

From: [Cynthia Roat](#)
To: [City Council](#); [Will Hall](#); [Doris McConnell](#); [Keith McGlashan](#); [Chris Roberts](#); [Jesse Salomon](#); [Keith Scully](#); [Shari Winstead](#)
Cc: [Paul Cohen](#); [GSC Board](#); [Bill Barnsdale](#); [Teri Potter](#); [Gene McPhail](#); "David Baum"; [Michael Ramos](#); [Brad Lancaster](#); [Rain City Rotary](#); [Alycia Roberts](#); [Christopher Carter](#); [Ginny Scantlebury](#); [John Thielke](#); [Rick Reynolds](#); [Steve Pitner](#); [Tim Airhart](#)
Subject: Please do not pass the proposed zoning code amendments regarding transitional encampments
Date: Sunday, January 22, 2017 6:40:00 PM
Attachments: [GSC suggested changes to zoning code amendments re transitional encampments.docx](#)

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](#), 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](#) (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 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,
Cindy Roat

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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 camps ...

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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