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15.04.020 Definitions

“Adult family home” means a residential home as defined by RCW 78.128.010(1) in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults that are not related by blood or marriage to the person or persons providing the services as regulated by the Department of Social and Health Services in Chapter 70.128 RCW and Chapter 388-76 WAC. An adult family home may provide services to up to eight adults upon approval from the Department of Social and Health Services under RCW 70.128.066.

“Family” means a person living alone, or any of the following groups living together in a single dwelling unit:

1. Any number of people related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship; or

2. As defined in RCW 35A.21.314.

~~1. Not more than five unrelated people;~~

~~2. Two unrelated people and any children related to either of them.~~

“Indoor 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.

“Indoor 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.

“Permanent supportive housing” is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident’s health status, and connect the resident of the housing with community-based health care, treatment, or employment services pursuant to RCW 36.70A.030. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

“Transitional housing” means a facility that provides housing and supportive services to homeless individuals or families for up to two years and whose primary purpose is to enable homeless individuals or families to move into independent living and permanent housing.

18.05.020 Residential land use matrix.

KEY P – Permitted Use C – Conditional Use S – Special Use	RESIDENTIAL ZONES					COMMERCIAL/INDUSTRIAL ZONES								
	Low Density SF	Mod Density SF	Mixed Residential	Multifamily Res	Residential Mobile Home Park	General Office	General Office-Hospital	Neighborhood Business	Highway Community Business	Central Business 1	Central Business 2	Light Industrial	Public Use	Hospital
SPECIFIC LAND USE	R-1	R-2	R-3	R-4	RMHP	GO	GO-H	NB	HCB	CB-1	CB-2	LI	P	H
Transitional Housing ⁷	C	C	C	C	C	C	C		C	C	C			
Permanent Supportive ⁸	C	C	C	C	C	C	C		C	C	C			
Indoor Emergency Shelter ⁹									C	C	C			
Indoor Emergency Housing ¹⁰									C	C	C			

⁷ The number of transitional housing units allowed on any given property shall be no more than the number of standard dwelling units that would be allowed under the zoning of the property. PROVIDED THAT in no case shall the number of transitional housing units allowed on any given property exceed ten. No transitional housing unit may be located within quarter a mile of another transitional housing property, as measured by the nearest point on one such property to the nearest point on the other, that contains permanent supportive housing or transitional housing. Each unit of transitional housing shall be limited to occupancy by one family as that term is defined in the EMC. Transitional housing shall not be located within a quarter mile of emergency housing and emergency shelters as measured by the nearest point on one such property to the nearest point on another.

⁸ The number of permanent supportive housing units allowed on any given property shall be no more than the number of standard dwelling units that would be allowed under the zoning of the property. PROVIDED THAT in no case shall the number of permanent supportive housing units allowed on any given property exceed ten. No permanent supportive housing unit may be located within quarter a mile of another property than contains permanent supportive housing or transitional housing, as measured by the nearest point on one such property to the nearest point on another. Each unit of permanent supportive housing shall be limited to occupancy by one family as that term is defined in the EMC. Permanent supportive housing shall not be located within a quarter mile of emergency housing and emergency shelters as measured by the nearest point on one such property to the nearest point on another.

⁹ The occupancy of an indoor emergency shelter shall be limited to no more than ten families or 40 people, whichever is fewer. “Continuously operating” is intended to exclude indoor emergency shelter facilities that are needed to respond temporarily to a natural disaster or other similarly acute emergency (e.g., unusually hot or cold temperatures of short duration) that has caused unexpected homelessness within the city. No continuously operating indoor emergency shelter may be located within a quarter mile of a continuously operating indoor emergency housing facility as measured by the nearest point on one such property to the nearest point on the other. Indoor emergency shelters shall not be located within a quarter mile of permanent supportive housing or transitional housing units as measured by the nearest point on one such property to the nearest point on another.

¹⁰ The occupancy of an indoor emergency housing facility shall be limited to no more than ten families or 40 people, whichever is fewer. “Continuously operating” is intended to exclude indoor emergency housing facilities that are needed to respond temporarily to a natural disaster or other similarly acute emergency (e.g., unusually hot or cold temperatures of short duration) that has caused unexpected homelessness within the city. No continuously operating indoor emergency housing facility may be located within a quarter mile of a continuously operating indoor emergency shelter as measured by the nearest point on one such property to the nearest point on the other. Indoor emergency housing facilities shall not be located within a quarter mile of permanent supportive housing or transitional housing units, as measured by the nearest point on one such property to the nearest point on another.

FINDINGS AND CONCLUSIONS:

Emergency Shelters, Transitional housing, emergency housing and permanent supportive housing (STEP) Zoning Code Amendments

Title 15 outlines the findings required to approve comprehensive plan amendments/code amendments. EMC section 15.32.038 outlines three general requirements and six consistency statements to be used when evaluating the merits of the proposals.

The code states (in part) under EMC 15.32.038 that the planning commission may recommend, and the city council may approve, the proposed amendment[s] to the comprehensive plan only if the following general criteria are met:

1. The amendment will not result in development that will adversely affect the public health, safety and general welfare.

Staff response: Staff and the Planning Commission find amendments to the city's development regulations for STEP housing will not adversely affect the public health, safety and general welfare. The provisional requirements within the draft regulations require a conditional use permit to ensure that all impacts are mitigated as well as the spacing requirements will ensure that this housing type is evenly distributed throughout the city.

2. The amendment is based upon new information that was not available at the time of adoption of the comprehensive plan, or that circumstances have changed since the adoption of the plan that warrant an amendment to the plan.

Staff response: Staff and the Planning Commission find that there has been a change in circumstances since the adoption of the last comprehensive plan, the newly revised comprehensive plan, amendments to the King County Countywide Planning Policies and newly required laws passed by the Washington State Legislature requiring these amendments to the city's municipal code.

3. The amendment is consistent with other goals and policies of the comprehensive plan, and that the amendment will maintain concurrency between the land use, transportation, and capital facilities elements of the plan.

Staff response: Staff and the Planning Commission find that the zoning and development regulation amendments are consistent with the following goals and policies within the 2024 Comprehensive Plan:

Goal H-2: Create and preserve affordable housing opportunities locally and with regional perspective, and to strive to meet the City's housing targets for households in all economic segments.

Policy H-2.3 Coordinate with State and regional health care and housing programs while planning for special housing types and needs like permanent supportive housing, transitional housing, indoor emergency shelters, and indoor emergency housing..

The code states (in part) under EMC 15.32.038 that the planning commission shall use the following detailed criteria in evaluating the merit of a proposal:

1. The amendment should address an existing, significant need for a public necessity or convenience.

Staff response: The proposed zoning and development regulation amendments is necessary

and needed due to the requirements in state law.

2. The amendment[s] should be in the public's best interest.

Staff response: Staff and the Planning Commission find that the amendments the development regulations will be in the public's best interest as this is a requirement by the state to amend our municipal codes to allow STEP housing. The 2024 Comprehensive plan shows that the proposed regulations will not preclude these uses within the city and show to meet the housing allocations for this housing type with the spacing requirements adopted as part of these regulations.

3. The amendment should be compatible with all adjacent comprehensive plan and zoning map designations.

Staff response: Staff and the Planning Commission find that the development regulations are compatible with the comprehensive plan. The amendments are not zoning map changes.

4. The amendment should be compatible with all elements of the comprehensive plan and zoning code.

Staff response: Staff and the Planning Commission find that the proposed development regulation amendments are compatible with all elements of the comprehensive plan and zoning code.

5. The amendment[s] should be compatible with and should not adversely impact related ordinances, regulations and development standards.

Staff response: Staff and the Planning Commission find that the proposed development regulation amendments are compatible and should not adversely impact related ordinance, regulations and development standards. The proposed regulations require conditional use permits prior to establishing the use.

6. The amendment should not adversely impact the health, safety and general welfare of the public; the city design; development interests; neighborhoods; environmentally sensitive areas; and historic areas.

Staff response: Staff and the Planning Commission find that the development regulation amendments should not adversely impact the health, safety and general welfare of the public, the city design, development interests; neighborhood; environmentally sensitive areas; and historic areas. All housing built will still need to comply with all building code requirements for health and safety. The proposed amendments will not adversely affect the city design as the structures should look similar to other housing in the area it would be located. Environmentally sensitive areas are still protected by the city's critical areas ordinance. Historic areas will not likely be adversely affected from the development regulation amendments as the Comprehensive Plan has policies for safeguarding historic areas.

The conditional use permit is necessary to ensure that impacts from the uses are adequately mitigated as part of the permitting process and gives the city the ability to protect the public health, safety and general welfare. As an example, these housing types could be allowed near the Enumclaw airport or within the airport overlay zone. The airport overlay zone prohibits certain sensitive uses (day cares and adult family homes). These uses also can be placed in business zoning and near businesses where those operations may affect the ability for this housing to accommodate their tenants adequately for mental and physical health.

7. If a comprehensive map/zoning map amendment is proposed, the criteria of EMC 15.32.010 must also be used in evaluating the proposal.

Staff response: Staff and the Planning Commission find that the proposal is not a comprehensive plan future land use or zoning map amendment and this criterion is not applicable.

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