

MEMORANDUM

TO: Everett City Council
FROM: Yorik Stevens-Wajda, Planning Director
DATE: November 22, 2021
SUBJECT: City regulations, approval process, and criteria for shelters

At its meetings on November 10 and 17, the city council discussed a recent county [motion](#) initiating the identification and purchase of a hotel in Everett for temporary shelter uses. The city council then requested more information from staff on city regulations and approval processes for such shelters.

TEMPORARY SHELTER

Temporary shelters are defined and regulated under Title [19](#) EMC. See Chapter [19.04](#) EMC for definitions, Chapter [19.05](#) EMC for the use matrix, and the city’s website for either an [interactive zoning map](#), or a [printable zoning map](#).

EMC 19.04.050 Use definitions, residential.

“**Group housing, temporary shelter**” means a shelter providing temporary housing accommodations (ninety days or less) that includes a sponsor and managing agency, the primary purpose of which is to provide temporary shelter for people experiencing homelessness in general or for specific populations of the homeless, or temporary shelter for people experiencing domestic violence. In addition to shelters which provide shelter for up to ninety days, temporary shelters may also include temporary building encampments, temporary safe parking areas, temporary outdoor encampments or vehicle resident safe parking for the homeless, and temporary tiny house encampments.

EMC 19.05.080 Residential use table

USE	RS	R-1	R-2	R-2A	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG
Group housing, temporary shelter—shelters which accommodate 12 or fewer persons/more than 12 persons	9	9	9	9	C ¹⁰	C ¹⁰	C ¹⁰	C ^{8,10} / A ⁸	C ¹⁰ / A	8,9,10 / 9	9,10 / 9	A ¹⁰ / 9
	See EMC 19.08.200 . ⁸ TOD or pedestrian streets: prohibited use on the ground floor. ⁹ Pursuant to RCW 35.21.915 , a religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in EMC 19.08.200 and an administrative use permit (REV II). ¹⁰ Buildings which provide shelter for persons experiencing domestic violence are allowed as a permitted use without a requirement for notice to adjacent property owners.											
P = Permitted – Review Process I (REV I) A = Administrative Use – Review Process II (REV II) C = Conditional Use Permit – Review Process III (REV III) Cell empty = Prohibited Use (except where subject to a specific reference note)												



New State Requirement on Shelter Siting – RCW 35.21.683

The state legislature passed [HB 1220](#) in the 2020 session, codified as RCW [35.21.683](#), which provides:

A city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. **Effective September 30, 2021, a 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. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

Current city regulations identify Hotels as a permitted use in the Business (B), Mixed Urban (MU), and Light Industrial (LI) zones. Shelters are an administrative/conditional use in the Business (B) and Mixed Urban (MU) zones and prohibited use in the Light Industrial (LI) zones.

Staff is currently working on an ordinance to amend development regulations consistent with this and other new housing requirements from the 2020 state legislative session, but it will be several months at least before that ordinance is ready.

COUNTY PURCHASE OF A HOTEL PROPERTY

While the county has not yet identified a specific property, most hotels that currently exist in the city are in the Mixed Urban (MU) or Business (B) zones. Both of those zones would require the same approval process for a conversion from hotel use to shelter use: an administrative use permit subject to Review Process II¹.

Administrative Use Permit Process

Procedures for an administrative use decision are listed in EMC [15.03.100](#), and include an administrative (staff) decision, with public notice, based on criteria, and with potential special conditions for the use.

Public notice

Public notice requirements for review process II decisions, which include administrative use applications, are provided in EMC [15.02.070](#).

- Posted notice on the site
- Mailing notice to owners or property within 150' of the site
- Mailing notice to the SEPA mailing list and neighborhood leaders

The standard comment period is fourteen days from the issuance of notice.

Evaluation criteria

The administrative decision may include conditions to ensure compatibility with surrounding properties. Criteria for approval and conditions, if appropriate, are in EMC [15.03.100\(D\)](#):

1. Compatibility of proposed structures and improvements with surrounding properties, including the size, height, location, setback and arrangements of all proposed buildings and facilities,

¹ The project would be a conditional use if it were designed for fewer than 12 persons but few, if any, hotels in the city are that small, and either way, the county has indicated plans for a larger facility.



especially as they relate to light and shadow impacts on more sensitive land uses and less intensive zones.

2. The landscaping, buffering and screening of buildings, parking, loading and storage areas, especially as they relate to more sensitive land uses.
3. The generation of nuisance irritants such as noise, smoke, dust, odor, glare, visual blight or other undesirable impacts.

NEXT STEPS

Staff will be available at Wednesday's council meeting for questions and discussion and will monitor the project and provide updates to the council as the siting and permitting processes unfold.

