

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4861

AN ORDINANCE regarding Group Facility uses; amending Bellevue City Code (Land Use Code) Sections 20.10.440, 20.50.010, 20.50.016, 20.50.020, 20.50.022, 20.50.044, and 20.50.046; repealing Bellevue City Code (Land Use Code) Chapter 20.30T and Sections 20.50.014 (part), "Confidential Group Home" and 20.50.022 (part), "Group Care Facility for Children" and "Group Home, Large"; adding a new Chapter 20.30T to the Bellevue City Code (Land Use Code); and adding new definitions to Bellevue City Code (Land Use Code) Sections 20.50.044 and 20.50.046.

WHEREAS, by Resolution No. 5726, enacted on December 4, 1993, under the authority granted by the Constitution of the State of Washington, RCW Chapter 35A.63, Optional Municipal Code and RCW 36.70A, Growth Management, the City Council adopted the Comprehensive Plan for the City; and

WHEREAS, by Ordinance No. 4800, enacted on October 16, 1995, the City Council re-adopted the Comprehensive Plan; and

WHEREAS, under RCW 36.70A.070(2) of the Growth Management Act, the Comprehensive Plan of the City is required to include a Housing Element, which identifies sufficient land for housing, including group homes and foster care facilities; and

WHEREAS, to comply with RCW 36.70A.070(2) the City Council adopted Section IV, Housing Element, as part of its Comprehensive Plan, including Goals and Policies related to housing for people with special needs; and

WHEREAS, RCW 36.70A.120 of the Growth Management Act requires the City to adopt regulations that are consistent with and implement its Comprehensive Plan; and

WHEREAS, it is the policy of the City to promote and encourage family living arrangements in the City's residential zones; and

WHEREAS, it is the policy of the City to preserve and protect the character of its residential neighborhoods and the stability, safety, and tranquility that they enjoy; and

WHEREAS, the City Council finds that short-term group care is not compatible with the character of residential neighborhoods and is not conducive to their stability, safety, and tranquility; and

WHEREAS, the City Council finds that longer-term group care by persons who reside in and have ties to their neighborhoods and who function as parents is conducive to the stability, safety, and tranquility of the neighborhoods; and

WHEREAS, it is the policy and intent of the City of Bellevue to: (a) make provision in the Land Use Code for such reasonable accommodations as may be necessary to afford persons with handicaps equal opportunity to use and enjoy a dwelling, as required by the Fair Housing Amendments Act of 1988, 42 U.S.C. Section 3604(f)(3)(b) and the Washington Law Against Discrimination, RCW Chapter 49.60; (b) treat structures occupied by persons with handicaps the same as similar structures occupied by families or other unrelated individuals; © ensure sufficient dispersion of Group Facility uses to allow persons with handicaps equal opportunity to enjoy the benefits of residence in single-family, multi-family, and other zoning districts; and (d) provide reasonable exceptions from regulatory requirements for Adult Family Homes (which are required to be permitted by RCW 70.128.175), Domestic Violence Shelter Homes (whose residents require confidentiality), and Foster Families (whose structures bear substantial similarity to typical family living arrangements); and

WHEREAS, the City has complied with the State Environmental Policy Act and the City's Environmental Procedure Code; now, therefore,

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

Section 1. Title, Purpose and Contents.

This ordinance shall be known as the Group Facilities Ordinance of 1996. The purpose of this ordinance is to set forth the conditions under which Group Facilities may be located within the City of Bellevue, to address pending issues under the Growth Management Act, and to implement the City's Comprehensive Plan with respect to those uses.

Section 2. Section 20.50.010 (part) of the Land Use Code, "Adult Family Home," is amended to read as follows:

**ADULT FAMILY HOME:** The regular family abode of a person or persons providing state-licensed personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home which is not the regular family abode of a person or persons licensed to provide and providing such care is not within the definition of Adult Family Home for purposes of this Code.

Section 3. Section 20.50.014 (part) of the Land Use Code, "Confidential Group Home," is repealed.

Section 4. Section 20.50.016 (part) of the Land Use Code, "Domestic Violence Shelter Home," is amended to read as follows:

**DOMESTIC VIOLENCE SHELTER HOME:** A facility which provides housing for adults and their dependent children, if any, who are victims of domestic violence perpetrated by the spouse, domestic partner or significant other of the adult victim.

Section 5. Section 20.50.020 (part) of the Land Use Code, "Family," is amended to read as follows:

**FAMILY.** One or more persons (but not more than six unrelated persons) living together as a single housekeeping unit.

**FOSTER CARE:** 24-hour per day state-licensed substitute care for a child or children whose parents cannot or will not provide normal family care for the child or children. Foster care may be provided in either a state-licensed family home or a state-licensed group care facility.

Section 6. Section 20.50.020 (part) of the Land Use Code, "Foster Family Home," is amended to read as follows:

**FOSTER FAMILY HOME:** A person or persons regularly providing state-licensed foster care on a 24-hour per day basis to one or more, but not more than four, children, expectant mothers, or developmentally disabled persons in the family abode of the person or persons under whose direct care and supervision the child, expectant mother or developmentally disabled person is placed.

Section 7. Section 20.50.020 (part) of the Land Use Code, "Foster Family Home, Large," is amended to read as follows:

**FOSTER FAMILY HOME, LARGE:** A state-licensed foster family home with at least two adult residents in the home providing foster care on a 24-hour per day basis to five or six children or developmentally disabled persons.

Section 8. Section 20.50.022 (part) of the Land Use Code, "Group Care Facility For Children," is repealed.

Section 9. Section 20.50.022 (part) of the Land Use Code, "Group Home," is amended to read as follows:

**GROUP FACILITY:** A staffed living facility for a group of persons, which may include both children and adults, including, but not limited to, Adult Family Homes; Domestic Violence Shelter Homes; Foster Family Homes; and Large Foster Family Homes. Group Facilities do not include any facility licensed or defined by state regulations or otherwise as a juvenile or other detention facility, and do not include any facility providing temporary overnight shelter for homeless persons. A Group Facility is exempt from the provisions of Chapter 20.30N of this Code (Home Occupation regulations). Group Facilities must meet all applicable requirements of this Code, whether or not their residents would meet the definition of family. Group Facilities are classified as follows:

**CLASS I**

Adult Family Homes; Domestic Violence Shelter Homes; Foster Family Homes; Large Foster Family Homes; and Group Facilities established solely for persons with a Handicap. Some Class I Group Facilities may be subject to the dispersal requirements set forth at 20.10.440 of this Code.

**CLASS II:**

All other Group Facilities are Class II Group Facilities.

The following Class II Group Facilities are not permitted in R-1 through R-30 districts: a) Facilities that are not operated by Resident Staff; b) Facilities that accept Short Term Occupants; and c) Facilities that house one or more persons who do not have a Handicap and who are a danger to others because: i) their behavior is assaultive, physically violent, psychopathic, sexually deviant, sexually aggressive, or impaired by drug or alcohol dependency; or ii) they have committed a crime or offense involving a serious threat to the person or property of another, including, but not limited to, rape, incest, theft or arson.

Class II Group Facilities shall obtain a permit in accordance with Chapter 20.30T.

**Residence Maximums.** Residence maximums for Group Facilities shall be those maximums established by state-licensing laws and regulations and the Uniform Building and Housing Codes as adopted by the City, subject to applicable criteria in Section 20.10.440; provided, the maximum occupancy in Group Facilities located in R.1 through R-7.5 districts shall not at any one time exceed six (6) Residents plus not more than two (2) Resident Staff in addition to the minor children of the residents.

The limitation on the number of residents in R-1 through R-7.5 districts, and the exclusion of certain Class II Group Facilities from R-1 through R-30 districts, shall not be interpreted or applied so as to prevent the City from making such reasonable

accommodations as may be necessary for persons with handicaps, or so as to permit the City to treat a structure occupied by persons with handicaps differently than a similar structure occupied by a family or other unrelated individuals.

Section 10. Section 20.50.022 (part) of the Land Use Code, "Group Home, Large", is repealed.

Section 11. A new definition is added to Section 20.50.044 of the Land Use Code, as follows:

**REASONABLE ACCOMMODATION:** An operator, a prospective operator, a resident or a prospective resident of a Group Facility, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this Land Use Code under the Fair Housing Amendments Act of 1988, 42 USC 3604(f)(3)(b), or the Washington Law Against Discrimination, RCW Chapter 49.60, must provide the Director of the Department of Community Development with verifiable documentation of handicap eligibility and need for accommodation. The Director shall act promptly on the request for accommodation. If handicap eligibility and need for accommodation are demonstrated, the Director shall approve an accommodation, which may include granting an exception to the provisions of this Code. The Director shall not charge any fee for responding to such a request. The Director's decision shall constitute final action by the City on a request for accommodation, and review of that decision will be available only in superior court. Any appeal must be filed not more than twenty-one (21) days after the Director's decision.

Section 12. Section 20.50.044 (part) of the Land Use Code, "Resident, Group Home," is amended to read as follows:

**RESIDENT, GROUP FACILITY:** A person who has assigned sleeping quarters in a Group Facility.

Section 13. A new definition is added to Section 20.50.044 of the Land Use Code, as follows:

**RESIDENT STAFF, GROUP FACILITY:** One or more Staff whose regular family abode is in the a Group Facility, who hold(s) all required license(s) for that Group Facility, who is/are primarily responsible for the daily operation of the Group Facility and for the care and supervision of its Residents, and who personally provide(s) a substantial part of the care for such Residents. Unrelated care providers or foster parents whose regular family abode is an Adult Family Home, a Foster Family Home, a Large Foster Family Home or any other Class I Group Facility are Resident Staff of that Group Facility for the purposes of this Land Use Code.

Section 14. A new definition is added to Section 20.50.046 of the Land Use Code, as follows:

**SHORT TERM OCCUPANT:** A person who is placed or resides in a Group Facility for a period of less than thirty (30) days.

Section 15. Section 20.50.046 (part) of the Land Use Code, "Staff, Group Home," is amended to read as follows:

**STAFF, GROUP FACILITY:** A person who provides or administers services, including providing care and supervision for and assistance with the daily living activities of the Residents in a Group Facility. Residents of a Group Facility who perform household or other tasks in or around the Group Facility, whether or not for compensation, are not Staff for the purposes of this Land Use Code. Group Facility Staff must meet any and all licensing requirements, including but not limited to minimum levels of education, experience and supervision, as set forth in applicable state regulations.

Section 16. LUC 20.10.440, "Uses In Land Use Districts, Residential," is amended to read as follows:

Chart 20.10.440

Uses in land use districts

Residential

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential											
		OU	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5'	R-10	R-15	R-20	R-30
1	Residential												
	Single-family Dwelling 3	P	P	P	P	P	P	P	P	P	P	P	P
	Two to Four Dwelling Units Per Structure	PD	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
	Five or More Dwelling Units Per Structure	PD	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
NOT CODED IN LAND USE CODE	Group Facility Class I 2,10,12,	P	P	P	P	P	P	P	P	P	P	P	P
	Group Facility Class II 2,10,11,12,13,14	P	P	P	P	P	P	P	P	P	P	P	P
12	Group Quarters; Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions	PD								C	P	P	P
	Senior Citizen Dwellings 4,7	PD5	PD5	PD5	PD5	PD5	PD5	PD5	PD5	P	P	P	P
13 15	Hotels and Motels												
	Congregate Care Senior Housing 4,7	PD								P	P	P	P
6516	Nursing Home	C								C	P	P	P
	Assisted Living 4,7	C								C	P	P	P
	Accessory Dwelling Unit 9	S	S	S	S	S	S	S	S	S	S	S	S

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

*\*Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

Key	
P	PERMITTED USE
C	CONDITIONAL USE (see Part 20.30B or Part 20.30C)
PD	PERMITTED subject to planned unit development only. (See Part 20.30D)
A	ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)
S	Permitted only as a subordinate use to a permitted or special use.

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Chart 20.10.440

Uses in land use districts

Residential

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Office District 1	Office District 2	Mixed Use District	Residential District	Old Bellevue District	Office and Limited Business
		PO	O	OLB	LI	GC	NB	CB	CBD O-1	CBD O-2	CBD MU	CBD R	CBD OB	CBD OLB
1	Residential													
	Single-family Dwelling 3	P15	P1	S	S	S	P8	S	P	P	P	P	P	
	Two to Four Dwelling Units Per Structure		P1	P			P8	P	P	P	P	P	P	
	Five or More Dwelling Units Per Structure		P1	P			P8	P	P	P	P	P	P	
NOT CODED IN LAND USE CODE	Group Facility Class I 2,10	P	P	P	P	P	P	P	P	P	P	P	P	P
	Group Facility Class II 2, 10, 11	P	P	P	P	P	P	P	P	P	P	P	P	P
12	Group Quarters; Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions							C	P	P	P	P	P	
	Senior Citizen Dwellings 4,7	P	P	P			P8	P	P	P	P	P	P	
13 15	Hotels and Motels			P				C	P	P	P	P	P	P
	Congregate Care Senior Housing 4,7	P	P	P			P	P	P	P	P	P	P	
6516	Nursing Home	C	P	P			C	P			P	P	P	
	Assisted Living 4,7	C	P	C			C	P			P	P	P	
	Accessory Dwelling Unit 9	S	S	S	S	S	S	S			S	S	S	

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010. (Ord 4696-A, 11-21-94 §2; Ord. 4498, 3-15-93, § 1; Ord. 4422, 9-28-92, § 2; Ord. 3530, 8-12-85, §7)

*\*Not effective within the jurisdiction of the East Bellevue Community Council and Sammamish Community Council.*

NOTES: USES IN LAND USE DISTRICTS - RESIDENTIAL

1. No more than 50% of the gross floor area of the structure shall be devoted to residential use in O districts, unless Conditional Use permit approval is obtained and the applicable Comprehensive Plan policies do not discourage multifamily uses.
2. Subject to the provisions for Reasonable Accommodations in Section 20.50.044, Group Facilities, except Domestic Violence Shelter Homes, Foster Family Homes and Large Foster Family Homes, may not be established within 1,000 feet in any direction of any other like facility.
3. A boardinghouse or bed and breakfast is permitted in a single family dwelling provided the requirements of 20.20.140 are met.
4. An agreement must be recorded with the King County Department of Records and Elections restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain in perpetuity as senior housing.
5. Through the planned unit development process, senior citizen dwellings may include common dining and recreation facilities.
6. Senior citizen dwellings are appropriate only on single family parcels which directly abut higher intensity zoning or on parcels that are not surrounded by established neighborhoods or single family housing.
7. In areas where Comprehensive Plan policies specifically state that multifamily development is not appropriate, senior housing shall be permitted only through the conditional use permit process.
8. These residential uses are permitted in NB districts only if located on the second floor and above the permitted ground floor non-residential uses.
9. Accessory dwelling units are permitted only as subordinate to single family dwellings and are subject to the provisions of Section 20.20.120.
10. A Group Facility must comply with the off-street parking requirements for the land use district in which it is located .
11. Operators of Class II Group Facilities must obtain a Class II Group Facility permit in accordance with Chapter 20.30T. Each Class II Group Facility operator shall assign a staff person to serve as contact person for the Group Facility, advise the Director of the name of the staff person and provide a telephone number where the staff person may be reached during normal

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working hours, and a confidential alternate telephone number, which shall be available to and usable by City staff only, where the staff person may be reached at other than normal working hours.

12. Subject to the provisions for Reasonable Accommodations in Section 20.50.044, Group Facilities located in R-1 through R-7.5 districts are limited to six (6) Residents plus not more than two (2) Resident Staff in addition to the minor children of the residents.
13. Subject to the provisions for Reasonable Accommodations in Section 20.50.044, the following Class II Group Facilities are not permitted in R-1 through R-30 districts: a) Facilities that are not operated by Resident Staff; b) Facilities that accept Short Term Occupants; and c) Facilities that house one or more persons who do not have a Handicap and who are a danger to others because: i) their behavior is assaultive, physically violent, psychopathic, sexually deviant, sexually aggressive, or impaired by drug or alcohol dependency; or ii) they have committed a crime or offense involving a serious threat to the person or property of another, including, but not limited to, rape, incest, theft or arson.
14. Class II Group Facilities in R-1 through R-30 districts must meet the following requirements:
  - a. The Facility shall not display exterior signage that would alter the residential character of the premises.
  - b. No structural alterations to the exterior of the structure shall be made which change its residential character except for alterations required by the Uniform Building or Fire Codes or other state or federal law.
  - c. The property must be landscaped in a manner compatible with surrounding residences.

Section 17. Chapter 20.30T of the Bellevue City Code (Land Use Code), "Large Group Home Permit," is repealed.

Section 18. A new Chapter 20.30T. is added to Bellevue City Code (Land Use Code) Title 20, as follows:

20.30T. Class II Group Facility permit

20.30T.110 Scope: This Part (20.30T.) establishes the procedure and criteria that the City will use in making a decision upon an application for a Class II Group Facility permit, provided the Director shall issue a Class II Group Facility permit

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without compliance with this Part (20.30T.) if he determines that requiring compliance would prevent the City from making such reasonable accommodations as may be necessary for persons with Handicaps, or would permit the City to treat a structure occupied by persons with Handicaps differently than a structure occupied by a family or other unrelated individuals.

20.30T.115 Applicability: This Part applies to each application for a Class II Group Facility permit.

20.30T.120 Purpose: A Class II Group Facility permit is a mechanism by which the City may permit a Class II Group Facility in the City.

20.30T.125 Applicable Procedure:

- A. The Director of the Department of Community Development, in consultation with the Fire Department and Police Department as appropriate, shall review and decide upon each application for a Class II Group Facility permit.
- B. Applications for Class II Group Facility permits will be processed through Process II, Section 20.35.200 et seq.
- C. The decision of the Director may be appealed using Process II, Section 20.35.200 et seq; provided, a decision of the Director under this Part 20.30T. with respect to making such Reasonable Accommodations as may be necessary for persons with Handicaps or treating a structure occupied by persons with Handicaps differently than a structure occupied by a family or other unrelated individuals is not administratively appealable.

20.30T.130 Decision Criteria: The Director may approve or modify and approve an application for a Class II Group Facility permit if the following decision criteria are met. The applicant must demonstrate that the application complies with these criteria.

- A. The Facility has obtained any required state licenses;
- B. The Facility will meet all occupancy maximums established by state licensing laws and regulations, and the Uniform Building Code
- C. If deemed necessary, the Facility has been inspected by the City for compliance with all applicable City Codes, and the applicant commits to implement any required corrective measures within the stated time period;
- D. The Facility complies with all applicable requirements of the Land Use Code.

- E. For Facilities located in R-1 through R-30 districts, there is no exterior display, exterior signage, or other external variation of the residential character of the premises, except for alterations which are required by the Uniform Building or Fire Codes.

Notwithstanding the failure of an applicant to meet any of the above criteria, the Director shall approve or approve with modifications an application for a Class II Group Facility permit if denial of such approval would prevent the City from making such Reasonable Accommodations as may be necessary for persons with Handicaps or would permit the City to treat a structure occupied by persons with Handicaps differently than a structure occupied by a family or other unrelated individuals.

20.30T.140 Revocation of permit: Upon a determination that there has been a violation of any of the decision criteria or any permit requirement, the Director may give written notice to the permit holder describing the alleged violation. Within 17 calendar days of the mailing of notice of violation, the permit holder shall correct the violation. At the end of the 17-day period, if the permit holder has not corrected the violation, the Director may revoke the permit. When a permit is revoked, the Director shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke permits will be processed using Process II (Section 20.35.200 et seq.). The filing of an appeal of the Director's decision will stay the effective date of the Director's decision until issuance of a final decision on the administrative appeal by the City Hearing Body.

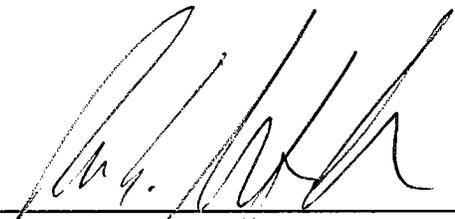
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Section 19. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

PASSED by the City Council this 18<sup>th</sup> day of March, 1996, and signed in authentication of its passage this 20<sup>th</sup> day of March, 1996.

(SEAL)

  
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Ronald E. Smith, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
\_\_\_\_\_  
Richard L. Andrews, City Attorney

Attest:

  
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Myrna L. Basich, City Clerk

Published March 23, 1996