Of Bonney Lake, Pierce County, Washington, adopting interim zoning controls pertaining to permanent supportive housing and transitional housing for a period of six months in response to ESSHB 1220, providing for effective date, hearing, and declaring an emergency.

**Administrative Recommendation:** Approve

**Background Summary:** ESSHB 1220 was signed by the Governor on May 12, 2021 to address housing affordability issues in Washington State. While the majority of the provisions will be addressed in the City’s next comprehensive plan update, there is one provision related to transitional housing and permanent supportive housing that will become effective on July 25, 2021. This provision mandates that a city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. In order to address this mandate, Ordinance D21-94 will establish interim zoning regulations to allow these housing types as permitted uses in all zones that allow residential units and hotels. Consistent with ESSHB 1220, the interim regulations establishes occupancy, spacing, and intensity of use requirements. As required by RCW 35A.63.220 and RCW 36.70A.390, if Ordinance D21-94 is passed, a public hearing will take place within sixty (60) days. The interim zoning regulations are valid for six months; therefore, staff proposes to include the final regulations in the 2021 Development Code Amendments to be adopted in December of 2021.

**Attachments:** Ordinance D21-94

<b>BUDGET INFORMATION</b>			
Budget Amount	Current Balance	Required Expenditure	Budget Balance
<b>Budget Explanation:</b>			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>			
<b>Council Committee Review:</b>	CDC	<i>Approvals:</i>	Yes No
	Date:	Chair/Councilmember	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember	<input type="checkbox"/> <input type="checkbox"/>
		Councilmember	<input type="checkbox"/> <input type="checkbox"/>
	Forward to:	<b>Consent Agenda:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Commission/Board Review:</b>			
<b>Hearing Examiner Review:</b>			

<b>COUNCIL ACTION</b>	
Workshop Date(s):	Public Hearing Date(s):
Meeting Date(s):	Tabled to Date:

<b>APPROVALS</b>		
<b>Director:</b> <i>Ryan Johnstone, P.E.</i>	<b>Mayor:</b> <i>Neil Johnson Jr.</i>	<b>Date Reviewed by City Attorney:</b> (if applicable):