

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON, RELATING TO LAND USE AND ZONING; DECLARING AN EMERGENCY; ADOPTING INTERIM ZONING REGULATIONS FOR THE SITING, ESTABLISHMENT, AND OPERATION OF TEMPORARY TENT ENCAMPMENTS; AND SETTING TWELVE MONTHS AS THE EFFECTIVE PERIOD OF THE INTERIM ZONING REGULATIONS TO ALLOW THE CITY TO STUDY THE LAND USE IMPACTS OF SUCH USES.**

**WHEREAS**, homelessness continues to be a local, regional and national challenge due to many social and economic factors; and

**WHEREAS**, tent encampments have become a temporary mechanism for providing shelter for homeless individuals and families; and

**WHEREAS**, under RCW 35A.21.360 the Washington State Legislature has authorized religious organizations to host temporary tent encampments to provide shelter for homeless individuals on property that these religious organizations own; and

**WHEREAS**, the Bellingham Municipal Code does not currently have specific provisions addressing the establishment and operation of temporary tent encampments; and

**WHEREAS**, an emergency exists necessitating adoption of interim tent encampment regulations and processing requirements to preserve and protect public health and safety and prevent danger to public or private property; and

**WHEREAS**, interim zoning controls enacted under RCW 36.70A.390 and/or RCW 35.63.200 are methods by which local governments may preserve the status quo so that new plans and regulations will not be rendered moot by intervening development; and

**WHEREAS**, RCW 36.70A.390 and RCW 35.63.200 both authorize the enactment of an interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing as long as a public hearing is held within at least sixty days of its enactment; and

**WHEREAS**, RCW 36.70A.390 provides that, "A county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but

may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance, or interim official control may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal"; and

**WHEREAS**, pursuant to WAC 197-11-880, the adoption of this interim zoning ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act (SEPA) and future permanent zoning regulations will be reviewed in accordance with SEPA Rules; and

**WHEREAS**, in conformity with the responsibilities of the City of Bellingham to meet public health, safety and welfare requirements and provide zoning and land use regulations pursuant to state law, and the City's authority to regulate land use activity within its corporate limits, the City intends to develop appropriate public health, safety and welfare requirements and zoning and land use regulations for the establishment and operation of temporary tent encampments; and

**WHEREAS**, the City Council has determined it needs additional time to conduct appropriate research to analyze the effects of the establishment and operation of temporary tent encampments; and

**WHEREAS**, interim zoning will provide the City with additional time to review and amend its public health, safety and welfare requirements and zoning and land use regulations related to the establishment and operation of temporary tent encampments; and

**WHEREAS**, interim zoning will also allow qualifying religious organizations the opportunity to establish and operate temporary tent encampments; and

**WHEREAS**, the City Council concludes that the City does have the authority to establish an emergency interim zoning ordinance and that the City must adopt emergency interim zoning concerning the establishment and operation of temporary tent encampments to act as a stop-gap measure: (a) to provide the City with an opportunity to study the issues concerning the establishment and operation of temporary tent encampments and prepare appropriate revisions to the City's codes and regulations; (b) to protect the health, safety, and welfare of the citizens of Bellingham by avoiding and ameliorating negative impacts and unintended consequences of establishing and operating temporary tent encampments and (c) to avoid applicants possibly establishing vested rights contrary to and inconsistent with any revisions the City may make to its rules and regulations as a result of the City's study of this matter; and

**WHEREAS**, the City Council adopts the foregoing as its findings of facts justifying the adoption of this Ordinance; and

**NOW THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**Section 1. Findings of Fact.** The City Council adopts the above "WHEREAS" recitals as findings of fact in support of its action as required by RCW 36.70A.390 and RCW 35.63.200.