

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Updating Regulations for Transitional Encampments
DEPARTMENT: Planning & Community Development
PRESENTED BY: Kim Lehmborg, Associate Planner
Steve Szafran, Senior Planner
Rachael Markle, AICP, Director

Public Hearing
 Discussion

Study Session
 Update

Recommendation Only
 Other

INTRODUCTION

Presented are proposed amendments to the City's Transitional Encampment regulations. These amendments are intended to:

- Simplify and streamline the permitting process by creating a "Transitional Encampment Permit," expressly for the use;
- Remove the fee for the permit;
- Provide a timeline for encampments for 90 days with the possibility for extension up to six months; and
- Clarify the encampment regulations in the Code.

BACKGROUND

Council Resolution No. 379, passed December 14, 2015, directs Staff to review City policies and codes that may create barriers for those experiencing homelessness and to continue support of the City's human service partner agencies. These amendments have been initiated in part to facilitate churches and other human service organizations to provide people that are experiencing homelessness with temporary and safe shelter without excessive process or expense.

Transitional encampments set up to provide housing for persons experiencing homelessness have been hosted numerous times in Shoreline, mostly at churches. The process for these encampments has been for the host to apply for a Temporary Use Permit (TUP). Applicants have often found that the TUP application submittal items are cumbersome to produce and the criteria for approval are not necessarily relevant to the encampment. There is also a fee that is currently \$322.50, which can be considered a barrier in providing services to persons experiencing homelessness.

Shoreline Municipal Code (SMC) Section 20.30.070 describes the process and procedures for Type L, Legislative decisions. Amendments to the Development Code are Type L decisions that include a hearing and recommendation by the Planning Commission and action by the City Council.

Approved By: Project Manager _____

Planning Director _____

Criteria for Development Code amendments under SMC 20.30.350 are as follows:

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

Council Resolution No. 379, adopted April 25, 2016, supported King County's declaration of emergency due to homelessness, and expressed the City's commitment to work with King County and partner agencies on plans to address homelessness. The proposed amendments are an attempt to address some of the barriers agencies face when providing emergency shelter for the homeless. Stakeholders have presented to Council and met with Staff to discuss how to incorporate some of these ideas into the Development Code.

The Planning Commission previously reviewed the homeless encampment ordinance in the Fall of 2015. In December of 2015 Council adopted Ordinance 731, amending the indexed criteria for Tent City and renaming the use from "Tent City" to "Transitional Encampments." The ordinance added language to the standards to reasonably and reliably identify potential residents and check for sex offenders and people with warrants. The Commission had recommended adoption of this change in October 2015 without comment.

Stakeholders have presented these and other issues in relation to homelessness to Council several times over the past ten months. Staff has also met with stakeholders, including representatives from churches and others that have hosted encampments, and received direct input into these issues during the same time period. Given the direction from Council and input from stakeholders, staff further refined the regulations.

PROPOSAL & ANALYSIS

The proposed amendments to the Code are summarized below and presented in full on Attachment A.

1. Definitions: SMC 20.20.034 & 20.20.048: Add definitions for "Managing Agency" and "Transitional Encampments."
2. Table 20.30.040 Procedures: Add "Transitional Encampment Permit" as a Type A permit.
3. Neighborhood Meeting 20.30.045: Clarify that a neighborhood meeting is required for Transitional Encampment Permit proposals.
4. Use Tables: Allow Transitional Encampments in all zoning districts. Change name of use in Campus zones from "Tent City" to "Transitional Encampments" to reflect the current nomenclature.
5. Add additional standards and clarifications to the indexed criteria: Most of these are standard conditions that have been required under the Temporary Use Permit process. The setback standard is additional and is designed to protect

neighbors from potential impacts from having an encampment close by. The timeline has also been extended and clarified.

The proposed amendments are based on Council direction to address the homelessness crisis in general, and Transitional Encampments in particular. These revisions will make it easier for entities in good standing with appropriate sites to obtain permits for camps, while protecting single-family neighborhoods from the uncertainty of being in close proximity to Transitional Encampments. Standard conditions, that have been added to all previous Temporary Use Permit approvals for transitional encampments, are proposed by staff to be added to the code.

Relevant Comprehensive Plan policies that support the amendments are as follows:

- Housing Goal H VII: *“Collaborate with other jurisdictions and organizations to meet housing needs and address solutions that cross jurisdictional boundaries.”*
- Housing Policy #H11: *“Encourage affordable housing availability in all neighborhoods throughout the city, particularly in proximity to transit, employment, and/or educational opportunities.”*
- Housing Policy #H19: *“Encourage, assist, and support non-profit agencies that construct, manage, and provide services for affordable housing and homelessness programs within the city.”*
- Housing Policy #H25: *“Encourage, assist, and support social and health service organizations that offer housing programs for targeted populations.”*
- Housing Policy #H29: *“Support the development of public and private, short-term and long-term housing and services for Shoreline’s population of people who are homeless.”*
- Housing Policy H31: *“Partner with private and not-for-profit developers, social and health service agencies, funding institutions, and all levels of government to identify and address regional housing needs.”*

TIMING AND SCHEDULE

Next Steps:

The Transitional Encampment Code Amendments are being processed parallel with the larger code amendment batch for 2016. The following is the proposed schedule:

October 20	Planning Commission meeting: Discuss 2016 code amendments
November 17	Planning Commission meeting: Discuss 2016 code amendments
December 1	Planning Commission Public Hearing (<i>tentative – may be able to have this hearing in November</i>)
December/January 2017	City Council Study Session and Adoption of 2016 Development Code amendments

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval to the City Council on the proposed Transitional Encampment amendments.

ATTACHMENT

Attachment A - Proposed Amendments with specific justification.

Amendment #1 - Definitions.

This proposal adds a definition of a “Managing Agency” to clarify the application requirements. This helps to ensure that there is an entity with responsibility for compliance with the requirements of the camp. A definition of “Transitional Encampments” is added to differentiate it from a back yard camp-out for children or other family members.

20.20.034 M definitions.

Managing agency: Managing agency means an organization that organizes and manages a transitional encampment.

20.20.048 T definitions.

Transitional Encampments: Temporary campsites for the homeless, organized by a managing agency or religious organization.

Amendment #2 Procedures and Administration

Adds Transitional Encampment Permit as a Type A action. This allows to City to create a simplified application process and a checklist with submittal criteria that are specific to the use, as opposed to the more general Temporary Use Permit application. It also allows the City to set the fee for the permit at \$0. A line item is being proposed in the 2017 budget to reflect this under SMC 30.01.010(G) Land use (23).

Table 20.30.040 – Summary of Type A Actions and Target Time Limits for Decision, and Appeal Authority

Action Type	Target Time Limits for Decision (Calendar Days)	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180

Action Type	Target Time Limits for Decision (Calendar Days)	Section
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.30.295
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Administrative Design Review	28 days	20.30.297
15. Floodplain Development Permit	30 days	13.12.700
16. Floodplain Variance	30 days	13.12.800
<u>17. Transitional Encampment Permit</u>	<u>15 days</u>	<u>20.40.535</u>

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter [43.21C](#) RCW or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4).

Amendment #3 Neighborhood meeting

This is not a new requirement – it has been in the indexed criteria since 2005 and that is not proposed to change. This amendment clarifies the requirement by including it with the other neighborhood meeting requirements for certain Type A proposals.

20.30.045 Neighborhood meeting for certain Type A proposals.

1. A neighborhood meeting is required for Transitional Encampment Permit proposals.

2. A neighborhood meeting shall be conducted by the applicant for developments consisting of more than one single-family detached dwelling unit on a single parcel in the R-4 or R-6 zones. This requirement does not apply to accessory dwelling units (ADUs). This neighborhood meeting will satisfy the

neighborhood meeting requirements when and if an applicant applies for a subdivision (refer to SMC [20.30.090](#) for meeting requirements). (Ord. 695 § 1 (Exh. A), 2014).

Amendment #4 – Use Tables.

This proposal allows Transitional Encampments in all zones, removing a barrier to locating in Town Center or Campus zones. It also clarifies the name, which was missed during the last code amendment process.

20.40.120 Residential uses. 

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
RESIDENTIAL GENERAL									
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P	P	P
	Duplex	P-i	P-i	P-i	P-i	P-i			
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i	P-i				
	Mobile Home Park	P-i	P-i	P-i	P-i				
	Single-Family Attached	P-i	P	P	P	P			
	Single-Family Detached	P	P	P	P				
GROUP RESIDENCES									
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i	P-i	P-i
	Community Residential Facility-I	C	C	P	P	P	P	P	P
	Community Residential Facility-II		C	P-i	P-i	P-i	P-i	P-i	P-i
721310	Dormitory		C-i	P-i	P-i	P-i	P-i	P-i	P-i
TEMPORARY LODGING									

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
72111	Hotel/Motel						P	P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
	Transitional Encampment	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
MISCELLANEOUS									
	Animals, Small, Keeping and Raising	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i

P = Permitted Use

S = Special Use

C = Conditional Use

-i = Indexed Supplemental Criteria

20.40.150 Campus uses.  SHARE

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
513	Broadcasting and Telecommunications	P-m			P-m
	Bus Base	P-m			P-m
	Child and Adult Care Services	P-m	P-m		P-m
	Churches, Synagogue, Temple	P-m	P-m		
6113	College and University				P-m
	Conference Center	P-m			P-m
6111	Elementary School, Middle/Junior, High School	P-m			
	Food Storage, Repackaging, Warehousing and Distribution		P-m		
	Fueling for On-Site Use Only		P-m		P-m
	Home Occupation	P-i	P-i		

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
	Housing for Disabled Persons	P-m	P-m		
	Library	P-m		P-m	P-m
	Light Manufacturing		P-m		P-m
	Maintenance Facilities for On-Site Maintenance	P-m	P-m	P-m	P-m
	Medical-Related Office or Clinic (including personal care facility, training facilities, and outpatient clinic)	P-m	P-m	P-m	P-m
	State Owned/Operated Office or Laboratory		P-m	P-m	P-m
	Outdoor Performance Center	P-m			P-m
623	Nursing and Personal Care Facilities	P-m	P-m		P-m
	Performing Arts Companies/Theater	P-m			P-m
	Personal Services (including laundry, dry cleaning, barber and beauty shop, shoe repair, massage therapy/health spa)	P-m	P-m		P-m
	Power Plant for Site Use Power Generation Only		P-m	P-m	P-m
	Recreational Facility	P-m	P-m		P-m
	Recreation Vehicle	P-i			
	Research Development and Testing		P-m	P-m	P-m
	Residential Habilitation Center and Support Facilities	P-m	P-m		
6111	Secondary or High School	P-m			P-m
	Senior Housing (apartments, duplexes, attached and detached single-family)	P-m			
	Social Service Providers		P-m		P-m
6116	Specialized Instruction School	P-m	P-m		P-m
	Support Uses and Services for the Institution On Site (including dental hygiene clinic, theater, restaurant, book and video stores and conference rooms)	P-m	P-m	P-m	P-m
	Tent City Transitional Encampments	P-i	P-i	P-i	P-1
	Wireless Telecommunication Facility	P-i			P-i

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
<p>P = Permitted Use</p> <p>P-i = Permitted Use with Indexed Supplemental Criteria</p> <p>P-m = Permitted Use with approved Master Development Plan</p>					

Amendment #5 Indexed Criteria

These additions to the ordinance mostly reflect the typical conditions that Staff has attached to past Temporary Use Permits for encampments. New code language includes the new permit type, the provision for a minimum 20 foot setback from property lines, an allowance for up to a six-month stay with the possibility of extension, and a once per year restriction. The following describes the intent of each of these changes in more detail:

20.40.535.A: The process for past camps has been for the host to apply for a Temporary Use Permit (TUP). Applicants have often found that the TUP application submittal items are cumbersome to produce and the criteria for approval aren't necessarily relevant to the encampment. There is also a fee that is currently \$322.50. A separate permit type specific to Transitional Encampments allows to City to create a simplified application process and a checklist, with submittal criteria that are specific to the use, as opposed to the more general Temporary Use Permit application. It also allows the City to set the fee for the permit at \$0.

20.40.535.F: The minimum setback requirement is in response to the possibility of camps being hosted on sites that may be too small for the use. An encampment located on a single-family parcel will tend to have greater impact to neighboring properties than one hosted by a church, which typically will have a much larger lot size.

20.40.535.H: Under the Temporary Use Permit code, uses are allowed for 60 days, although the Director has the discretion to extend them for up to a year. For past encampments, an expiration of 90 days has been typical because that is the timeline that was originally requested by early Tent Cities and what was approved by the City of Seattle, which was one of the first jurisdictions in the region to have an ordinance governing such encampments. Recent encampments have sometimes had difficulty lining up a new place to move after just three months. Also, some of the campers have jobs or children in school which can make moving a difficulty. The initial term of the encampment would continue to be the standard 90 days, with a possibility for an extension up to six months.

20.40.535.I: Limiting the encampments to once per calendar year keeps them from becoming a permanent fixture; further protecting neighboring properties from impacts associated with the use. It also allows a host to continue to host an encampment at the same time each year.

20.40.535 Transitional encampment. 

A. Allowed only by Transitional Encampment ~~temporary use p~~Permit (TEP).

B. Prior to application submittal, the applicant is required to hold a neighborhood meeting as set forth in SMC 20.30.090. A neighborhood meeting report will be required for submittal.

C. The applicant shall utilize only government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective encampment residents to develop a list for the purpose of obtaining sex offender and warrant checks. The applicant shall submit the identification list to the King County Sheriff's Office Communications Center.

D. The applicant shall have a code of conduct that articulates the rules and regulation of the encampment. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; and exclusion of sex offenders.

E. The applicant shall keep a cumulative list of all residents who stay overnight in the encampment, including names and dates. The list shall be kept on site for the duration of the encampment. The applicant shall provide an affidavit of assurance with the permit submittal package that this procedure is being met and will continue to be updated during the duration of the encampment. (Ord. 731 § 1 (Exh. A), 2015; Ord. 368 § 2, 2005).

F. Setback, site and screening requirements:

1. Encampments must be set back from neighboring property lines a minimum of 20 feet. Smoking areas must be designated and be located a minimum of 25 feet from neighboring property lines.
2. A fire permit is required for all tents over 400 square feet. Permit fees are waived.
3. All tents must be made of fire resistant materials and labeled as such.
4. Provide adequate number of 2A-10BC rated fire extinguishers so that they are not more than 75 feet travel distance from any portion of the complex. Recommend additional extinguishers in cooking area and approved smoking area.
5. Smoking in designated areas only; these areas must be a minimum of 25 feet from any neighboring residential property. Provide ash trays in areas approved for smoking.
6. Emergency vehicle access to the site must be maintained at all times.
7. Security personnel shall monitor entry points at all times. A working telephone shall be available to security personnel at all times.

G The shelter shall permit inspections by City, Health and Fire Department inspectors at reasonable times without prior notice for compliance with the conditions of this permit. An inspection will be conducted by the Shoreline Fire Department after opening.

H. Encampments may be allowed to stay under the Transitional Encampment Permit for up to 90 days. A TEP extension may be granted for up to six months, on sites where agencies in good standing have shown to be compliant with all regulations and requirements of the TEP process, with no record of rules violations. The extension request must be made to the City, but does not require an additional neighborhood meeting or additional application materials or fees.

I. Agencies may host an encampment no more often than once per calendar year.