



MEMORANDUM

TO: Mayor Roberts and City Councilmembers

FROM: Jessica Simulcik Smith, City Clerk

DATE: January 24, 2017

RE: Documents received at 1/23/17 Council Meeting

CC: Debbie Tarry, City Manager
John Norris, Assistant City Manager

Attached hereto are documents received from the public at your January 23, 2017 City Council Regular Meeting.

- 1) Written comment regarding transitional encampments submitted by Cynthia Roat, President, Greater Seattle Cares.
- 2) Written comment regarding transitional encampments submitted by Pam Cross.
- 3) Written comment regarding transitional encampments submitted by Kim Lancaster.
- 4) Written comment regarding pocket parks submitted by Donna Eggen.
- 5) Written comment regarding transitional encampments submitted by John Thielke, President Camp United We Stand.
- 6) Written comment regarding transitional encampments submitted by Eugene McPhail, Chair Board of Trustees at Haller Lake United Methodist Church.
- 7) Written comment regarding Resolution No. 401 submitted by Judith Lehde.
- 8) Written comment regarding Resolution No. 401 submitted by Bronston Kenney.
- 9) Written comment regarding Resolution No. 401 submitted by Lois Harrison.



Greater Seattle Cares

*Connecting volunteers and resources
to help people living in encampments
survive homelessness.*

January 22, 2017

Dear members of the Shoreline City Council,

This email is a request to the City Council to consider alternative language to the proposed amendments to the Shoreline zoning code that will affect transitional encampments in the city. **These proposed amendments do not reflect the spirit of the directive that the City Council gave to the Planning Council in Resolution 379, nor do they reflect the overall spirit of support that Shoreline residents have demonstrated for homeless populations over the past eight years.**

I am writing as President of [Greater Seattle Cares](http://www.greaterseattlecares.com), a small non-profit organization serving four transitional encampments in the Puget Sound area. I myself am a Shoreline resident since 2003, serving the homeless since 2009, and I have always been proud of the support that this community has shown to individuals who are experiencing homelessness. Permitted encampments have found hosts here in Shoreline since Tent City 3 first came to Calvin Presbyterian Church in 2009, and many churches have since hosted camps with no problems, inspiring amazing levels of moral and material support from families in the surrounding neighborhoods. In late 2015, the City Council passed Resolution 379, in which the Council directed the city's Planning Commission to review the city zoning codes with a view to reducing barriers even more for people experiencing homelessness in this community. Our Mayor, Chris Roberts, has even taken time out of his busy schedule to visit Camp United We Stand, one of the camps currently hosted in Shoreline. This personal interest meant a lot to the residents of that camp: people who often feel slighted, ignored, or actively ostracized because of their housing status, but who have felt accepted and welcomed in Shoreline.

Considering the degree to which so many of the people of Shoreline and their representatives in government have shown great compassion to those who are homeless, Greater Seattle Cares is chagrined to see the proposed amendments to the zoning code that are the results of the Planning Commission's recent work. These proposed amendments do not reflect the spirit of the directive given to the Planning Council. **Instead of lowering barriers for people experiencing homelessness, they will instead make it more difficult for churches and other organizations in Shoreline to host formal encampments.** Specifically, the required 20-foot set-back will make almost 90% of the churches in Shoreline ineligible to host an encampment. The requirement for a "managing agency" that owns or leases the land on which the camp resides creates another barrier and ignores the successful relationships that these self-managing camps have had over the years with their church hosts.

In fact, some parts of these amendments may have legal implications for the city.

- The federal land use provisions of the [Religious Land Use and Institutionalized Persons Act of 2000](http://www.federalregister.gov) (RLUIPA), 42 U.S.C. §§ 2000cc, *et seq.*, protect individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws. In particular, the law

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protects against any “land use regulation that . . . unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.” Since the provision of sanctuary to the poor and homeless is a long-standing, even ancient, right of religious institutions, the two stipulations mentioned above could be construed as in effect placing the city out of compliance with RLUIPA. For more information on RLUIPA, see <https://www.justice.gov/crt/religious-land-use-and-institutionalized-persons-act>.

- State laws [RCW 35.21.915](#) and [RCW 35A.21.360](#) also prohibit local government from taking any action that “imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization.” The limitations described above that would be created by the proposed amendments have nothing at all to do with public health and safety and so may be considered in opposition to RCW 35.21.915 and RCW 35Z.21.360.

Respecting the work of the Planning Commission, and realizing that those unfamiliar with permitted transitional encampments often misconstrue how these function, **Greater Seattle Cares would like to propose alternative language to parts of the proposed amendments to the zoning code.** I attach these suggested changes, written in Microsoft Word with the “track changes” function. We hope that you will adopt them as you vote on the proposed amendments on January 30th, or that you will send the entire amendment package back to the Planning Commission for revision, with clear instructions about the nature of the changes to be made. Greater Seattle Cares stands ready to offer any assistance requested by the Council or the Planning Commission in this process.

Thank you for your dedicated work on behalf of the citizens of Shoreline. Please show that you stand for ALL of Shoreline’s citizens, even those who are having difficulties in their lives that lead them to be homeless.

Sincerely,



Cynthia E. Roat, MPH
President, Greater Seattle Cares
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Alternative language recommended by Greater Seattle Cares to Attachment A: Transitional Encampments

The text in black below represents some of the amendments to the City of Shoreline Zoning Code recommended by the City Planning Commission and currently under consideration by the City Council. Only the amendments to which changes are being recommended are included here. The recommended changes and the explanatory comments in the margins are being submitted by Greater Seattle Cares, a 501(c)3 non-profit that has been working with transitional encampments in the Puget Sound region for over a decade.

Amendment #1 - Definitions.

20.20.034 M definitions.

~~Managing agency~~ **Host**: ~~Managing agency~~ **A host** means a ~~religious or City-recognized or non-profit private organization or public entity that has invited that manages a transitional encampment~~ **to stay on land that the host owns or leases.**

20.20.048 T definitions.

Transitional Encampments: Temporary campsites for the homeless, ~~organized by a managing agency~~ **organized under a code of conduct (see 20.30.295 D5) that is enforced by an external agency or internal administrative structure.**

Amendment #2

20.30.045 Neighborhood meeting for certain Type A proposals.

1. A neighborhood **informational** meeting is required for Temporary Use Permits for Transitional Encampment proposals.

Amendment #3 Additional TUP Criteria for Transitional Encampments

20.30.295 Temporary use.

D. Additional Criteria for Transitional Encampment.

1. The site must be owned or leased by a ~~Host~~ **Managing Agency.**
4. 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.**
5. 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 ~~screening of those requesting shelter for registered sex offender status on the King County transient sex offender list, prior to their admittance to the camp as a resident.~~ **exclusion of sex offenders.** ~~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.~~
6. Site requirements:
 - a. Tents and supporting facilities within encampments must meet 20-foot setbacks from neighboring property lines. Setbacks may be modified by the

Comment [CER1]: The term "Managing Agency" is confusing. The churches that host encampments do not manage them; the camps are organized in such a way as to be self-managing. If this term refers to external agencies providing oversight to the camp, such as SHARE, it is not reasonable to expect the church to lease land to them, as that action will create a landlord/tenant relationship which will bring a whole new set of legal requirements into play.

Comment [CER2]: What does this mean? There is no explanation of how an organization becomes "recognized" by the city.

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Comment [CER3]: It is important that public land not be excluded from consideration under this amendment.

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Comment [CER4]: This definition assumes that transitional camps are organized and overseen by external agencies. In fact, over half of the transitional encampment currently found in Puget Sound were not set up by "Managing Agencies" but were organized by groups of homeless individuals who, over the first year of existence, incorporated as non-profits in Washington. Before the City of Seattle became involved in supporting transitional encampments, ALL of the camps were started and managed by homeless individuals.

We believe the intent of this addition was to make sure that camps have an administrative structure that can respond to community concerns and that can enforce the camp code of conduct. This is a reasonable goal, but not one requiring a Managing Agency.

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Comment [CER5]: See comment above.

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Comment [CER6]: Many homeless individuals do not want their names made available to the public, for reasons ranging from not wanting family members to know about their condition to hiding from domestic abusers. What is the purpose of this requirement?

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Comment [CER7]: This amendment constitutes a significant violation of the privacy of camp residents. It also will be extremely difficult to implement for can (... [1])

Director based on site conditions or in order to bring the site into compliance with the criteria. Hosts, as defined in 20.20.034M, shall be exempt from the 20-foot setback.

- f. Smoking in designated areas only; these areas must be a minimum of 25 feet from any neighboring residential property, and 25 feet from any habitation or communal structure within the camp. Provide ash trays in areas approved for smoking.

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- 9. Encampments may be allowed to stay under the Temporary Use Permit for up to 90 days. A TUP extension may be granted for a total of 180 days, on sites where agencies-camps in good standing have shown to be compliant with all regulations and requirements of the TUP process, with no record of rules violations at the current site. The extension request must be made to the City, but does not require an additional neighborhood meeting or additional application materials or fees.

- 11. At expiration of the permit, the Managing Agency shall restore the property to the same or similar condition as at permit issuance.

Comment [CER8]: The state of the property at the end of the encampment's stay is a matter for the Camp and the Host alone.

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This amendment constitutes a significant violation of the privacy of camp residents. It also will be extremely difficult to implement for camps that are keeping records by hand, as well as being unenforceable.

My name is Pam Cross and I live in Shoreline. I am speaking regarding encampments.

This discussion started with the goal of streamlining the permitting process for encampments at churches and other non-profit organizations. However, once this plan was expanded to allow any Shoreline resident to host an encampment in their backyard, the debate changed focus.

Because allowing backyard encampments is an all or nothing decision, two opposing sides quickly formed: for and against.

1. I support encampments as a safe place and believe it is the occupants' constitutional right to have them located anywhere in Shoreline without unreasonable barriers (or)
2. I support the encampments on legally permitted land but do not want them located in Shoreline's neighborhood backyards

Those two sides soon added the issue of setback from neighboring properties.

1. The folks for backyard encampments first requested the 20' setback be reduced to 15', then 10', 5' until they got to zero setback for all sites
2. The folks against backyard encampments firmly believe a 20' setback is necessary even at church sites

Staff ultimately supported the 20' setback, but added that the setback may be modified by the Director based on site conditions.

As the discussion continued, several other issues were brought up: Speakers from CUWS stated they are not bad people, they are not to be feared, they maintain their encampment, they have and enforce strict rules, and they have a strong love of God.

Those are all fair statements but I don't remember anyone accusing CUWS members of being bad people who should be feared, who worship Satan, and who run amok through neighborhoods tossing empty food containers in yards (those are teenagers).

There were several people who stated they did not want the City to be sued for discriminating against the homeless. They even offered to provide evidence that other cities had been sued for not allowing encampments - and lost.

- I don't believe this is a statement: In my opinion it is a **threat**. Mentioned once, maybe just an offhand comment. But being stated repeatedly intending to intimidate constitutes a threat.
- Additionally, no one was requesting that all encampments be removed from Shoreline. The question was: should they be allowed in the backyards in single family neighborhoods.

There is one new issue.

CUWS and other encampments have formed non-profit corporations. If someone were to lease the lot next to your house to "CUWS, A Not for Profit Corporation", for the sum of \$1.00, then CUWS could place their own encampment, as well as host others, right next door to you, whether backyard encampments are permitted or not.

Your decision should be easy because the answer is simple: Agree to the Planning Commission's regulations as outlined in Staff Report 6a. Do not allow backyard encampments. And be very very careful how the definition of Managing Agency is worded.

KIM'S COUNCIL TALK
1.23.17

My name is Kim Lancaster. I live in Shoreline.

First, I would like to thank Mayor Chris Roberts for going to Camp United We Stand at St. Dunstan's Episcopal Church last week and talking with the campers for over an hour about their concerns. I encourage the rest of the Council to follow Mayor Roberts's example and visit the Camp, meet the campers, and hear what they have to say.

Second, I wish to speak about your consideration of Resolution No. 401. This Resolution declares the City of Shoreline to be an *inviting, equitable, and safe community for all . . . where all individuals will be treated fairly and live free from discrimination or targeting because of their . . .housing status . . .* I am glad the City Council is *committed to ensuring that Shoreline remains a welcoming, inclusive, and safe community for all who live, work, and visit here.* In order to follow this Resolution, the City Council must reject the Planning Commission's proposed amendments to the Code as it pertains to transitional encampments. At your next Council Meeting on January 30th, please change the code to help, not harm, the homeless in Shoreline.

Thank you.

Kim Lancaster

kim@lancasterlawoffice.com

January 23, 2017

Esteemed Council members,

As a citizen of this fair city, and as a member of Rain City Rotary, I would like to address you about PARKS. In the City's document "Shaping Our Future", Initiative #5 states the goal of increasing parks OF ALL SIZES in the city.

The City owns 2 parcels of land:

1. 185th and Aurora
2. 192nd and Aurora

that by its own admission are best used for "Pocket Parks".

Rain City Rotary is known for doing lots of "hand on" service. We would like to work on those parks!

But it is my understanding that you, the City Council, must first officially declare them to BE PARKS.

Then the city staff can create them, with landscaping and special features, etc. Then we, RCR, would help maintain them.

So, I am asking you to officially pronounce these 2 pieces of land PARKS, and then everybody wins!

Thank you for your time and consideration.

Respectfully,

Donna Eggen

My name is John Thielke. I have been a Shoreline resident since 1976.

I have been involved with Camp United We Stand since they were first at Richmond Beach Congregational Church in 2014. I was part of the incorporation of Camp United We Stand, Inc. a non-profit organization incorporated in the State of Washington to provide ongoing support for Camp United We Stand. We are currently seeking 501(c)(3) status.

I am currently serving as President of Camp United We Stand. Our board of directors is composed of people from the community as well as elected representatives of the camp. We meet monthly to review camp affairs. As a representative of the board, I also attend the weekly meetings of the camp.

Before continuing further, I would like to thank the mayor for his visit to the camp last Friday. The people in the camp were thrilled to have someone from City government visit the camp and listen to their concerns. It was very much appreciated and was praised at the camp meeting on Sunday evening. I would also like to highlight the support that St. Dunstan's Church of the Highlands is giving to Camp United We Stand as their current host. It is amazing what this congregation does to provide comfort to the hungry and homeless in our community.

I know from following many hundreds of emails and postings that the Shoreline Planning Commission proposed regulations have met with some resistance in the community. Having been involved with hosting the camp at Richmond Beach Congregational Church-UCC, I believe the camp contributed to our local community in many ways and that the church had a very positive experience with this homeless encampment.

There are two concerns I have with the proposed regulation changes. The first has to do with understanding of how the church/camp relationship works. It is important to note that Camp United We Stand is self-managed. Our church makes sure the governing documents and codes of conduct are in order as part of the Temporary Use permitting process, but we do not, and cannot, manage the camp. We do not have expertise or capability for this type of responsibility. I do not believe the proposed changes to the regulations recognize or appreciate this fact.

The second issue concerns the matter of setbacks. Speaking as a member of the Richmond Beach Congregational Church board of trustees, I believe the setback requirements can severely limit the use of church property and I recommend this requirement be deleted as unnecessary and possibly contrary to law.

Thank you for your attention.

January 23, 2017

STATEMENT TO THE SHORELINE CITY COUNCIL

My name is Eugene McPhail. My wife Deborah and I have owned our home in Shoreline for over fifty (50) years. For the past five years, I had served as the Chair of the Board of Trustees at Haller Lake United Methodist Church, and now continue to serve as the Homeless Coordinator for the Trustees and our Pastor.

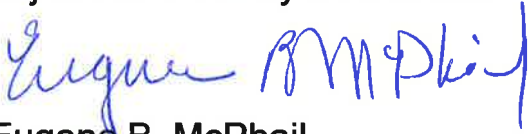
As I had spoken before this Council in December of 2015, as well as to the Planning Commission in 2016, Haller Lake UMC had served as a Host Church for Tent City 3 for twelve times from 2000 to 2014. In November 2014, Haller Lake UMC responded to a request from the Seattle Human Services Department and the Church Council of Greater Seattle to urgently host a group of homeless persons which included women and children.

With the continuous support of the Greater Seattle Cares non-profit organization, this group has been sustained as the United We Stand encampment currently at St. Dunstan's Episcopal Church, and Haller Lake UMC is scheduled to provide a third host period from May to July of this year.

We at Haller Lake UMC fully support the concerns expressed by the President of Greater Seattle Cares in an e-mail addressed to this Council this morning. For over two years, we have coordinated efforts with Greater Seattle Cares and the Camp United We Stand (CUWS) Board to recruit more churches which have smaller tract space to serve as host for a smaller population encampments.

Many of the provisions in the amendments submitted by the Planning Commission have a very negative impact on these efforts to increase this number of host churches. In our nearly twenty years of experience with encampments, host churches haven't served as 'managing agents', nor have rented or leased sub-parcels for such use. The most formal documentation ever employed was in 2016 when our Pastor and I signed a letter to the Shoreline Planning Director agreeing to again host CUWS.

In view of the difficulties in recruiting more churches to provide host church services, I fully support the current efforts of the Camp United We Stand Board to establish the necessary agreements for a longer duration period for a transitional encampment at a location which would not be immediately adjacent to nearby residences.



Eugene B. McPhail



Herman Lehde <ozarklehde@gmail.com>

Resolution 401

1 message

Herman Lehde <ozarklehde@gmail.com>

Fri, Jan 20, 2017 at 1:11 PM

To: council@shorelinewa.gov

Dear Council Members,

This resolution basically outlines the establishment of a Sanctuary City for the city of "Shoreline".

How will this benefit our community?

You, as Shoreline Council members, are charged with the protection and security of our community.

How will this resolution help?

Please remember that you will be held responsible for the increase in drug traffic, human trafficking, such as is currently in Lake City, and crime which will only increase.

You are also charged with the enforcement of the law.

Will your resolution help?

In addition, you are charged with the management of the financial matters for the city. What happens if your staff is wrong about the financial impact on the city with regards to grants and financial incentives for the city?

Please devote your time and staff time to solving more important problems.

This resolution points out how "out of touch" the council is.

Respectfully,

Citizen of Shoreline, Judith Lehde, 19627 27th Ave. N. W. Shoreline, WA 98177.

Bronston Kenney
1007 NW 190th St.
Shoreline, WA 98177

Kate Steinle was murdered by an illegal alien with multiple deportations, in the sanctuary city San Francisco.

Shoreline is wrongly considering becoming a "Sanctuary City". Council members are setting themselves above the law of the land, and encouraging others to do the same.

Illegal aliens bring with them many problems. They are largely unskilled, uneducated and illiterate in English and are thus likely dependent. The average illegal household pays \$10,000 in taxes, but consumes \$25,000. If only 100 come, that's one and a half million dollars.

There are other costs too. Illegals bring with them costly health problems, and often diseases not previously observed here, that will be shared with us. The more troubling is the crime; robbery, assaults, rape and murder, children often the victims. And of course we'll have, drugged, drunken, uninsured driving and its consequences, as elsewhere. The costs to victims will be bad enough, but will be followed with more costs to justice system.

From T.S. Eliot.

"Half the harm that is done in this world is due to people who want to feel important. They don't mean to do harm-- but the harm does not interest them. Or they do not see it, or they justify it because they are absorbed in the endless struggle to think well of themselves.

This is "virtue signaling".

Our City Council should be solving problems, not creating them. While they may think well of themselves, what will they say to those citizens who pay the price, possibly unimaginable, for their "noble" idea? They'll claim surprise at the "unanticipated" but actually quite predictable consequences, but will share none of the pain and loss.

And finally, the new administration will likely and correctly cut off Federal funds to Sanctuary cities and even if the City repents, I doubt there'll be a rush to restore it.

My name is Lois Harrison and I am a long time resident of Shoreline.

I am speaking in favor of adopting Resolution No. 401 which, ^{would} by prohibiting inquiries by City of Shoreline Officers and employees into an individual's immigration status, ~~would make Shoreline a Sanctuary City.~~ ^{I am in favor}

The King County Sheriff's Office, with whom the City contracts for police service, already prohibits personnel from inquiring about an individual's immigration status, as do several other King County jurisdictions. There is good reason for that policy.

As I understand it, if an individual who has been charged with or accused of even a minor infraction, has been asked his or her immigration status and is unable, on the spot, to provide documentation that person can be held while their immigration status is checked out, which could take a month or more. Worse yet, if that individual is undocumented or their status is uncertain (perhaps a person who fits a perceived profile of an immigrant but who was born in this country to U.S. citizens and who is highly unlikely to carry a birth certificate or a passport) that person would be turned over directly to Immigration and Customs Enforcement (ICE) and likely be detained for an indeterminate time at the NW Detention Center in Tacoma, a private, for-profit prison.

The Council by passing this Resolution would have voted to avoid this unnecessary entanglement of Shoreline law enforcement and federal immigration policy. And ICE would be freer to deal with those immigrants who have been convicted of violent or serious crimes.

I am fully aware that by passing this Resolution, the City could conceivably lose federal grant funding under the new federal administration. But, when local jurisdictions submit to ICE's request, taxpayers also foot that bill. And, the human costs are incalculable. Most of all, as stated in the last paragraph of Resolution 401, "we have a special responsibility not to stay silent in the face of discrimination, harassment or hate against any of our residents, and we choose to be leaders in protecting human rights equity, public safety and social well-being."

Thank you for your consideration.