

ORDINANCE NO. *-21**

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON, AMENDING CHAPTER 20.12 (DEFINITIONS) AND CHAPTER 20.39 (USE PROVISIONS) OF THE PORT ORCHARD MUNICIPAL CODE REGARDING EMERGENCY HOUSING AND SHELTERS, PERMANENT SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on March 12, 2019, the City Council adopted Title 20 (Unified Land Use and Development Code) of the Port Orchard Municipal Code (POMC), Ord. 011-19, containing the City of Port Orchard's land use, zoning and permitting regulations; and

WHEREAS, RCW 35A.21 states that a code city may not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed, and

WHEREAS, effective September 30, 2021, RCW 35A.21 states that a code city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit; and

WHEREAS, the City Council desires to amend POMC Chapter 20.12 (Definitions) and POMC Chapter 20.39 (Use Provisions) in order to add definitions for Emergency Housing, Emergency Shelter, Permanent Supportive Housing, and Transitional Housing to the City's unified land use and development code, and establish the zones in which such uses are permitted or conditionally permitted, in accordance with the requirements of RCW 35A.21; and

WHEREAS, the proposed amendments to POMC Chapter 20.12 and Chapter 20.39 were reviewed by the City Council's Land Use Committee on July 1, 2021; and

WHEREAS, this Ordinance was submitted to the Department of Commerce for 60-day expedited review on July 22, 2021; and

WHEREAS, on July 29, 2021, the City's SEPA official issued a determination of nonsignificance for the proposed amendments, which was published and provided to the public in accordance with POMC 20.160.190 and WAC 197-11-510, and there have been no appeals; and

WHEREAS, on August 24, 2021, the City issued a Notice of Public Hearing for the proposed amendments to POMC Chapter 20.12 and Chapter 20.39, which was published and provided to the public in accordance with POMC 20.25.050; and

WHEREAS, the Planning Commission conducted a public hearing on the substance of this Ordinance on September 7, 2021, and recommended its adoption by the City Council; and

WHEREAS, the City Council, after careful consideration of the recommendation from the Planning Commission, all public comment, and the Ordinance, finds that this Ordinance is consistent with the City’s Comprehensive Plan and development regulations, the Growth Management Act, Chapter 36.70A RCW, and that the amendments herein are in the best interests of the residents of the City and further advance the public health, safety and welfare; **NOW, THEREFORE,**

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The recitals set forth in this ordinance are hereby incorporated as if fully set forth herein.

SECTION 2. POMC 20.12 Definitions – New Definitions Added. The following new definitions are added to Port Orchard Municipal Code Section 20.12.010:

“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 occupancy agreement.

“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” means 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 24 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. 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 persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

SECTION 3. POMC 20.39 Use Provisions – Additions. The following uses are hereby added to the Residential Uses section in POMC 20.39.040 (Use Table):

Use Category Specific Use	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF	Definition /Standards	
Residential Uses																							
Emergency Housing	--	--	--	--	--	--	--	--	C	C	C	--	--	C	C	--	--	--	--	--	--	--	
Emergency Shelter	--	--	--	--	--	--	--	--	C	C	C	--	--	C	C	--	--	--	--	--	--	--	
Permanent Supportive Housing	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	
Transitional Housing	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	--	--	--	--	--	--	--	

SECTION 4. Conflict. In the event of a conflict between this Ordinance, and any Ordinance or regulation of the City, the provisions of this Ordinance shall control, except that the provisions of the City’s critical areas code, shoreline master program or any International Building Code shall supersede.

SECTION 5. Corrections. Upon the approval of the city attorney, the city clerk and/or code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

SECTION 6. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

SECTION 7. Effective Date. This ordinance shall be published in the official newspaper of the city and shall take full force and effect five (5) days after the date of publication. A summary of this ordinance in the form of the ordinance title may be published in lieu of publishing the ordinance in its entirety.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this 28th day of September, 2021.

Robert Putaansuu, Mayor

ATTEST:

Brandy Rinearson, MMC, City Clerk

APPROVED AS TO FORM:

Sponsored by:

Charlotte A. Archer, City Attorney

Scott Diener, Council Member

PUBLISHED:

EFFECTIVE DATE: