

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5613

AN ORDINANCE imposing a moratorium on the acceptance of applications for the issuance of Land Use Permits, Licenses or Approvals for Temporary Encampments, as defined in this Ordinance, declaring a public emergency, and setting an immediate effective date.

WHEREAS, the recent history of Temporary Encampments in other jurisdictions, including the Cities of Bothell, Woodinville, and Kirkland, demonstrates a critical need for public involvement in the process of permitting and siting Temporary Encampments, including adequate notice to the surrounding community, an opportunity for community members to comment upon the application and to exercise their fundamental right to petition the government, and an opportunity for review and processing of a permit by City staff;

WHEREAS, Temporary Encampments in other jurisdictions have not always complied with the permitting requirements of the jurisdictions in which they have located;

WHEREAS, the existing provisions of the City of Bellevue Land Use Code do not fully address the permitting and siting of Temporary Encampments within the City of Bellevue;

WHEREAS, the City of Bellevue is in the process of completing its study and analysis of Temporary Encampments, and intends to pass an ordinance addressing the use of property within the City of Bellevue for purposes of Temporary Encampments;

WHEREAS, the City of Bellevue has, to date, received extensive comment from the public regarding Temporary Encampments, and has compiled and continues to compile a substantial legislative record regarding the regulation and operation of Temporary Encampments;

WHEREAS, the City of Bellevue understands that the appropriate regulation of Temporary Encampments requires full and complete consideration of the concerns of those who wish to host, sponsor or manage Temporary Encampments, as well as those who reside or conduct business within the City; and such consideration must also include a thorough review of health and safety regulations, codes of conduct, zoning laws, and other conditions as may be appropriate;

WHEREAS, the City has a compelling interest in the protection of the health and safety of all of its residents, as well as the enforcement of its zoning laws;

WHEREAS, a brief moratorium is necessary to allow the City Council and staff to complete its review and analysis of an appropriate amendment to the Land Use Code that will govern the permitting of Temporary Encampments;

WHEREAS, Washington state law, including RCW 35A.63.220 and RCW 36.70A.390, authorizes Washington cities to adopt moratoria and provide a process for a public hearing that must be held within sixty days of the date of the adoption of a moratorium;

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Imposition of Moratorium. A moratorium is hereby imposed on the filing, acceptance or issuance of any applications for Land Use Permits, Variances, Licenses, and/or Approvals for Temporary Encampments, as defined in Section 5, below.

Section 2. Duration and Scope of Moratorium. The moratorium imposed by this Ordinance shall become effective on the date hereof, and shall continue in effect for an initial period of sixty (60) days, unless repealed, extended or modified by the City Council after subsequent public hearings and the entry of additional findings of fact pursuant to RCW 35A.63.220; provided that, this moratorium shall expire of its own terms upon the effective date of zoning and land use regulations adopted by the City Council to address the regulation of Temporary Encampments within the City of Bellevue.

Section 3. Initial Findings of Fact.

- A. The above recitals are hereby incorporated as findings of fact.
- B. Temporary Encampments are intense land uses that have located for periods between 30 and 180 days in other jurisdictions, and have located in various Land Use Districts including residential districts and in close proximity to private residences, schools, daycare facilities, and businesses;
- C. The location of Temporary Encampments in other jurisdictions without a complete permitting procedure or appropriate treatment within that jurisdiction's land use code or regulations has negatively impacted those communities in a variety of ways; including public divisiveness and lack of opportunity for the public to exercise its right to petition their government; uncertainty and inadequacy of response and planning opportunity pertaining to the public health, safety and welfare of Temporary Encampment residents and residents of the surrounding area; inability to enforce generally applicable code provisions and regulations pertaining to zoning, public health, safety and welfare; and the need to resort to legal proceedings to establish interim permitting conditions upon the arrival of a Temporary Encampment within the jurisdiction;

- D. Due to the potential impacts of Temporary Encampments, as well as the need to carefully weigh the rights of those who wish to host, sponsor or manage Temporary Encampments, and those of the public including members of the public who reside or conduct business within the City, and to fully evaluate health and safety regulations, codes of conduct, zoning laws, and other conditions as may be appropriate, it is essential that the City of Bellevue complete its present study and analysis of Temporary Encampments and amendment of the Land Use Code;
- E. The Siting of a Temporary Encampment within the City of Bellevue prior to the completion of the present study and analysis of Temporary Encampments and any potential amendments of the Land Use Code would be detrimental to the health, safety and welfare of the citizens of the City of Bellevue, and could potentially allow the establishment of vested rights contrary to and inconsistent with those amendments to the Land Use Code that the City may adopt as a result of its study and analysis of Temporary Encampments.

Section 4. Public Hearing. Pursuant to RCW 35A.63.220, the City Council shall hold a public hearing on this moratorium within sixty (60) days of its adoption, or no later than August 1, 2005, so as to hear and consider public comment and testimony regarding this moratorium. Following such hearing, the City Council may adopt additional findings of fact.

Section 5. Temporary Encampment Defined. As used in this Ordinance, "Temporary Encampment" shall mean a transient or interim gathering or community comprised of Temporary Enclosures, which may include common areas designed to provide food, living, and sanitary services to occupants of the encampment; provided that, this definition shall not include recreational encampments of less than ten days in duration. As used in this Ordinance, "Temporary Enclosures" shall mean tents and other forms of portable shelter that are not permanently attached to the ground, are intended to be erected and dismantled, and are intended for temporary outdoor occupancy.

Section 6. Severability. Should any provision of this Ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 7. Public Emergency. The City Council hereby finds and declares that a public emergency exists, and that this ordinance is a public emergency ordinance necessary for the protection of the public health, safety and welfare and should, therefore, take effect upon adoption. The facts upon which this public emergency are based include all findings and recitals set out in this Ordinance, as well as those facts contained in the Legislative Record for the proposed Temporary Encampment Land Use Code Amendment.

Section 8. Effective Date. In accordance with RCW 35A.13.190, this Ordinance, as a public emergency ordinance, shall take effect and be in force immediately upon adoption.

Passed by the City Council this 27th day of June, 2005, and signed in authentication of its passage this 27th day of June, 2005.

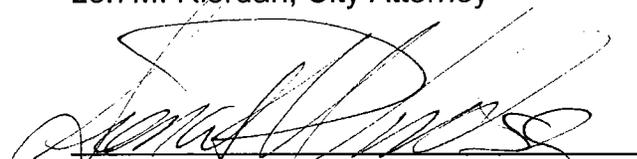
(SEAL)



Connie B. Marshall, Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Siona Windsor, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

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