

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Code Amendments for Transitional Encampments, Ordinance No. 762
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Paul Cohen, Planning Manager Kim Lehmborg, Associate Planner Rachael Markle, AICP, Director
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Council Resolution No. 379, passed December 14, 2015, directs staff to review city policies and codes that may create barriers for those experiencing homelessness, and continue to support the City’s human service partner agencies. These amendments were initiated to facilitate churches and other human service non-profit organizations to provide the homeless with temporary and safe shelter without more process or expense. The Planning Commission spent significant time in formulating recommended amendments to the City’s regulations and unanimously recommended the regulations in Ordinance No. 762 following significant public comment and Commission deliberation..

RESOURCE/FINANCIAL IMPACT:

If adopted as proposed, the City would not receive fees for Temporary Use Permits (TUP) for Transitional Encampments. In the past, an average of 1.2 camps per year have applied for TUPs. Given the current fee for a TUP of \$1,500, the lost revenue would average approximately \$1,800 per year.

RECOMMENDATION

No action is required for this discussion. Ordinance No. 762 is scheduled for Council action on February 27, 2017.

Approved By: City Manager **DT** City Attorney **MK**

INTRODUCTION

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

Development Code Amendment Criteria (SMC 20.30.350)

The following criteria are to be met for approval of amendments to the Development Code:

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.

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

Goal H VII: "Collaborate with other jurisdictions and organizations to meet housing needs and address solutions that cross jurisdictional boundaries."

Policy #H19: "Encourage, assist, and support non-profit agencies that construct, manage, and provide services for affordable housing and homelessness programs within the city."

Policy #H25: "Encourage, assist, and support social and health service organizations that offer housing programs for targeted populations."

Policy #H29: "Support the development of public and private, short-term and long-term housing and services for Shoreline's population of people who are homeless."

Policy #H31: "Partner with private and not-for-profit developers, social and health service agencies, funding institutions, and all levels of government to identify and address regional housing needs."

BACKGROUND

The City has successfully approved 17 TUPs for Transitional Encampments (formerly referred to as Tent Cities) since 2005. These TUPs were administered only with the TUP criteria and staff added conditions on a permit-by-permit basis. These approvals were to balance the need to allow temporary encampments and address neighborhood concerns. Though neighbors have expressed concerns, Shoreline Police has not reported any substantiated problem with these encampments.

Currently transitional encampments are a permitted use, with indexed supplemental criteria, in all of the City's residential zones, except Town Center (TC) 1, 2 and 3 (SMC

20.40.120). Tent city is a permitted use, with indexed supplemental criteria, in all MUR zones within station areas (SMC 20.40.160).

The supplemental criteria includes the following (SMC 20.40.535):

- 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 SMC 20.30.090. A neighborhood meeting report will be required for submittal.
- C. The applicant shall utilize only government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective encampment residents to develop a list for the purpose of obtaining sex offender and warrant checks. The applicant shall submit the identification list to the King County Sheriff's Office Communications Center.
- D. The applicant shall have a code of conduct that articulates the rules and regulation of the encampment.
- E. The applicant shall keep a cumulative list of all residents who stay overnight in the encampment, including names and dates. The list shall be kept on site for the duration of the encampment. The applicant shall provide an affidavit of assurance with the permit submittal package that this procedure is being met and will continue to be updated during the duration of the encampment.

In response to the homelessness crisis, in December 2015 the City Council adopted Resolution No. 379 supporting King County's declaration of emergency due to homelessness, and expressed the City's commitment to work with King County and partner agencies on plans to address homelessness.

On August 26, 2016, the City Manager and other staff met with representatives of churches that have hosted transitional encampments in Shoreline to discuss potential changes to the City's regulations related to Transitional Encampments and how best to assist them in their efforts to host camps. A representative from a Haller Lake Church also attended as they have previously hosted the United We Stand Camp.

Staff presented Transitional Encampment Code Amendments to the Planning Commission on September 15, 2016. The Planning Commission held a public hearing on these potential amendments on October 20, 2016. Links to the public hearing staff report and minutes are here:

<http://www.shorelinewa.gov/home/showdocument?id=29221>

<http://www.cityofshoreline.com/Home/ShowDocument?id=30145>

Much of the public comment at this time expressed concern that the proposed changes to the code, which included changing the permit type from a TUP to a Transitional Encampment Permit, would allow for encampments in back yards of single-family properties. Other public comment was concerned that the code would deter encampments from Shoreline. While these were not the intent of the proposed changes, the Planning Commission continued the public hearing and asked staff to respond to a number of concerns.

Based on the concerns raised at the October 20, 2016, initial public hearing, staff proposed amendments wherein Transitional Encampment applications will not be a listed land use and continue to be processed under a Temporary Use Permit, with added criteria that staff believes will preclude incompatible siting of such encampments, for example, on single-family properties. At the continued public hearing on December 15, 2016, the Planning Commission voted to recommend the revised amendments with a few changes in wording. Links to the staff report and minutes are here:

<http://www.shorelinewa.gov/home/showdocument?id=29809>

<http://www.cityofshoreline.com/Home/ShowDocument?id=30083>

All previously permitted encampments in Shoreline were approved with TUPs only for church sites with adequate space and facilities. Applications will need to meet the criteria for TUP's, and specific additional criteria for transitional encampments, including a requirement that they be located on property owned or leased by a managing agency. Staff is proposing a fee waiver for such applications. In this way, the City will administer transitional encampments in the same manner that it has since 2005 but without the barrier of a fee, and with criteria to increase health, safety, and neighborhood welfare.

DISCUSSION

PROPOSAL & ANALYSIS

The proposed code amendments are shown in Attachment A. The explanation for each amendment is discussed below.

1. Definitions: SMC 20.20.034 & 20.20.048

Add definitions for "Managing Agency" and "Transitional Encampments." The definition states that a Managing Agency is a religious or City-recognized non-profit organization that manages a transitional encampment. This definition is inclusive of religious organizations and secular non-profit agencies such as human service agencies, housing advocacy groups, or a governmental organization. This helps to ensure that there is an entity with responsibility for compliance with the requirements of the encampment. (Note that additional criteria under SMC 20.30.295 proposes that a Managing Agency must either lease or own the land where the encampment is located). A definition of "Transitional Encampments" is added to differentiate it from a back yard camp-out for family members.

2. Neighborhood Meeting 20.30.045

Added under this section is that a neighborhood meeting is required for a TUP for a Transitional Encampment. This is not a new requirement and has been in the indexed criteria since 2005. However, this amendment clarifies the requirement by including it with the other neighborhood meeting requirements for certain Type A proposals. This section (20.30.045) was added to the code after the original transitional encampment (Tent City) indexed criteria were enacted.

3. Temporary Use Permit 20.30.295: Add Section D for Transitional Encampments Criteria under the Temporary Use Permit criteria. Move current indexed criteria from SMC 20.40.535 here and add additional criteria. This will further ensure that an application for a transitional encampment will have to meet all of the criteria for a Temporary Use Permit, plus the additional criteria specific to a Transitional Encampment. See Attachment A for new and relocated Temporary Use Permit criteria. Most of the additional criteria are standard health and safety conditions that have been required for Transitional Encampment TUP's in the past. The additional criteria included in the Planning Commission recommendation are:
 - a. Requirement for the site to be owned or leased by a Managing Agency (religious or non-profit organization).
 - b. Clarify standard timeline for the Temporary Use as 90 days with an opportunity for a 90-day extension, for a total maximum stay of 180 days. Currently, under a Temporary Use Permit, time limits can be extended for up to a year. The practice has been to allow them for 90 days, granting extensions in cases of hardship. Past practice has been to allow extensions only if there have been no reported safety or nuisance issues with the encampment; or if there have been issues, requiring they are dealt with by imposing additional conditions. Sometimes encampments have difficulty lining up a new place to move after just three months. Also, some campers have jobs or children in school which can make moving a difficulty. It was also a recommendation from the churches who have previously hosted the camps to limit the length of hosting to 180 days in order to minimize the potential attraction of unwanted wildlife to the area as a result of the extended out-door living of those in the camp.
 - c. Timeline clarifications also include a provision that Managing Agencies must allow 180 days to elapse (from the final date of permit validity) prior to hosting another transitional encampment on the same site. This will help to mitigate the impact of the transitional encampments on neighborhoods where churches regularly host the encampments.
 - d. The application fee for a TUP for a transitional encampment will be waived. If a fire permit is required, the fee for it will be waived.
 - e. A 20-foot setback from neighboring property lines be established for tents, with the Director's discretion to modify based upon site conditions and ability to meet the established criteria. Of the 23 other jurisdiction's codes that staff researched, 65% of the codes contained a setback requirement of 20 feet to residential properties. The Shoreline code requires commercial developments to maintain a 20 foot setback from single-family (R-4 and R-6 zones) zoned properties. There is also a provision in Shoreline's code that requires a 15 foot setback from single-family zoned properties for developments of three or more units on a single lot.
 - f. Adding a requirement for the site to be restored to its original condition upon termination of the permit.
4. Use Tables (20.40.140, 20.40.150 and 20.40.160): Remove Transitional Encampments as a land use from the land use tables so that they will be

processed only under the Temporary Use Permit provisions, which are used for *“transitional uses not otherwise allowed in the zone.”*

Indexed Criteria 20.40.535. Move indexed criteria under 20.40 (Permitted Uses) to new section under 20.30.295 (Temporary Use Permits for Transitional Encampments).

RESOURCE/FINANCIAL IMPACT

If adopted as proposed, the City would not receive fees for Temporary Use Permits (TUP) for Transitional Encampments. In the past, an average of 1.2 camps per year have applied for TUPs. Given the current fee for a TUP of \$1,500, the lost revenue would average approximately \$1,800 per year.

RECOMMENDATION

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ATTACHMENT

Attachment A: Recommended Transitional Encampment Code Amendments
Attachment B: Draft Ordinance 762

Amendment #1 - Definitions.

20.20.034 M definitions.

Managing agency: Managing agency means a religious or City-recognized non-profit organization that manages a transitional encampment.

20.20.048 T definitions.

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

Amendment #2 Neighborhood meeting

20.30.045 Neighborhood meeting for certain Type A proposals. 

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

2. A neighborhood meeting shall be conducted by the applicant for developments consisting of more than one single-family detached dwelling unit on a single parcel in the R-4 or R-6 zones. This requirement does not apply to accessory dwelling units (ADUs). This neighborhood meeting will satisfy the neighborhood meeting requirements when and if an applicant applies for a subdivision (refer to SMC [20.30.090](#) for meeting requirements). (Ord. 695 § 1 (Exh. A), 2014).

Amendment #3 Additional TUP Criteria for Transitional Encampments

20.30.295 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;
2. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use;
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;
4. Hours of operation of the temporary use are specified;
5. The temporary use will not create noise, light, or glare which would adversely impact surrounding uses and properties; and

6. The temporary use is not in conflict with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and is located outside the shoreline jurisdiction regulated by the Shoreline Master Program, SMC Title 20, Division II.

C. Except for Transitional Encampments, 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. 724 § 1 (Exh. A), 2015; Ord. 425 § 1, 2006).

D. Additional Criteria for Transitional Encampment. 

1. The site must be owned or leased by a Managing Agency.

2. The application fee for a Temporary Use Permit (TUP) for a transitional encampment is waived.

3. Prior to application submittal, the applicant is required to hold a neighborhood meeting and provide a written summary as set forth in SMC 20.30.045 and 20.30.090.

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 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 Director based on site conditions or in order to bring the site into compliance with the criteria.

b. Screening is required for mitigation of visual appearance to the street and neighboring properties. There shall be screening fence installed wherever the camp is visible from streets or residential properties. The color of the screening shall not be black.

c. A fire permit is required for all tents over 400 square feet. Fire permit fees are waived.

d. All tents must be made of fire resistant materials and labeled as such.

- e. Provide adequate number of 2A-10BC rated fire extinguishers so that they are not more than 75 feet travel distance from any portion of the complex. Recommend additional extinguishers in cooking area & approved smoking area.
- f. Smoking in designated areas only; these areas must be a minimum of 25 feet from any neighboring residential property. Provide ash trays in areas approved for smoking.
- g. Emergency vehicle access to the site must be maintained at all times.
- h. Security personnel shall monitor entry points at all times. A working telephone shall be available to security personnel at all times.
- i. Provide adequate sanitary facilities.

7. The encampment shall permit inspections by City, King County Health Department, and Fire Department inspectors at reasonable times during the permit period without prior notice to ensure compliance with the conditions of the permit.

8. The encampment shall allow for an inspection by the Shoreline Fire Department during the initial week of the encampment's occupancy

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 in good standing have shown to be compliant with all regulations and requirements of the TUP process, with no record of rules violations. The extension request must be made to the City, but does not require an additional neighborhood meeting or additional application materials or fees.

10. Managing Agencies may not host a transitional encampment on the same site within 180 days of the expiration date of the TUP for a transitional encampment.

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

Amendment #4 – Use Tables.

Note: not all rows in tables are shown here in the interest of brevity and clarity.

20.40.120 Residential uses. 

Table 20.40.120 Residential Uses

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

20.40.150 Campus uses.  SHARE

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
	Tent City	P-i	-	-	-
	Wireless Telecommunication Facility	P-i			P-i
P = Permitted Use P-i = Permitted Use with Indexed Supplemental Criteria P-m = Permitted Use with approved Master Development Plan					

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
RESIDENTIAL				
	Tent City	P-i	P-i	P-i

Amendment #5. Move existing Indexed Criteria from the Use Provisions to the new section under 20.30.295, Temporary Use Permit, Section D, Additional Transitional Encampment Criteria.

20.40.535 Transitional encampment.  SHARE

~~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 SMC 20.30.090. A neighborhood meeting report will be required for submittal.~~

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

~~D.— The applicant shall have a code of conduct that articulates the rules and regulation of the encampment.~~

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

ORDINANCE NO. 762

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, TO ADDRESS TRANSITIONAL ENCAMPMENTS.

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70A RCW; and

WHEREAS, the City has traditionally permitted transitional (homeless) encampments through the issuance of a Temporary Use Permit; and

WHEREAS, the application process for a Temporary Use Permit has been considered burdensome by the hosts of such encampments, churches and human service organizations; and

WHEREAS, via the adoption of Resolution No. 379, the City Council directed staff to review policies and development code provisions that may create barriers for those experiencing homelessness; and

WHEREAS, staff worked with interested members of the public, churches, and human service organizations in addition to reviewing regulations of other municipalities; and

WHEREAS, on September 15, 2016, the City of Shoreline Planning Commission reviewed the proposed Development Code amendments; and

WHEREAS, on October 20, 2016, the City of Shoreline Planning Commission held a public hearing on the proposed Development Code amendments so as to receive public testimony; and

WHEREAS, the Planning Commission continued the public hearing so as to allow the staff time to respond to public and commission questions and concerns; and

WHEREAS, on December 15, 2016, at the continued public hearing, the Planning Commission considered revisions to the proposed Development Code amendments and, at the conclusion of public hearing, the Planning Commission, after adopting several revisions to the proposal submitted by staff, recommended approval of the amendments to the City Council; and

WHEREAS, on January 30, 2017, the City Council held a study session on the proposed Development Code amendments; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City provided public notice of the amendments and the public hearing as provided in SMC 20.30.070; and

WHEREAS, the environmental impacts of the proposed amendments resulted in the issuance of a Determination of Non-Significance (DNS) on October 13, 2016, and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, the City Council has determined that the amendments are consistent with and implement the Shoreline Comprehensive Plan and serves the purpose of the Unified Development Code as set forth in SMC 20.10.020;

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

Section 1. Amendment. Title 20 of the Shoreline Municipal Code, Unified Development Code, is amended as set forth in Exhibit A to this Ordinance.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON ____, FEBRUARY, 2017.

Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret King
City Attorney

Date of Publication: , 2017
Effective Date: , 2017