Council Meeting Date: January 3, 2005 **Agenda Item: 8(b)**

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Proposed Amendment to the Development Code – Tent City and Remanded Items
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Tim Stewart, Director Kim Lehmberg, Planner II

PROBLEM/ISSUE STATEMENT:
The issue before Council is the consideration of amendment to the Development Code. In 2003 the City received an application to amend the Development Code to require public notice for Tent City. The Planning Commission previously held public hearing and deliberated on this amendment (March 4, 2004), and had recommended that the City Council not adopt it. Council followed this recommendation and did not adopt the amendment, however the Council also concurred with a later Planning Commission request to remand the issue back to the Commission for further deliberation.

The Planning Commission held an additional Public Hearing and has recommended to alter the original proposal that would have required the City to provide public notice and process a Temporary Use Permit as though it were a "Type B", or Administrative, action. The Planning Commission's alternative amendment (Attachment A, Ordinance 368) is to require the applicant to hold a Neighborhood Meeting as set forth in Shoreline Municipal Code Section 20.30.090, (Attachment B). The City would then process the application for a Temporary Use Permit as usual, as a "Type A", or Ministerial, action.

ALTERNATIVES ANALYZED: The following options are within Council's discretion and have been analyzed by staff:

1. The Council could not adopt the amendment to the Development Code.
2. The Council could adopt the amendment as recommended by the Planning Commission and Staff by adopting Ordinance No. 368 (Attachment A)
3. The Council could propose an alternative amendment.

FINANCIAL IMPACTS:

4. There are no direct financial impacts to the City of the amendment as recommended by Planning Commission and Staff.

RECOMMENDATION

The Planning Commission and Staff recommend that Council consider adoption of Ordinance No. 368, (Attachment A), but defer the decision to adopt the Ordinance until the Council meeting of January 24th.

Approved By: City Manager City Attorney

INTRODUCTION

An amendment to the Development Code is a Legislative process that may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City. The Development Code section 20.30.100 states that any person may request that a Development Code amendment be initiated by the Director, Planning Commission, or City Council.

Remanded Items: On March 4, 2004, the Planning Commission held a public hearing and considered numerous proposed amendments to the Development Code. Recommendations for each of the amendments were passed along to the City Council.

The City Council held an additional public hearing and heard public testimony public on a number of the items. On June 14, 2004, the Council adopted Ordinance 352, as recommended by Staff and Planning Commission, and also moved to remand certain of the proposals back to the Planning Commission for further deliberation. The following proposals were chosen to be remanded:

Notice requirements for commercial footprint additions
Changing zoning variance criteria
Notice requirements for Tent City
High security fencing

At the September 16th Planning Commission meeting, staff introduced a memo recommending that the Commission go forward with consideration of Tent City amendment at this time, and to place the notice requirements for commercial footprint additions and high security fencing issues on the 2005 development code amendment work plan (see memo, Attachment C.)

Staff also recommended pulling the proposed changes to the zoning variance criteria from consideration at this time. Staff had originally proposed these changes to SMC 20.30.310. Many comments in opposition to these changes were heard at the Council public hearing and received during the Council-initiated second public comment period. Therefore staff's recommendation was to not go forward with the changes until the comments could be more thoroughly analyzed.

PUBLIC COMMENT

For the initial processing of this amendment, the City advertised the availability of the official docket of proposed amendments for review and comment. The written comment period began on January 29, 2004 and ended on February 13, 2004. One comment letter, written by the applicant for the amendment under consideration here, was received during the comment period (Attachment D). On February 17th, 2004, the City issued a SEPA Determination of Non-significance for the proposed amendments.

The Planning Commission held an additional Public Hearing on October 21, 2004 on the issue of Tent City. Notice for this hearing was published October 8th. No comment letters were received during the comment period. One member of the public commented at the Hearing that the Neighborhood Meeting process is helpful. The Minutes from the Hearing are included here as Attachment E.

ANALYSIS/IISSUES

Attachment F includes the original amendment application submitted by the applicant shown in legislative format. Attachment A, Ordinance #368, contains the amendment as recommended by Planning Commission and Staff. Legislative format uses ~~strikethroughs~~ for proposed text deletions and underlines for proposed text additions.

Background/Discussion:

Since the original processing of this proposed amendment, the cities of Bothell and Woodinville have grappled with the issue of Tent City. There was a great deal of public controversy at the time, with many members of the public requesting that they be notified when a jurisdiction is considering whether to allow Tent City. Bothell requires a Conditional Use Permit (CUP), which includes public notice.

In the wake of the controversy, King County Council commissioned a Citizen's Advisory Commission of Homeless Encampments (CACHE) to study the problem and provide recommendations for the County and other jurisdictions regarding the regulation of Tent Cities. This report is included here as Attachment G. The consensus of the Commission is that for now, Tent Cities are needed, they should be allowed on public and private land, and the community should be notified if there is to be a Tent City in their neighborhood.

This proposal seeks to attach public notice requirements for Tent City. Under the current Code, temporary sheltering of the homeless is not listed as a permitted use in the Use Tables (Development Code Section 20.40), and is not included within the Code definition of church use. Anyone proposing to host Tent City must apply for a Temporary Use Permit (TUP). A Temporary Use Permit is a mechanism by which the City may permit a use not otherwise allowed on an interim basis. The proposal would have to meet the criteria for Temporary Use. The decision criteria for Temporary Use Permit are found in Code Section 20.40.540 (Attachment H). A TUP is a ministerial, or "Type A" decision; no public notice is required.

The originally proposed amendment adds Tent City to use tables and adds criteria; the originally proposed criteria included requiring a TUP for Tent City to be processed and noticed as a "Type B" permit, such as a Conditional Use Permit. Under this proposal, the City would have to provide notice pursuant to Development Code Section 20.30.050, and there would be a 90-day maximum turnaround time for decision. This option would add to the City's processing expenses and add time to the permit process. The Planning Commission's alternate amendment allows the permit to be processed as a "Type A" permit (Code Section 20.30.040), but requires the applicant to hold a Neighborhood Meeting prior to application pursuant to Code Section 20.30.090 (Attachment B). See Attachment I for code sections 20.30.040 and 20.30.050 governing "Type A" and "Type B" actions.

Staff agrees with the Planning Commission recommendation. Note that Staff had considered the option of requiring a Conditional Use Permit (CUP) for Tent City, but did not pursue it because a CUP typically runs with the land and is tied to permanent development - the CUP criteria relate more to structure, site planning and development than to a temporary encampment.

In deliberating on the proposed amendment, the Planning Commission discussed issues related to City resources, permit turn-around time and public notice process and the expectation that comes with it. The Commission came to the conclusion that the main issue was to provide public notification and a forum for the neighbors to meet with the applicant to discuss their concerns. They concluded that this type of interaction would best be accomplished by the Neighborhood

Meeting, conducted by the applicant. The Neighborhood Meeting Report would then become part of the application package, and comments and issued presented in the report would be considered by the Director in rendering the decision on whether to issue the Temporary Use Permit. (Minutes of the Planning Commission meeting are found in Attachment E.)

Decision Criteria for Code Amendment. The City Council may approve or approve with modifications a proposal for amending the text of the Development Code if:

1. The amendment is in accordance with the Comprehensive Plan; and

2. The amendment will not adversely affect the public health, safety or general welfare; and

3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline. (Ord. 238 Ch. III § 7(g), 2000).

Conformance with Shoreline Comprehensive Plan

- Housing Goal H III: *"Maintain and enhance single family and multi-family residential neighborhoods, so that they provide attractive living environments, with housing that is compatible in quality, design and scale within neighborhoods and that provides effective transitions between different uses and scales".*
- Housing Policy #H28: *"Encourage, assist and support social and health service organizations that offer housing programs for people with special needs."*
- Housing Policy #H29: *"Support the development of emergency, transitional, and permanent supportive housing with appropriate services for persons with special needs throughout the City and region."*
- Housing Policy #H34: *"Cooperate with private and not-for-profit developers and social and health service agencies to address regional housing needs."*

Requiring a neighborhood meeting for a land use such as Tent City does not appear to be in conflict with any of the Comprehensive Plan policies, and the proposed amendment seeks to address public concerns.

RECOMMENDATION

The Planning Commission and Staff recommend that Council consider adoption of Ordinance No.368, (Attachment A), but defer the decision to adopt the Ordinance until the Council meeting of January 24th.

ATTACHMENTS

Attachment A	Ordinance #368
Attachment B	Shoreline Municipal Code Section 20.30.090 (Neighborhood Meetings)
Attachment C	Memo from Planning Commission meeting of September 16, 2004
Attachment D	Public comment letter received during original comment period
Attachment E	Minutes from October 21, 2004 Planning Commission Meeting
Attachment F	Originally proposed amendment language
Attachment G	CACHE Commission Final Report
Attachment H	Shoreline Municipal Code (SMC) Section 20.40.540 (TUP Criteria)
Attachment I	Shoreline Municipal Code (SMC) Sections 20.30.040 and 20.30.050 (Type A and B actions)

ORDINANCE NO. 368

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE DEVELOPMENT CODE CHAPTER 20.40, ADDING TENT CITY TO THE USE TABLES AND REQUIRING THE APPLICANT TO HOLD A NEIGHBORHOOD MEETING PRIOR TO APPLICATION.

WHEREAS, the City adopted Shoreline Municipal Code Title 20, the Development Code, on June 12, 2000;

WHEREAS, the Shoreline Municipal Code Chapter 20.30.100 states "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code"; and

WHEREAS, the City received a complete application from the public to amend the Development Code to require public notice for Temporary Use Permit applications for Tent City homeless camps; and

WHEREAS, the Planning Commission has developed an alternative recommendation to the proposed amendment that requires the applicant to hold a Neighborhood Meeting prior to application for Temporary Use Permit for Tent City; and

WHEREAS, a public participation process was conducted to develop and review amendments to the Development Code including:

- A public comment period on the proposed amendment was advertised from January 29, 2004 to February 13, 2004; and
- The Planning Commission held a Public Hearing and formulated its recommendation to Council to deny the proposed amendment on March 4, 2004.
- The Council held a meeting on June 7, 2004, continued to June 14, 2004, where it remanded the issue back to the Planning Commission for further consideration.
- The Planning Commission held an additional Public Hearing and formulated an alternative recommendation on the proposed amendment on October 21, 2004;

WHEREAS, a SEPA Determination of Nonsignificance was issued on February 18, 2004 in reference to proposed amendments to the Development Code; and

WHEREAS, the proposed amendment was submitted to the State Department of Community Development for comment pursuant WAC 365-195-820; and

WHEREAS, the Council finds that the amendment adopted by this ordinance is consistent with and implements the Shoreline Comprehensive Plan and complies with the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW; and

WHEREAS, the Council finds that the amendment adopted by this ordinance meets the criteria in Title 20 for adoption of amendments to the Development Code;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Shoreline Municipal Code Sections 20.40.120 and 20.40.535 are amended as set forth in Exhibit A, which is attached hereto and incorporated herein.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date and Publication. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON January 24, 2005.

Ronald B. Hansen
Mayor

ATTEST:

Sharon Mattioli, CMC
City Clerk

Date of Publication:
Effective Date:

APPROVED AS TO FORM:

Ian Sievers
City Attorney

EXHIBIT A

20.40.120

Residential type uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB	RB & I
TEMPORARY LODGING							
	Tent City	P-i	P-i	P-i	P-i	P-i	P-i

-T-

20.40.535 Tent City

A. Allowed only by temporary use permit.

B. Prior to application submittal, the applicant is required to hold a Neighborhood Meeting as set forth in Shoreline Municipal Code (SMC) Section 20.30.090. A Neighborhood Meeting report will be required for submittal.

ATTACHMENT B

20.30.090 Neighborhood meeting.

Prior to application submittal for a Type B or C action, the applicant shall conduct a neighborhood meeting to discuss the proposal.

The purpose of the neighborhood meeting is to:

- Ensure that applicants pursue early and effective citizen participation in conjunction with their application, giving the applicant the opportunity to understand and try to mitigate any real and perceived impact their proposal may have on the neighborhood;
- Ensure that the citizens and property owners of the City have an adequate opportunity to learn about the proposal that may affect them and to work with applicants to resolve concerns at an early stage of the application process.

The neighborhood meeting shall meet the following requirements:

- Notice of the neighborhood meeting shall be provided by the applicant and shall include the date, time and location of the neighborhood meeting.
- The notice shall be provided at a minimum to property owners located within 500 feet of the proposal, the Neighborhood Chair as identified by the Shoreline Office of Neighborhoods (Note: if a proposed development is within 500 feet of adjacent neighborhoods, those chairs shall also be notified), and to the City of Shoreline Planning and Development Services Department.
- The notice shall be postmarked at least 10 to 14 days prior to the neighborhood meeting.
- The neighborhood meeting shall be held within the City limits of Shoreline.
- The neighborhood meeting shall be held anytime between the hours of 5:30 and 9:30 p.m. on weekdays or anytime between the hours of 9:00 a.m. and 9:00 p.m. on weekends.

The applicant shall provide to the City a written summary of the neighborhood meeting. The summary shall include the following:

- A copy of the mailed notice of the neighborhood meeting with a mailing list of residents who were notified.
- Who attended the meeting (list of persons and their addresses).
- A summary of concerns, issues, and problems expressed during the meeting.
- A summary of concerns, issues, and problems the applicant is unwilling or unable to address and why.
- A summary of proposed modifications, or site plan revisions, addressing concerns expressed at the meeting. (Ord. 299 § 1, 2002; Ord. 238 Ch. III § 4(b), 2000).

Commission Meeting Date: Sept. 16, 2004 **Agenda Item:**

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Information Concerning the Remand of Proposed Amendments to the Development Code and an Additional Proposed Amendment to the Sign Code.
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Kim Lehmberg, Planner II

SUMMARY

On March 4, 2004, the Planning Commission held a public hearing and considered numerous proposed amendments to the Development Code. Recommendations for each of the amendments were passed along to the City Council.

The City Council held an additional public hearing and heard public testimony public on a number of the items. On June 14, 2004, the Council adopted Ordinance 352, as recommended by Staff and Planning Commission, and also moved to remand certain of the proposals back to the Planning Commission for further deliberation. The following proposals were chosen to be remanded:

1. Public notice requirements for commercial footprint additions
2. Changing zoning variance criteria
3. Public notice requirements for Tent City
4. High security fencing

Since the Council action, an additional code amendment has been proposed by the Director. This amendment is concerning the prohibition of off-site signs (Code Section 20.50.550) The proposal would add an exception to the prohibition for adjoining properties to be able to enter into a joint sign agreement, as approved by the Director. This proposal would allow signs for businesses that do not have direct frontage on, but are accessed from, a commercial street (such as Aurora), to have signage visible from the street.

RECOMMENDATION

No action is required at this time. Staff recommends scheduling a public hearing for the Tent City amendment (item 3 in the remanded list) and the off-site sign code amendment for October 21, 2004. Staff recommends placing the high security fencing and commercial additions amendments (items 1 and 4) on the docket for the 2005 code amendments. Staff further recommends withdrawing from consideration at this time the amendments to the Zoning Variance Criteria (item 2). The City Council Staff report from April 26, 2004 (without the attachments) is attached to remind Commission what amendments were made.

ATTACHMENT D

Virginia Botham
16334 Linden Avenue North
Shoreline, WA 98133
206-542-7793
foxdusty@yahoo.com
January 29, 2004

Shoreline Planning Commission
City of Shoreline
17544 Midvale Avenue North
Shoreline, WA 98133

Re: Shoreline Planning Commission - Agenda Packet dated 1/29/04 - Proposed SMC Code Changes - PUBLIC COMMENT FOR 3-4-04 PUBLIC HEARING

These are my written comments, for the record, on proposed Shoreline Municipal Code changes presented to the Planning Commission 1/29/04.

Please note, this is the first time SMC proposed code changes have not included the original applications. Please have the original applications included as part of the public record.

Tent City

Pages 04 and 14, Tent City, were triggered by last spring's tent city located just north of the Shoreline Library. Several problems were identified at the Council of Neighborhoods meeting during a presentation by Tim Stewart and follow-up by a Shoreline police officer who was leaving to accept another job elsewhere. It was suggested then that part of the solution to the identified problems might be via SMC code amendments. Staff sent me suggested code language. The language given me by staff was more complex and restrictive than I had envisioned so I did not include the staff language in my proposal.

The first issue raised by Tim Stewart was that we had no code specifically developed to provide policy and procedures for a tent city. Thus we had no prior notice notification requirements for either public or police. Nor did

we identify how large an area should be notified if our city chose to notify the public in advance of tent city arriving. Thus far notifications have been optional. The second issue was a body count maximum for tent city. I looked at the Tukwila code and it specified a maximum number of residents in each tent city.

The second issue was raised by the Shoreline community police officer present at that meeting. He was unhappy that the police department had received no prior notice (notice before the permit was issued by the Planning Department). He would have liked to have had the opportunity to phone jurisdictions with experience with tent city and asked what they did to make it work, and to help identify problem areas in advance. He would have liked to help participate in laying out the ground rules (policy and procedure). He would have liked an opportunity to do his job.

As a parent of a high school age runner, I wanted public notice so that I could advise my daughter (who often runs alone) in advance, of the location and duration of tent city. During this period, I was also taking daily walks alone and I also modified my route to stay on busier public streets.

At the time of the Council of Neighborhoods presentation, both Tim Stewart and the police officer indicated that some sort of more formal policy/procedure structure needed to be created by Shoreline in preparation of future tent cities. If my suggestions are not appropriate, I am asking the City to write up their own instead of leaving this gaping hole in our SMC code.

Variance

Pages 04 and 12, Changes to zoning variance criteria, was provided by the City Attorney and staff. No explanation is provided why this proposal intends to make the changes that it makes. The line that has removed that I would like to keep follows: "***The variance is the minimum necessary to grant relief to the applicant.***" In most jurisdictions, variances are granted infrequently and with great caution and reluctance. Most jurisdictions aim to write code that is clear and restrictive but that allows rare exceptions under extreme circumstances. The scope of those exceptions is restricted deliberately to as small an exception as will solve the problem requiring an

exception. **If it is too easy to get a variance, and if the variance can be very generous in giving permission to ignore the rules (code), then the focus of the variance becomes a question of how much leniency will be allowed in avoiding the code.** Requiring a variance to be restricted to the 'minimum necessary to grant relief' restricts the argument to 'how small' the exception will be instead of 'how large an exception can be horse-traded for'. If all you do is create more loopholes and exceptions to the code (i. e., reasonable use - critical areas) then you are weakening the code and creating a less predictable code which will encourage lawsuits.

I would like the City Attorney to explain what is wrong with the variance code we now have and ask him to explain in detail what problems this new version solves that the current code does not. The code we have is very similar, but more flexible and lenient, than variance codes in nearby cities. I suggest you go to the Municipal Research and Services Center site and type in 'variance' and see the code for other cities.
http://www.mrsc.org/codes.aspx?r=1

Critical Areas Reasonable Use Permit

Pages 28 and 29 make minor technical changes to our current Critical Areas Reasonable User Permit code. At the City Council meeting 1/26/04 Patty Crawford presented the flawed history of how the new current definition of Critical Areas Reasonable Use Permit was adopted by the Shoreline City Council. She brought to the City's attention copies of the Planning Commission agenda packets with rough drafts before approval by the Planning Commission, at approval by the Planning Commission and a MODIFIED definition given to the City Council for adoption that was presented as having come from the Planning Commission .... but it was not a definition that the Planning Commission saw and approved for forwarding to the City Council. That definition that the Planning Commission did not see or approve is now the basis of a Hearing Examiner appeal of development of a landslide hazard (79% slope) lot. It explicitly ranks highest the property owner's right to develop any lot. I could not locate the exact language of that version of the code. This quasi judicial proceeding does not appear before the Planning Commission. The definition being used by the developer is not the definition presented in this packet. Nor is it the definition

appearing on the Municipal Research and Services Center site. There is a problem with changing the code over and over and over again, continually creating more loopholes and exceptions, and more versions of the code. If you've got code that 'isn't broken' then don't fix it with a re-write, please.

Sincerely,

Virginia Botham

cc: Kim Lehmberg

These Minutes Approved
November 18, 2004

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
SUMMARY MINUTES OF REGULAR MEETING

October 21, 2004
7:00 P.M.

Shoreline Conference Center
Board Room

PRESENT
Chair Harris
Commissioner Sands
Commissioner McClelland
Commissioner Phisuthikul
Commissioner MacCully

STAFF PRESENT
Tim Stewart, Director, Planning & Development Services
Andrea Spencer, Senior Planner, Planning & Development Services
Kirk McKinley, Aurora Corridor Project Manager
Kim Lehmberg, Planner II, Planning & Development Services
David Pyle, Planner I, Planning & Development Services

ABSENT
Vice Chair Piro
Commissioner Hall
Commissioner Kuboi

CALL TO ORDER

The regular meeting was called to order at 7:00 p.m. by Chair Harris, who presided.

ROLL CALL

Upon roll call by the Commission Clerk, the following Commissioners were present: Chair Harris, Commissioners Sands, McClelland, Phisuthikul and MacCully. Vice Chair Piro, Commissioner Hall and Commissioner Kuboi were excused.

APPROVAL OF AGENDA

The Commission unanimously approved the agenda as written.

APPROVAL OF MINUTES

The minutes of September 16, 2004, September 28, 2004 and September 29, 2004 were approved as written. The minutes of September 30, 2004 were approved as changed.

Commissioner MacCully recalled that Mr. Stewart has indicated that monument signs would be limited to 100 square feet in size, but that the size is also driven by the total amount of frontage on the property. That being the case, he pointed out that if the frontage of a property were 600 feet, four monument signs of 100 square feet each would be allowed. Mr. Stewart explained that monument signs are allowed one per street frontage per property if they are at least 150 feet apart. If the frontage were greater than 250 feet, two monument signs would be allowed if the signs were a minimum of 150 feet apart.

Commissioner MacCully said it appears that Mr. Abbott's question is related to whether or not he would be allowed to place his sign off site. Mr. Stewart said that the current sign code would not allow this to happen. In addition, the proposed amendment does not answer whether Mr. Abbott's sign package would be approved. However, if the proposed amendment were approved and Mr. Abbott enters into an agreement with Seattle City Light for joint access, he would also be able to provide a joint sign package on the Seattle City Light right-of-way.

Since the proposed amendment appears to apply to situations that involve public right-of-way, Commissioner McClelland inquired if property owners would be able to enter into an agreement that would allow signs to be placed on City-owned property, as well. Mr. Stewart explained that the proposed amendment would only apply to those cases where a joint access agreement has been worked out. Commissioner Sands said it appears that the amendment could apply to City property, as well. Mr. Stewart agreed, but pointed out that the City would have to enter into an agreement with the property owner.

Tent City

Mr. Stewart briefly reviewed the staff report for the proposed amendment related to Tent City. He recalled that the issue of "tent city" was discussed by the Commission last year when Ginger Botham suggested that there be a formal notice requirement in place. He explained that, right now, tent cities are allowed under a temporary use permit, with no public notice requirement. However, when Tent City worked with a local church community in the past, they voluntarily reached out to the community by holding neighborhood meetings.

Mr. Stewart advised that after the Planning Commission last reviewed the issue of tent cities, there was a situation in Bothell where a tent city was being proposed by the County government rather than by a local institution. In this case, there was no outreach program. The City Council expressed their concern that a similar situation could occur in Shoreline. Therefore, they suggested that the Planning Commission review the issue again. Staff is now proposing that the ordinance be amended to require formal public notice and outreach for tent city proposals. The proposed amendment would change the use standards so that a tent city would be an indexed use that would require conditional use permit notification. The amendment would also extend the time period for decision making from 15 days to 90 days. Staff believes the proposed amendment would provide sufficient advance notice. The intended outcome is that the sponsoring entity and neighborhood would be able to work together to resolve issues.

Commissioner Sands pointed out that the proposed amendment would require public notice, but there would be no opportunity for public comment. He questioned the purpose of notifying the public if there

would be no opportunity for public input. Mr. Stewart said the purpose of the proposed amendment is to include the neighbors in the process. For example, he pointed out that in the consent agreement between Share Wheel and the City of Seattle there is a voluntary notice process. Share Wheel agreed to contact the neighbors and conduct a neighborhood meeting 14 days prior to actually establishing a tent city. Commissioner Sands said the public notice requirement amounts to a courtesy so that it is not a big surprise to the neighbors.

Mr. Stewart said another consequence of the proposed amendment is that as a result of the neighborhood meeting, there would be an opportunity for the neighbors to learn more about tent city. Commissioner Sands pointed out that the proposed amendment would not require a neighborhood meeting. Mr. Stewart agreed, but said that if there were a notice requirement, the City staff would strongly encourage the applicant to work with the neighborhood. He explained that in both tent city proposals the City received previously a neighborhood process took place. Local churches sponsored both of these situations. In one case, the neighborhood meeting resulted in the church not moving forward with the application. He reminded the Commission that, currently, an entity can apply for a conditional use permit for a tent city, and there is no requirement to notify the neighborhood. He suggested that the notification requirement could minimize the concerns associated with the use.

Commissioner Phisuthikul suggested that if citizens were to receive public notice about a tent city proposal, they might assume that they would have an opportunity to provide comment. But in reality, there is really nothing the public would be able to do. He suggested that a public meeting should be required, as well. Mr. Stewart said the Commission has the ability to add the requirement that a pre-application neighborhood meeting be conducted.

Commissioner Sands inquired if staff discussed appropriate alternatives with the City Council. Mr. Stewart said the City Council has not reviewed the proposed amendment. The amendment was prepared for the Commission's review and recommendation to the City Council. The City Council could find that the proposed amendment does not go far enough in addressing their concerns. The issue could be remanded back to the Commission for further consideration and public input.

Chair Harris recalled that Commissioner MacCully requested that the issue come back before the Commission for further review because of all the uproar that occurred with the tent city situation in Bothell. He said he is still a bit confused about what would be accomplished by requiring a public notice.

Commissioner McClelland suggested that changing the time period for review to 90 days would seem to add more confusion. She questions if Share Wheel has a tentative schedule that would allow them to know where they want to locate their sites at least three months in advance. Mr. Stewart answered that the legal roots of tent city came out of the agreement with the City of Seattle, and that agreement had limitations on how long they could be at any one site. This is the standard that Share Wheel has adopted as a model. The way their program works is an invitation is extended by a local sponsor. The 90-day requirement would require the sponsor to think ahead and extend the invitation in sufficient time for the appropriate permits to be processed.

Chair Harris suggested that rather than making tent cities a modified Type A Action, they could be classified as Type B Actions. Mr. Stewart said that if tent cities were made Type B Actions, all of the standards and criteria for issuing a conditional use permit would come into play. The decision would also be opened to an administrative appeal to the Hearing Examiner. Type A actions are only appealable to court. Chair Harris asked Commissioner Sands to provide feedback as to whether tent cities should be Type A or Type B Actions. Commissioner Sands answered that either method of appeal would be equally onerous, and it is really a question of whether or not the City should allow the community to forestall the situation. The bottom line is that tent cities need a place to go, and the decision must be made relatively quickly. Commissioner Sands said that if the community of Shoreline wants to support tent cities, it would be a little disingenuous to create a process that makes it too easy for people to appeal and stop the use. He expressed his concern that the 90-day permit process is too long.

Commissioner MacCully suggested that the real issue is whether or not Shoreline, as a community, wants to allow an opportunity for tent city within the City limits. He said there are only a limited number of places where this use could locate. The reality is that it is unlikely that anyone except a church would propose to feed the poor and deal with the homeless and indigent. He said he was a church administrator for three years, and he planned a lot further than 90 days in advance for most events. It takes a lot of time to recruit volunteers. He said that even though a public meeting would not be required, the public notice requirement would give the citizens an opportunity to express their opinion to the approving authority or to City Council members. The concept of notifying people at least gives them an opportunity to say something, even if there is no public meeting. He said he doesn't feel the community should preclude the opportunity of reaching out to those who may not be as fortunate as others. He said the mechanics of creating a tent city are incredibly complex and challenging, and the City should not create additional barriers. The City has a number of different safeguards, and from all the reports he has read about the tent city experience it does not appear to be negative. He recalled that one of the most significant concerns raised was that the neighbors were not notified. He said he would support the staff recommendation and agree with the requirement of up to 90 days of notice.

Mr. Stewart clarified that all of the City permits have a target timeline for issuance. The shortest is the temporary use permit, which is 15 days. He suggested that instead of requiring public notice of the application, another option would be leave the use as a temporary use permit that would require an applicant to conduct a neighborhood meeting prior to submitting the application.

Commissioner McClelland agreed with Commissioner MacCully that if Shoreline is a city with a heart, they must do their part for those in need. This includes allowing tent city to locate in the City. She suggested that it is inappropriate to send mixed messages or be disingenuous. She noted that the 90-day requirement would be the maximum time allowed for staff to issue a permit, but the permit could be issued in a shorter period of time. Mr. Stewart said this could be possible if the application were complete and all the criteria could be met.

Commissioner McClelland said it is important to send a clear message to the public as to why they are being notified. She inquired if the City should provide ways for the public to provide comments by requiring community meetings, etc. Mr. Stewart reviewed the current code requirements for

neighborhood meetings, one of which requires an applicant to provide notice to property owners within 500 feet.

Naomi Hardy, 17256 Greenwood Place North, said she was the chairman of her neighborhood association and the first one to go through the experience of having a builder hold a neighborhood meeting. She emphasized the importance of holding the meeting in the neighborhood area at a time when most people can attend. While they started with a very contentious situation, by the time the neighborhood meetings had finished, she considered them a success. The neighbors were able to work with the developers to address the problems. She concluded that neighborhood meetings are effective.

THE PUBLIC COMMENT PORTION OF THE HEARING WAS CLOSED.

Commissioner MacCully referred to the code requirements for public notice that were described by Mr. Stewart and said he does not believe any of them could be considered onerous. Perhaps a public notice requirement would provide an opportunity for a church to reach out to the neighborhood. He said he would support an amendment that would require a neighborhood pre-application meeting along with a public notice process. He felt this would meet most of the concerns that have been expressed while still leaving the authority with the Planning Director to approve or deny an application. Commissioner McClelland said it is important to clarify that the applicant would be responsible to provide notice and conduct the pre-application meeting. Mr. Stewart said that if a pre-application meeting were required, the application could be processed by the City within 15 days since no additional notice would be necessary.

COMMISSIONER SANDS MOVED THAT THE COMMISSION RECOMMEND APPROVAL OF A PLANNING COMMISSION ALTERNATIVE AMENDMENT FOR TENT CITY (ALTERNATIVE 3 OF THE STAFF REPORT) TO REQUIRE A STANDARD NEIGHBORHOOD MEETING PRIOR TO TENT CITY APPLICATIONS BEING SUBMITTED TO THE CITY.

Commissioner Sands clarified that his motion would require a pre-application meeting, with notice as required. No additional public notice would be required after the application has been formally submitted to the City.

COMMISSIONER MACCULLY SECONDED THE MOTION.

Commissioner Phisuthikul recalled previous meetings where citizens complained that they did not receive notice. He suggested that perhaps something is missing from the process, and the City should provide more guidance to the applicant. Mr. Stewart said the City often hears that there are defects in the notice requirement for a neighborhood meeting, particularly when proposals are contentious. He said the City has the ability to check with applicants to make sure they notify everyone within 500 feet. Sometimes, citizens think they are within 500 feet of a project, when they are not. If an applicant has alleged that they have notified everyone within 500 feet and the City has facts that determine otherwise, the application would become incomplete.

Mr. Pyle explained that the King County Assessor's Office has a website that provides a list of all tax parcel owners located within a specific radius of a subject property. These addresses can be merged into a Microsoft program so that mailing labels can be produced. The City staff has produced a guide that is given to the applicants to let them know what they need to do to meet the notice requirements. Applicants are required to submit a list of the people they notified.

Commissioner McClelland clarified that the notice goes to the owners of the tax parcels. The notices are not sent to residential renters or business tenants. She suggested it would be helpful, in this case, to extend the notice requirement to capture more people's attention. Mr. Stewart reviewed the public notice requirement as follows: "The notice shall be provided at a minimum to property owners located within 500 feet of the proposal and the neighborhood chair as identified by the Shoreline Office of Neighbors." Mr. Stewart that with the City's previous tent city experience, members of the parish walked the neighborhood and talked to neighbors before the meeting to answer concerns. When the tent city was opened, many of the neighbors were invited to come and help.

Commissioner Sands asked Mr. Stewart to review the time requirement for notice of a pre-application meeting. He said it is important that the neighborhood meeting occur before a permit has been issued. Mr. Stewart explained that if neighborhood meetings are a condition of the permit, the meetings must occur prior to applications being submitted.

Mr. Stewart summarized that if the Commission approves the proposed motion, tent cities would require a temporary use permit. The requirement for the permit would include a neighborhood meeting.

THE MOTION CARRIED 5-0.

Commissioner MacCully suggested that, once the amendment is adopted, the churches should be notified that there is a procedure for them to follow if they want to host a tent city. Mr. Stewart said that, typically when churches are considering this use, they contact the City staff for guidance.

COMMISSIONER SANDS MOVED THAT THE PLANNING COMMISSION ACCEPT THE PROPOSED AMENDMENT TO THE SIGN CODE REGULATIONS (SECTION 20.50.550.C) TO INCLUDE THE LANGUAGE AS PRESENTED ON PAGE 65 OF THE STAFF REPORT PACKET IN ITS ENTIRETY. COMMISSIONER MACCULLY SECONDED THE MOTION.

Commissioner McClelland said she is still unclear about how large the combined signs could be. Mr. Stewart clarified that the cooperating parcels would be treated as one, and they would be allowed to do a joint sign parcel as if they were one.

THE MOTION CARRIED UNANIMOUSLY.

REPORTS OF COMMITTEES AND COMMISSIONERS

There were no Commissioner Reports.

20.50.550 Prohibited signs.

C. Off-site identification and signs advertising products not sold on premises.
Exception 20.50.550(C)(1): Off-site signage may be allowed in commercial zones if the Director approves a joint sign package between the owners of two or more adjoining properties sharing common access from a commercial street. In determining the total allowable size for all of the signs in the joint sign package, the Director will use the total area of signs that would be allowed for all of the participating properties if they were not proposing a joint sign package. The proposed signs must meet all applicable development standards of this code.

Citizens' Advisory Commission on Homeless Encampments
Commission Final Report
August 13, 2004

I. Executive Summary

Introductory Statements

- ***Homelessness is a national, regional and local problem that results in tragic consequences for individuals and communities***
- ***Encampments are one piece of evidence of the failure of King County and the jurisdictions and communities within it to adequately address and end the problem of homelessness***

In establishing the context for sharing its work with the King County Council, the members of the Citizens' Advisory Commission on Homeless Encampments wish to highlight the two realities stated above that reflect consensus among all of the CACHE Commissioners. This consensus, based on the local data reviewed and the extensive public testimony provided to the CACHE, emerged during deliberations and is the core foundation for the report that follows.

CACHE does not identify these two realities casually. As empowered by the County Council to speak its collective mind, CACHE determined that it would be irresponsible to provide recommendations on homeless encampments without also issuing an indictment of the region's failure to adequately address homelessness. This failure is broad and far reaching: Despite millions of dollars from many sources spent annually on homelessness and despite the efforts of elected officials, government agencies, non-profit housing and service organizations, the faith-based community and private philanthropy, several thousand individuals remain homeless each night in our King County communities. This is an unacceptable reality.

The message CACHE wishes to convey is urgency. Although most of the CACHE Commissioners view homeless encampments as something that may be part of our collective lives in King County over the short term, tent cities offer no way out of the need to aggressively identify and pursue real, long-term solutions to homelessness. Those of us who return to the comforts of permanent homes each night must squarely confront the priorities of a society that permits homelessness to exist in the midst of one of the most affluent and capable nations on the planet. We can and must do better.

We would also challenge any in our community who would cast discussions of homelessness as an issue of "us" versus "them." People who are homeless are fundamentally no different from those of us who are, for the present, housed. In fact, we realize that any one of us could become homeless tomorrow, whether as a result of earthquake, fire, unemployment, domestic violence, mental illness, substance abuse or any of the other many factors that can contribute to homelessness. People who are

homeless are an integral part of our King County communities; in working to prevent and end homelessness, all of us are doing no less than creating a safety net on which any of us might someday depend for our own survival.

Background

The King County Citizens' Advisory Commission on Homeless Encampments (CACHE) was authorized on June 17, 2004 by action of the Metropolitan King County Council.[1] CACHE, which includes 22 appointed members, was impaneled to address four specific topics related to the complex and controversial issue of encampments of persons who are homeless in King County. These specific topics are:

A. A needs assessment for homeless encampments, including an analysis of homeless shelters in King County and the date and time when demand for shelters have exceeded available space
B. Policy and procedural guidelines for determining the location of future homeless encampments
C. Options, including an analysis of the potential advantages and disadvantages, for locating homeless encampments on public land in King County
D. Options, including an analysis of the potential advantages and disadvantages, for locating homeless encampments on private land in King County.

CACHE was given a very short timeframe for the completion of its mandate: Council instructed CACHE to deliver a final report no later than August 15, 2004. During two months of activity, CACHE collected a large amount of information on homelessness in King County, consulted with legal and human service experts, and convened seven meetings, including two public hearings.

CACHE represented the diverse communities of King County, and included members from the City of Seattle, the suburban city jurisdictions and unincorporated King County. The Commissioners brought to their work a broad range of social and political perspectives that often made for lively discussion. In submitting this report, CACHE wishes to communicate that despite its diverse composition, consensus was achieved on a number of core issues directly related to the presence of homeless encampments in King County. These consensus areas are:

- The scope of homelessness and its causes are large and complex
- There is not enough affordable housing that is accessible to people who are homeless in King County
- Shelter without needed treatment and supportive services is an insufficient response to homelessness
- Shelter should be a short-term stepping point to permanent housing
- Tent cities will not solve or end homelessness

[1] King County Ordinance 14922, June 17, 2004

The CACHE would like to emphasize its consensus that encampments do not offer a desirable long-term solution to homelessness. Homeless encampments are, at best, a short-term answer to the immediate crisis of individuals living on the streets, in the woods and elsewhere in our communities, and to the dangers and risks attendant to homelessness, including individual and public safety, access to essential services and employment and a sense of community and belonging.

In issuing its report and recommendations, CACHE would like to be as clear as possible that any decision regarding homeless encampments in King County should in no way be interpreted as letting all of our cities and any of our communities "off the hook" for the far more important task of creating the full range of safe, affordable, and accessible emergency, transitional and permanent housing linked to treatment and supportive services that must be the cornerstone of any meaningful response to homelessness.

CACHE was charged to complete its work in less than two months. As much as the Commission would have liked to develop a broad range of long-term solutions to homelessness, the timeframe in which it was instructed to work and the narrow scope of its mandate limited the scope of what CACHE was reasonably able to accomplish. The Commission was, however, briefed on the numerous initiatives related to homelessness that are underway in our region. These include the Corporation for Supportive Housing sponsored *Taking Health Care Home* Initiative, United Way's *Out of the Rain* program, the emerging Committee to End Homelessness in King County's *Ten Year Plan to End Homelessness*, the Washington State *Federal Policy Academy on Chronic Homelessness*, the Washington State *Partnership for Community Safety*, as well as a range of other more broadly focused initiatives addressing human services issues in general, such as the *King County Task Force on Regional Human Services*.

In reviewing all of these related initiatives, CACHE strongly encourages careful integration of the many efforts currently underway that are seeking to address homelessness in all of its forms. Such integration activities, which CACHE hopes will also incorporate the recommendations contained in this report, will be critical to avoiding a fragmented response to a critical regional issue that demands cooperation and collaboration across the many organizations, entities and jurisdictions that operate within King County. Our regional efforts must also, of necessity, be carefully meshed with related activities at the state and federal levels, from which so many of the resources available to our region originate.

Summary of CACHE Recommendations[2]

Given CACHE's unanimous indictment of King County and the jurisdictions and communities within it as a collective failure to address the problem of homelessness in our region, the CACHE offers the following recommendations on the specific topic areas assigned to CACHE by the Council mandate.

Decision Area 1 (CACHE Vote #1): Is there a need for homeless encampments?

Analysis of the data provided to and reviewed by CACHE suggests that on any given night in King County, as many as 3,400 individuals are without a regular and consistent roof over their heads.[3] This is a deplorable condition for any community. The need for an adequate continuum of emergency, transitional and permanent housing is critical. With this perspective as its foundation, the Commission articulated the following positions:

Thirteen Commissioners voted that there is a need for homeless encampments at this time in King County. These Commissioners articulated three specific addenda to help to explicate their position:

1. A clear line in the sand must be drawn. A sunset date for phasing out encampments must be required, but only when there is no longer a need for encampments, based on the existence of an adequate continuum of emergency shelter and transitional and permanent affordable housing in King County.
2. Homeless encampments are needed at present because King County and its communities have failed to provide adequate responses to homelessness.
3. Careful management and oversight, size limits and service linkages must be critical components of approved encampments.

Four Commissioners voted against the statement that there is a need for homeless encampments at this time in King County, as qualified by the three addenda cited above. These Commissioners indicated that, with or without the three addenda, permitting encampments in King County legitimizes an unacceptable alternative for persons who are homeless and lets all of the residents of King County "off the hook" for finding and securing *more suitable and immediate* alternatives to homelessness.

[2] Of the 22 members of the CACHE, Council designated 18 as voting Commissioners and 4 as non-voting advisory Commissioners. Therefore, 18 votes is the total number of votes possible for any single decision. One Commissioner was unavailable for the meetings at which votes were tallied; this means that 17 is the actual maximum number of votes that could be recorded for each decision considered. A roll-call voting record for the 17 commissioners who voted on the different decisions approved by the CACHE is included with this report in Attachment 4.

[3] See *The 2003 Annual One Night Count of People who are Homeless in King County, Washington,* prepared by the Seattle/King County Coalition for the Homeless, in cooperation with the King County Housing and Community Development Program, the Human Services Department of the City of Seattle and the Out of the Rain Initiative of the United Way of King County, March 2004.

CACHE wishes to clarify that the vote described here on the need for homeless encampments is not a reflection of whether or not King County and its cities and communities face a major challenge in relation to the problem of homelessness. CACHE is united in affirming that this is the case. Rather, the vote described here reflects the varied thinking on whether or not homeless encampments represent an acceptable and humane response to homelessness in our communities at this time.

Decision Area 2 (CACHE Vote #2): Should Encampments Be Permitted on Public or Private Lands?

This question proved complex and challenging for the Commission. Voting on this question produced the following perspectives:

Eleven Commissioners voted to support the use of public or private lands for homeless encampments. These Commissioners articulated one specific addendum in relation to the use of public lands:

1. Specific and consistent occupancy standards/criteria must be developed for encampments on public land (including health and safety criteria).

Three Commissioners voted to support the use of private lands only for homeless encampments.

Three Commissioners voted to not permit the use of either public or private lands for homeless encampments.

This particular voting configuration may be summarized as follows:

- ***14 Commissioners support the use of private lands for homeless encampments, with three Commissioners supporting the use of private lands only***
- ***11 Commissioners support the use of public or private lands for homeless encampments***
- ***3 Commissioners do not support using either public or private lands***

Decision Area 3 (CACHE Votes #3-#17): What should be the policy and procedural guidelines for determining the location of future homeless encampments?

In order to frame discussion and decision-making on this topic area, the CACHE began its deliberations with the 2002 Consent Decree between the City of Seattle, SHARE/WHEEL and El Centro de la Raza related to homeless encampments. After careful consideration and discussion, the following guidelines were approved. The vote tallies for and against each item are provided below. Additional descriptive components for these guidelines can be found in the body of this report. Those guidelines that received the support of a majority of the Commissioners are included here; eight of the 12 guidelines received the unanimous support of the CACHE. The guidelines that were supported by a minority of the Commissioners are not provided in this executive summary but are included in the body of this report.

CACHE Votes 3-17:

3. Any organization sponsoring a homeless encampment must secure an agreement to host the encampment in writing from the host property owner. **VOTE: 17 yes/0 no**

4. For encampments on public lands, the agreement referenced above shall not be executed prior to formal opportunities for public input. **VOTE: 10 yes/7 no**

5. Any organization sponsoring a homeless encampment must promptly notify the appropriate local government department(s) responsible for land use of the agreement, including cities containing or contiguous to an encampment site. **VOTE: 17 yes/0 no**

6. Any organization sponsoring a homeless encampment must notify the local community about the following specifics:
   - ☐☐ The date encampment will begin
   - ☐☐ The length of encampment
   - ☐☐ The maximum number of residents allowed
   - ☐☐ The host location (planned site of the encampment)
   - ☐☐ The date(s), time(s), and location(s) of community meeting(s) about the encampment

   VOTE: 17 yes/0 no

7. Any organization sponsoring a homeless encampment must provide notification to the local community within a specified number of days prior to the start of the encampment:
   Require between 5-14 days advance notice: **4 votes**
   Require between 14-30 days advance notice: **10 votes**
   Require at least 30 days advance notice: **3 votes**

8. Any organization sponsoring a homeless encampment must conduct its notification activities in a specified geographic area in proximity to the site of the encampment:
   Two (2) blocks: **10 votes**
   1,320 feet / 1/4 mile: **7 votes**

9. Any organization sponsoring a homeless encampment must conduct one to two informational meetings for the neighboring community to explain the proposal and respond to questions from local residents about the encampment.
VOTE: 17 yes/0 no

10. Any organization sponsoring a homeless encampment must comply with limiting the maximum number of residents in any one encampment.
    Allow a maximum of 100 persons per encampment: **9 votes**
    Allow a maximum of 75 persons per encampment: **8 votes**

11. Any encampment must provide suitable buffers from surrounding properties.
VOTE: 17 yes/0 no

12. Any encampment must consider impacts to on and off-site parking.
VOTE: 17 yes/0 no

13. Any encampment must consider impacts to personal and environmental health, and access to human services. Locations must be adequate for carrying out the directives and expectations of Public Health – Seattle & King County. **VOTE: 17 yes/0 no**

14. The duration of stay for each encampment must be compatible with climate-related location limitations. **VOTE: 17 yes/0 no**

15. The duration of an encampment at any specific location should not exceed three consecutive months at any one time, and not exceed six months in any two-year period. **VOTE: 14 yes/3 no**
(Note: All the Commissioners agreed that an exception could be made if the site is suitable, the impact of the encampment on the surrounding community is negligible, and/or the community is supportive of continuing the encampment.)

16. King County should identify and specify King County parcels that could potentially be used for homeless encampments. **VOTE: 11 yes/3 no**

17. Multiple encampments in unincorporated King County should be spaced no less than 25 miles apart from each other. **VOTE: 9 yes/6 no/2 abstaining**

II. Background Information: About CACHE

The King County Council created the CACHE in response to the extensive public dialogue related to homeless encampments that surfaced in King County communities in the spring and summer of 2004. Homeless encampments themselves are nothing new. They were present in communities throughout the nation (including King County) during the great depression of the last century. Over the past several years, as housing costs in our regional have increased while economic conditions have worsened, local data suggests that the number of homeless persons in our region has increased steadily.

-T-

20.40.540 Temporary use.

A. A temporary use permit is a mechanism by which the City may permit a use to locate within the City (on private property or on the public rights-of-way) on an interim basis, without requiring full compliance with the Development Code standards or by which the City may permit seasonal or transient uses not otherwise permitted.

B. The Director may approve or modify and approve an application for a temporary use permit if:

1. The temporary use will not be materially detrimental to public health, safety, or welfare, nor injurious to property and improvements in the immediate vicinity of the subject temporary use; and

2. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use; and

3. Adequate parking is provided for the temporary use, and if applicable the temporary use does not create a parking shortage for the existing uses on the site; and

4. Hours of operation of the temporary use are specified; and

5. The temporary use will not create noise, light, or glare which would adversely impact surrounding uses and properties.

C. A temporary use permit is valid for up to 60 calendar days from the effective date of the permit, except that the Director may establish a shorter time frame or extend a temporary use permit for up to one year. (Ord. 238 Ch. IV § 3(B), 2000).

20.30.040 Ministerial decisions – Type A.

These decisions are based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated. These decisions are made by the Director and are exempt from notice requirements.

However, permit applications, including certain categories of building permits, and permits for projects that require a SEPA threshold determination, are subject to public notice requirements specified in Table 20.30.050 for SEPA threshold determination.

All permit review procedures and all applicable regulations and standards apply to all Type A actions. The decisions made by the Director under Type A actions shall be final. The Director's decision shall be based upon findings that the application conforms (or does not conform) to all applicable regulations and standards.

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

Action Type	Target Time Limits for Decision	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.430
11. Variances from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100, 20.40.540
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Planned Action Determination	28 days	20.90.025

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21 RCW or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4). (Ord. 352 § 1, 2004; Ord. 339 § 2, 2003; Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 244 § 3, 2000; Ord. 238 Ch. III § 3(a), 2000).

20.30.050 Administrative decisions – Type B.

The Director makes these decisions based on standards and clearly identified criteria. A neighborhood meeting, conducted by the applicant, shall be required, prior to formal submittal of an application (as specified in SMC 20.30.090). The purpose of such meeting is to receive neighborhood input and suggestions prior to application submittal.

Type B decisions require that the Director issues a written report that sets forth a decision to approve, approve with modifications, or deny the application. The Director's report will also include the City's decision under any required SEPA review.

All Director's decisions made under Type B actions are appealable in an open record appeal hearing. Such hearing shall consolidate with any appeals of SEPA negative threshold determinations. SEPA determinations of significance are appealable in an open record appeal prior to the project decision.

All appeals shall be heard by the Hearing Examiner except appeals of shoreline substantial development permits, shoreline conditional use permits, and shoreline variances that shall be appealable to the State Shorelines Hearings Board.

Table 20.30.050 – Summary of Type B Actions, Notice Requirements, Target Time Limits for Decision, and Appeal Authority

Action	Notice Requirements: Application and Decision (1), (2), (3)	Target Time Limits for Decision	Appeal Authority	Section
Type B:				
1. Binding Site Plan	Mail	90 days	HE	20.30.480
2. Conditional Use Permit (CUP)	Mail, Post Site, Newspaper	90 days	HE	20.30.300
3. Preliminary Short Subdivision	Mail, Post Site, Newspaper	90 days	HE	20.30.410
4. SEPA Threshold Determination	Mail, Post Site, Newspaper	60 days	HE	20.30.490 – 20.30.710
5. Shoreline Substantial Development Permit, Shoreline Variance and Shoreline CUP	Mail, Post Site, Newspaper	120 days	State Shorelines Hearings Board	Shoreline Master Program
6. Zoning Variances	Mail, Post Site, Newspaper	90 days	HE	20.30.310

Key: HE = Hearing Examiner
(1) Public hearing notification requirements are specified in SMC 20.30.120.
(2) Notice of application requirements are specified in SMC 20.30.120.
(3) Notice of decision requirements are specified in SMC 20.30.150.
(Ord. 299 § 1, 2002; Ord. 238 Ch. III § 3(b), 2000).

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