

ORDINANCE 1756

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO EMERGENCY SHELTERS AND HOUSING; AMENDING NBMC SECTION 18.06.030 SETTING FORTH ZONING CODE DEFINITIONS; AMENDING NBMC SECTION 18.10.030 RELATING TO ZONING DISTRICT PERMITTED AND CONDITIONAL USES; AMENDING NBMC SECTION 18.10.050 RELATING TO ZONING DISTRICT PERFORMANCE STANDARDS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City Council desires to amend certain zoning regulations to conform to the State’s recent passage of House Bill 1220 relating to emergency shelters and housing through local planning and development regulations;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC Section 18.06.030 (Definitions), Amended: The definition for “adult family home” set forth in North Bend Municipal Code Section 18.06.030 (Definitions) is hereby amended to read as follows:

7. “Adult family home” means a regular family abode in which a person or persons provides 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 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. Secure community transition facilities are not considered adult family homes.

All other definitions set forth in NBMC Section 18.06.030 shall remain as currently adopted; provided, however, the following new definitions are now also included. The Code Reviser is authorized to re-number any numbered definitions in NBMC Section 18.06.030 necessary to keep all definitions in alphabetical order. The new definitions to be included shall read as follow:

“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.

Section 2. NBMC Section 18.10.030 (Table of Permitted and Conditional Uses), Amended: The table set forth in North Bend Municipal Code Section 18.10.030 (Table of permitted and conditional uses) is hereby amended to include the following new rows for residential land uses (1.35, Transitional Housing; and 1.36, Permanent Supportive Housing) and for commercial land uses (2.42, Indoor Emergency Shelter; 2.43, Indoor Emergency Housing). All other text set forth in NBMC Section 18.10.030, including the

table set forth therein, shall remain as currently adopted. The Code Reviser is authorized to insert the following new rows, as reflected in underscore, into Table 18.10.030 in their proper numerical order.

P = Permitted use CUP = Conditional use permit required	RESIDENTIAL				COMMERCIAL					INDUSTRIAL		PUBLIC FACILITIES	OVERLAY DISTRICT
	LDR	CLDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF	TL-MPOD
LAND USES:													
1.00 RESIDENTIAL:													
1.10 Special Service Housing													
* <u>1.35</u> <u>Transitional Housing</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>See Chapter 18.12 NBMC</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP (CLDR only)</u>	<u>CUP</u>			<u>CUP</u>
* <u>1.36</u> <u>Permanent Supportive Housing</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u>See Chapter 18.12 NBMC</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP (CLDR only)</u>	<u>CUP</u>			<u>CUP</u>
2.00 COMMERCIAL:													
* <u>2.42</u> <u>Indoor Emergency Shelter</u>				<u>CUP</u>	<u>CUP</u>	<u>See Chapter 18.12 NBMC</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>			<u>CUP</u>	
* <u>2.43</u> <u>Indoor Emergency Housing</u>				<u>CUP</u>	<u>CUP</u>	<u>See Chapter 18.12 NBMC</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>			<u>CUP</u>	

Section 3. NBMC Section 18.10.050 (Table of Performance Standards), Amended:

The table set forth in North Bend Municipal Code Section 18.10.050 (Table of performance standards) is hereby amended to include the following new rows for residential land uses (1.35, Transitional Housing; and 1.36, Permanent Supportive Housing) and for commercial land uses (2.42, Indoor Emergency Shelter; 2.43, Indoor Emergency Housing). All other text set forth in NBMC Section 18.10.050, including the table set forth therein, shall remain as currently adopted. The Code Reviser is authorized to insert the following new rows, as reflected in underscore, into Table 18.10.050 in their proper numerical order.

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
1.00 RESIDENTIAL:	
<u>1.35</u> <u>Transitional Housing</u>	<p><u>a.</u> <u>Conditional Use Permit required</u></p> <p><u>b.</u> <u>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</u></p>

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
	<p><u>any given property exceed ten. No transitional housing unit may be located within half 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 NBMC. Transitional housing shall not be located within a half mile of emergency housing and emergency shelters as measured by the nearest point on one such property to the nearest point on another.</u></p> <p><u>c. Must comply with all standards of the zone in which the transitional housing is located.</u></p>
<p><u>1.36 Permanent Supportive Housing</u></p>	<p><u>a. Conditional Use Permit required</u></p> <p><u>b. 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 half 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 NBMC. Permanent supportive housing shall not be located within a half mile of emergency housing and emergency shelters as measured by the nearest point on one such property to the nearest point on another.</u></p> <p><u>c. Must comply with all standards of the zone in which the permanent supportive housing is located.</u></p>

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
2.00 COMMERCIAL:	
<p><u>2.42</u> <u>Indoor</u> <u>Emergency</u> <u>Shelter</u></p>	<p><u>a.</u> <u>Conditional Use Permit required</u></p> <p><u>b.</u> <u>The occupancy of an indoor emergency shelter shall be limited to no more than ten families or 40 people, whichever is fewer. There shall be no more than one continuously operating indoor emergency shelter in the city. As used herein, the phrase “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 half 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 half 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.</u></p> <p><u>c.</u> <u>An operations and security plan for emergency housing facilities shall be required that address potential security and neighborhood impacts within 500 feet of the emergency housing facility.</u></p> <p><u>d.</u> <u>Must comply with all standards of the zone in which the indoor emergency shelter is located.</u></p>
<p><u>2.43</u> <u>Indoor</u> <u>Emergency</u> <u>Housing</u></p>	<p><u>a.</u> <u>Conditional Use Permit required</u></p> <p><u>b.</u> <u>The occupancy of an indoor emergency housing facility shall be limited to no more than ten families or 40 people, whichever is fewer. There shall be no more than one continuously operating indoor emergency housing facility within the city. As used herein, the phrase</u></p>

TYPE OF LAND USE:	PERFORMANCE STANDARD(S):
	<p><i><u>“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 half 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 half 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.</u></i></p> <p><i><u>c. An operations and security plan for emergency housing facilities shall be required that address potential security and neighborhood impacts within 500 feet of the emergency housing facility.</u></i></p> <p><i><u>d. Must comply with all standards of the zone in which the indoor emergency housing facility is located.</u></i></p>

Section 4. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Effective Date: This ordinance shall be published in the official newspaper of

//

//

the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 7TH DAY OF
SEPTEMBER, 2021.**

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Rob McFarland, Mayor

Michael R. Kenyon, City Attorney

Published: September 17, 2021
Effective: September 22, 2021

ATTEST/AUTHENTICATED:

Susie Oppedal, City Clerk