

# CITY OF SHORELINE

## SHORELINE PLANNING COMMISSION MINUTES OF REGULAR MEETING

October 20, 2016  
7:00 P.M.

Shoreline City Hall  
Council Chamber

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### **Commissioners Present**

Chair Craft  
Vice Chair Montero  
Commissioner Chang  
Commissioner Maul  
Commissioner Malek  
Commissioner Mork  
Commissioner Moss-Thomas

### **Staff Present**

Rachael Markle, Director, Planning & Community Development  
Paul Cohen, Planning Manager, Planning & Community Development  
Miranda Redinger, Senior Planner, Planning & Community Development  
Steve Szafran, Senior Planner, Planning & Community Development  
Kim Lehmberg, Associate Planner, Planning & Community Development  
Julie Ainsworth Taylor, Assistant City Attorney  
Lisa Basher, Planning Commission Clerk

### **CALL TO ORDER**

Chair Craft called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

### **ROLL CALL**

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Craft, Vice Chair Montero, and Commissioners Chang, Maul, Malek, Moss-Thomas and Mork.

### **APPROVAL OF AGENDA**

The agenda was accepted as presented.

### **APPROVAL OF MINUTES**

The minutes of October 6, 2016 were adopted.

### **GENERAL PUBLIC COMMENT**

There were no general public comments.

## **PUBLIC HEARING: UPDATES TO REGULATIONS FOR TRANSITIONAL ENCAMPMENTS**

Chair Craft reviewed the rules and procedures for the public hearing and then opened the hearing.

### **Staff Presentation**

Ms. Lehmborg advised that the proposed amendments to the Transitional Encampments provisions were initiated by the City Council via Resolution 379, which directs staff to review the City policies and codes that may create barriers for those experiencing homelessness and to continue support for the City's human service partner agencies. In response to the Council's directive, staff has reviewed the Transitional Encampment Ordinance and proposed amendments that would streamline and simplify the permitting process by creating a Transitional Encampment Permit expressly for the use. She explained that, previously transitional encampments were done under Temporary Use Permits. The fee for a Temporary Encampment Permit could be set at zero, but a Temporary Use Permit costs over \$300 and could be perceived as a barrier to providing the service. The proposed amendments would provide a timeline of 90 days, with the possibility of extension up to six months. The amendments would also clarify the encampment rules and regulations. Specifically,

- The "permitted use" section of the code was changed to allow transitional encampments in Campus Zones and in the Town Center Commercial Zones. The use is already allowed in all other zones, including all residential zones, with a Temporary Use Permit and indexed criteria. Staff believes it was an oversight that the use was prohibited from the Town Center Commercial Zones. The use is specified as an allowed use in the Christa Campus Zone, and staff is proposing that the use be allowed in other campus zones, as well.
- A definition was added for "Managing Agency" to clarify the application requirements. A definition for "Transitional Encampment" was added to differentiate the use from other types of non-sanctioned encampments.
- Transitional Encampment Permits was added as a Type A (administrative) permit.
- Language was added to clarify that neighborhood meetings would be required, which is a current requirement, as well.
- The existing standards that were added as conditions to the Temporary Use Permit were codified to make it clear that they are required for all transitional encampments. The standards include standard criteria for health and safety.
- A setback standard was added. Staff originally proposed a 20-foot setback, which was based partly on the City code that requires a 20-foot setback for commercial uses that are adjacent to residential zones. After Commission discussion at the study session and further consideration by staff, there is precedence for a 15-foot setback for multi-family uses that abut R-6 and R-4 zones. Staff is now proposing a 15-foot setback. There would also be screening requirements.
- The timeline was clarified. The timeline for Temporary Use Permits is up to 60 days, but the timeline for encampments has traditionally been extended to 90 days. Under the proposed ordinance, the timeline would be 90 days, with the possibility for an extension if the rules and regulations have been followed and there are no problems with the camp.

Mr. Cohen said the City received a number of comments related to the amendments, and they were summarized into basic categories. He explained that, based on the City Council's general direction, staff attempted to enhance the ability to have temporary encampments, and the goal was to balance the opportunity for temporary encampments with public safety concerns. He reviewed the public comments as follows:

- Concerns were raised about safety, crime and vetting. Some of the concern was related more to unofficial campers rather than official temporary encampments.
- Some suggested that government agencies should sponsor sites in the City, such as Fircrest and other large, publicly-owned lands.
- There was discussion about setbacks as a buffer from adjoining properties. There was concern that too large of a setback would diminish the amount of area allowed for an encampment on a single-family lot.
- There was also discussion about whether or not use should require a minimum lot size.

Mr. Cohen reviewed the criteria in the proposed code amendments that addresses the need to balance public safety and health with creating opportunities for temporary encampments for people who are in need of temporary homes:

- Prior to application for a Temporary Encampment Permit, applicants will be required to hold a public meeting so that adjoining neighbors are notified as soon as possible.
- Encampment residents will be required to have government-issued identification, such as a state or tribal-issued identification card, driver's license, military license, etc.
- Applicants must develop a list for the purpose of obtaining sex offender or warrant checks. This identification list must be submitted to the King County Sheriff's Office.
- There are rules about prohibition of sex offenders, drug use, alcohol and violence.
- There must be a gate keeper on site for security purposes.
- There must be a cumulative list of residents who stay the night, and the list must be kept on site for the duration of the encampment.
- A 15-foot setback would be required, and designated smoking areas must be at least 25-feet from adjoining properties.
- Visual screening from the street and the neighboring properties will be required at a minimum height of 6 feet.
- A fire permit will be required, and all fire code requirements must be met. Fire extinguishers and emergency vehicle access must be provided.
- Security personnel must monitor the entry points at all times, and a working telephone must be available to security personnel.
- The encampment must permit inspections by City health and fire departments at reasonable times to ensure compliance with the permit.
- An inspection will be conducted by the City's Fire Department within 7 days of initial occupancy.

Commissioner Moss-Thomas commented that, although a proposed amendment would require a neighborhood meeting, it does not describe what must happen at the meeting. Is the neighborhood

meeting intended to be informational only, or would the neighborhood comments be included as part of the consideration? Mr. Cohen said it is the same neighborhood meeting format that is used for other permit applications. The meetings are informational and people are invited to provide early feedback and sign up for future notification relative to the application. The meetings are not meant for decision making about whether or not a project meets the requirements.

Commissioner Moss-Thomas asked who would be responsible for managing encampments to ensure that security is in place and that the criteria is met. Specifically, she asked if applicants would be required to have any training or credentials in order to host an encampment, what happens to people who do not meet the criteria that allows them to stay at the encampment, and how will the City deal with potential overflow. Ms. Lehmborg answered that the applicant (managing agency or host site) would be responsible for ensuring that criteria is met and security is in place. Applicants would be required to check identification and provide a list, and vetting would be done by the King County Sheriff's office. There is no fee for this service. She clarified that this criterion was codified in 2014 at the behest of the City's Police Chief. The Police Department is notified when an application is received, and the City does monitor to ensure that the rules are followed. Applicants are not required to have any specific training, but the City provides guidance on how they can comply with the rules. Mr. Cohen said the City could deny a permit extension if the criterion is not met or if problems come up.

Commissioner Chang referred to the proposed definition for "Managing Agency." She explained that in her experience, the term "such as" means that is the list, and no more can be added. However, to a lay person, "such as" means here are some examples and it could be other things, as well. She asked if the list provided in the definition is meant to be exclusive. City Attorney Ainsworth-Taylor answered that the list should be interpreted to be non-exclusive.

Commissioner Mork asked what the term "organizes and manages a transitional encampment" means for the managing agency. For example, would the agency be required to have insurance? Ms. Lehmborg said the entities the City has worked with in the past have been homeless advocates and have put the encampments together to provide safe shelter for people who are homeless. The agencies typically do fundraising to obtain the dollars needed to support the encampments. Commissioner Mork asked what criteria the City would use to evaluate the qualification of a managing agency. Ms. Lehmborg said the City would not require the managing agency to provide insurance.

Commissioner Moss-Thomas asked if a landlord would have any say if a renter decided to host an encampment on the property. Also, what happens if the sponsoring agency and the property owner are not the same? Mr. Cohen explained that the applicant can be different than the property owner, but the property owner must sign the application to indicate support.

Commissioner Chang said her understanding of the Commission's previous discussion on September 15<sup>th</sup> was that the amendments were intended to address traditional encampments that are found in many cities. However, the proposed language appears to also allow the encampments on single-family residential properties. Ms. Lehmborg said the intent is to clarify the regulations and simplify the permitting requirements for typical hosts, and the proposed amendments would not alter the use section that allows transitional encampments in residential zones. Commissioner Chang clarified that the amendments were written to allow the use in residential zones because that is where most of the

churches are located and not to allow private, single-family property owners to host homeless people in their yard.

Commissioner Moss-Thomas agreed that the intent is not entirely clear. It is important to find a balance that is respectful of all people in the community, but protects against unintended consequences that affect a wide range of people. Some organizations have significant experience, but others do not. Ms. Lehmberg said that is one reason staff is proposing a setback requirement. On a typical single-family lot, an encampment would not likely fit based on the setback requirements. Commissioner Moss-Thomas commented that a small encampment could fit on the lot, and the draft amendments do not include standards to address the number of square feet required per camper.

Commissioner Mork referred to Shoreline Municipal Code (SMC) 20.40.535(G), which requires encampments to permit inspections. She asked under what circumstances the inspections would take place, and who would pay for them. Ms. Lehmberg said the Fire Department has traditionally reviewed the Temporary Use Permits that have come in for temporary encampments, and they have a list of standard conditions that must be met. The fee for inspection is included as part of the Temporary Use Permit fee. Because there would be no fee for Transitional Encampment Permits, the inspection would become part of the Fire Department's standard duties. Commissioner Mork asked under what circumstances the King County Health Department would conduct an inspection. Ms. Lehmberg said she does not know that they ever have, but they could if contacted by the City to do so. She does not believe a fee would be associated with the inspection.

Vice Chair Montero noted that the index criteria include a number of constraints as to where encampments can be located, but there is nothing about the distance required between encampments or the number of non-religious-associated encampments allowed in the City.

Commissioner Mork asked if any consideration would be given to an encampment's proximity to transit. Ms. Lehmberg said some jurisdictions require that encampments be within a certain proximity of transit. However, staff felt it would be another barrier to locating encampments in the City, which is contrary to the Council's direction.

### **Public Testimony**

**Kim Lancaster, Shoreline**, said she approves of most of the proposed amendments, including the fee reduction for proposed encampments, retention of the neighborhood meeting requirement, and the extension of the encampment period up to nine months. She noted that many of her friends from Rain City Rotary, Camp United We Stand, and Greater Seattle Cares are present in the audience. She said she opposes the proposed 15-foot minimum setback requirement, which would prevent most homeowners and many smaller churches from effectively hosting homeless encampments. She said she has a large backyard, and the setback requirement would limit her property to just four tents. She has been to many church-based encampments in Shoreline and North Seattle, and each has at least one side of the camp located right on the property line. Churches need the zero setback or the encampment will take up too much of their parking space. If hosting a camp will have a negative parking effect, many churches will decline to host an encampment. Further, siting at the property line makes it possible for encampments to install their 6-foot screening on the host's fencing without erecting a costly, fragile and

separate structure for that purpose. She suggested that perhaps the rationale for the 15-foot setback requirement is innocent enough and aims to reduce impacts on neighbors. However, she doubted that would be the case and she sees it to be a pernicious rationale. She cautioned that the net effect of the setback requirement will be to reduce the availability of hosts for homeless encampments in Shoreline, which is exactly opposite of what the City Council charged the staff and Planning Commission to do last fall. It is also discrimination against some of Shoreline's most vulnerable citizens. The staff sentiment seems to be that homelessness should not impact Shoreline residents. She is confident the City will hear from others who, in good faith, believe that homeless people should be homeless somewhere other than Shoreline. However, homelessness cannot be made less bothersome except by ending it. Perhaps they will find the political will to end homelessness in the near future, but perhaps not. In the meantime, the City needs ways to keep Shoreline's homeless people safe, warm and dry. Only a zero setback will maximize the number homeless encampment hosts. She asked the Commission to reduce the required homeless encampment setback to zero.

**Brad Lancaster, Shoreline**, said he is an attorney and lives and works in Shoreline. He commented that if the proposed 15-foot setback requirement prevents a person or a church in Shoreline from hosting an encampment, despite their religious conviction that they should do so, then the setback violates the Washington State Constitution's provision for religious liberty. He noted that the City of Woodinville sought to frustrate homeless encampments in their City by delaying the issuance of permits, and the Washington Supreme Court found that it's zoning decisions violated the religious liberty of the church that brought the action against it. He cautioned that Shoreline does not want to invite litigation or become a symbol for religious intolerance and discrimination.

Mr. Lancaster said he is also concerned about the definition of "Managing Agency" because the "such as" only includes entities. Homeless people need to be able to stay with individuals who are motivated to take care of them and help them. At his home, he hosted 16 people from Camp United We Stand for 4.5 months last winter. The people staying in the camp treated him with respect, and there were no police calls. They took care of his property and respected his privacy. They were good neighbors, and they were quite close given that there was only one bathroom. He was told by a City staff member after the camp had left that he did a magnificent job of managing it, which shows that people can manage encampments themselves. He said he believes that the proposed setback and the definition of "Managing Agencies" expose the City to litigation. He briefed the City Attorney at length on the matter, and he encouraged the Commission to forward to the City Council zoning amendments that include individuals as managing agencies and zero setback provisions.

**Barbara Twaddell, Shoreline**, said she has been a resident of Richmond Beach for 35 years. She is a retired nurse and worked most of her career at Harborview where many homeless people received their health care. She commented that helping the homeless can be very complex, but enabling the homeless, some with children, to live outside in tents is not a good solution. She said she opposes homeless camping in residential neighborhoods. The City has allowed homeless tent camping at a Shoreline family home without much public input, and she voiced opposition to this radical social experiment and any other amendments that encourage more encampments. She does not believe there is a need for the use in Shoreline. She referred to Danny Westneat's column in the Sunday edition of *THE SEATTLE TIMES* about cleaning out "The Jungle" in Seattle. The social service people found that 75% of the

campers did not want to take advantage of the offered housing because they would have to follow the rules of no drugs and alcohol. Many available beds went unused.

Ms. Twaddell expressed her belief that outdoor tent camping is unsafe for the homeless. The reason the City has building codes for habitation is for public safety. The homeless are citizens who should be protected. There is a danger from falling tree limbs and poor sanitation, and camping in backyards of private homes cannot be easily regulated for firearms, drugs, alcohol and noise. It is the homeless, themselves, who are usually victims at these encampments, but next door neighbors are also potential victims. If people want to host the homeless in their homes, they should let them stay indoors with heat, plumbing, etc. If the City wants to help the homeless, it should build facilities in properly-zoned areas or let them live at City Hall.

Ms. Twaddell commented that two proposed amendments that will likely increase the number of encampments are waiving the fee and changing the setbacks from 20 feet to 15 feet. Now it appears that proponents of the amendments want to reduce the setback to zero. She read that one reason for the proposed amendments was a potential threat of a constitutional challenge from the Lancaster family based on religious freedom. The Lancasters also want to host the camp indefinitely, and she does not believe that City code should be based on anyone's religious beliefs. The City's reasoning says the fees, setbacks, and public health, safety and welfare requirements present too many barriers to homeless camping, and there should be many barriers to using your property in a way that harms your neighbors. Many residents of the City live in areas zoned for single families, and the proposed amendments would throw the zoning out the window and encourage substandard, multiple-family housing in all neighborhoods. If homeless tent camping in the backyards of residential homes is allowed, it will have sweeping changes on the ability of many people to enjoy their own homes.

**Margaret Willson, Shoreline**, asked the Commission to step back from the emotional issues involved with homelessness and imagine that there were some families in Shoreline who wanted to host summer-long boy scout camps. She does not think the City would even consider making amendments to the Development Code for a boy scout camp, because any kind of large, backyard encampment would violate the basic criteria for amending the code. It would affect public health, safety and general welfare, as well as property values. Yet, somehow, the City Council has allowed the emotional issue of homelessness to make them think it would be okay. If homelessness were added back in, it is important to recognize that homeless campers bring additional problems that afflict the homeless community more than the general population, such as drug and alcohol addiction, contagious disease, mental illness, and criminality. She expressed her belief that allowing transitional encampments in single-family neighborhoods would be a terrible idea for homeowners. She said she documented all the statutory reasons why the proposed amendments should not be considered in written comments she submitted early in the day. She also did research on the internet and could not find any other cities that have allowed backyard homeless camps. She does not want the City to be the guinea pig for a bad policy.

Ms. Willson expressed her belief that religious freedom does not give people the right to break the law. Polygamy is fine in many religions, but it is illegal in the United States. Similarly, homeless camps in backyards are currently illegal, and they should remain illegal. Thinking of putting a homeless camp in your backyard is actually a perversion of Christianity because Christianity (Matthew 6) says when you help the poor, you do it in secret, you don't go out and advertise. Your reward is from the Lord and not

from the publicity you get. Also in Matthew 7 we have the golden rule, which says “do unto others as you would have others do unto you.” That means being a good neighbor. You aren’t being a good neighbor by having a big camp in your backyard. If a person wants to do actual Christian charity, they should host the homeless in their homes, volunteer at the Salvation Army Rehabilitation Center, or open a Catholic Worker House. If the City does decide to allow homeless camps in backyards, it is absolutely essential that immediate neighbors be given veto power. If 50% of neighbors within a 1/8-mile radius are opposed, it should be denied.

**Dale Erdahl, Shoreline**, said he is opposed to amendments that allow homeless shelters in private backyards. He does not support transitional housing anywhere, and it should be eliminated completely. It brings negative stuff to the neighborhoods, and the taxpayers will have to pay to address the problems and needs. Offering transitional housing enables people to continue to be useless.

**Anne Nadreau, Shoreline**, said she grew up in Richmond Beach and now owns a home in Shoreline. She very much supports the comments provided by Ms. Twaddell and Ms. Willson. She also supports the questions raised by the Commissioners to help clarify the proposal. She voiced concern that the proposed amendments do not provide a lot of clear answers, and there needs to be more definition around who is going to pay and if comments received at the neighborhood meetings would impact whether or not permits are issued. More information about the sanitation requirements of homeless encampments should be provided, too. Apartment parking already spills out into single-family neighborhoods and creates problems, and the problem could be increased if there is not enough parking available for a lot of people in a very small place.

Ms. Nadreau said she is also concerned about how a transitional encampment in her neighborhood would impact her property value. Her parents live at the end of a bus line. People sometimes get off the last bus of the night with nowhere to go and end up breaking into their car to sleep, defecate in the yard, use whatever is around, and then leave. While she is not saying it will happen with every homeless encampment, there have already been problems without actual permits. She voiced concern about the impacts if there is not a clear definition to monitor and manage the use. She emphasized that she is not against solving the homeless problem, and she contributes to many organizations. While people have good intentions, in many cases they are not well equipped to manage the situations that come up. Who will pay to monitor, train and police the encampments? She summarized that it would be very difficult for people who establish camps on an individual level to solve the problem, but she very much supports religious organizations that have more experience. The churches that have sponsored encampments previously have generally done a good job. But when an individual sets up an encampment in their yard, she felt it would become overwhelming and too much for the City to allow.

**H.W. (Skip) Barron, Shoreline**, said he has lived in Shoreline for 26 years. He asked if the City would monitor crime rates around the homeless encampments, in general, much less those in backyards. Other than being notified, he also asked if neighbors would have any say as to whether or not an encampment should be allowed. He questioned who wants to have an encampment next door to them when they are trying to sell their home. He suggested that, if you really want to help, pick a few people and take them into your home. How many unrelated people can live in a single-family home? Homeowners must be held responsible for the actions of those they take into their homes. He expressed his belief that homelessness cannot be corrected at the city or county level. It must be done at a national level. Let the



people who make jobs be able to make jobs. The State has the second highest corporate taxes in the nation. He questioned how the City can solve the homeless problems unless they keep the feet of the government off the necks of the people who make the jobs.

**Eugene McPhail, Shoreline**, said he and his wife have owned a home in Shoreline for over 50 years. He is also the chair of the Board of Trustees at Haller Lake United Methodist Church in North Seattle, which has two years of experience with Camp United We Stand when it broke off from Tent City 3. Prior to that, his church hosted Tent City 3 for 12 encampments from 2000 to 2014. Almost all of the issues raised by Commissioners have been managed in the various encampments his church has sponsored. At this time, they are trying to recruit other churches in the North Seattle/Shoreline area to join in the network of churches that can host Camp United We Stand. It has been established that 25 members are needed in the camp to provide the security and local patrol requirements. It has also been established that a maximum of 35 members is probably best in order to recruit other churches that have smaller areas that can accommodate smaller encampment sizes. Most of the churches in Seattle do not have room for large numbers of campers, but many can accommodate up to 35. He asked Commissioners to contact his church if they know of any church that is a candidate to serve as an encampment. Currently, there are encampments at Haller Lake United Methodist Church, Richmond Beach Congregational Church, and St. Dunston's Episcopal Church.

Mr. McPhail commented that at the first neighborhood meeting in Shoreline for the encampment at Richmond Beach Congregational Church, a neighbor asked about the potential increase in crime. His pastor responded that he has never felt safer than when the camp was next to him because they provide security to the neighborhood. He emphasized that there are homeless people who need a place to sleep tonight, so talking about building facilities in the future is not the immediate solution. The intent is to provide a safe place for the campers that meet the criteria to stay tonight.

**Roger Smith, Shoreline**, said he is opposed to the proposed amendments and urged the Commission to reject them and redirect staff to revise the proposed regulations. It was stated earlier that staff was directed by the City Council to continue support, but expanding support and reducing fees were not part of their request. The amendment must not adversely affect public health, safety or welfare, yet it does. The amendment will adversely affect him and his property value, as well as the public's safety and general welfare. Next, he referred to staff's proposal to reduce the setback requirement from 20 to 15 feet. As an engineer, he is familiar with building codes, and setbacks are based on fire suppression and fire jumping from property to property. Substandard structures like temporary tents, etc. do not merit a lesser setback. In fact, he felt they would merit a significantly larger setback. He encouraged a bare minimum setback of 20 feet.

Mr. Smith provided a copy of his written comments for the Commission's detailed reading. He commented that the cross reference to neighborhood meetings is not clear to him, and he questioned how large of a radium would be included in the notification. The Staff Report references relevant Comprehensive Plan policies such as Housing Policies H11, H25, H29 and H31, which all refer to short-term and long-term housing. He expressed his belief that the policies are clearly not relevant because this is an encampment issue and not a housing issue. The permit review period is listed as 15 days, which is the shortest review period of all the permits referenced in the code. He suggested that a review period of 30 days would be more appropriate for controversial permits to allow for public comment and

proper review. He said he finds it disturbing that the City has set a fee of zero for a Transitional Encampment Permit since fees are collected to account for staff time, review, inspections, etc. The burden should not be transferred to taxpayers elsewhere.

**Pam Cross, Shoreline**, said she has lived in Shoreline for 35 years and is very aware of the homeless situation, but the proposed amendments will not fix the problem. It will perpetuate it. People have been living in tents in Seattle for 10 years, and likely the same in Shoreline. During that 10 years, they haven't come up with anything new except moving them around a bit. Even the proposed amendments will not prevent the need for the encampments to move around because there will be time limitations. She noted that, as proposed, people can stay in the encampments for the entire school year, which means the encampments will have to remain in the same place for a year to keep the kids in the same school. She asked if people who host encampments, particularly in private yards, are required to find the campers a new place to live when the time limit expires. She voiced concern about relying on the Police Department to monitor encampments in private backyards, since they are already overworked and understaffed. While the proposed amendments prohibit drugs and alcohol, there is nothing about firearms. As a commercial insurance broker, she suggested it is likely that a person's homeowner's insurance would be cancelled if he/she were to host an encampment because of the different risks involved. Her understanding is that the City would take no responsibility for the additional liability associated with an encampment.

**Rocky Willson, Shoreline**, said he does not support the proposed amendments. Allowing homeless encampments is an extremely complex issue, and the City should take its time to make a decision. Trying to fast track the amendments is not good. He suggested that the proposed amendment to allow encampments in backyards of residential neighborhoods seems to be unprecedented. He and his wife could not find any similar statutes in any other community. When going into such uncharted territory, the City really needs to step back and think about it. He reminded the Commission that the overall intent of R-6 zoning is to limit the land use to six, single-family units per acre, and the zoning code has certain limitations that apply to recreational vehicles, home businesses, etc. He said he would consider an encampment to be a non-profit business that affects him directly. He questioned if there is clear information to know if providing camps actually helps homeless people. While he recognizes that some people need help for various reasons, providing a stop-gap measure may be keeping them from finding the proper care they need.

**Bill Bear, Shoreline**, said he has been involved with encampments in Seattle and Shoreline for the past eight years. He recalled that the first time he heard that Tent City would be coming to his neighborhood, he talked to the hosts. All of the things that people are concerned about are counteracted by the realization that when you get involved in helping people who need you, something changes within you and you become a different person. He has attended a lot of community meetings where people have raised a variety of objections; and over the years, the camps have come back to the same neighborhoods for another round. Where there were a lot of objections the first time, it is amazing the deafening of objections at subsequent meetings. In fact, people spoke in favor of the camps as they got to know the campers and saw them as friends. Understanding and getting to know people who live in encampments has changed him, and he would be glad to have them as his neighbor in a house. What is needed is understanding and a community that recognizes commonality. If they care about each other, they will

make sure they are all okay. That is what Tent City is really about. While he recognized it is not a permanent solution, it is a whole lot better solution than being out on your own.

**Jon Henry Hanson, Seattle**, said he previously lived in Richmond Beach, which is a great artist community. He said he tries to take the perspective of someone who isn't him, such as those he has heard tonight. Folks who have been working on jobs and earning a living to provide for a family and paid property taxes want to continue to live in a safe community. He said he attends the Haller Lake United Methodist Church and was a former trustee. He reemphasized that the church is not present to support encampments in the backyards of private residences, but they are concerned about how much money it costs for an organized, non-profit organization to offer its property for an encampment. As a former homeless person in the City of Seattle, he found that some churches have decided that tents do not work and they have provided small houses instead. Churches in the City of Shoreline could find generous donors to support this effort, too. For example, some of the sheds that are for sale at Home Depot are quite nice. He would like to take it upon himself to connect with corporations and also with Habitat for Humanity because tents do not work in the climate.

**Domenick Dellino, Shoreline**, voiced support for easing the restrictions on individuals to host encampments on their residential properties. He also favors a 5-foot setback, which is the same for a shed, barbecue, etc. It makes sense to give someone the most amount of flexibility to have an encampment in the back corner of his/her property rather than worrying about a large setback that seems superfluous. He recognized that a lot of important considerations were raised during the hearing, but he has a great deal of confidence in the City staff and Commission to address the issues. He recognized that it is not perfect, but improvements can come with time and careful planning. He trusts that vetting will occur in the future. If Shoreline is trying to move towards a more humanitarian attitude towards the homeless, it really doesn't matter if the City is the first jurisdiction to undertake the approach. The City should be the leader and show the rest of the state and the country how to do it. It needs to start from the bottom up. To those who said it should be the City's responsibility to provide housing to the homeless, he commented that the City is already on a very lean budget and works efficiently with what they have. Property taxes would have to be raised significantly if the City were to take on this task. He recognized that backyard encampments are not the best solution or the only solution the City should be considering, but it is one solution the City should allow to facilitate into the mix.

**Robin McClelland, Shoreline**, said she is not so much concerned with the content of the proposed amendments, but with the way the regulations are being drawn up. She suggested that the Commission reconsider before taking any action. If the City intends to set a precedent, it should be outright and open about its intent. She voiced concern that the provision that allows encampments on single-family parcels (SMC 20.40.535.F) appears to be buried in the code. The definition for "Managing Agencies" does not cover individual private property owners, and the definition should be amended to be explicit about hosting encampments on single-family parcels. In addition, a definition for "Shelter" should be added. The City has attempted to use the Comprehensive Plan and Development Code language that refer to structures to cover the issue of a shelter; but in this case, a shelter is not a structure or dwelling unit. Shelters of tents do not have public utilities and the reference about public utilities (electricity, sanitation and water) should be explicit about how the services will be provided and where. She suggested that the proposed amendments should be presented to the Council of Neighborhoods and discussed with every neighborhood association within the City. People should be invited to weigh in

and understand some of the consequences of the affects. She expressed her belief that a setback is appropriate to provide for privacy, safety and security. Lastly, the neighborhood meetings will be held early in the process and will likely have little impact. Therefore, they will not sufficiently cover all of the issues. If they are going to allow the time period to extend from 90 days to 6 months, it is inappropriate to not have a second neighborhood meeting to allow people to weigh in.

**Joe Ripley, Shoreline**, said he has been a resident of the City for over 20 years and is opposed to the idea of allowing homeless encampments in Shoreline, Seattle, Edmonds or anywhere else. He does not believe they are the right way to help people who are clearly suffering. About 75% of them turn down the help that is offered by the Union Gospel Mission, Salvation Army, Catholic Church groups, etc. The problem is beyond just giving them a few more weeks or months living in a tent in a miserable environment during the winter. He asked if the Lancasters provided portable bathrooms for the people who lived in tents on their property. If so, how many did they have, who paid for them, and how much? (*The Lancasters indicated they did provide 2 portable bathrooms that were paid for by the camp*). Mr. Ripley said his research indicated that portable bathrooms run an average of \$250 to \$300 per month. Fire extinguishers are also required. He asked if the Lancasters checked the camper's identification documents to make sure they were not felons, sex offenders, etc. After foisting encampments upon the City of Shoreline, he asked which Commissioner is going to lead by example and host an encampment in his backyard. The issue has come up previously in the public arena, yet he does not see anyone volunteering. He said he doubts that any King County or Shoreline Council Members will volunteer, either.

**George Smith, Shoreline**, said he is a homeowner and landlord in North City. He said he came to the United States 55 years ago in search of the American dream to own his own home. Over the years, he worked hard and was able to purchase a home in Seattle. However, it got too crowded and he moved to Shoreline to have more space. One thing he believes about the American dream is what he calls "quiet enjoyment." He doesn't think allowing people with tents next door or in his neighborhood constitutes quiet enjoyment. He has two children, and he doesn't want them to be around homeless encampments. He would fear for their safety. He has worked hard all his life to obtain the American dream, as have other homeowners, and it is important that they have privacy and enjoyment. The homes he owns are located in single-family zones, and the zoning does not allow him to develop other buildings on the properties. He does not understand how it would be okay for his neighbor to allow five tents to be erected in his backyard. He said he is against allowing tents on private residential properties.

Chair Craft thanked those who participated in the public hearing. He explained that it is very important for the Commissioners to have a clear understanding of the community's thoughts both pro and con.

### **Deliberation and Action by the Commission**

Chair Craft asked if the current code already allows encampments in single-family zones as permitted uses with conditions based on the supplemental criteria. Ms. Lehmberg answered affirmatively. In addition to the zones where the use is already allowed, the proposed amendment would also allow the use in Town Center Commercial and Campus zones.

Chair Craft asked staff to clarify the differences between the existing code and proposed amendments with regard to permit requirements. Ms. Lehmberg said that, as proposed, the Temporary Use Permit criteria would no longer be required. Instead, applicants would be required to obtain a Temporary Encampment Permit, which has specific index criteria.

**COMMISSIONER MAUL MOVED THAT THE COMMISSION FORWARD THE AMENDMENTS TO THE CITY COUNCIL AS PREPARED BY STAFF. THE MOTION DIED FOR LACK OF A SECOND.**

City Attorney Ainsworth-Taylor advised that the Commission could close the public hearing and send the amendments back to Planning Staff. In that case, the process would start over again. Another option would be to continue the public hearing to an indefinite date, with direction towards the Planning Staff on how the Commission would like them to incorporate comments and make changes.

Chair Craft recommended that the Commission continue the public hearing to a date in the future to allow staff to incorporate Commission comments into the draft amendments and answer Commission questions. Specifically, the Commission would like further clarity on the following:

- The definition of “Managing Agency needs further clarification.”
- What is meant by “public meeting?” Provide a reference to a certain type of public meeting as contained elsewhere in the code.
- Should the index criteria include a geographic requirement for how close encampments can be to each other or a limit on the number of non-religious-associated encampments allowed in the City?
- What do other cities allow? For example, the City of Seattle does not allow non-religious-associated encampments in residential zones. It’s only allowed in commercial and industrial zones, and a setback of 25 feet is required.
- Similar to the City of Seattle, the City may want to consider allowing transitional encampments on commercially-zoned properties with a sponsor, which means that the managing agency would not necessarily need to be the owner of the property. This would be an option to consider as opposed to pushing the use more into single-family neighborhoods.
- Additional background information would be helpful relative to a written public comment about a potential partnership with Fircrest, which is a state-run facility. The City should be open to partnering opportunities to help mitigate some of the need.
- It would be helpful to have a better understanding of the different types of homelessness. For some, homelessness is a temporary situation.
- Provide more information about inspections to ensure that the regulations are followed, as well as possible remedies when problems come up.

Commissioner Moss-Thomas said she has great heart for the people who are experiencing homelessness for a number of reasons. Many people are just a few steps away from it happening to them. The encampments are considered transitional housing and not a permanent solution. However, Shoreline is a small city and she does not want it to be the testing grounds for a national debate or prototype. This is such a significant issue that many jurisdictions in the region are dealing with.

Commissioner Malek said he would like to have a better understanding of what is behind homelessness and not presume the worst. He is concerned that there are fewer churches available to provide help for these people, and many churches are losing their ground for various reasons.

**COMMISSIONER MORK MOVED THAT THE COMMISSION CONTINUE THE PUBLIC HEARING FOR THE TRANSITIONAL ENCAMPMENT UPDATE TO A DATE TO BE SPECIFIED BY STAFF. COMMISSIONER MALEK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

The Commission took a 5-minute break at 8:45 p.m. The meeting resumed at 8:50 p.m.

### **STUDY ITEM: DEEP GREEN INCENTIVE PROGRAM**

#### **Staff Presentation**

Ms. Redinger reminded the Commission that in September of 2015, the City Council set adoption of a Living Building Challenge Ordinance and Petal Recognition Program as a priority recommendation to implement the Climate Action Plan. On February 18, 2016 the Commission received a presentation from representatives of the International Living Future Institute (ILFI) regarding certification programs. They walked the Commission through the details of the program and explained the benefits of certification. They also walked through potential components of an ordinance. At that time, staff made a commitment to come back to the Commission with more detailed regulations and an actual ordinance after they had worked with a committee of King County cities, certification organizations, and developers who build green buildings. She referred the Commission to Attachment A of the Staff Report, which contains the regulatory changes proposed to SMC 20.20, 20.30 and 20.50, as well as Ordinance Number 760, which would institute a Deep Green Incentive Program (DGIP) in Shoreline.

Ms. Redinger recalled that last February, the Commission learned about the components (petals) that make up a Living Building Certification Process through the ILFI: place, water, energy, health and happiness, materials, equity and beauty. The petals have a total of 20 imperatives that the IFLI uses to certify a building as a “living building.” They also learned about the three levels of certification:

- Full Certification: With full certification, all imperatives are mandatory, and certification is based on actual performance.
- Petal Certification: With petal certification, applicants must meet the criteria for three or more petals. One of the petals must be either water, energy or materials. It also must include the limits to growth petal and inspiration and education petal.
- Net Zero Energy Building Certification. This certification requires four petals: limits to growth, net positive energy, beauty and spirit, and inspiration and education.

Ms. Redinger reviewed that when starting out, the Council’s direction was to focus on the Living Building Challenge Ordinance, similar to what was adopted in the City of Seattle to accommodate the Bullitt Center, which is the greenest office building in the world. As staff moved forward in discussions with King County partners, certifying organizations and others, they felt it would perhaps be wise to

include the top level of each of the major certification organizations to provide some level of incentive. In the tiered system, the top tier includes only Living Building Challenge Projects, but the Build Green Emerald Star Program, which works through the Master Builders Association, was added as a Tier 2 incentive. Similarly, the United States Green Building Council (USGBC) offers the Leadership in Energy and Environmental Design Certification (LEED), and their highest level of certification is LEED Platinum. LEED Platinum Certification was also included as a Tier 3 incentive package.

Ms. Redinger reminded the Commission that there are other agencies and bodies that need to review the changes that may incentivize or create barriers for living and deep green buildings. Tonight's discussion will focus on the Development Code, which is within the Commission's purview. However, there are also considerations with regard to the State Building Code, the City's surface water utility, other water and sewer utilities in the City, and the Department of Health. Representatives from a number of these different organizations have worked with the King County group, and they were unable to identify other barriers that would preclude development of these types of buildings in Shoreline. She reviewed the proposed tiered system of incentives as follows:

- **Tier 1** would be reserved exclusively for the Living Building Challenge, which is administered by the ILFI. This tier would have a 100% reduction of fees, and it could also include bonuses, reductions and/or exemptions from parking, etc.
- **Tier 2** would include the INFI's Petal Recognition Program and Build Green's Emerald Star Program. This tier would have a 75% reduction of fees, and it could also include bonuses, reductions and/or exemptions from parking, etc.
- **Tier 3** would include the USGBC's LEED Platinum Program or the ILFI's Net Zero Energy Building Program. This tier would have a 50% reduction of fees, and it could also include bonuses, reduction and/or exemptions from parking, etc.

Ms. Redinger explained that the programs were placed into the different tiers based specifically on their relationship to managing stormwater and water use on the site. She emphasized that the City does not want or have the capacity to become a certifying body for green buildings. Instead, they will rely heavily on their partners at the ILFI, Built Green, and the USGBC to certify the buildings, and a pre-application meeting is needed in order to have a conversation about what potential exemptions a project may want to apply for. A representative from the agency that the project intends to be certified through will be invited to the pre-application meeting, along with representatives from the fire department, etc. The intent of the meeting is to reach an understanding of the kinds of exemptions that would be requested so the applicant can move forward with design and the City can feel comfortable waiving fees. In addition to waiving the pre-application meeting fee, the City could also waive the surface water fee, permit application fee and transportation impact fee.

Ms. Redinger advised that the proposed Development Code incentives primarily entail exemptions from standards for: residential density limits, parking requirements, setback and lot coverage, use provisions, structural overhangs and encroachment into the right-of-way, height limits, and rooftop features. She said she could provide examples about why the specific exemptions might be important to not create barriers to living building. For example, when developing the Bullitt Center in Seattle, in order to have a large enough array to cover the energy needs of the building, they needed to overhang onto the city sidewalks. Departures from density or height limits for projects in the R-4 or R-6 zones would require a

neighborhood meeting, and the City would only grant up to a 10-foot extension to the height limit. The meeting would provide an opportunity for the project proponent to explain the benefits of a deep green or living building and also inform the neighbors of why the changes are needed to meet the more stringent standards.

Ms. Redinger said the proposed changes include additional definitions and enforcement provisions. When creating a robust incentive package, it is important to make it very clear that the City expects applicants to meet specific criteria. Different levels of enforcement will ensure that the buildings meet their target goals. She explained that the Certification Requirements involve a four-step system:

- A pre-application meeting
- A report submitted with permit application, including making sure that the project has registered with the potential certifying organization.
- A report due within six months after issuance of the Certificate of Occupancy showing that the project has met the types of standards that do not require a performance period.
- A report due two years after the Certificate of Occupancy stating that the project met the requirements of the individual program. This will be the final stamp of approval.

Ms. Redinger commented that if the steps outlined above do not happen, the City will have provisions for enforcement, including a \$500 penalty that increases exponentially according to the same schedule as other permit violations. A time period will be given to correct any non-compliance. If the non-compliance is not corrected after a 2-year period, there will be a final penalty of 5% of the building valuation, plus a requirement to pay all of the fees that were waived.

Ms. Redinger reviewed that a public hearing on the proposed amendments has been scheduled for December 1, 2016. The amendments, along with the Commission's recommendation, will be presented to the City Council at a study session on February 6, 2017, and a public hearing and potential final adoption is scheduled for March 6, 2017. She advised that partners in the discussion are present in the audience in case the Commission has questions: Alicia Daniels Uhlig from the ILFI is the director of the Living Community Challenge Program and Policy and Leah Missik, the Building Green Program Manager.

Commissioner Moss-Thomas said she understands that the City will require a developer to pay all of the fees that were waived if a project is found to be non-compliant after two years. However, she questioned how the developer would compensate for the reduction in parking. Ms. Redinger answered that the enforcement provisions in Seattle have not been used. Most developers who enter into this type of development choose to do so because that is what they do. However, she recognized that the proposed incentive package is robust, and there may be developers with less experience who try to take advantage of the program. Commissioner Maul commented that transportation would be part of the equation, and getting people to commute and carpool will be part of the solution. Commissioner Moss-Thomas agreed. However, she questioned how a project that is allowed a 100% reduction in parking would address the needs of people with disabilities.

Vice Chair Montero asked if the proposed regulations would also apply to the Light Rail Station Subareas, Town Center Subarea, and the Aurora Square Community Renewal Area. Ms. Redinger



answered that the provisions would apply citywide. She recalled that on February 18<sup>th</sup>, the Commission talked about whether or not the program should be implemented as a pilot program or in certain zones only, and the Commission decided against limitations. Vice Chair Montero noted that the Community Renewal Area and three subarea plans already include incentives for green building. Ms. Redinger pointed out that the Light Rail Station Subarea Plans require development to at least a Built Green 4 Star Level, and there are no incentives. However, there could be parking reductions based on proximity to transit once the station is in place. The Light Rail Station Subarea Plans also make it clear that any reduction in parking would not be cumulative. Staff believes that the proposed provisions would be a good incentive to push developers to the highest tier, since Built Green 4 Star Level is already required.

Commissioner Malek requested more information about the bonding process. Ms. Redinger said she is not familiar with how the bonding process works. Commissioner Malek said it seems longer and could be more punitive. Ms. Redinger agreed to provide more information about bonding.

Commissioner Chang voiced concern that the penalties for non-compliance seem small. Potentially, someone could choose not to comply. In that case, they could simply pay the penalty and still get the additional density, etc. Ms. Redinger said there are number of different options for penalties, and the intent was to have a general discussion with the Commission to obtain feedback. For example, one option would be to limit the exemptions to two. She reminded the Commission that any regulations that are adopted could be revised as appropriate at any time in the future.

Commissioner Mork said she likes the idea of incentives for green building, but she shares the concern on the punitive side. She suggested that staff spend additional time on penalties for non-compliance prior to the public hearing. It is important to move towards greener development, and incentives are very important.

### **Public Comment**

**Alicia Daniels Uhlig, Director of the Living Community Challenge and Policy for the ILFI**, said she was present on behalf of the ILFI to support Shoreline's Deep Green Incentive Program. She explained that the ILFI is an umbrella organization for the USGBC's Regional Chapter, Cascadia Green Building Council, which includes all of Washington and Oregon and extends into British Columbia. She noted that the City's proposed program is unique and progressive and is crafted to incentivize not only high-performance design and construction, but also to encourage the deep-measured performance of buildings over a 2-year period. The Deep Green Program encourages developers to construct to the built environment's most rigorous standard, the Living Building Challenge, which calls for buildings to operate as cleanly and efficiently as nature's architecture (buildings that generate all of their own energy from renewable sources, capture and treat all water on site without chemicals, use healthy materials to maximum beauty and address equity.) The program is an important tool to further Shoreline's aggressive goals within the built environment and can put Shoreline on the map as a municipality that encourages high performance and ecologically-responsive design. A few cities have adopted similar pilot and incentive programs, and they are hopefully growing in number. The City of Shoreline could be a leader. The serious problem of climate change demands bold action, and the City's proposed Deep Green Incentive Program should be available to create a meaningful, positive change within the City's built environment.

Commissioner Montero asked how many Living Building Challenge Developments are currently in process. Ms. Daniels Uhlig answered that the program has existed for 10 years and there are 47 certified developments worldwide and over 350 projects have registered and declared they are pursuing the Living Building Challenge. Case studies and examples of projects can be found at [www.living-future.org](http://www.living-future.org). Chair Craft said it would be helpful to see examples of the type of development the City could expect to see. Ms. Daniels Uhlig agreed to provide more targeted examples, including some that are affordable housing. Ms. Redinger agreed to resend a PDF version of the February 18<sup>th</sup> PowerPoint presentation, which contained a lot of examples of different styles of development.

Ms. Daniels Uhlig commented that, just this month, the City of Seattle extended a larger number of projects for their pilot program until 2025. It also decreased the penalties based on the recommendation of a year-long technical advisory group. She agreed to send notes from the recommendation and noted, that to date, no project has failed to get certified. Ms. Redinger agreed to get more information from Jess Harris, the planner in charge of administering the City of Seattle's program, who has provided great insight about how the program is going, challenges they have run into, and why they decided to amend their program.

Commissioner Chang asked how waiving permit fees would impact the Department of Community Development and Planning's ability to review plans. She asked if waiving fees is necessary, or if giving an applicant review priority would be sufficient incentive. Ms. Redinger said staff has considered a number of different ways to incentivize green building in the past. When drafting the proposal, she asked the City Manager if she was comfortable moving forward with an incentive that would waive fees. She indicated she felt comfortable having the discussion publicly and asking the Commission to make a recommendation to the City Council. At this time, the City does not have a significantly enough queue to make priority permitting a meaningful incentive. Commissioner Chang commented that the permit fee is small relative to the overall cost of a project, but waiving the fee could have a significant impact to the Department of Community Development and Planning. Ms. Redinger said it would depend on the building type and the number of units. For single-family development, it is an amount the City could absorb. However, the numbers could really add up for larger developments.

Commissioner Mork asked if it would be possible for the Commission to visit Living Building Challenge developments. The Commissioners agreed that would be helpful, and staff agreed to arrange a field trip.

**Leah Missik, Built Green Program Manager**, said Built Green is a Green Home Certification Program of the Master Builders Association. She pointed out that there was a lot of comment from the involved programs and other municipalities when drafting the City's proposed Deep Green Incentive Program. The draft program is strong and can become a model for other cities in the region. She explained the differences between priority permitting and waiving development fees. She said that, last year, they certified over 900 homes, and about 2/3 were in Seattle, which has a priority green permitting program. The incentive was huge in shaping the Built Green Program's portfolio, which requires Built Green 4 Star or better. While Built Green 4 Star is the most common level, some of the most aggressive and deepest green builders do not consistently do Emerald Star or 5 Star because it is a lot more effort to do a deep green project. The extra push of waiving the development fee would be a huge benefit and

would spur more uptake of deep green buildings. The City's proposed program includes well-shaped incentives, and Built Green is excited about it and willing to support it. Shoreline has the potential to become a model for other cities in the region.

Ms. Redinger invited Commissioners to email her additional questions and comments regarding the proposed program. She said the City of Shoreline has been the lead of a subcommittee of the King County Cities Climate Collaboration, which was established to take forward the City of Seattle's Living Building Challenge Ordinance. The goal was to simplify the 60-page ordinance. Programs will look different for each City, but using a regional, collaborative approach will help cities avoid the creation of onerous packages for developers. The goal is to raise the regional standard and increase the number of deep green buildings.

### **STUDY ITEM: CONTINUATION OF 2016 DEVELOPMENT CODE AMENDMENTS**

**VICE CHAIR MONTERO MOVED TO CONTINUE THE STUDY SESSION ON THE 2016 DEVELOPMENT CODE AMENDMENTS TO NOVEMBER 3, 2016. COMMISSIONER MOSS-THOMAS SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

### **DIRECTOR'S REPORT**

Director Markle did not have any items to report.

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **NEW BUSINESS**

There was no new business.

### **REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

There were no reports or announcements.

### **AGENDA FOR NEXT MEETING**

Chair Craft reviewed that the November 3<sup>rd</sup> agenda will include a public hearing on the self-storage facility regulations and a continuation of the study session on Development Code amendments.

### **ADJOURNMENT**

The meeting was adjourned at 9:32 p.m.

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Easton Craft  
Chair, Planning Commission

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Lisa Basher  
Clerk, Planning Commission