



# Homeless Encampment Ordinance

MRSC

ORDINANCE NO. 4047

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO ZONING, PLANNING, AND LAND USE AND AMENDING CHAPTER 127, "TEMPORARY USE PERMITS," OF THE KIRKLAND ZONING CODE, ORDINANCE NO. 3719 AS AMENDED, TO ADDRESS HOMELESS ENCAMPMENTS, FILE NO. ZON05-00028.

WHEREAS, the City Council passed Ordinance No. 4040 on February 21, 2006, to amend Chapter 127, "Temporary Use Permits," of the Kirkland Zoning Code, Ordinance No. 3719 as amended, to address homeless encampments, bearing Kirkland Department of Planning and Community Development File No. ZON05-00028; and

WHEREAS, the Houghton Community Council considered Ordinance No. 4040 on February 27, 2006, in open meeting and by majority vote passed Resolution 2006-1 to disapprove it thereby exercising the disapproval authority provided by RCW 35.14.030 and KMC 2.12.040; and

WHEREAS, the Houghton Community Council differed with the substance of Ordinance No. 4040 only with respect to the sponsorship of homeless encampments determining that homeless encampments should only be sponsored by churches; and

WHEREAS, on March 21, 2006, the City Council reconsidered the position of the Houghton Community Council on the sponsorship issue and chooses to amend Chapter 127.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Kirkland as follows:

Section 1. Zoning text amended: The following specified sections of the text of Ordinance No. 3719 as amended, the Kirkland Zoning Ordinance, be and they hereby are amended to read as set forth in Attachment A attached to this Ordinance and incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance, including those parts adopted by reference, is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. To the extent the subject matter of this Ordinance, pursuant to Ordinance No. 2001, is subject to the disapproval jurisdiction of the Houghton Community Council, this Ordinance shall become effective within the Houghton Community Municipal Corporation only upon approval of the Houghton Community Council or the failure of said Community Council to disapprove this Ordinance within 60 days of the date of the passage of this Ordinance.

Section 4. Except as provided in Section 3, this Ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council.

MAR 27 2006

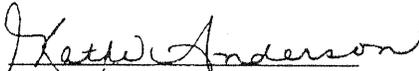
Section 5. A complete copy of this Ordinance, including Findings, Conclusions and Recommendations adopted by reference, shall be certified by the City Clerk, who shall then forward the certified copy to the King County Department of Assessments.

PASSED by majority vote of the Kirkland City Council in open meeting this 21st day of March, 2006

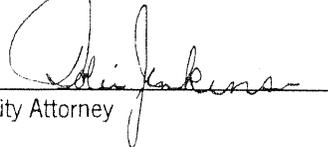
SIGNED IN AUTHENTICATION thereof this 21st day of March, 2006

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
City Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney

## 127.25.1. Definitions

- c. Sponsor – ~~An entity~~ ~~A local church or other local, community based organization~~ that has an agreement with the managing agency to provide basic services and support for the residents of a homeless encampment and liaison with the surrounding community and joins with the managing agency in an application for a temporary use permit. A "sponsor" may be the same entity as the managing agency.

## 2. Standards

- a. An application for a homeless encampment must include a local church or other community based organization as a sponsor or managing agency. Within the disapproval jurisdiction of the Houghton Community Council, an application must include a local church as a sponsor or managing agency.
- b. The encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.
- c. Sight obscuring fencing is required around the perimeter of the homeless encampment unless the Planning Director determines that there is sufficient vegetation, topographic variation, or other site condition such that fencing would not be needed.
- d. Exterior lighting must be directed downward and contained within the homeless encampment.
- e. The maximum number of residents within a homeless encampment is 100.
- f. Parking for 5 vehicles shall be provided.
- g. A transportation plan is required which shall include provision of transit services.
- h. The homeless encampment shall be located within ½ mile of transit service.
- i. No children under 18 are allowed in the homeless encampment. If a child under the age of 18 attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.
- j. No animals shall be permitted in encampments except for service animals.

- k. A Code of Conduct is required to be enforced by the managing agency. The Code shall contain the following as a minimum:
- i. No drugs or alcohol.
  - ii. No weapons.
  - iii. No violence.
  - iv. No open flames.
  - v. No loitering in the surrounding neighborhood.
  - vi. Quiet hours.
- l. The managing agency shall ensure compliance with Washington State and City codes concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire resistant materials.
- m. The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All requirements by the Kirkland Police Department related to identified sex offenders or prospective residents with warrants shall be met.
- n. The managing agency shall permit daily inspections by the City and/or Health Department to check compliance with the standards for homeless encampments.

**CITY OF MOUNTLAKE TERRACE**

**ORDINANCE NO. 2568**

**AN ORDINANCE OF THE CITY OF MOUNTLAKE TERRACE,  
WASHINGTON, ADDING A NEW CHAPTER ENTITLED TEMPORARY  
SHELTER ENCAMPMENTS TO TITLE 19 ZONING CODE TO  
ADDRESS HOMELESS ENCAMPMENTS**

**WHEREAS**, RCW 35.21.915 was enacted by the state legislature in 2010 requiring cities to allow temporary encampments for homeless persons subject to certain specified conditions; and

**WHEREAS**, the City Council desires to adopt regulations that provide for temporary shelter encampments while protecting public health and safety and meeting state laws; and

**WHEREAS**, after proper public notice, the Planning Commission and the City Council each held a public hearing on a proposal for regulations on the permitting of temporary encampments for homeless persons; and

**WHEREAS**, a SEPA checklist was prepared and a Determination of Non-Significance was issued and all relevant procedural requirements of the State Environmental Policy Act have been satisfied; and

**WHEREAS**, the proposal amends the text of the Zoning Code and such amendments may be adopted by the City Council only if the Council finds that said amendments conform to the criteria in MTMC 19.110.240.C; and

**WHEREAS**, after consideration of the record, the City Council finds that the proposal meets the requirements of the Growth Management Act and the criteria in MTMC 19.110.240.C because the proposed amendments establish a permit process and provide standards for public health and safety for temporary shelter encampments for homeless persons within the City, consistent with the criteria in MTMC 19.110.240.C, and, taken in its entirety, the proposal: (a) is in conformance with the goals and objectives of the Comprehensive Plan; (b) promotes the health, welfare, and safety of the general public; and (c) will not create excessive additional requirements at public cost for public facilities and services;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNTLAKE TERRACE DOES ORDAIN ZONING CODE AMENDMENTS AS FOLLOWS:**

**Section 1.** The Recitals set forth above are hereby adopted and incorporated as Findings of Fact and/or Conclusion of Law of the City Council. The City Council bases its findings and conclusions on the entire record of testimony and exhibits, including all written and oral testimony before the Planning Commission and the City Council.

**Section 2.** A new Mountlake Terrace Municipal Code Section 19.111, Temporary Shelter Encampments, is hereby created to read as follows:

### **Chapter 19.111 – Temporary Shelter Encampments**

#### Sections:

- 19.111.010 Purpose.
- 19.111.020 Definitions.
- 19.111.030 Process for allowing temporary shelter encampments.
- 19.111.040 Information required in permit application.
- 19.111.050 Criteria for permit decision.
- 19.111.060 Performance requirements.
- 19.111.070 Frequency and duration of use.
- 19.111.080 Removal of use.
- 19.111.090 Termination.
- 19.111.100 Revocation.

#### **19.111.010 Purpose.**

The purpose of this chapter is to provide a permitting process and standards for temporary shelter encampments for homeless persons, consistent with state laws, whether the cause of homelessness is related to social/economic issues or to a natural disaster.

#### **19.111.020 Definitions.**

“Temporary Shelter Encampment” means a site for a group of homeless persons temporarily residing on a site, either out of doors or in a suitable building.

“Managing Agency” means an organization that is responsible for organizing and managing a temporary shelter encampment. (Note: The managing agency may be the same entity as the sponsor.)

“Sponsor” means an entity that is hosting a temporary shelter encampment on property it owns or controls and that serves as a liaison with the surrounding community.

#### **19.111.030 Permitting process.**

A. Temporary shelter encampments, as authorized under RCW 35.21.915, may be permitted as a temporary use in any zone, provided that requirements of this chapter are met and the temporary shelter encampment site is not within a critical area or its buffer, as defined in Chapter 16.15 MTMC. The Director of the Community and Economic Development Department may issue a temporary shelter encampment permit subject to the criteria and requirements of this chapter.

B. A temporary shelter encampment permit is required prior to any temporary shelter encampment being located within the City, provided that the City Manager may declare an emergency due to a natural disaster or other catastrophe and direct the establishment of a temporary encampment, in which case the requirements of this chapter are waived.

C. An application for a temporary shelter encampment permit shall be submitted to the Department on a form prescribed by the Department at least sixty (60) days in advance of a planned encampment.

1. The application shall be on a form prescribed by the Department and containing

information pursuant to 19.111.040.

2. A notice of application shall be posted on-site and on the City's internet website and mailed to surrounding properties within 300 feet of the proposed encampment site at least thirty (30) calendar days in advance of a planned encampment. The notice must include a description of the proposal, the address of the planned encampment, the location, time and place of a public information meeting about the proposal, the name of the sponsor, and the City's location and electronic mail address to which comments may be submitted.

D. A public information meeting shall be held by the sponsor at a suitable location within the City at least 30 days prior to the planned encampment.

E. A decision by the Director shall be made within fourteen(14) calendar days of the public information meeting,

F. A notice of the Director's decision or summary thereof and the appeal procedure shall be distributed to the parties of record.

G. The Director's decision may be appealed to the Hearing Examiner pursuant to MTMC 19.110.100.A.

#### **19.111.040 Information required in permit application.**

The following information is required in the permit application:

- A. Address of proposed encampment;
- B. Name and address of property owner where encampment is proposed to locate;
- C. Name and signature of sponsor and managing agency, with contact information;
- D. Planned date to start encampment use (at least sixty (60) days from date of permit submittal) and to end encampment (no more than ninety (90) days from encampment's permitted start date);
- E. Number of residents to be accommodated on the site;
- F. Site plan, drawn to scale, to show the location of all on-site facilities, uses, and internal circulation and to show the relationship of the site with adjacent streets and abutting properties;
- G. Traffic plan unless otherwise determined by the City to not be needed;
- H. Plan for managing garbage and recycling;
- I. Code of conduct for encampment residents, pursuant to 19.111.060.K;
- J. Information related to decision criteria and performance requirements of this chapter;
- K. Photos of before-encampment conditions on the site;
- L. A certificate of liability insurance for at least one million dollars pertaining to the temporary shelter encampment and naming the City as insured, provided that a religious organization, as defined in RCW 35.21.915(1) shall not be required to provide such insurance; and
- M. Other information as required by the Department;

#### **19.111.050 Criteria for permit decision.**

The permit application may be approved, approved with conditions, or denied, based on the following criteria:

- A. The proposal meets all requirements of this chapter.
- B. The proposal provides for the health, welfare, and safety of the temporary shelter encampment residents.
- C. The proposal provides for the health, welfare, and safety of the surrounding neighborhood.

**19.111.060 Performance requirements.**

A. Residents of the encampment shall be allowed to occupy membrane structures (such as tents) on the site, provided that no cooking is done within such structures unless otherwise approved by the Fire Marshal.

B. Pursuant to the terms of the temporary shelter encampments permit and the latest version of Chapter 29 of the International Building Code, regarding minimum plumbing fixtures and sanitation facilities, as adopted by the State of Washington, the maximum number of occupants allowed at the facility shall not be exceeded.

C. Any part of the encampment that is outdoors shall be at least 20 feet from the property line of abutting properties that contain residential uses.

D. For any part of the encampment containing outdoor sanitation facilities, a sight-obscuring fencing is required to screen the facilities from the public right of way and any adjacent property unless the Director determines that the site has sufficient vegetation, topographic variation, or other conditions such that fencing would not be needed to protect public health or safety for all or part of the site.

E. Exterior lighting shall be directed downward and shall not spill onto other properties.

F. Tents over 300 square feet in size and canopies in excess of 400 square feet shall utilize flame retardant materials.

G. Any required traffic plan shall be implemented by the managing agency.

H. At least 3 parking spaces, excluding any parking spaces that are required by the zoning code for other uses on the site, shall be provided for vehicle parking and loading.

I. Anyone staying overnight at the encampment who is under the age of 18 years must be accompanied by a parent or legal guardian.

J. No animals, except for service animals, shall be allowed in the encampment.

K. A code of conduct is required to be enforced by the managing agency. A code of conduct shall contain the following as minimum requirements:

- a. No drugs or alcohol
- b. No weapons
- c. No violence
- d. No open flames
- e. Quiet hours (starting no later than 10 pm and ending no earlier than 7 am of each day)
- f. No garbage or debris left outside, except as disposed of in proper garbage or recycling containers

L. The managing agency shall expel any person(s) for disorderly conduct, noise violations, lewd conduct, violations of the code of conduct and any violations of law.

M. The managing agency shall ensure compliance with state statutes and city codes for drinking water connections, human waste, solid waste disposal, electrical systems, fire-resistant materials, and any other health or safety requirements. The sponsor and the managing agency shall permit inspections by state and local agencies and City departments to ensure such compliance and shall implement all directives resulting therefrom within the specified time period.

N. All applicable public health regulations shall be met. This requirement includes but is not limited to the provision of:

- a. Sanitary toilets
- b. Food preparation areas
- c. Hand-washing stations by toilets and food preparation areas

- d. Sleeping facilities
- e. Garbage and recycling receptacles
- O. Public health guidelines on food donations and handling and storage of food shall be followed, consistent with the requirements of the Snohomish County health district.
- P. The sponsor and managing agency shall designate points of contact for the City's police department. At least one designated point of contact shall be on duty at all times. The names of the on-duty points of contact shall be posted in a designated place on the site and their contact information shall be provided to the City's police department.
- Q. The sponsor and managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All requirements by the Mountlake Terrace Police Department related to identified sex offenders or prospective residents with warrants shall be met.
- R. The sponsor and managing agency shall keep a log of names and dates of all people who stay overnight in the temporary shelter encampment and shall maintain this record for at least six months from the termination of the encampment.
- S. The sponsor and managing agency shall immediately contact the Police Department if someone is rejected or ejected from the encampment when the reason for rejection or ejection is an active warrant or a match on a sex offender check or if, in the opinion of the on-duty point of contact or on-duty security staff, the rejected/ejected person is a potential threat to the community.
- T. The managing agency shall permit daily inspections by the City, Fire District, and/or county health district to check compliance with the standards for such encampments.

**19.111.070 Frequency and duration of use.**

The Director may grant a temporary use permit at the same site no more frequently than once in any 365-day period and for a period of no more than ninety (90) days.

**19.111.080 Removal of use.**

The Director shall designate, as part of the temporary shelter encampment permit, a time period following the expiration of the permit within which the temporary use must be terminated, all physical evidence of the use must be removed by the sponsor, and any required vegetation must be restored or replanted. If the temporary use and all physical evidence of the use are not removed with the time specified, the City may remove it under the authority provided in MTMC 8.15.100.C.

**19.111.090 Termination.**

If the managing agency fails to take action against a resident who violates the terms and conditions of this permit it may result in immediate termination of the permit.

**19.111.100 Revocation.**

If the performance requirements of this chapter or the conditions of the temporary shelter encampment permit are violated, notice of the violation by the City may be served on the temporary shelter encampment's managing agency and/or sponsor. Upon determination that there has been a third and subsequent violation, the Director may give written notice to the permit holder describing the alleged violations. Within fourteen (14) days of the mailing of

notice of the violations, the permit holder shall show cause why the permit should not be revoked. At the end of the fourteen (14) day period, the Director shall sustain or revoke the permit. When a temporary shelter encampment permit is revoked, the Director shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeal of the Director's decision to revoke a temporary shelter encampment permit shall be made to the Hearing Examiner pursuant to MTMC 19.110.100.A. Upon revocation of the temporary shelter encampment permit, the sponsor shall be required to remove all physical evidences of the use and to restore or replant any required vegetation within ten (10) days of the temporary shelter encampment's required termination.

**Section 3. Conflicts.** All ordinances or parts of ordinances of the City of Mountlake Terrace in conflict herewith, be and the same, are hereby repealed.

**Section 4. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any section, sentence, clause or phrase of this Ordinance.

**Section 5. Summary.** This Ordinance or a summary thereof consisting of the title, shall be published in the official newspaper of the City and shall take effect and be in full force five days after the date of publication.

PASSED by the City Council this 5<sup>th</sup> day of July, 2011 and signed in authentication of its passage this 5<sup>th</sup> day of July, 2011.

  
MAYOR JERRY SMITH

ATTEST:   
City Clerk

APPROVED AS TO FORM: Gregory G. Schrag, City Attorney

Updated 06/2013

# Homeless Housing

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  - [Affordable Housing Ordinances/Flexible Provisions](#)

## Introduction

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This page focuses principally on two aspects of homeless housing: the ten year plans to end chronic homelessness by 2015 and the tent city movement that started around 2002.

### How Many Homeless Persons?

The most recent available data on homelessness is the 2012 point-in-time counts as reported by jurisdictions to the U.S. Department of Housing and Urban Development (HUD). Washington's Point-in-Time Count for 2013 was January 24, 2013 and data was to be reported to HUD March 6, 2013.

In January 2012, the State of Washington's homeless population was 20,504; 15,027 were living in emergency shelters or transitional housing and 5,477 were unsheltered - living on the streets, or in cars, abandoned buildings, or other places not intended for human habitation. The percent of change in the number of homeless people in Washington between 2011 and 2012 was 0.3% The national rate of homelessness in 2012 was 20 homeless persons per 10,000 general population. In Washington it was 30 homeless persons per 10,000 general population. Washington ranked 43rd in overall homelessness compared to the other states.

In the 2012 point-in time count, ten percent of Washington's homeless population was chronically homeless. The number of homeless people in families in 2012 was 9,231. The number of family households was 2,871 - a slight decrease from 2011. Washington's homeless veteran population in 2012 was 1475 persons. The state ranked 24.7 in the number of homeless veterans per 10,000 Veterans in the general population. For data references, see the National Alliance to End Homelessness, *State of Homelessness in America 2013 Appendices* and for more detailed state information, see Department of Commerce, [Washington State Point in Time Count of Homeless Persons](#) ([PDF](#)), January 2012.

In 2005 the Washington state legislature passed the Homelessness Housing Assistance Act, concluding that the fiscal and societal costs of homelessness are high for both the public and private sectors, and that ending homelessness should be a goal for state and local government. The ultimate goal of ending homelessness is to end homelessness in Washington by July 1, 2015.

## Legislation

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### Legislation on Homeless Housing Plans

The Homelessness Housing and Assistance Act ([Ch. 43.185C RCW](#)), passed in 2005, established a statewide homeless housing program with the goal of ending homelessness in Washington State within the next 10 years. See Department of Commerce [Homeless Plan](#).

Laws of 2005, ch. 484 (ESSHB 2163) (2005) provided that local governments that choose to participate in the homeless housing program must create and implement a program to reduce homelessness by 50 percent within 10 years. The program establishes a \$10 additional surcharge on document recording, a state competitive grant program, and a statewide homeless census.

Laws of 2005, ch. 485 (SSB 5767) (2005) provided that counties that opt to participate in the homeless housing program must create a task force to develop a 10-year plan, addressing short and long term housing solutions for the homeless. As needed, each task force must adopt guidelines for establishing emergency shelters, temporary encampments, and supportive housing. Counties that already have an existing group focused on homelessness are not required to create a new task force. Counties may decline to participate in the program by forwarding a resolution to the Department of Commerce, in which case the department will contract with a nonprofit entity to develop the county's plan. Local governments that choose to participate may develop their 10-year plans individually, create a joint plan with other local governments, or contract with another entity to develop the plan.

### **Legislation on Temporary Encampments for the Homeless**

In 2010, the Washington Legislature passed Ch. 175 (ESHB 1956), codified as RCW 36.01.290 which authorized religious organizations to host temporary encampments for homeless persons on property owned or controlled by a religious organization. The legislation grants broad authority to religious organizations to provide shelter or housing to homeless persons on property owned or controlled by such organizations. It prohibits local governments from enacting an ordinance or regulation that imposes conditions other than those necessary to protect the public health and safety and that do not substantially burden the decisions or actions of a religious organization with respect to the provision of homeless housing. It also prohibits the imposition of permit fees in excess of the actual costs associated with the review and approval of the required permit applications for homeless housing encampments. (From House Bill Report ESHB 1956 (2010))

### **Local Government Planning and Programs**

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Washington jurisdictions have developed strategic plans to end homelessness. A few have been listed here.

- Adams County Homelessness: Break the Cycle (2016), written by Barbara A. Anderson and Steven L. Lodahl, edited by Adams County Emergency Food and Shelter Board, Housing Task Force, 2006-2016 - A ten year plan for Adams County
- Benton County Interlocal agreement between Benton County and the cities of Benton City, Kennewick, Prosser, Richland and West Richland for providing for local homeless housing and assistance plans and programs (2012)
- Chelan-Douglas County Chelan-Douglas Plan to End Homelessness, City of Wenatchee website - Provides link to ten year plan, updates, and accomplishments
- Clark County Homelessness Housing & Assistance Act - Provides copies of ten year plan and updates
- Grays Harbor County Grays Harbor County Housing and Homeless Plans
- King County Homeless Programs
  - Committee to End Homelessness in King County
  - A Roof Over Every Bed in King County: Our Community's Ten-Year Plan to End Homelessness
    - Bellevue Resolution No. 7322 (2006), passed 01/17/2006 - States the intent of the City of Bellevue to work with other organizations and governmental entities in the implementation of this plan
    - Seattle Resolution No. 30758, passed 04/11/2005 - Endorses the goals of "A Roof Over Every Bed in King County: Our Community's Ten-Year Plan to End Homelessness" and states the city's intent to work with other organizations and governmental entities in the implementation of this plan
- Pierce County Homelessness - Provides link to 2012 Tacoma, Lakewood, Pierce County Continuum of Care plan.
  - Pierce County Resolution No. R2005-154 (2005) - Adopts the road home: homeless housing and assistance plan to reduce homelessness by 50 percent in 2015

- [The Road Home: A Ten Year Plan to End Chronic Homelessness in Pierce County](#) (PDF)
- [Tacoma/Pierce County Coalition for the Homeless](#) - The Tacoma-Pierce County Coalition to End Homelessness is the City of Tacoma and Pierce County's response to homelessness. It is the mission of the Coalition to preserve and create affordable housing, prevent homelessness, restore homeless persons to stable living environments, and promote community awareness of homelessness issues through education, legislative advocacy, mutual support and the sharing of resources.
- Spokane County - Spokane Community, Housing, and Community Services [Homeless](#) - A Joint Initiative of the City of Spokane and Spokane County
- Whatcom County - Bellingham
  - [Whatcom County Coalition for the Homeless](#), Bellingham Planning and Community Development
  - [A Way Back Home: A Ten-Year Plan to End Chronic Homelessness in Whatcom County](#) (PDF), City of Bellingham and Low Income Housing Institute, 2003-2013
  - Whatcom County [Resolution No. 2005-077](#) (PDF), passed 12/13/2005 - Adopts the Whatcom County 10-Year Homeless Housing Plan as recommended by the Whatcom County Advisory Committee (copy of plan attached to Resolution, entitled: A Home for Everyone, Whatcom County 10-Year Homeless Housing Plan, Phase 1)
- Yakima County [A 10-Year Plan to End Homelessness in Yakima County](#) (PDF), Homeless Network of Yakima County, 2006
  - Yakima County [Resolution 66-2005](#) (PDF), passed 01/2005 - County endorses the Homeless Network Plan
  - [City of Yakima Proclamation](#) (PDF), 02/15/2005 - Supports the goals and strategies expressed in the Homeless Network of Yakima County Ten Year Plan to End Chronic Homelessness

## **Tent City - Temporary Homeless Encampments**

The Tent Cities are temporary encampments of homeless persons who live in a group of tents on the property of a host for approximately 90 days. The camps have managers and a code of conduct for residents. To accommodate homeless encampments jurisdictions have developed regulations consistent with [RCW 36.01.290](#). A few are provided as examples. Most of the provisions are in response to the movement of Tent Cities around King County. The program in King County is sponsored and managed by [SHARE/WHEEL](#) [Seattle Housing and Resource Efforts (SHARE) and Women's Housing, Equality, and Enhancement League (WHEEL)]. The first community, called Tent City 3, was located in Seattle. The program was allowed to continue in Seattle under a 2002 consent decree. SHARE/WHEEL Tent City 3 has had camp sites in the communities on the west side of Lake Washington. Share/Wheel established Tent City 4 in the spring of 2004 on the Eastside after working out an agreement with King County. Local governments in King County issue conditional use permits for the temporary camps, and Seattle-King County Public Health provides support services to camp managers.

## **Tent City Provisions**

- King County [Citizen's Advisory Commission on Homeless Encampments Final Report](#) (PDF), 08/13/2004 - The Metropolitan King County Council created the King County Citizens' Advisory Commission on Homeless Encampments (CACHE) in 2004 to address four specific topics related to the complex and controversial issue of encampments of persons who are homeless in King County.
- Edmonds Municipal Code [Ch. 17.20](#) - Temporary Homeless Encampment
- Bothell [Ordinance No. 1955](#) (PDF), passed 12/2005 - Establishes regulations concerning transitory accommodations Also see Bothell Municipal Code [Section 12.06.160](#) - Temporary uses.
- Kirkland [Homeless Encampments](#)
  - Kirkland [Ordinance No. 4047](#) (PDF) - Temporary use provisions for homeless encampments. See also provisions in the Kirkland Zoning Code [Ch. 127](#) - Temporary Use
- Lynnwood Municipal Code [Ch. 21.74](#) - Temporary Tent Encampments
- Mercer Island [Tent City Information](#)
- Mountlake Terrace [Ordinance No. 2568](#) (PDF) - Adds Ch. 19.111 on temporary shelter encampments, passed 07/05/2011
- Olympia Municipal Code [Homeless Encampments](#)

- Seattle
  - [Considering Our Options for a City-Sanctioned Homeless Encampment](#), Mayor McGuinn, 11/08/2010
  - [Consent Decree \(PDF\)](#) between SHARE/WHEEL, El Centro de la Raza and the City of Seattle, 03/13/2002 - Tent City 3 is governed by its consent decree with the City of Seattle when it locates within city boundaries. That consent decree was signed in 2002. It is a different model but similar to the King County model. (The county used Seattle's consent decree in settling with SHARE/WHEEL regarding the dispute over the first siting of Tent City 4 in Bothell.) The city's consent decree operates as an omnibus temporary use permit.
- Shoreline [Ordinance No. 368 \(PDF\)](#), passed 02/2005 - Amended Ch. 20.40 of the development code. It requires applicant to hold a neighborhood meeting prior to application
- Spokane Municipal Code [Ch. 10.08C Homeless Encampments](#)
- Tacoma [Housing First Encampment Elimination Program](#)
  - [Get the Facts / Contact Us / Maps](#)
- Woodinville (Tent City 4) - [Chronology of Tent City 4 in Woodinville](#)

## **Additional References**

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- [Homeless Programs](#), Washington State Department of Commerce
- [Homeless Veterans' Reintegration Program \(HVRP\) Information](#), U.S. Department of Labor
  - [Best Practice Profiles of Employment Assistance Programs](#)
- [Homeless Veterans Services](#), Washington State Department of Veterans Affairs
- [Homelessness](#), U.S. Department of Health and Human Services
  - [Strategic Action Plan on Homelessness](#), U.S. Department of Health and Human Services, 2007
- [Housing and Homelessness](#), Washington State Library - Resources to help manage mortgages and foreclosures, prevent or assist with homelessness, find affordable housing, and more
- [National Alliance to End Homelessness](#), State of Homelessness in America 2013
- [Opening Doors: Federal Strategic Plan to Prevent and End Homelessness \(PDF\)](#), United States Interagency Council on Homelessness, 2010
- [State of Homelessness in America 2013](#), National Alliance to End Homelessness
- [Toolkit for Ending Long-Term Homelessness](#), Corporation for Supportive Housing

## **Agencies and Organizations**

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- [Corporation for Supportive Housing](#)
- [Homeless Policy Academies](#), Health Resources and Services Administration
  - [Washington's In-State Academy](#)
- [Interagency Council on Homelessness](#)
- [National Alliance to End Homelessness](#)
- [Washington State Coalition for Homeless](#)
  - [Local Coalitions](#)

RESOLUTION NO. 1162 (2004)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, FINDING THAT TENT CITY 4 PRESENTS SPECIAL CIRCUMSTANCES WARRANTING A DIFFERENT REVIEW PROCESS THAN NORMALLY WOULD APPLY TO CAMPGROUNDS, AND ESTABLISHING A SPECIAL CONDITIONAL USE PERMIT PROCESS APPLICABLE SPECIFICALLY TO TENT CITY 4

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WHEREAS, King County Superior Court Judge Steven Scott ruled in a June 15, 2004, decision on a request by the City of Bothell for a preliminary injunction concerning Tent City 4, a homeless encampment operated by Share / Wheel and hosted by St. Brendan Church, that St. Brendan Church and Share / Wheel are required to obtain a permit from the City to locate and operate a homeless encampment in Bothell; and

WHEREAS, approximately one month earlier, on May 14, 2004, St. Brendan Church announced its intention to host Tent City 4, an encampment for the homeless, and subsequently, on May 17, 2004, allowed Tent City 4 to locate on the Church property without having previously obtained any approvals from the City, in violation of Bothell Municipal Code 11.20.003; and

WHEREAS, in response to the above-referenced announcement and subsequent action the Community Development Director examined the zoning regulations to determine whether an encampment for the homeless was a permitted, conditional or prohibited use, and, finding no listing in the regulations for homeless encampments and acting in accordance with Bothell Municipal Code 12.06.020, determined that the proposed use was most similar to a campground, which is a conditional use in the R5 zone in which St. Brendan Church is located; and

WHEREAS, St. Brendan Church applied for a conditional use permit, after allowing Tent City 4 to occupy the Church property, and scheduled a pre-application conference to discuss with City staff the conditional use permit process; and

WHEREAS, at the pre-application conference St. Brendan Church representatives stated their opinion that the temporary nature of a homeless encampment does not merit installation of capital improvements as would be necessary to serve a permanent campground, and as are required under Bothell Municipal Code 12.06.110B.2; and

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WHEREAS, City staff concurred with the position of the church representatives regarding the inappropriateness of the requirement in the zoning regulations to install permanent capital improvements for a one-time temporary facility; and

WHEREAS, City staff further registered concern that the normal processing time for a conditional use permit process of three to four months might be excessively lengthy to address the immediate concerns posed by Tent City 4, given that the homeless encampment had been in operation since May 17, 2004; and

WHEREAS, City staff identified to St. Brendan Church representatives an alternative approach to the standard conditional use permit process which appeared to offer a mechanism to deal with those above-mentioned concerns not adequately addressed under the standard process, said alternative approach being provided for under Bothell Municipal Code 11.04.007; and

WHEREAS, St. Brendan Church representatives on June 10, 2004 submitted a letter to the City Council requesting that the Council, in accordance with Bothell Municipal Code 11.04.007, determine that special circumstances exist which warrant a different review process than would normally be applied to campgrounds;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The need for expedited review and the inappropriateness of the requirement in the zoning regulations for permanent capital improvements to serve a temporary facility constitute special circumstances warranting a different permit review process for Tent City 4 than that which would normally apply to campgrounds.

Section 2. The request by St. Brendan Church and Share / Wheel to locate and operate Tent City 4 on property owned by St. Brendan Church shall be considered as an application for a Special Conditional Use Permit, or SCUP. The SCUP process shall consist of the following:

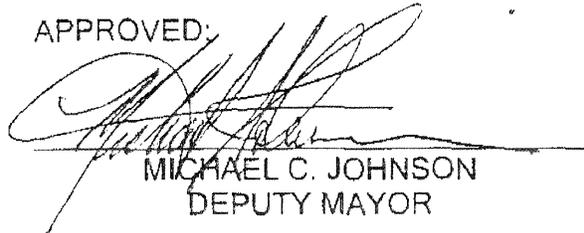
1. Scheduling a Council hearing on the SCUP for June 30, in a venue appropriate to accommodate the anticipated audience;
2. Notifying the public of the hearing via direct mail in the immediate vicinity of Tent City 4; the City website; BCTV; and press releases to all media;
3. Conducting the hearing as follows:
  - a. Staff presentation of background history;
  - b. Staff description of SCUP process;
  - c. Staff recommendations for conditions of approval;
  - d. Applicant presentation;

- e. Public testimony;
  - f. Council deliberations and direction to staff concerning conditions of approval.
4. Continuing the hearing and deliberations, or closing the hearing and continuing deliberations, to July 6;
  5. Acting on the SCUP on July 6 or a subsequent date.

Section 3. The process established in this resolution is applicable only to the Tent City 4 homeless encampment currently occupying the St. Brendan Church property and scheduled to vacate said property no later than August 15, 2004. Nothing in this particular SCUP process or in any conditions of approval resulting from this process are inherently applicable to other properties whose owners may desire to host a homeless encampment.

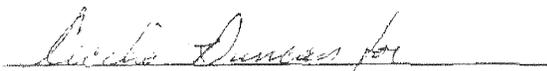
PASSED this 21st day of June, 2004.

APPROVED:



MICHAEL C. JOHNSON  
DEPUTY MAYOR

ATTEST/AUTHENTICATED:



JOANNE TRUDEL  
CITY CLERK

FILED WITH THE CITY CLERK: June 10, 2004  
PASSED BY THE CITY COUNCIL: June 21, 2004  
RESOLUTION NO.: 1162 (2004)

**ORDINANCE NO. 05-1017**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Section 15.20.020 of the Zoning Code and adding new Sections 15.10.342, 15.10.347, 15.10.612.5 and 15.20.045 to the City Zoning Code to adopt interim development standards for homeless encampments.

**WHEREAS**, the City Council was concerned that existing development regulations and design standards governing homeless encampments are not sufficient to protect the public interest regarding the City's health and safety standards; and

**WHEREAS**, to give time to research new standards, while ensuring that the aesthetic character of neighborhoods was protected, the City Council adopted interim standards governing homeless encampments under Ordinance 05-1009; and

**WHEREAS**, since the adoption of the Interim Standards, City Staff and the Planning Commission have researched and formulated the permanent development standards set forth herein considering input from the public, churches, and SHARE/WHEEL; and

**WHEREAS**, a public hearing was held on September 26, 2005 on the proposed standards; and

**WHEREAS**, the Comprehensive Plan supports implementing standards to minimize health and safety impacts and to protect the character of neighborhoods from homeless encampments (Policy 1.2A); and

**WHEREAS**, the City Council deems it to be in the best interest of the public welfare to provide for final development standards governing homeless encampments;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY ORDAIN** as follows:

Section 1. Section 15.20.020 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.20.020 Temporary Uses**

Temporary uses that shall be regulated are as follows:

- A. Carnivals, street fairs, and outdoor holiday celebrations;
- B. Seasonal sales of Christmas trees, fireworks, flowers, fruits and vegetables;
- C. Temporary construction sheds or trailers only for the duration of the construction activity; provided, that no residential or other use shall be made of such temporary construction sheds or trailers that is unrelated to the construction activity;
- D. Temporary outdoor food events related to, and on the same site, as a restaurant.
- E. Homeless Encampments allowed in all zone classifications subject to the criteria and requirements listed under SMC 15.20.045.

Section 2. A new Section 15.10.342 is hereby added to the SeaTac Municipal Code, to read as follows:

**15.10.342 Homeless Encampment**

An emergency homeless encampment, hosted by a church or other organization, which provides temporary housing to homeless persons.

Section 3. A new Section 15.10.347 is hereby added to the SeaTac Municipal Code, to read as follows:

**15.10.347 Host Agency**

The owner of the site property, being a Church or other organization that joins a sponsoring agency in an application for a City Temporary Use Permit for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals, coordination of other needed donations and services, etc.

Section 4. A new Section 15.10.612.5 is hereby added to the SeaTac Municipal Code, to read as follows:

### **15.10.612.5 Sponsoring Agency**

A Church or other organization that joins in an application with a host agency for a City Temporary Use Permit and assumes responsibility for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals, coordination of other needed donations and services, etc.

Section 5. A new Section 15.20.045 is hereby added to the SeaTac Municipal Code, to read as follows:

### **15.20.045 Homeless Encampment – Criteria/Requirements for Approval**

The City Manager or designee may issue a temporary and revocable permit for a Homeless Encampment subject to the following criteria and requirements.

#### **A. Procedure for Approval**

1. The sponsoring agency shall notify the City of the proposed Homeless Encampment a minimum of 30 days in advance of the proposed date of establishment for the Homeless Encampment and at least 14 days before submittal of the Temporary Use Permit. The advance notification shall contain the following information:
  - a. The date the Homeless Encampment will encamp.
  - b. The length of encampment.
  - c. The maximum number of residents proposed.
  - d. The host location.
2. The sponsoring agency shall conduct at least one (1) public informational meeting within, or as close to, the neighborhood where the proposed Homeless Encampment will be located, a minimum of two (2) weeks prior to the submittal of the Temporary Use Permit application. The time and location of the meeting shall be agreed upon between the City and sponsoring agency. All property owners within 1000 feet of the proposed Homeless Encampment shall be notified 14 days in advance of the meeting by the sponsoring agency.

#### **B. Site Criteria**

1. If the sponsoring agency is not the host agency of the site, the sponsoring agency shall submit a written agreement from the host agency allowing the Homeless Encampment.

2. The property must be sufficient in size to accommodate the tents and necessary on-site facilities, including, but not limited to the following:
  - a. Sanitary portable toilets in the number required to meet capacity guidelines;
  - b. Hand washing stations by the toilets and by the food areas;
  - c. Refuse receptacles; and
  - d. Food tent and security tent.
3. The host and sponsoring agencies shall provide an adequate water source to the Homeless Encampment, as approved by the local Water District and the City.
4. No Homeless Encampment shall be located with a Sensitive (Critical) Area or its buffer as defined under Chapter 15.30 of the SeaTac Municipal Code (SMC).
5. No permanent structures will be constructed for the Homeless Encampment.
6. No more than 100 residents shall be allowed. The City may further limit the number of residents as site conditions dictate.
7. Adequate on-site parking shall be provided for the Homeless Encampment. No off-site parking will be allowed. The number of vehicles used by Homeless Encampment residents shall be provided. If the Homeless Encampment is located on a site with another use, it shall be shown that the Homeless Encampment parking will not create a shortage of on-site parking for the other use/s on the property.
8. The Homeless Encampment shall be within a quarter (1/4) mile of a bus stop with seven (7) days per week service, whenever possible. If not located within a quarter mile of a bus stop, the sponsoring agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).
9. The Homeless Encampment shall be adequately buffered and screened from adjacent right-of-way and residential properties. Screening shall be a minimum height of six (6) feet and may include, but is not limited to, a combination of fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the City.

10. All sanitary portable toilets shall be screened from adjacent properties and rights-of-way. The type of screening shall be approved by the City and may include, but is not limited to, a combination of fencing and/or landscaping.

**C. Security**

1. An Operations and Security Plan for the Homeless Encampment shall be submitted to the City.
2. The host agency shall provide to all residents of the Homeless Encampment a "Code of Conduct" for living at the Homeless Encampment. A copy of the "Code of Conduct" shall be submitted to the City at the time of application.
3. All Homeless Encampment residents must sign an agreement to abide by the Code of Conduct and failure to do so shall result in the noncompliant resident's immediate and permanent expulsion from the Property.
4. The sponsoring agency shall keep a log of all people who stay overnight in the encampment, including names and birth dates, and dates of stay. Logs shall be kept for a minimum of six (6) months.
5. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID, such as a driver's license, government-issued identification card, military identification or passport from prospective and existing encampment residents.
6. The sponsoring agency will use identification to obtain sex offender and warrant checks from the King County Sheriff's Office or relevant local police department.
  - a. If said warrant and sex offender checks reveal either (1) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (2) the subject of the check is a sex offender, required to register with the County Sheriff or their county of residence pursuant to RCW 9A.44.130, then sponsoring agency will reject the subject of the check for residency to Homeless Encampment or eject the subject of the check if that person is already a Homeless Encampment resident.
  - b. The sponsoring agency shall immediately contact the SeaTac Police Department if the reason for rejection or

ejection of an individual from the Homeless Encampment is an active warrant or if, in the opinion of the on-duty Executive Committee member or the on-duty security staff the rejected/ejected person is a potential threat to the community.

7. The sponsoring agency shall self-police and self-manage its residents and flatly prohibit alcohol, drugs, weapons, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.
8. The sponsoring agency will appoint an Executive Committee member to serve "on-duty" at all times to serve as a point of contact for City of SeaTac Police and will orient the Police as to how the security tent operates. The names of the on-duty Executive Committee members will be posted daily in the security tent. The City shall provide contact numbers of non-emergency personnel which shall be posted at the security tent.

**D. Timing**

1. The duration of the Homeless Encampment shall not exceed ninety (90) days.
2. No additional homeless encampments may be allowed in any 12 month period beginning on the date the homeless encampment locates on a parcel of property.
3. No more than one (1) Homeless Encampment may be located in the City at any time.

**E. Health and Safety**

1. All temporary structures within the Homeless Encampment shall conform to all Building Codes.
2. The Homeless Encampment shall conform to the following Fire requirements.
  - a. Material used as roof covering and walls shall be of flame retardant material.
  - b. There shall be no open fires for cooking or heating.
  - c. No heating appliances within the individual tents are allowed.
  - d. No cooking appliances other than microwave appliances are allowed.

- e. An adequate number and appropriate rating of fire extinguishers shall be provided as approved by the Fire Department.
  - f. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the Fire Department
  - g. Adequate separation between tents and other structures shall be maintained as determined by the Fire Department.
  - h. Electrical service shall be in accordance with recognized and accepted practice; Electrical cords are not to be strung together and any cords used must be approved for exterior use.
3. The sponsoring and host agencies shall permit inspections by SeaTac staff and the King County Health Department at reasonable times without prior notice for compliance with the conditions of this permit.

#### **F. Termination**

1. If the sponsoring agency fails to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of the permit. If the City learns of uncontrolled violence or acts of undisciplined violence by residents of the encampment and the sponsoring agency has not adequately addressed the situation, the Temporary Use Permit may be immediately terminated.

Section 6. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor.

Section 7. The Ordinance shall be effective five (5) days after passage and publication.

**ADOPTED** this 25th day of October, 2005 and signed in authentication thereof on this 25th day of October, 2005.

**CITY OF SEATAC**

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Terry Anderson, Deputy Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Mary Mirante Bartolo, City Attorney

[Effective Date: 11/5/05 ]

[An Ordinance Adopting Interim Development Standards for Homeless Encampments]

**ORDINANCE NO. 6014**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTION 18.04.792 AND CREATING NEW SECTIONS 18.04.465, 18.04.485, 18.04.828 AND 18.46.090 OF THE AUBURN CITY CODE RELATED TO HOMELESS ENCAMPMENTS**

WHEREAS, during recent years several communities in the Puget Sound area have been approached by certain entities to allow temporary homeless tent encampments on property owned by King County and/or by other agencies or entities; and,

WHEREAS, some of the temporary tent encampments did not comply or did not fully comply with the permitting requirements of the jurisdictions in which the temporary tent encampments were located; and,

WHEREAS, the temporary tent encampments have necessitated increased police presence in the area of the temporary tent encampments to protect the public health, safety and welfare, at significant public costs; and,

WHEREAS, the Auburn Comprehensive Plan supports implementing standards to minimize health and safety impacts and to protect the character of neighborhoods from homeless encampments; and,

WHEREAS, on January 18, 2005, the Auburn City Council approved Resolution No. 3808 establishing a moratorium on the acceptance of applications for licenses, permits and approvals relating to transitory accommodations, and establishing a work plan for review and development of ordinances and regulations relating to land uses for transitory accommodations, for an initial period of one year, to: (1) properly review and assess the impacts a particular proposed transitory accommodation may have on the City and the immediate neighborhood; and, (2) determine the reasonable and appropriate measures to be taken to mitigate those identified negative impacts; and,

WHEREAS, in accordance with Washington State law including RCW Sections 35A.63.220 and 36.70A.390 and within sixty days of the date of the adoption of the moratorium, a public hearing on the moratorium was held by the Auburn City Council on March 7, 2005; and,

WHEREAS, on January 17, 2006, the Auburn City Council approved Resolution No. 3966 providing for a six month extension on moratorium on the acceptance of applications for licenses, permits and approvals relating to transitory accommodations; and,

WHEREAS, on January 17, 2006 the Auburn City Council held a public hearing on the extension of the moratorium; and,

WHEREAS, in conformity with the responsibilities of the City of Auburn to provide for zoning and land use regulations pursuant to state law, and the City's authority to regulate land use activity within its corporate limits, the City developed appropriate zoning and land use regulations for homeless encampments; and,

WHEREAS, on April 4, 2006, the City of Auburn Planning Commission held a duly noticed public hearing on the code amendment and, after considering testimony, made a recommendation to City Council, and,

WHEREAS, on May 8, 2006 the Planning and Community Development Committee of the Auburn City Council recommended approval of the proposed ordinance to the City Council.

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

**SECTION ONE. AMENDMENT TO CITY CODE.** That Section 18.04.792 of the Auburn City Code is amended to read as follows:

18.04.792 Religious institution.

"Religious institution" means an establishment that provides religious worship, religious services or religious ceremonies as its principal use with the sanctuary or principal place of worship contained within a principal building. Incidental and accessory uses that include Sunday school rooms, daycare, classrooms, kitchen, library room or reading room, recreation hall or offices are permitted in the principal building or in separate buildings. Caretaker's quarters or living quarters for employees are also permissible. **Unless allowed under a valid temporary use permit issued pursuant to ACC section 18.46.090, the following incidental and accessory uses are not permitted are:** (A) facilities for training of religious orders; (B) nonemployee rooms for rent, boarding rooms or similar facilities; or (C) public showers or other public health services.

**SECTION TWO CREATION OF NEW SECTION TO CITY CODE.** That a new Section 18.04.465 of the Auburn City Code is created to read as follows:

18.04.465 Homeless Encampment.

"Homeless encampment" means an emergency homeless encampment hosted by a church or other organization, which provides temporary housing to homeless persons.

**SECTION THREE CREATION OF NEW SECTION TO CITY CODE.** That a new Section 18.04.485 of the Auburn City Code is created to read as follows:

18.04.485 Host Agency

"Host agency" means the owner of the property, being a religious institution or other organization, that joins a sponsoring agency in an application for a Temporary Use Permit for providing basic services and support to homeless encampment residents, such as hot meals, coordination of other needed donations and services, etc.

**SECTION FOUR CREATION OF NEW SECTION TO CITY CODE.** That a new Section 18.04.828 of the Auburn City Code is created to read as follows:

18.04.828 Sponsoring Agency

"Sponsoring agency" means an organization that joins in an application with a host agency for a Temporary Use Permit and assumes responsibility for providing basic services and support to homeless encampment residents, such as hot meals, coordination of other needed donations and services, etc.

**SECTION FIVE CREATION OF NEW SECTION TO CITY CODE.** That a new Section 18.46.090 of the Auburn City Code is created to read as follows:

18.46.090 Homeless encampments.

The Director of Planning, Building and Community may issue a temporary and revocable permit for a Homeless Encampment subject to the following criteria and requirements.

A. Procedural approval.

1. The Sponsoring Agency shall notify the City of the proposed Homeless Encampment a minimum of 30 days in advance of the proposed date of establishment for the Homeless Encampment and at least 14 days before submittal of the Temporary Use Permit. The advance notification shall contain the following information:

- a. The date the Homeless Encampment will encamp.
- b. The length of the encampment.
- c. The maximum number of residents proposed; and,
- d. The host location.

2. The sponsoring agency shall conduct at least one (1) public informational meeting within, or as close to, the neighborhood where the proposed Homeless Encampment will be located, a minimum of two (2) weeks prior to the submittal of the Temporary Use Permit application. The time and location of the meeting shall be agreed upon between the City and sponsoring agency. All property owners within 1,000 feet of the proposed Homeless Encampment shall be notified at least 14 days in advance of the meeting by the sponsoring agency. Proof of mailing shall be provided to the Director of Planning Building and Community.

3. The temporary use permit application shall be accompanied by a hold harmless agreement whereby the host agency and sponsoring agency agree to indemnify the city of Auburn for, and hold it harmless from, all damages that may result from the operation of the homeless encampment by such permit grantee and shall pay all damages for which the permit grantee or the city of Auburn shall be held liable as the result of injuries suffered by any person, association or corporation by reason of the operation of the homeless encampment, provided, that in case any claim is filed with the city of Auburn or any suit or action is instituted against said city by reason of any such damage or injury the city council shall promptly cause written notice thereof to be given to the grantee and the grantee shall have the right to defend any such suit or action.

B. Site Criteria

1. If the sponsoring agency is not the host agency of the site, the sponsoring agency shall submit a written agreement from the host agency allowing the Homeless Encampment.

2. The property must be sufficient in size to accommodate tents and necessary on-site facilities, including, but not limited to the following:

- a. Sanitary portable toilets in the number required to meet capacity guidelines;
- b. Hand washing stations by the toilets and by the food areas;
- c. Refuse receptacles;
- d. Food tent and security tent.

3. The host and sponsoring agencies shall provide an adequate water source to the Homeless Encampment, as approved by the provider as appropriate or other water service.

4. No Homeless Encampment shall be located within a Critical Area or its buffer as defined under Chapter 16.10.

5. No permanent structures will be constructed for the Homeless Encampment.

6. No more than 100 residents shall be allowed. The City may further limit the number of residents as site conditions dictate.

7. Adequate on-site parking shall be provided for the Homeless Encampment. No off-site parking will be allowed. The number of vehicles used by Homeless Encampment residents shall be provided. If the Homeless Encampment is located on-site with another use, it shall be demonstrated that the Homeless Encampment parking will not create a shortage of code-required on-site parking for the other uses on the property.

8. The Homeless Encampment shall be within a quarter (1/4) mile of a bus stop with seven (7) days per week service, whenever possible. If not located within a quarter mile of a bus stop, the sponsoring agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).

9. The Homeless Encampment shall be adequately buffered and screened from adjacent right-of-way and residential properties. Screening shall be a minimum height of six (6) feet and may include, but is not limited to, a combination of fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the City.

10. All sanitary portable toilets shall be screened from adjacent properties and rights-of-way. The type of screening shall be approved by the City and may include, but is not limited to, a combination of fencing and/or landscaping.

11. The sponsoring agency shall be responsible for the clean up of the homeless encampment site within seven (7) calendar days of the encampment's termination.

C. Security

1. An Operations and Security Plan for the Homeless Encampment shall be submitted and approved by the City.

2. The host agency shall provide to all residents of the Homeless Encampment a "Code of Conduct" for living at the Homeless Encampment. A copy of the "Code of Conduct" shall be submitted to the City at the time of application.

3. All Homeless Encampment residents must sign an agreement to abide by the Code of Conduct and failure to do so shall result in the noncompliant resident's immediate and permanent expulsion from the property.

4. The sponsoring agency shall keep a log of all people who stay overnight in the encampment, including names and birth dates, and dates of stay.

5. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable identification, such as a driver's license, government-issued identification card, military identification or passport from prospective and existing encampment residents.

6. The sponsoring agency will use identification to obtain sex offender and warrant checks from the Pierce County or King County Sheriff's Office or relevant local police department.

a. If said warrant and sex offender checks reveal either: (1) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (2) the subject of the check is a sex offender, required to register with the County Sheriff or their county of residence pursuant to RCW 9A.44.130, then sponsoring agency will reject the subject of the check for residency to Homeless Encampment or eject the subject of the check if that person is already a Homeless Encampment resident.

b. The sponsoring agency shall immediately contact the Auburn Police Department if the reason for rejection or ejection of an individual from the Homeless Encampment is an active warrant, is due to the individual being a sex offender required to register and/or if, in the opinion of the on-duty Executive Committee member or the on-duty security staff the rejected/ejected person is a potential threat to the community.

7. The sponsoring agency shall self-police and self-manage its residents and prohibit alcohol, drugs, weapons, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.

8. The sponsoring agency will appoint an Executive Committee member to serve "on-duty" at all times to serve as a point of contact for City of Auburn Police and will orient the Police as to how the security operates. The names of the on-duty Executive Committee members will be posted daily in the security tent. The City shall provide contact numbers of non-emergency personnel, which shall be posted at the security tent.

D. Timing

1. The maximum continuous duration of a homeless encampment shall be ninety (90) days. Citywide, the total maximum number of days homeless encampments may operate in the City shall not exceed 180 days in any twenty four (24) month period (e.g. two homeless encampments each operating 90 days (maximum 180 days total) may be allowed in a twenty four (24) month period).

2. No more than one (1) Homeless Encampment may be located in the City at any time.

E. Health and Safety

1. All temporary structures within the Homeless Encampment shall conform to all Building Codes.

2. The Homeless Encampment shall conform to the following Fire requirements.

a. Material used as roof covering and walls shall be of flame retardant material.

b. There shall be no open fires for cooking or heating.

c. No heating appliances within the individual tents are allowed unless the appliance is designed and licensed for that purpose.

d. No cooking appliances other than microwave appliances are allowed.

e. An adequate number and appropriate rating of fire extinguishers shall be provided as approved by the Fire Department.

f. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the Fire Department.

g. Adequate separation between tents and other structures shall be maintained as determined by the Fire Department.

h. Electrical service shall be in accordance with recognized and accepted practice; Electrical cords are not to be strung together and any cords used must be approved for exterior use.

3. The sponsoring and host agencies shall permit inspections by Auburn staff and the King County Health Department at reasonable times without prior notice for compliance with the conditions of this permit.

F. Termination

1. If the sponsoring agency fails to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of the permit. If the City learns of uncontrolled violence or acts of undisciplined violence by residents of the encampment and the sponsoring agency has not adequately addressed the situation, the Temporary Use Permit may be immediately terminated.

**SECTION SIX TERMINATION OF MORATORIUM.** On the effective date of this Ordinance, the Moratorium on transitory housing, established by Resolution No. 3808, passed on the 18<sup>th</sup> day of January, 2005, and extended by Resolution No. 3966 on the 17<sup>th</sup> day of January, 2006, shall terminate and be of no further force and effect.

**SECTION SEVEN CONSTITUTIONALITY OR INVALIDITY.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance, is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

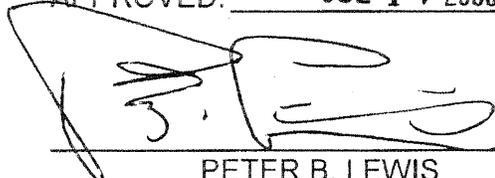
**SECTION EIGHT IMPLEMENTATION.** The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

**SECTION NINE EFFECTIVE DATE.** This Ordinance shall take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: JUL 17 2006

PASSED: JUL 17 2006

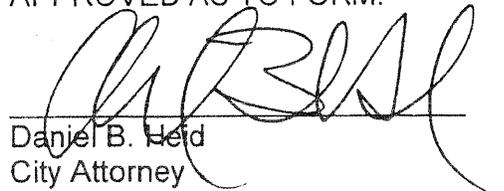
APPROVED: JUL 17 2006

  
\_\_\_\_\_  
PETER B. LEWIS  
MAYOR

ATTEST:

  
\_\_\_\_\_  
Danielle E. Daskam,  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Daniel B. Heid  
City Attorney

PUBLISHED: July 21, 2006

SHARE/WHEEL, A Washington non-profit corporation, and EL CENTRO DE LA RAZA, a Washington non-profit corporation,	)	
	)	
Respondents,	)	No. 49428-7-I
	)	
vs.	)	CONSENT DECREE
	)	
THE CITY OF SEATTLE, A Washington municipal corporation, and MEREDITH GETCHES, Hearing Examiner, in her official capacity,	)	
	)	
Appellants.	)	
	)	
	)	

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**CONSENT DECREE**

This Consent Decree is entered into this 13th day of March, 2002, by and between SHARE/WHEEL (collectively known as "SHARE/WHEEL"), El Centro de la Raza ("El Centro"), and The City of Seattle ("City"), collectively the "Parties."

**I. The Parties**

A. SHARE is a non-profit Washington corporation that advocates for and provides services for homeless persons. WHEEL is a part of SHARE.

B. El Centro is a non-profit Washington corporation that provides community services and advocates for the disadvantaged.

C. The City of Seattle, a Washington Municipal Corporation, through its Department of Design Construction and Land Use ("DCLU"), implements and enforces ordinances and codes to promote the safety and habitability of Seattle's housing stock and to protect the character of its neighborhoods.

**II. Recitations and Procedural History**

A. The number of homeless persons in Seattle has increased dramatically from 1990 to 2002. The City's funding for emergency shelter and transitional housing has

also increased. In 2002, the City budgeted \$8.8 million for emergency shelters and transitional housing, a six percent increase over 2001.

B. In spite of City budget expenditures, DCLU estimates that almost 1000 people in the City are without shelter each night. Other estimates are much higher.

C. To address in part the lack of emergency shelters and transitional housing, SHARE/WHEEL has established a temporary tent encampment as a homeless persons shelter in Seattle. Private property has been the usual location for such a tent encampment. Owners of private property offer to host a SHARE/WHEEL tent encampment. The duration and conditions of the encampment are negotiated between the host and SHARE/WHEEL.

D. The Land Use Code does not specifically authorize or prohibit the use of tents as shelter on private property. Title 23 SMC. The Land Use Code prohibits uses not specifically permitted unless those uses qualify for a temporary land use permit. SMC 23.42.040. DCLU therefore requires tent encampments to procure a temporary use permit.

E. El Centro hosted a SHARE/WHEEL tent encampment from July 2000 through January 2001. Neither SHARE/WHEEL nor El Centro applied to DCLU for a permit prior to the use of the property. After being cited by DCLU, SHARE/WHEEL applied for a temporary use permit on September 1, 2000. DCLU denied the temporary use permit. SHARE/WHEEL and El Centro appealed the denial to the City Hearing Examiner. The City Hearing Examiner affirmed the decision to deny the permit.

F. El Centro and SHARE/WHEEL appealed to Superior Court. Judge Thomas J. Majhan ruled on September 25, 2001, that the City had improperly denied the permit request and that the Hearing Examiner's decision should be reversed.

G. The City appealed the Superior Court decision. The parties applied for and were granted an extension of time for filing briefs from the Court of Appeals pending settlement discussions.

### **III. Agreement**

A. The City will terminate its appeal by moving the Court of Appeals for an order remanding its appeal, No. 49428-7-1, to King County Superior Court for entry of this consent decree.

B. The parties will file a joint motion in King County Superior Court for entry of this consent decree as an order, which will supercede all prior rulings.

C. SHARE/WHEEL and El Centro will seek dismissal with prejudice of all claims in King County Cause No. 01-2-10396-2 SEA not previously ruled upon.

D. SHARE/WHEEL waives any and all claims against the City for costs and attorneys fees arising out of administrative actions, and quasi-judicial and judicial proceedings relating to the temporary use permit and, further, waives any and all claims for reimbursement of permit fees paid to date.

E. El Centro waives any and all claims against the City for costs and attorneys fees arising out of administrative actions, and quasi-judicial and judicial proceedings relating to the temporary use permit and, further, waives any and all claims for reimbursement of permit fees paid to date.

F. The City hereby agrees that SHARE/WHEEL may establish a tent encampment within the city limits of the City of Seattle subject to the terms and conditions of this decree, including the provisions of J. 5(b) of this section.

G. SHARE/WHEEL and tent city residents paid \$2500.00 to DCLU on September 1, 2000, as the minimum land use review fee when it applied for the temporary use permit. SHARE/WHEEL asserts that it also incurred other expenses and fees related to the temporary use permit but not assessed by DCLU. The City asserts that SHARE/WHEEL and El Centro owe an hourly processing fee on the temporary land use permit of approximately \$8050.00. Due to the exceptional circumstances presented, and the pressing needs of the homeless persons who are served by SHARE/WHEEL and El Centro, the City hereby waives any and all claims against SHARE/WHEEL and against El Centro for permit processing or late fees on the condition that SHARE/WHEEL applies \$8050.00 to the provision of services to disadvantaged or homeless people beyond what it now provides, in cash money or in kind, within 180 days of the date that an order is entered. A report of the services provided will be delivered to the City within 30 days of completion of service delivery.

H. Due to the exceptional circumstances presented, and the pressing needs of the homeless persons who are served by SHARE/WHEEL and El Centro, the City further agrees to apply the application fee previously paid, and credit the permit processing fee described above in paragraph G, as full payment and satisfaction of future cost of administering this decree. DCLU will charge no additional administrative fees, penalties or other charges to El Centro or SHARE/WHEEL as a consequence of this consent decree.

I. The City waives any and all claims against SHARE/WHEEL and El Centro, not otherwise addressed in this decree, arising out of the temporary use permit, and administrative actions, and quasi-judicial and judicial proceedings relating to that permit.

J. The conditions of encampments established under this decree are as follows:

1. Agreement with the Host. SHARE/WHEEL shall enter into a written or oral agreement with a host property owner (“the host”), whether a religious community, school, private entity or public entity, regarding the establishment of a tent encampment. If the agreement is oral, SHARE/WHEEL shall memorialize the agreement in writing. The written or memorialized agreement shall state the maximum duration that the tent encampment will remain at the host site. SHARE/WHEEL shall send a copy of the written or memorialized agreement to DCLU.

2. Notice to the Host and DCLU. When SHARE/WHEEL enters into an oral or written agreement with a host, SHARE/WHEEL shall provide the host with a copy of this consent decree and send written notice of the host agreement to DCLU within three (3) calendar days of the agreement. That notice shall identify two contact persons for SHARE/WHEEL at the host site and two (2) contact persons who are representatives of the host, and provide daytime and nighttime contact details for all such persons.

3. Notice to the Community.

a. After entering into an oral or written agreement with a host, SHARE/WHEEL shall set a date, time and location for a community meeting. At least five (5) business days but no more than fourteen (14) days before the encampment begins at a site, the host and SHARE/WHEEL shall hold a community meeting. SHARE/WHEEL shall deliver or mail notice of the meeting to each residence, apartment, church, school and business or commercial establishment within a 300 foot or two block radius of the perimeter of the property hosting the encampment, whichever is greater. The notice shall indicate the date the encampment is to begin, the length of stay, the number of residents, the host location, the date, time and location of the community meeting. The notice shall also provide contact names and numbers for representatives of SHARE/WHEEL and DCLU. SHARE/WHEEL will mail a copy of the notice to DCLU at least five (5) business days before meeting.

b. The form of the notice shall be substantially similar to Attachment A to this agreement.

c. The foregoing are minimum notice requirements and SHARE/WHEEL will endeavor to work with the host to, wherever possible, provide more notice through host neighborhood, church or synagogue bulletins, school bulletins, community center bulletins or postings or other measures reasonably available in the host neighborhood.

4. Community Meeting. SHARE/WHEEL and the host will hold a community meeting on the encampment site if reasonable facilities exist, or otherwise at a location within a reasonable distance of the host site. The host and SHARE/WHEEL will explain the proposed encampment at the meeting and state its proposed duration. Questions and answers will be allowed. DCLU may attend the meeting .

5. Maximum Numbers.

a. The maximum number of residents at an encampment is 100.

b. SHARE/WHEEL may establish or maintain no more than one encampment at any one time within the limits of the City of Seattle, provided that no sooner than one year from the date this decree is entered, if a second encampment is needed and SHARE/WHEEL has identified funding, SHARE/WHEEL may initiate negotiations with the City for the modification of the one encampment limit. Any other encampments are outside this agreement.

6. Children. SHARE/WHEEL will not permit children to stay overnight at a tent encampment, except under exigent circumstances. If and when such circumstances occur and a child under the age of eighteen (18), either alone or accompanied by a parent or guardian, attempts to stay at a tent encampment, SHARE/WHEEL will immediately contact the Community Service Officers of the Seattle Police Department and Child Protective Services, and endeavor to find alternative shelter for the child and any accompanying parent(s) or guardian(s).

7. Buffers. Any tent encampment site shall have the following buffer from surrounding lots:

- a. a minimum 20 foot separation or setback in each direction from the boundary of the lot on which the encampment is located, but if not available;
- b. established vegetation sufficiently dense to obscure view and at least eight feet in height, but if neither a) nor b) is available;
- c. an eight-foot high, view-obscuring fabric fence will be established. A fabric fence will be the least preferred alternative but may be also used in combination with alternatives a) and b).

8. Parking.

a. On-Street Parking. The availability of on-street parking will be considered in choosing encampment sites if the encampment would displace on-site parking normally utilized by the host. SHARE/WHEEL shall endeavor not to displace established parking. SHARE/WHEEL will choose potential host sites where no displacement or minimal (such as one-day per week) displacement of parking will occur, wherever possible.

b. On-Site Parking. SHARE/WHEEL will chose potential host sites with available on-site parking for vehicles associated with the tent encampment, including delivery trucks, wherever possible.

9. Health Regulations. SHARE/WHEEL will permit inspections of its encampments by the Seattle & King County Public Health Department without prior notice. SHARE/WHEEL has previously complied with directives of the Seattle & King County Public Health Department. SHARE/WHEEL will implement all future directives of the Health Department within the time period specified by the Department.

10. Fire Safety Regulations. SHARE/WHEEL will permit inspections of its encampments by the Seattle Fire Department without prior notice. SHARE/WHEEL has previously complied with directives of the Seattle Fire Department. SHARE/WHEEL will implement all future directives of the Fire Department within 48 hours of notice.

11. DCLU Inspections. SHARE/WHEEL will permit inspections of its encampments by DCLU inspectors at reasonable times without prior notice for compliance with the terms of the consent decree.

12. Code of Conduct.

a. SHARE/WHEEL will implement and enforce at all times at every site, its code of conduct as part of this agreement. The code of conduct shall be amended to prohibit littering on the host site and in the host neighborhood. The current code of conduct shall be amended to require a trash patrol every other day in the host neighborhood. With the above-described amendments, the code of conduct requires that all residents abide by the following:

1. No drugs are permitted.
2. No alcohol is permitted.
3. No weapons are permitted.
4. All knives over 3 and one-half inches must be turned into SHARE/WHEEL for safekeeping.
5. No violence is permitted.
6. No open flames are permitted
7. No trespassing into private property in the host neighborhood is permitted.
8. No loitering in the host neighborhood is permitted.
9. Disturbing neighbors is not permitted.
10. No verbal abuse, intimidating remarks, yelling or degrading remarks against member(s) of the host or the host neighborhood is permitted.
11. No verbal abuse, intimidating remarks, yelling or degrading remarks between member(s) of SHARE/WHEEL is permitted.
12. No littering on the encampment site or in the host neighborhood is permitted.

b. Enforcement of the Code of Conduct. For the protection of the SHARE/WHEEL community, the host and the host neighborhood, SHARE/WHEEL will diligently enforce its code of conduct. SHARE/WHEEL will take the following enforcement actions:

1) Upon notice by DCLU to SHARE/WHEEL, or if SHARE/WHEEL learns of a potential violation of provisions 1-7 of the Code of Conduct as set forth above, SHARE/WHEEL will investigate and, if sustained, require the responsible resident(s) to leave immediately. If the complaint of violation was made by DCLU, the host or a host community member, SHARE/WHEEL will inform DCLU, the host or the host neighborhood member(s) of the results of its investigation and any action taken.

2) Upon notice by DCLU to SHARE/WHEEL, or if SHARE/WHEEL learns of a potential violation of provisions 8-12 of the Code of Conduct as set forth above, SHARE/WHEEL will investigate and, if sustained, notify the responsible resident(s) of the violation and issue them a warning. That warning will notify the responsible resident(s) that they are on probation and that a repeated violation of the Code of Conduct during the period that the encampment remains at the host site will cause SHARE/WHEEL to require them to leave the encampment immediately. SHARE/WHEEL will inform DCLU, the host or the host neighborhood member(s) of the results of its investigation and any action taken.

If SHARE/WHEEL fails to expel residents who violate the Code of Conduct as required in paragraphs 1) and 2) above, SHARE/WHEEL will be subject to the Dispute Resolution and Sanctions provision of this agreement set forth in paragraph M below.

13. Duration of Stay.

a. SHARE/WHEEL shall remain at a site no longer than its original commitment to the host and/or the host neighborhood at the initial community meeting. If the host and/or host neighborhood requests that SHARE/WHEEL extend its stay beyond the commitment period, SHARE/WHEEL will notify DCLU immediately and provide notice, as described above, of an additional community meeting to be held prior to the expiration of the initial period. DCLU will endeavor to attend the meeting. SHARE/WHEEL will not extend its stay at the site if it and DCLU agree that significant host neighborhood concern or objection exists to prolonging the stay. If the parties cannot agree, the dispute will be subject to the Dispute Resolution and Sanctions provision of this agreement set forth in paragraph M below.

b. Invitations for longer stays notwithstanding, the maximum duration of a SHARE/WHEEL tent encampment at a site is three (3) consecutive months and an interval of three (3) months must occur before the encampment can return to that site. Over a two (2) year period, the aggregate duration of multiple encampments at a single site cannot exceed six (6) months.

K. Working Group. The Seattle City Human Services Department will invite one representative of SHARE/WHEEL to participate in the planned “Committee to End Homelessness” or similar county-wide policy planning entity for homeless persons.

L. Termination of this Consent Decree. This decree will automatically be superceded by and terminate 180 days after the effective date of an ordinance adopted by the City of Seattle to address specifically tent encampments for homeless persons but in the absence of such an ordinance, this consent decree will terminate within ten (10) years from the date of its entry.

M. Dispute Resolution and Sanctions.

a. The parties agree to submit any dispute between them about compliance with this decree as ordered to dispute resolution before initiating further judicial proceedings or enforcement. Upon reasonable belief that the agreement has been breached, the party aggrieved will notify all other parties in writing (with email or facsimile acceptable if receipt is confirmed) of the breach. Within two (2) business days of receipt of notice, the recipient shall cure the breach or request a dispute resolution meeting which shall be held within the next five (5) working days, or at a time mutually agreeable to all parties. If the dispute is not resolved at that meeting, the parties shall present their disagreement to a trained mediator. The parties will jointly agree to a mediator. If mediation fails to bring resolution, one or more of the parties may initiate action in Superior Court to enforce this decree as ordered.

b. Notwithstanding the foregoing, if the alleged breach presents an imminent threat to the public health or safety, DCLU, after oral or written notice to SHARE/WHEEL, may seek immediate judicial intervention.

N. Appointment of contact persons. SHARE/WHEEL shall designate contact persons for service of all notices provided for in this decree. DCLU shall designate contact persons for the service of all notices provided for in this decree. Both parties are under a continuing obligation to update the designation of their respective contact persons as necessary.

O. Construction. This decree has been jointly drafted by the parties following negotiations between them. It shall be construed according to the fair intent of the language as a whole, and not for or against either party.

P. Press Release. The initial press release regarding this decree, if any, shall not be released without the approval of all parties to the agreement.

Q. Scope of this Decree. This decree applies only to SHARE/WHEEL and El Centro and confers no rights or privileges upon any other person or entity.

R. Integration. This decree is a full and complete integration of the parties' agreement, and there are no promises, covenants, or representations concerning the subject of this agreement not contained herein.

S. Waiver. The failure to enforce any provision of this agreement shall not be considered or construed to be a waiver of any rights or responsibilities under this agreement.

**CITY OF SEATTLE**

By \_\_\_\_\_  
Thomas A. Carr  
Seattle City Attorney

Dated \_\_\_\_\_

**SHARE/WHEEL**

By \_\_\_\_\_  
Michele Marchand

Dated \_\_\_\_\_

By \_\_\_\_\_  
Jeff Penny

Dated \_\_\_\_\_

By \_\_\_\_\_  
Ken Schuckert

Dated \_\_\_\_\_

**EL CENTRO de la RAZA**

By \_\_\_\_\_  
Roberto Maestas  
Executive Director

Dated \_\_\_\_\_

ORDINANCE NO. 1943 (2005)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, RELATING TO TRANSITORY ACCOMMODATIONS, RENEWING A MORATORIUM ON ESTABLISHING SUCH USES AND ON THE ACCEPTANCE AND/OR PROCESSING OF APPLICATIONS RELATED THERETO; ADOPTING FINDINGS OF FACT; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, on May 17, 2004, St. Brendan Catholic Church entered into an agreement with Seattle Housing and Resource Effort and the Women's Housing, Equality and Enhancement League (SHARE/WHEEL) to allow a temporary (90 days) homeless tent encampment on property owned by the church in Bothell; and

WHEREAS, on May 17, 2004, SHARE/WHEEL established a temporary tent encampment on the Parish's property; and

WHEREAS, a permit to allow the church property to be used as a tent encampment was neither obtained nor applied for from the City of Bothell prior to SHARE/WHEEL beginning using the church property as an encampment; and

WHEREAS, the Bothell Municipal Code does not currently have a specific provision addressing the use of property as a temporary encampment or for transitory accommodations. As used in this ordinance, the term "transitory accommodations" shall mean the use of property for housing persons on a temporary basis, whether the encampment uses tents or other transitory structures; and

WHEREAS, the use of the St. Brendan Catholic Church property as a temporary tent encampment necessitated increased police presence in the area to protect the public health, safety and welfare, at a cost of over \$90,000 in police overtime to the City of Bothell; and

WHEREAS, the use of the St. Brendan Catholic Church property as a temporary tent encampment caused there to be over 130 contacts with Bothell Police Officers assigned to security, including contact with registered sex offenders, contact with violent offenders, arrests for domestic violence offenses,

MAR 02 2005

arrests for drug and alcohol offenses, and arrests of individuals with outstanding felony and misdemeanor warrants; and

WHEREAS, the use of the St. Brendan Catholic Church property as a temporary tent encampment disrupted and endangered the peace, comfort and repose of the immediate neighborhood; and

WHEREAS, the Bothell City Council, following extensive public testimony, issued a Special Conditional Use Permit placing a number of conditions on the continued use of the St. Brendan Catholic Church property as a temporary tent encampment; and

WHEREAS, the Special Conditional Use Permit process was an extraordinary measure used to address unforeseen circumstances not anticipated by the City and is not the preferred method of reviewing applications for land use permits; and

WHEREAS, to the City's knowledge, there are no other jurisdictions in the State of Washington that have formally adopted regulations that specifically address the use of temporary facilities for the temporary housing of persons; and

WHEREAS, to avoid or minimize the negative impacts of any future use of property in the City of Bothell for temporary housing, it will be necessary for there to be regulations in place to (1) properly review and assess the impacts a particular proposed transitory accommodation may have on the City and the immediate neighborhood; and (2) determine the reasonable and appropriate measures to be taken to mitigate those identified negative impacts; and

WHEREAS, Washington State law, RCW 35A.63.220 and RCW 36.70A.390, authorizes Washington cities to adopt moratoria; and

WHEREAS, following a public hearing on September 9, 2004, the Bothell City Council adopted Ordinance No. 1927, imposing a six-month moratorium on the initiation or operation of transitory accommodations in Bothell; and

WHEREAS, since imposition of the moratorium, the City has formed a Transitory Accommodations Citizen Advisory Committee (TACAC) to make recommendations to the Planning Commission regarding possible regulations regarding transitory accommodations; and

WHEREAS, there has been insufficient time for the TACAC to meet and formulate its recommendations for consideration by the Planning Commission; for the Bothell Planning Commission to review these recommendations, take

public testimony, deliberate, and pass along its recommendations to the City Council; and for the City Council to review these recommendations, take public testimony, deliberate, and decide what action, if any, the City Council will take; and

WHEREAS, the King County Council is presently considering adoption of regulations regarding the siting of homeless encampments, but has yet to take final action on these proposed regulations; and

WHEREAS, the Washington State Legislature is presently considering several bills relating to homeless encampments, but has yet to take final action on these bills; and

WHEREAS, in order for the TACAC, the Bothell Planning Commission, and the Bothell City Council to have sufficient time to fully consider all relevant issues relating to transitory accommodations and to review the proposals currently being considered by the King County Council and the Washington State Legislature, it will be necessary to renew the moratorium imposed by Bothell Ordinance No. 1927 for an additional six months; and

WHEREAS, Washington State law, RCW 35A.63.220 and RCW 36.70A.390, authorizes Washington cities to renew a moratorium for additional six-month periods "if a subsequent public hearing is held and findings of fact are made prior to each renewal"; and

WHEREAS, according to Washington State law, a public hearing was held on February 28, 2005 on this moratorium renewal ordinance prior to its adoption; and

WHEREAS, the City Council does conclude:

1. The City has the authority to renew a moratorium; and
2. The City must renew the moratorium imposed by Ordinance No. 1927 concerning the establishment, operation, and processing of applications for transitory accommodations, to act as a stop-gap measure:
  - (a) to provide the City an opportunity to study the issues concerning the siting of such transitory accommodations and prepare appropriate revisions to the City's regulations; (b) to protect the health, safety and welfare of the citizens of Bothell by avoiding negative impacts of transitory accommodations; and (c) to avoid applicants possibly establishing vested rights contrary to and inconsistent with any revisions the City may make to its regulatory scheme as a result of the City's study of this matter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the above recitals as its Findings of Fact in support of the moratorium renewed by this ordinance. These "WHEREAS" provisions are incorporated by reference as if fully set forth herein.

Section 2. Moratorium Renewed. The City Council hereby renews for a period of six months imposition of a moratorium on the initiation or operation of transitory accommodations as a principal land use or an accessory use to any existing use. Establishing such uses is prohibited during the moratorium. No new applications for permits or land use applications, or any other permits or approvals associated with such uses shall be accepted during the effective period of this renewed moratorium; no pending applications shall be processed further during the effective period of this moratorium; and no permits shall be issued or approvals granted during the effective period of this moratorium.

Section 3. Term. The moratorium renewed by this Ordinance shall terminate six (6) months after the effective date of this Ordinance unless earlier repealed or renewed according to law.

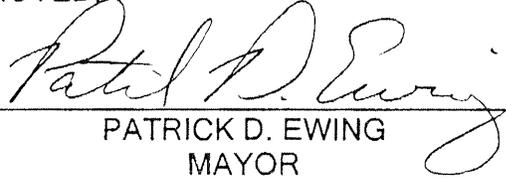
Section 4. Enforcement. Violations of this Ordinance are punishable under Bothell Municipal Code Chapter 11.20, Enforcement, and as otherwise provided by law, and are subject to injunctive and other forms of civil relief which the City may seek. Further, violations of this Ordinance are declared to be public nuisances, and are punishable and subject to injunctive and other forms of civil relief as authorized by the Bothell Municipal Code and/or Washington state law.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 7. Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

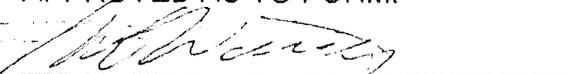
APPROVED:

  
PATRICK D. EWING  
MAYOR

ATTEST/AUTHENTICATED:

  
JOANNE TRUDEL  
CITY CLERK

APPROVED AS TO FORM:

  
MICHAEL WEIGHT  
CITY ATTORNEY

FILED WITH THE CITY CLERK: February 17, 2005  
PASSED BY THE CITY COUNCIL: February 28, 2005  
PUBLISHED: March 4, 2005  
EFFECTIVE DATE: March 9, 2005  
ORDINANCE NO.: 1943 (2005)

SUMMARY OF ORDINANCE NO. 1943 (2005)

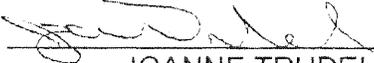
City of Bothell, Washington

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On the 28<sup>th</sup> day of February, 2005, the City Council of the City of Bothell passed Ordinance #1943 (2005). A summary of the content of said Ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, RELATING TO TRANSITORY ACCOMMODATIONS, RENEWING A MORATORIUM ON ESTABLISHING SUCH USES AND ON THE ACCEPTANCE AND/OR PROCESSING OF APPLICATIONS RELATED THERETO; ADOPTING FINDINGS OF FACT; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

  
\_\_\_\_\_  
JOANNE TRUDEL  
CITY CLERK

FILED WITH THE CITY CLERK: February 17, 2005  
PASSED BY THE CITY COUNCIL: February 28, 2005  
PUBLISHED: March 4, 2005  
EFFECTIVE DATE: March 9, 2005  
ORDINANCE NO.: 1943 (2005)

**RESOLUTION NO. 3808**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, ESTABLISHING A MORATORIUM ON ACCEPTANCE OF APPLICATIONS FOR LICENSES, PERMITS AND APPROVALS RELATING TO TRANSITORY ACCOMMODATIONS, AND ESTABLISHING A WORK PLAN FOR REVIEW AND DEVELOPMENT OF ORDINANCES AND REGULATIONS RELATING TO LAND USES FOR TRANSITORY ACCOMMODATIONS, FOR AN INITIAL PERIOD OF ONE YEAR

WHEREAS, in conformity with the responsibilities of the City of Auburn to provide for zoning and land use regulations pursuant to state law, and the City's authority to regulate land use activity within its corporate limits, the City intends to develop appropriate zoning and land use regulations for transitory accommodations, which for the purposes of this Resolution, the term "transitory accommodations" shall mean the use of property for housing persons on a temporary basis, whether the encampment uses tents or other transitory structures; and,

WHEREAS, in recent months, several communities in the Puget Sound area have been approached by certain entities to allow temporary homeless tent encampments on property owned by King County and/or by other agencies or entities; and

WHEREAS, some of the temporary tent encampments did not comply or did not fully comply with the permitting requirements of the jurisdictions in which the temporary tent encampments were located; and

WHEREAS, the Auburn City Code does not currently have a specific provision addressing the use of property as a temporary encampment or for transitory accommodations; and

FEB 15 2005

WHEREAS, the temporary tent encampments have necessitated increased police presence in the area of the temporary tent encampments to protect the public health, safety and welfare, at significant public costs; and

WHEREAS, to avoid or minimize the negative impacts of any future use of property for such temporary tent encampments in the City of Auburn, it will be necessary for there to be regulations in place to (1) properly review and assess the impacts a particular proposed transitory accommodation may have on the City and the immediate neighborhood; and (2) determine the reasonable and appropriate measures to be taken to mitigate those identified negative impacts; and

WHEREAS, Washington State law, including Sections 35A.63.220 and 36.70A.390 of the Revised Code of Washington (RCW) authorizes Washington cities to adopt moratoria and provides for a process for a public hearing which must be held within sixty days of the date of the adoption of the moratorium; and

WHEREAS, it is appropriate that the public hearing be set with the adoption of the moratorium; and

WHEREAS, the City Council concludes that the City does have the authority to establish a moratorium and that the City must adopt a moratorium concerning the establishment, operation, and processing of applications for transitory accommodations, to act as a stop-gap measure: (a) to provide the City with an opportunity to study the issues concerning the siting of such transitory accommodations and prepare appropriate revisions to the City's codes and regulations; (b) to protect the health, safety and welfare of the citizens of Auburn by avoiding and ameliorating negative impacts of transitory

accommodations; and (c) to avoid applicants possibly establishing vested rights contrary and inconsistent with any revisions the City may make to its regulatory scheme as a result of the City's study of this matter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. Moratorium established. A moratorium is imposed on the filing with the City or the Courts of any applications for licenses, permits and/or approvals for transitory accommodations as defined herein above.

Section 2. Term of Moratorium. The moratorium imposed by this Resolution shall become effective on the date hereof, and shall continue in effect for an initial period of one year, unless repealed, extended or modified by the City Council after subsequent public hearing(s) and entry of appropriate findings of fact pursuant to RCW 35A.63.220, provided that the moratorium shall automatically expire upon the effective date of zoning and land use regulations adopted by the City Council to address regulation of transitory accommodations in the City of Auburn.

Section 3. Preliminary Findings. That the following preliminary findings of fact are hereby adopted:

A. That transitory accommodation land uses have the potential for significant impacts on neighborhoods and on the community.

B. That because of the potential impacts of these uses, special care and attention needs to be employed in developing appropriate legislation that satisfactorily addresses the concerns of the City and does so in a way which is in conformity with legal

requirements.

C. It is appropriate to collect and compile documentation, information, testimony and statements of concern citizens of the City and of other persons interested in or familiar with the issues of transitory accommodations and their impacts to fully explore ways to protect the City and its citizens from the adverse impacts of transitory accommodations.

Section 4. Work Plan. That the following work plan is adopted to address the issues involving transitory accommodation land use regulations:

A. That the City of Auburn Planning Commission shall be authorized and directed to hold public hearings and public meetings to fully receive and consider statements, testimony, positions and other documentation or evidence related to the issue of transitory accommodation land uses.

B. That the Planning Commission and City staff are authorized and directed to review the experiences of other jurisdictions, the status of legal cases, and statistical data, information, studies and other evidence compiled by other municipalities, of adverse impacts of transitory accommodations, and to review the regulations, ordinances and codes adopted and implemented by other municipalities to address transitory accommodation land uses, and any other information that is pertinent to transitory accommodations.

C. That the City of Auburn Planning Commission shall work with City staff and the citizenry of the City to develop proposals for regulation of transitory accommodation land uses and zoning considerations, to be forwarded in their recommendations to the City Council for inclusion in ordinances and ultimate adoption as a part of the City Code of the

City of Auburn.

D. That the Mayor, in consultation with the City Attorney, Planning Director, the Police Chief and other staff, shall periodically advise the City Council as to the status of hearings, meetings and information development regarding activities of the Planning Commission and City staff relative to transitory accommodation land uses, with such reports to be scheduled approximately every six (6) months or as appropriate throughout the period of the moratorium and any extensions thereof, until adoption of a comprehensive ordinance as developed, relating to transitory accommodation land uses becoming effective in conjunction with the termination of the moratorium referred to in this Resolution.

Section 5. Public Hearing. A public hearing shall be scheduled for 7:30 p.m. or as soon thereafter as the matter may be heard, on the 7th day of March, 2005, at the City Council Chambers, at 25 West Main Street, Auburn, WA 98001, to hear and consider the comments and testimony of those wishing to speak at such public hearing regarding the moratorium.

Section 6. Severability. If any sections, sentence, clause or phrase of this Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this Resolution or its application to any other person, property or circumstance.

Section 7. Effective Date. This Resolution shall be in full force and effect upon

passage and signatures hereon.

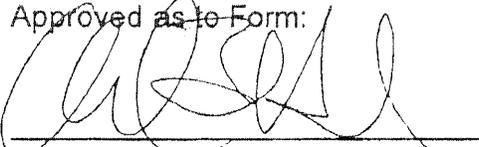
ADOPTED by the City Council this 18<sup>th</sup> day of January, 2005.

CITY OF AUBURN  
  
Peter B. Lewis, Mayor

Attest:

  
Danielle Daskam, City Clerk

Approved as to Form:

  
Daniel B. Heid, City Attorney



King County

Citizens' Advisory Commission on Homeless Encampments

August 9, 2004

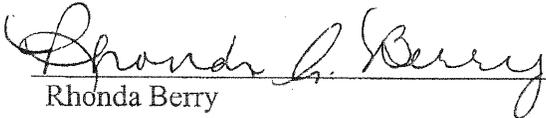
The Honorable Larry Phillips  
Chair, King County Council  
Room 1200  
COURTHOUSE

Dear Councilmember Phillips:

Enclosed for your consideration is the final report of the Citizens' Advisory Commission on Homeless Encampments (CACHE) established by the King County Council to study the issues of homeless encampments, determine if there is a need for this type of temporary emergency housing, and propose recommendations on policies and procedures for the possible siting of homeless encampments in King County. We have completed our exploration of these issues in the tight timeline allowed and herein formally submit the final report to the Committee of the Whole of the King County Council.

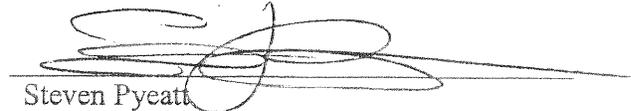
We appreciate the opportunity to serve King County in this effort. We look forward to discussing the report's findings and recommendations with the members of the King County Council.

Sincerely,

  
Rhonda Berry

  
Holly Plackett, Co-Chair

  
Carol Cole

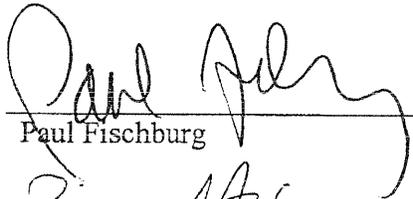
  
Steven Pyeatt

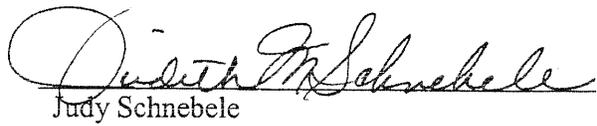
  
Shane Davies

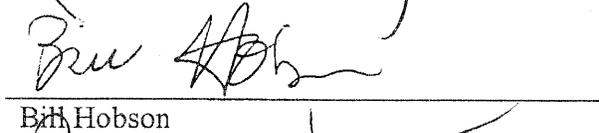
  
Susan G. Rynas

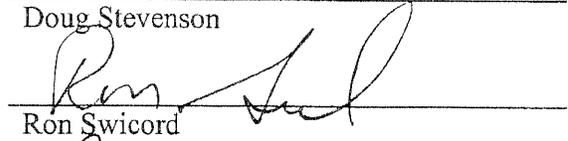
  
Dini Duclos

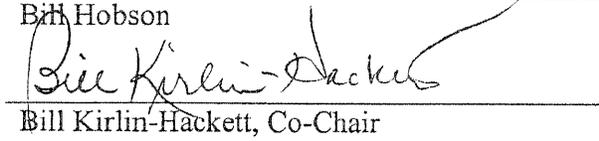
  
Bob Santos

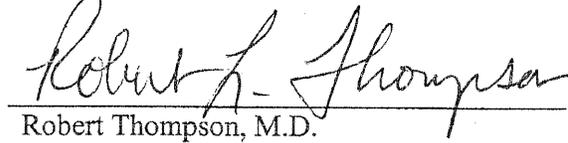
  
Paul Fischburg

  
Judy Schnebele

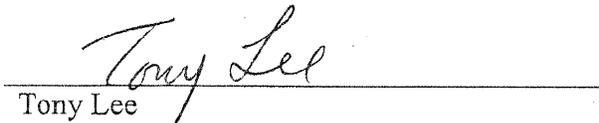
  
Bill Hobson

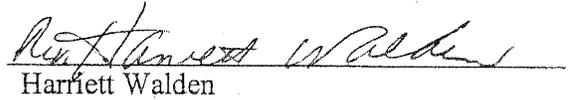
Doug Stevenson  
  
Ron Swicord

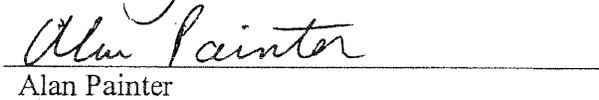
  
Bill Kirlin-Hackett, Co-Chair

  
Robert Thompson, M.D.

  
Sandra Kortum

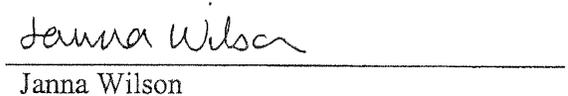
  
Tony Lee

  
Harriett Walden

  
Alan Painter

  
Linda Weedman

  
Al Patterson

  
Janna Wilson

Enclosure

cc: King County Councilmembers  
Ron Sims, King County Executive  
Jackie MacLean, Director, Department of Community and Human Services



**King County**

*Citizens' Advisory Commission on Homeless Encampments*

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**Commission Final Report**

*August 13, 2004*

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## 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.<sup>1</sup> 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

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<sup>1</sup> 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<sup>2</sup>***

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.<sup>3</sup> 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.

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<sup>2</sup> 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.

<sup>3</sup> 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 region have increased while economic conditions have worsened, local data suggests that the number of homeless persons in our region has increased steadily.

One of the responses to the crisis of increasing homelessness has been the emergence of homeless encampments or “tent cities.” The process of obtaining permission from a host

for a sponsored encampment site first began in July of 2000 with the hosting of “Tent City 3”. Prior to that time, two tent cities existed in King County without a sponsoring organization and host site agreement. These hosted, sponsored encampments take the form of short-term clusters of 80-100 individuals invited to pitch their tents on private, church-owned properties for periods of between 30 and 90 days. Tent cities have been hosted by various churches in Seattle, Shoreline, Burien and Tukwila and have relocated about 40 times through August of 2004.

Plans for use of King County public land for an encampment in the Bothell area led to a significant level of community concern about a range of issues related to homeless encampments, including how to best meet the needs of persons who are homeless and how to balance the site selection process for encampments with local concerns about community autonomy, public safety, quality of life and property values.

In response to these concerns, the King County Council passed Ordinance #14922, (see Attachment 1). This ordinance established CACHE and instructed that the commission “*shall study, identify options and make recommendations to the executive and council on the following issues:*

- 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”*

The Commission was further instructed “*to file with the clerk of the council, for distribution to all council members, a final written report by August 15, 2004, including a needs assessment and recommendations on the issues identified... (and) justification and reasoning supporting the conclusion.*”

The County Council defined the membership of the CACHE in the establishing ordinance, stating the Commission would be comprised of eighteen voting members and four non-voting, advisory members. The voting members include:

- Thirteen citizen members, representing each of the 13 Council districts
- Two members from community-based organizations, at least one from a city with a population of less than 500,000
- One representative from a municipal government in King County with a population of less than 500,000
- One representative from the City of Seattle
- One representative from King County.

The four advisory members include:

- One member from a human services organization that deals with homeless issues
- One member from a human services organization that deals with housing issues
- One member from the law enforcement community with experience working with homeless encampments
- One member who is employed by Public Health–Seattle & King County.

A full roster of the appointed CACHE members is included as Attachment 2 to this report. In fulfilling the Council's requirement that two Commissioners be selected to serve as CACHE Co-Chairs, Commissioners Holly Plackett and Bill Kirlin-Hackett were elected by their peers to serve in this capacity.

The County Council also instructed that King County staff be available to the Commission to provide staff support. The Commission wishes to thank the Department of Community and Human Services for ably fulfilling this function. Council also instructed other county departments, including the Prosecuting Attorney's Office, to be available to the Commission to answer specific questions related to its mandate. A list of the county staff that provided support to the Commission is provided in Attachment 3 to this report.

In addition to the staff support provided by King County, the county secured the services of an external consultant to function as Project Manager for CACHE, to facilitate the meetings of the Commission and to draft the CACHE report for review and approval by the Commission. David Wertheimer, M.S.W., M.Div., Principal of Kelly Point Partners (a King County-based consulting group), was selected for this position. Mr. Wertheimer brought to this role both an extensive knowledge of local and regional governments in King County and experience in addressing issues related to homelessness at the local, regional, state and national levels.

Between June 24 and August 9, 2004, CACHE convened five business meetings and two public hearings. At its first two meetings, CACHE received and reviewed information related to homelessness in King County and the history of homeless encampments from a variety of different sources, including the King County Department of Community and Human Services, the King County Prosecuting Attorney's Office and representatives from the sponsors and residents of current tent cities.

The next two gatherings of the CACHE were convened as public hearings. Held on July 13 and July 19, these hearings were advertised extensively and open to any member of the public wishing to address the Commission on any of its mandated areas of inquiry. County staff also mobilized a CACHE Web site prior to the first meeting where members of the general public could review the activities of the Commission<sup>4</sup>. A comments page was created as part of the Web site to gather additional written input.

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<sup>4</sup> See <http://www.metrokc.gov/dchs/CACHE/>

The final three meetings of the CACHE were used by the Commissioners to review and discuss all of the input received and to deliberate on recommendations to be made to the Council.

### **III. Review of Relevant Information & Public Hearings**

#### **Staff Input: Data and Related Information Provided by County Human Services Staff**

CACHE received several staff briefings on basic information related to homelessness and homeless encampments from the King County Department of Community and Human Services. The information provided was critical to understanding the nature and extent of homelessness in King County and determining whether or not there is a need for homeless encampments. Some of the key information and data about homelessness that was provided to the CACHE are summarized below.

There are, clearly, many different causes of homelessness in our communities. Some individuals and families become homeless for short periods of time as a result of fires and natural disasters; although many of us rarely think about it, the high risk of earthquakes, volcanic lahars and mudslides in our region means that large numbers of us could actually become homeless within a matter of seconds. Others may become homeless as a result of economic downturns that lead to loss of employment. Various types of family and domestic violence can result in homelessness among both adults and youth. Veterans are among the homeless population, many dealing with post traumatic stress disorder and other issues. For many of the men and women among our region's long-term homeless population, a variety of disabilities such as mental illness, substance use disorders, HIV/AIDS and other disabling conditions have been contributing factors to personal vulnerability, the loss of stable housing and the disintegration of family and community supports. For these individuals, stable and permanent housing paired with needed medical and/or psychiatric treatment, are equal necessities to ending homelessness. Our social service system, already stretched beyond its capacity to provide help to all who could benefit from assistance, faces particular challenges in engaging and treating individuals who are among our most fragile homeless and offering the intensity of services required to promote the housing and personal stability that leads to recovery.

Creating an accurate count of the precise number of individuals in King County who are homeless on any given night poses a significant set of challenges. Covering more than 2,100 square miles, King County includes Seattle, 39 other cities and large areas of unincorporated suburban and rural areas. The best available estimates concerning homelessness emerge from the annual "One Night Count" conducted each October by the Seattle/King County Coalition for the Homeless (SKCCH). This annual event does not attempt to count every homeless person in the county; the volunteers available for this activity are unable to comb the entire region and focus their efforts, instead, on the areas with the largest known concentrations of homeless persons.

The October 16, 2003 One Night Count reported the following results:

- 4,617 people counted utilizing emergency shelters and transitional programs throughout King County
- 1,899 people counted surviving outside without shelter on the streets of Seattle, Kent and parts of North King County
- 1,500 additional people estimated to be living unsheltered in the balance of King County not covered by the One Night Count.

Based on these numbers, the SKCCH currently estimates that on any given night there are 8,000 people who are homeless in King County.<sup>5</sup> According to the reports from the SKCCH One Night Count volunteers, unsheltered individuals were found in many of the following locations: Benches, parking garages, vehicles, under roadways and bridges, doorways, city parks, greenbelts, bus stops, alleys, walking with no destination, and abandoned or inhabited structures.

In contrast to these numbers, the chart reproduced below provides statistics on the number of facility-based emergency shelter beds in King County that are routinely available throughout the calendar year.

**Total Bed Capacity for Facility-Based Emergency Shelter  
In King County for Single Adults (2003 Data)<sup>6</sup>**

Facility-based Household Beds	Single Women	Single Men	Single Adults	Total Adult Shelter Beds
Seattle	278	942	388	1,608
North King County	0	0	0	0
East King County	5	30	0	35
South County	11	35	0	46
Subtotal of County (outside Seattle)	16	65	0	81
<b>Grand Total</b>	<b>294</b>	<b>1,007</b>	<b>388</b>	<b>1,689</b>

At the request of members of the CACHE, additional information was provided about the distribution of all facility-based emergency shelter beds (including family and youth shelter beds) in King County, together with information about the last permanent address of individuals utilizing these shelter resources. This information is provided in the following table.

**Distribution of Facility Based Emergency Shelter Beds (all types) in King County**

<sup>5</sup> For further details, 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.

<sup>6</sup> King County Department of Community and Human Services, background materials provided to CACHE

### And Last Known Permanent Address for Sheltered Individuals<sup>7</sup>

Location	Single Adult	Family	Youth	Total Beds	Last Permanent Address
Seattle	95.2%	67%	61%	87%	52%
North/East	2.1%	14%	31%	5%	11%
South	2.7%	18%	8%	8%	14%
Wash. State					7%
Out of State					17%
Totals	100%	100%	100%	100%	

Analysis of this data provided useful information for the CACHE in its deliberations on the need for homeless encampments.

Given that emergency shelters in King County have reported operating at capacity in most recent surveys (CACHE heard about many shelters that must regularly turn away those seeking emergency assistance), the data provided by the One Night Count suggests that even when the 1,689 single adult shelter beds in King County are full, an additional 1,899 known individuals and an estimated 1,500 additional individuals can be found surviving without any type of housing or shelter on an average night in October. Assuming that surviving without any type of shelter is undesirable, the available data suggests that the accessible emergency shelter or affordable housing capacity for single adults in King County falls short of the need for such housing by approximately 3,399 beds.

The data also indicates that homelessness is a significant, countywide problem that is not limited to Seattle's urban core. Although 87% of the total emergency shelter beds of all types (single adult, family and youth) are located in the City of Seattle, only 52% of those individuals using these shelter beds reported Seattle as their last permanent address. A total of 13% of emergency shelter beds of all types are located outside the City of Seattle, while 24% of those seeking shelter list a non-Seattle, King County-based address as their last permanent home. While there are many possible ways to interpret this data, many professionals working in the area of homelessness suggest that the statistics are an indication of the pervasiveness of homelessness and that Seattle may be receiving a large number of referrals for emergency shelter from non-Seattle areas.

The absence of sufficient emergency shelter bed capacity in King County highlights one of the many dilemmas encountered by CACHE related to promoting solutions to homelessness. In an environment of limited housing and human services resources, there is a clear tension between the activities of building and operating more emergency shelters to immediately house those who are currently homeless, and significantly increasing the available stock of affordable permanent housing that is accessible to people who are currently homeless. In an ideal world, perhaps our communities would do both; when resources are limited, the choices become more complex and challenging.

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<sup>7</sup> King County Department of Community and Human Services, background materials provided to CACHE

## **Legal Input: Legal Perspectives Offered by the County Prosecuting Attorney's Office**

CACHE received a formal briefing from representatives of the King County Prosecuting Attorney's Office, and an attorney from the Prosecutor's office was available at each CACHE meeting to provide legal perspectives and opinions as needed related to homeless encampments. Several critical legal perspectives provided by the Prosecuting Attorney's Office are summarized below.

### *Constitutional Issues<sup>8</sup>*

- Religious institutions may, as part of their ministry, provide sanctuary for people who are homeless.
- Zoning regulations may not be used to *prevent* religious institutions from feeding or housing people who are homeless.
- Governments such as King County and individual cities may impose or implement a land use regulation on churches and other houses of worship providing shelter to the homeless.
- The regulation may not impose a substantial burden on the church's right to freely exercise its religion unless the government demonstrates that the regulation is in furtherance of a compelling governmental interest.
- The regulation applied must be accomplished in the least restrictive manner necessary to further the compelling government interest.

### *Zoning Issues<sup>9</sup>*

- King County zoning codes identify 11 different zoning/use options based on the three distinct land categories: Resource, Residential and Commercial/Industrial.
- Zoning codes are complex; for each zoning/use option, there are specific permitted land uses. Land use that lies outside of these permitted activities requires a conditional use, special use or temporary use permit.
- For homeless encampments on lands not zoned for this use, a temporary use permit must be requested and obtained. This permit can establish criteria for the encampment that must be met as terms of the permit.
- Zoning codes may require that specific health and safety conditions be met as part of providing homeless encampments.

## **Public input: What CACHE heard at Its Public Hearings**

CACHE convened two hearings to receive input from the public about the topic areas assigned to the Commission by the King County Council. The first of these hearings was held in Tukwila on July 13, 2004. The second hearing was held in Bellevue on July 19,

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<sup>8</sup> See as a reference: 1<sup>st</sup> Amendment to the U.S. Constitution and Article 1, Section 11 of the Washington State Constitution. See also the Religious Land Use and Institutional Persons Act of 2000 (RLUIPA)

<sup>9</sup> See King County Code 21A.08.050, pertaining to general services land uses

2004. Information about the hearings was widely disseminated via the CACHE Web site, the local print and electronic media, and word of mouth. Specific invitations were issued to representatives of municipal governmental authorities for each incorporated area in King County.

Those offering testimony to CACHE represented a diverse range of individuals, including past and current residents of homeless encampments, ordained clergy, members of community-based organizations and private citizens. The perspectives offered to the Commission were equally diverse in content. However, for the most part, those testifying were from two distinct groups of individuals who experience the most immediate impacts of homeless encampments: Residents of tent cities and those providing assistance to them, and individual property owners living in close proximity to a current encampment. The CACHE received comparatively little testimony from the residents of the many communities in which encampments have been hosted in years past.

Although representatives of local municipal governments received a separate invitation to provide input during the CACHE public hearings, no representatives from this group of stakeholders offered comments to the Commission at its public hearings. This absence was disturbing to many Commissioners as it suggests that there is an insufficient level of concern from and involvement by municipal governments in the issue of homelessness. Despite this absence, CACHE believes that homelessness remains a local, regional and national issue and that the solutions to homelessness must be developed and implemented in every King County community.

A summary of some of the key perspectives offered by those testifying before the Commission is provided below.

#### *On the Need for Homeless Encampments*

- Forty-five individuals testified that there is a need for encampments.
- Thirteen individuals testified that there either was not a need for tent cities, or that homeless encampments are a bad idea.
- Thirty individuals articulated the need for permanent solutions to homeless that address the root causes of homelessness.

#### *On the Use of Public or Private Lands for Encampments*

- Fourteen individuals testified that homeless encampments should be permitted on public lands. Of these 14 individuals, 11 indicated that their preference for tent cities on public lands was related to the ability of publicly hosted sites to allow longer lengths of stay for an encampment. The longer length of stay, these individuals stated, helps residents to establish and sustain the stability required to get and keep jobs.
- Seven individuals testified that homeless encampments should be limited to private lands.

- Ten individuals testified that homeless encampments should be permitted on both public and private lands.
- Seven individuals testified that homeless encampments should not be permitted on either public or private lands.

#### *On the Value of Homeless Encampments*

- Seventeen individuals who were current or former residents of homeless encampments indicated that the encampment experience has or is helping them stabilize their lives and access the employment and social services that will increase their abilities to access and sustain independent housing. Many of these individuals reported that, for them, tent cities had served as an entry point to the process of recovering from homelessness.
- Fifteen individuals cited increased personal safety and security as one of the primary purposes of homeless encampments; living in the tent city provides more safety than living on the streets.
- Five individuals indicated that tent cities provided an alternative to gender-separated shelter settings for homeless couples.
- Two individuals testified that homeless encampments helped pregnant women access pre-natal care.
- Four individuals indicated that homeless encampments provide space for storage of personal belongings that is not available in shelters.
- Nine individuals testified that homeless encampments provide a sense of community for persons who are homeless.
- Seven individuals living near homeless encampments indicated that encampments were an asset to their neighborhood, and enriched the life of the community.

#### *On the Negative Impact of Homeless Encampments*

- Two individuals testified that from their perspective, tent cities had disrupted their neighborhood and caused local property owners financial injury.
- Five individuals suggested that homeless encampments contribute to and enable homelessness.
- Three individuals testified that they believe tent cities make the region a magnet for persons who are homeless.
- Two individuals testified that tent cities increase stresses on local government resources, including law enforcement.
- One person testified that tent cities further stigmatize the homeless.

#### *On Alternatives to Homeless Encampments*

- Two individuals suggested that a local tax be instituted to fund permanent solutions to homelessness.
- Two individuals suggested promoting home-sharing opportunities for persons who are homeless.

## Other Input: What CACHE Learned from Written Submissions

In addition to the CACHE hearings, members of the public were invited to submit written testimony to the Commission, using either the CACHE Web site or the United States Postal Service. Submissions received represented a broad array of perspectives and opinions on the issue of homeless encampments. The CACHE Commissioners were impressed by the depth, thoughtfulness and passion reflected in many of these submissions. Those who communicated with the Commission clearly care deeply about the wellbeing of their communities and the quality of life in King County, both for persons who are homeless and those who are fortunate enough to have permanent addresses. A range of concerns was expressed about the needs of people who are homeless, the impact of encampments on both small and large communities and the appropriateness of placing encampments on either public or private lands. The Commission thanks those who contributed for the richness of their submissions.

Although it is impossible to summarize fully the contents of all of the materials delivered to CACHE for consideration, two samples from the submissions help to convey the breath of positions articulated by King County citizens:

*"I disagree totally with the idea that we need Tent Cities and further, they do not provide a valid progressive and positive useful service. In conjunction with this I see no need or requirement for Tent Cities or the like to be located on public property. ...As for the use of private or church property this is up to those others who would offer their land for such use. However, they must follow "Due Process" which involves obeying existing and future ordinances, statues and other public reviews that cover this type of land use. They must also be responsible for expenses that require public support including public health and safety..."*

-- A resident of Bothell WA, July 19, 2004

*"In May of this year, T[ent] C[ity] 3 was located 50 steps from my front door. At first I was reticent, but after the first 24 hours I was convinced that it was the BEST thing that had happened to my neighborhood in a decade! I wish the tent city could have stayed longer! I own a half-million dollar home, and I was fearful that this encampment would devalue my home...it did not. The people living in TC3 were courteous, thoughtful, security minded, and even picked up the trash within a two-block radius of the camp! The curfews they set, along with the security they self-provided were strictly enforced. It was NOT a steady flow of people coming and going. The security gate and check point were maintained 24/7."*

-- A resident of Seattle WA, July 10, 2004

CACHE also solicited input from local government and law enforcement officials in communities where encampments had been hosted. Questions were asked related to additional expenses incurred by public service systems as well as public safety problems

that might have been related to the presence of the encampments. The following information was collected as part of the CACHE process:

- According to a detailed report in the *Seattle Times* about Tent City 3 and its movement through a range of Seattle neighborhoods, "...residents, police and crime statistics suggest that the homeless encampment has not created a crime wave anywhere it has gone."<sup>10</sup>
- Forrest Conover, Chief of Police for the City of Bothell, provided a detailed memorandum related to police activities related to the homeless encampment within his jurisdiction. Detailing on results of the 24-hour police presence at the encampment between May 17 and July 6, 2004, he wrote that a total of 83 police contacts were reported. This included 18 criminal investigations and 65 non-criminal investigations. Chief Conover went on to note: "...the amount of police activity has been fairly significant for the first fifty-one days of the encampment. However, we must also say that many of these reports have been documented 'contacts' by officers working security at Tent City, not criminal activity. In addition, many of these reports have been generated by Tent City 'security' after calling the police department to advise that someone had been 'ejected' or 'rejected'." He went on to state that "I believe the reason most other jurisdictions which have hosted a tent city did not have a similar number of police incidents is largely due to the fact that they did not have a police officer stationed at the encampment, and/or police were not notified often when tent city residents were required to leave the encampment." Bothell Police identified 11 individuals at the tent city with outstanding arrest warrants, two individuals with records as violent offenders and one known level-two sex offender. Overall, Chief Conover noted that "Most of the individuals at tent city are law-abiding, and we have not seen an increase in crime in the Mayville neighborhood."<sup>11</sup>
- Chief Keith Haines of the City of Tukwila Police Department provided the following information to CACHE: "We did not have significant police costs that we incurred the several times that Tent City was here in Tukwila. We had a few minor police calls, but nothing out of the ordinary. We did not post a guard there 24 hours a day because it was not necessary here."<sup>12</sup>
- Chris Flores, Operations Chief for the Tukwila Fire Department, provided the following additional information from Tukwila: "Tent City [in Tukwila] did not generate inordinate expenses nor did it significantly impact our call volume."<sup>13</sup>

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<sup>10</sup> Seattle Times, *Tent City Doesn't Seem to Affect Crime Rates*, by Keith Ervin and Justin Mayo, May 21, 2004

<sup>11</sup> City of Bothell Interoffice Memorandum from Forrest Conover, Chief of Police, to Manny Ocampo, Interim City Manager, dated July 8, 2004

<sup>12</sup> Email from Keith Haines to Sherry Hamilton, King County DCHS, July 23, 2004

<sup>13</sup> Email from Chris Flores to Sherry Hamilton, King County DCHS, July 22, 2004

## IV. CACHE Core Principles: Areas of Consensus

Every member of CACHE was committed to working to find viable solutions to the urgent problem of homelessness in King County. However, early on in its deliberations, CACHE members recognized that consensus would be difficult to achieve on all of the specific topic areas assigned to it by the Council. In order to provide a foundation upon which the Commission could pursue the complex and challenging issues related to homeless encampments, the group decided to search for common principles with which all members could agree and upon which the CACHE deliberations could be constructed. Five such common principles were identified:

- **The scope of homelessness and its causes are large and complex.** CACHE recognized that seven meetings and two months of activities would not create a solution to homelessness, and that numerous other local and regional initiatives are working to address this issue. Precisely because of the scale of the problem of homelessness currently confronting our communities, the Commission recognized that tackling the many core issues that cause homelessness will require active partnership among every concerned citizen and stakeholder in the county. The Commission strongly encourages King County communities, led by the King County Council and the County Executive, not to shy away from the tasks and collaborations that ending homelessness will require.
- **There is not enough affordable housing that is accessible to the homeless in King County.** There is not currently enough affordable housing in King County to end homelessness in our communities. This is particularly true of housing for those of our residents in the very lowest income categories. For a person receiving Supplemental Security Income (SSI) from the Social Security Administration, unless housing is significantly subsidized, it remains virtually out of reach.<sup>14</sup> Even a working couple, each earning \$7.50 per hour, cannot afford the average rent for one-bedroom apartment in King County.<sup>15</sup> Additionally, while the rental housing market in our region may have “softened” in recent years, persons with histories of homelessness often have trouble accessing affordable housing that may be available. The lack of affordable housing, along with unemployment, bad credit, histories of criminal justice system involvement, move-in costs (including first and last month rent, damage deposits), a broad range of physical and mental disabilities, etc., all make existing housing stock difficult to secure for many persons who are homeless, without even considering the increasing shortage of subsidized housing resources and the long waiting lists for such programs. Waiting lists for Section 8 housing vouchers run many months to several years, and these already unreasonable waiting lists will be

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<sup>14</sup> In 2003, the average monthly rent for a 1-bedroom apartment in the Seattle-Bellevue area was 124.4% of amount of an individual SSI monthly payment. For additional details, see [http://www.wpas-rights.org/Envoy%20Online/Envoy%20Archives/Priced\\_Out\\_of\\_Housing.htm](http://www.wpas-rights.org/Envoy%20Online/Envoy%20Archives/Priced_Out_of_Housing.htm)

<sup>15</sup> United Way of King County, Out of the Rain Initiative

further exacerbated by anticipated decreases in the availability of Section 8 subsidies in the years ahead.

- **Shelter without needed treatment is an insufficient response to homelessness.** For many persons who are struggling with both homelessness and mental illness, substance use disorders and other disabling conditions, housing in and of itself is not a viable answer to homelessness. For these individuals, without the needed array of essential treatment and supportive services, housing tenure will be short-lived and the risk increases of returning to homelessness. Treatment services must be linked to housing in a fashion that supports individuals in obtaining and maintaining housing.
- **Shelter should be a short-term stepping point to permanent housing.** Emergency housing solutions, such as shelters, should never be considered an adequate response to homelessness. Emergency housing should always be conceptualized as the entry point to a continuum of housing alternatives linked to any needed treatment and supportive services. Providing shelter alone is insufficient, if our goal is truly ending homelessness.
- **Tent cities will not solve or end homelessness.** Encampments should be considered one of the least desirable emergency housing alternatives. Although some individuals find safety, stability and community in the tent city environment, our society should be able to do better than parking people in encampments. The solution to homelessness is housing and supportive services, not more tent cities.

## V. CACHE Decisions & Recommendations

Building upon the consensus foundation of the five core principles identified above, the CACHE addressed the specific topic areas assigned to it by the County Council. The decisions made by the voting members of the CACHE are detailed and discussed below. For each decision, where consensus was not achieved, majority and minority positions are clearly articulated, along with the rationale for each of the positions taken. A roll-call vote recording the actual votes of each Commissioner on each decision area is included in Attachment 4 to this report.

### *Decision Area 1: Is there a need for homeless encampments?*

Analysis of the available data suggests that on any given night in King County, almost 3,400 individuals are without a roof over the heads. This is a deplorable condition for any community. With only limited emergency and transitional beds available in our King County communities that are all operating at or near their capacities, there is a significant

gap between the need for emergency and transitional housing and the abilities of our communities to fill this need. Clearly, the need for an adequate continuum of emergency, transitional and permanent housing is critical.

Pivotal issues considered by the Commission included:

- In the absence of sufficient emergency and transitional housing, do homeless encampments provide a viable alternative for individuals who would otherwise be living in isolated pockets on the streets, under viaducts, in the woods and in other locations throughout King County?
- Do homeless encampments meet the basic definition of dignified shelter?
- Do homeless encampments have significant and lasting negative impacts on the communities that host them?
- Would any statement from King County endorsing the use of homeless encampments distract our communities from the more important task of generating the resources and the will to end homelessness?

After discussion of these and other core issues, the Commission articulated the following positions:

**Thirteen Commissioners voted that there is a need for homeless encampments at this time in King County.** This perspective is rooted in the belief that the problem of homelessness cannot be solved overnight, and that tomorrow there will still be large numbers of persons who are homeless in King County who could benefit from the relative safety, stability and community environment provided by encampments. The 10 Commissioners supporting this position 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 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.

These three addenda were intended to clarify that support of homeless encampments must in no way detract our communities from applying all available skill, energy and resources to solving the problem of homelessness in King County. The “sunset date” clause is not provided to suggest that after a certain date, people who are homeless should be forced out of encampments and back onto the street. *Rather, requiring a “sunset date” is intended to help to stimulate the immediate response needed to ensure that by a yet to be determined date, homeless encampments will no longer be needed because an adequate supply of emergency shelter, transitional housing and affordable permanent housing has been developed.*

The second addenda is intended to underscore that solving the problem of homelessness is a responsibility shared by all of us and each of our communities. Homelessness is not a “Seattle problem;” there are people who are homeless in virtually every King County community. Nor can we only blame the residents of encampments for their predicaments; the failure of an adequate response sits squarely and collectively on all of our shoulders.

The third addenda is provided to ensure that homeless encampments remain manageable entities, limited in size and linked to the treatment and services that residents may need. Encampments without connections to transportation that can help residents get to jobs and other appointments will not help to promote an end to homelessness. Tent cities with residents that have unmet treatment needs related to major illnesses and disabilities will not provide healthy environments that promote recovery.

**Four Commissioners voted against the statement that there is a need for homeless encampments at this time in King County, as qualified in the 3 addenda cited above.** These Commissioners indicated that permitting encampments in King County legitimizes an unacceptable alternative for persons who are homeless and lets King County communities “off the hook” for finding and securing *more suitable and immediate* alternatives to homelessness.

- The four Commissioners cited above did not vote against encampments because they did not accept the data confirming that the need for emergency, transitional and permanent housing capacity in King County far outstrips available capacity in these systems. Rather, this group articulated the concern that by permitting encampments, our communities will tacitly approve of a response to homelessness that is less than what we need to be doing to actually end homelessness. People encamped are still people homeless. Although encampments may offer an inexpensive and politically expedient short-term response to the immediate needs of small groups of homeless individuals, those voting for this position articulated that at the end of the day we must never allow ourselves to go to our own homes believing that we have done something good by letting people live in tent cities. Furthermore, several of the individuals in this voting group articulated concerns that encampments can have deleterious impact on the communities in which they are sited, and that placing encampments in communities that do not want them impinge upon the rights and daily lives of our county’s citizens.

### *Decision Area 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).

There were many reasons provided for those supporting this position. These included:

- Solving the problem of homelessness will require the involvement of both the public and private sectors. It is unreasonable to place the entire burden of hosting encampments on the private property owners (including churches), when there may be public lands that are suitable for this use.
- Placing encampments on public lands may allow tent cities to remain for longer periods of time at a single location. The Commission heard from many encampment residents that the stability that is critical to finding jobs, sustaining links to needed treatment and supportive services and increasing productive participation in society is compromised when frequent moves are required and one's address changes every month.

The addendum to this position was provided to help insure that the use of public lands for encampments occurs in a careful and measured fashion. Those sponsoring encampments on public lands should be required to meet standards appropriate to the use of publicly-owned property, including criteria designed to promote the health and safety of both the tent city residents and the surrounding community.

**Three Commissioners voted to support the use of private lands only for homeless encampments.** These Commissioners do not support the use of public lands for homeless encampments under any circumstances.

These Commissioners articulated that any use of public lands for encampments would be inappropriate, in part because governments should not be in the business of making properties it holds for the benefit of all citizens available to small groups for the establishment of tent cities. Furthermore, this group stated that encampments on public lands could prove more difficult to manage; for example, it might be more difficult to evict undesirable residents from an encampment of public versus private lands. Use of public properties might also result in allowing longer encampments in single locations than is healthy either for the tent city residents or the communities that are located nearby.

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

Consistent with the reasons articulated in their vote on Decision Area 1, these Commissioners are opposed to allowing public encampments on any lands, public or private, in King County.

**Decision Area 3: 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 related to homeless encampments developed among the City of Seattle, SHARE/WHEEL and El Centro de la Raza. It is important to note that in order to remain in alignment with the mandate assigned to it by the Council, the Commission addressed *only* those guidelines it deemed relevant to making decisions about the *location* of future homeless encampments. The Commission did not consider policy and procedural guidelines related to the operations and management of homeless encampments. Although many questions related to this issue were raised during the course of the public testimony received and the CACHE deliberations, further discussion and decision making in these areas has been deferred by CACHE to those entities with designated responsibility for these issues.

**Policy and Procedural Guidelines Approved by the Commission**

After careful consideration and discussion, the CACHE approved the following guidelines. The vote tallies for and against each item are provided below.

***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***

The sponsoring organization shall enter into a written or oral agreement with the host property owner, whether a religious community, school, private entity or public entity, regarding the establishment of a tent encampment. If the agreement is oral, the sponsoring organization shall memorialize the agreement in writing. The written or memorialized agreement shall state the maximum duration the encampment will remain at the host site.

***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***

The Commission recognizes that there may be differences between religious institutions and other private organizations hosting homeless encampments and public lands that are approved for this use. A majority of the Commissioners voted to require that, where public lands are being considered for use for encampments, community meetings that ensure mechanisms for public input into the decision be convened prior to the execution of the agreements between the sponsoring and host organizations.

***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***

Once the sponsoring organization has entered into a written or oral agreement with a host, the sponsoring organization shall provide a copy of the agreement within three calendar days to whatever local government department(s) is/are designated with oversight of zoning and land use activities. The notice shall identify two contact persons for the sponsoring organization at the host site and two contact persons who are representatives of the host, with daytime and nighttime contact details for all such persons.

*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*

After entering into an oral or written agreement with a host, the sponsoring organization shall set date(s), time(s) and location(s) for community meeting(s).

*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:*

<i>Require between 5-14 days advance notice:</i>	<i>4 votes</i>
<i>Require between 14-30 days advance notice:</i>	<i>10 votes</i>
<i>Require at least 30 days advance notice:</i>	<i>3 votes</i>

Commissioners had several different perspectives on the number of days prior to the start of an encampment that should be required for community notification. When tent cities are required to move on a regular basis (e.g., every 30 days), it may in some cases be difficult to secure a new location and complete all required notification activities more than 30 days in advance. At the same time, less than one week's notice prior to the arrival of an encampment may not provide local communities and local government entities with sufficient time to prepare for the arrival of so many new neighbors. The position taken by the largest number of Commissioners to require 14-30 days advance notice, represents an effort to find the middle ground that balances the challenges of finding suitable encampment hosts and the need for adequate community notification.

*Any organization sponsoring a homeless encampment must conduct its notification activities in a specified geographic area in proximity to site of encampment:*

<i>Two (2) blocks:</i>	<i>10 votes</i>
<i>1,320 feet / 1/4 mile:</i>	<i>7 votes</i>

The most desirable geography of notification may vary, depending on the nature of the host site selected. In a large urban area such as Seattle, providing notification within a two block radius of the encampment may be adequate to the needs of both the community and the tent city. In more suburban or rural areas where the actual concept of neighbor and neighborhood may be defined differently, a larger notification area may be needed. While the votes recorded on this item reflect two different positions, the Commissioners recognized that flexibility may be required, and the specific nature of notification activities may need to vary by encampment location. While a two-block notification may not suffice for a rural encampment, a 1,320 foot notification in a densely populated city may prove unwieldy and costly for the sponsoring organization to complete.

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

The sponsoring organization and the host site will hold a community meeting on the encampment site, if reasonable facilities exist, or otherwise at a location a reasonable distance from the host site. The host and sponsoring organization will, at this meeting, explain the proposed encampment and state its proposed duration. Questions and answers will be allowed.

The Commissioners agreed that the number of meetings needed to ensure adequate depends on the nature of the site selected for the encampment. In larger communities, two meetings may be preferred. In smaller communities, one meeting may suffice and two meetings may tax the resources of the sponsoring and host organizations.

***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**

All the Commissioners agreed that limiting the size of encampments is critical to maintaining a viable, manageable and safe tent city environment. There was some disagreement about the maximum desired size, as reflected in the vote totals above.

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

Tent encampments shall maintain the following buffers from surrounding lots:

- a) A minimum 20 foot separation or setback in each direction from the boundary of the lot on which the encampment is located, but if not available;
- b) Established vegetation sufficiently dense to obscure view and at least eight feet in height, but if neither a) nor b) is available;
- c) An eight-foot high, view-obscuring fabric fence. This is the least preferred alternative, but may also be used in combination with a) and b).

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

*On-Street Parking:* The availability of on-street parking will be considered in selecting encampment sites if the encampment would displace on-site parking normally utilized by the host. The sponsoring organization shall endeavor not to displace established parking. Host sites shall be selected where no displacement or minimal displacement of parking will occur, when possible.

*On-Site Parking:* The sponsoring organization shall select potential host sites with available on-site parking for vehicles associated with the encampment, including delivery trucks, whenever possible.

***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***

The sponsoring organization will ensure the location of any encampment is appropriate for meeting safe food, water and sanitation practices as defined by Public Health. The sponsoring organization will permit inspections of its encampments by Public Health – Seattle & King County without prior notice. The sponsoring organization shall comply with all directives issued by Public Health within the time period specified by Public Health. In selecting encampment sites, the sponsoring organization will consider linkages to address the human service needs of residents and access to public transportation.

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

Encampments should not remain at a location that, due to weather conditions (such as rain) do not remain viable and healthy locations for tent cities.

***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***

There was some disagreement voiced about this issue, as reflected in the vote tally recorded above. All the Commissioners agreed that an exception to this provision 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.

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

During its deliberations, the Commission requested information on parcels of land held by King County that could potentially be used as sites for homeless encampments. The Commission recommended that such a list, after careful compilation by county staff, be made available to the general public for information and review. CACHE believes that the general public – including both those seeking to sponsor encampments and those concerned about where future encampments might be located – have a right to know of the parcels owned by King County that could potentially be used for such purposes.

***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***

Many Commissioners expressed concern about the potential impact of multiple encampments on unincorporated areas of the county, especially in smaller communities or regions that are rural in nature. In order to accommodate this concern, a majority of the CACHE Commissioners believes that encampments in unincorporated areas should be separated by significant geographic distance. The 25 mile limit here is not based on any specific information or evidence; rather, the distance listed here is intended to suggest the need for careful consideration of the impact of encampments in less sparsely populated areas of the county.

#### **Policy and Procedural Guidelines Not Approved by the Commission**

The following items were considered by the CACHE, but did not receive support of the majority of voting Commissioners. The vote tallies for each item are included below.

***Any sponsoring agency shall be required to carry a \$2 million performance bond. VOTE: 3 yes/12 no***

Several Commissioners articulated the position that sponsoring agencies should be required to maintain a performance bond for the duration of their sponsorship of a homeless encampment. The majority of the Commission did not agree with this requirement.

***Any sponsoring agency shall be required to carry a \$2 million liability insurance policy. VOTE: 3 yes/12 no***

Several Commissioners articulated the position that sponsoring agencies should be required to maintain liability insurance for the duration of their sponsorship of a homeless encampment. The majority of the Commission did not agree with this requirement. However, the Commission did vote unanimously to recommend that residents of and visitors to encampments hold King County harmless from liabilities related to encampments. (N.B. This vote was not included in the approved policy and procedural guidelines, above, because it does not pertain to the actual location of homeless encampments.)

*A special permitting review board with a recommended composition of three King County Council members, three local elected officials from the area(s) affected by encampments, and three citizens from affected areas, appointed by the local elected officials be established to review and grant permits for homeless encampments. VOTE: 4 yes/10 no, 1 abstention*

Several Commissioners recommended that special permits be required for any homeless encampments, and that special permitting review boards be established in communities where special encampment permits are being sought. A recommended configuration for these permitting review boards was offered. The majority of the Commission did not agree with this recommendation.

*Any sponsoring organization should be limited to sponsoring no more than one encampment at any one time in unincorporated King County. VOTE: 4 yes/11 no, 2 abstentions*

Several Commissioners expressed concern about the capacity of sponsoring organizations to operate multiple encampments in different locations. Although all the Commissioners agreed that any sponsoring organizations should maintain the capacity to manage homeless encampments effectively, the majority of Commissioners did not want to limit the ability of organizations with the demonstrated capacity to manage more than one encampment a time to be precluded from doing so because of a formal county policy.

*Encampments may not occupy host sites until any legally required permits have been obtained. We recognize that court orders may supercede local zoning ordinances. Vote: 5 yes/11 no, 1 abstaining*

The Commissioners discussed the situation facing those locations in which any of a variety of zoning permits may be required in order to host a homeless encampment. Recognizing that the law is already clear about zoning requirements throughout the County, the majority of Commissioners did not perceive that any additional statements about this issue are necessary at this time.

# Attachment 1: King County Ordinance 14922

*King County*

## Signature Report

June 17, 2004

*Ordinance 14922*

Proposed No. 2004-0248.2

Sponsors: Edmonds, Ferguson, Phillips, Constantine, Pelz, Gossett and Patterson

*AN ORDINANCE establishing the King County citizens' advisory commission on homeless encampments.*

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Establishment - definition. The King County citizens' advisory commission on homeless encampments is hereby established. For the purposes of this ordinance, "the commission" means the King County citizens' advisory commission on homeless encampments.

SECTION 2. Purpose. The commission shall study, identify options and make recommendations to the executive and council on the following issues:

- 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; and
- D. Options, including an analysis of the potential advantages and disadvantages, for locating homeless encampments on private land in King County.

SECTION 3. Membership - appointment process, requirements.

A. The commission shall consist of twenty-two members, including eighteen voting members and four advisory members. In accordance with K.C.C. 2.28.002, the members shall be appointed by the executive and confirmed by the council by motion.

B. The eighteen members shall consist of the following:

- 1. Thirteen members who are citizens, each representing one of the thirteen council districts. Of the thirteen citizen members, the executive shall select the appointee representing a council district from a list of names forwarded by the councilmember representing that district to the executive;

2. Two members from community-based organizations, which may include but are not necessarily limited to faith-based organizations, of which at least one member shall reside in a city located in King County with a population less than five hundred thousand;
  3. One member who represents the municipal government of a city located in King County with a population less than five hundred thousand;
  4. One member who represents the city of Seattle; and
  5. One member who represents King County.
- C. The four advisory members shall consist of the following:
1. One member from a human services organization that deals with homeless issues;
  2. One member from a human services organization that deals with housing issues;
  3. One member from the law enforcement community with experience working with homeless encampments; and
  4. One member who is employed by Seattle-King County public health.
- D. All appointees should have:
1. An ability to work with differing viewpoints to find solutions to complex problems; and
  2. A willingness to commit the time necessary to attend commission meetings, public hearings and other activities necessary to complete the purpose of the commission.
- E. An appointee shall not hold or be a candidate for elected office while serving on the commission.
- F. The executive shall transmit to the council the appointments to the commission, including names and contact information of the twenty-two commission members, by June 7, 2004.

SECTION 4. Public hearing requirements. The commission shall hold a minimum of two public hearings at different locations in the county to solicit input from the general public. The public hearings shall be widely advertised in the media and through appropriate existing county distribution lists.

SECTION 5. Recommendations - referral to the committee-of-the-whole. Any policy recommendations issued by the commission that require council approval shall be referred to the committee-of-the-whole for review and consideration.

SECTION 6. Reporting requirements. The commission shall file with the clerk of the council, for distribution to all council members, a final written report by August 15, 2004, including a needs assessment and recommendations on the issues identified in section 2 of this ordinance. Each recommendation shall include justification and reasoning supporting the conclusion.

SECTION 7. Staffing and operations.

- A. The commission shall appoint two members to serve as co-chairs of the body.
- B. The executive shall provide professional staff support to the commission. The executive shall designate staff persons with the appropriate level of expertise and experience necessary to support the commission.
- C. County staff persons in all departments and all branches of government shall be available to answer questions and provide information to the commission.

D. The prosecuting attorney's office shall provide legal assistance to the commission.

SECTION 8. Parking. The county shall provide parking space free of charge in the county garage to commission members while attending meetings where commission business is conducted.

SECTION 9. Locating homeless encampments on county-owned property before adoption of policies. The county shall not identify county-owned property for locating homeless encampments or locate homeless encampments on county-owned property prior to September 15, 2004.

## **Attachment 2: Members of the King County Citizens Advisory Commission on Homeless Encampments**

### **JUDY SCHNEBELE - Council District 1**

Judy Schnebele has an active interest in the issues of homelessness and affordable housing. She is past-president of the board of LATCH, the Lutheran Alliance to Create Housing, and has remained active in fund raising and committees for LATCH. She has participated as a community representative on the board for the Easternwood Cooperative, which is affordable cooperative housing. Judy has been a business owner and is currently an independent contractor. She has lived in the Bothell/Woodinville area for 31 years.

### **SANDRA KORTUM – Council District 2**

Sandra Kortum is an Elder at Lake City Christian Church, which has hosted Tent City three times. She believes strongly in the need to provide safe housing for those who are homeless and trying to work and get back on their feet. She has been a resident of the Lake City/Shoreline area since 1990. She has been employed with the Washington State Department of Transportation (WSDOT) for 11 years, and has worked for the past four years with developers, citizens and local agencies (cities) in facilitating solutions to issues where there is no clear answer. She has learned to listen and to utilize the expertise of all the parties involved, in order to find solutions that meet the local agencies' needs, the developer or citizen's finances, and the laws that govern WSDOT.

### **HOLLY PLACKETT – Council District 3 (CACHE Co-Chair)**

Holly Plackett is a former Redmond City Council member where she served as chair of the Parks and Human Services Committee and as a member of the Public Administration and Finance Committee. In 2002 she was elected vice-president of the Council. Previously, she served five years on the Redmond Planning Commission, including one year as chair. She is currently a credit analyst with US Bank.

### **BOB SANTOS – Council District 4**

Bob Santos is a longtime citizen activist who has devoted much of his personal and professional life to advocating for affordable housing for low-income individuals and families. He is the former Northwest Representative for the Secretary of the US Department of Housing and Urban Development (HUD), where he worked to create partnerships across public and private sectors to create affordable and special needs housing projects. He was also responsible for establishing a homeless shelter in the Federal Building in downtown Seattle, creating a precedent for other federal office buildings to open their doors to help the homeless. Santos is currently executive director of Inter\*Im Community Development Association, dedicated to promoting and revitalizing the Asian Pacific communities in the Puget Sound area for the benefit of low-moderate income residents and business owners.

**AL PATTERSON - Council District 5**

Al Patterson is Chaplain for the Tukwila Police and Fire Departments. Prior to becoming a chaplain, he was the Executive Director of Love in the Name of Christ, a non-profit agency that assists the needy in Southwest King County. He also worked 25 years in the aerospace industry as a graphic artist. He has been a Police Department volunteer since 2001 at the Neighborhood Resource Center (NRC). He is a resident of Tukwila and is an ordained minister.

**SUSAN G. RYNAS – Council District 6**

Susan G. Rynas is a Licensed Mental Health Counselor as well as a passionate advocate for the mentally ill. She and her husband have resided on the Eastside for the past four years and are the parents of two adult daughters. Her interest in homeless issues is subjective and personal, stemming from her life experiences as a family member. She is interested in the varied root causes of homelessness and favors long-term solutions. Susan holds a firm belief that no one should be homeless.

**DINI DUCLOS – Council District 7**

Dini Duclos is chief executive officer of the Multi-Service Center, a private not for profit community action agency serving low-income individuals and families living in South King County. Dini came to the agency in 1995 and has led the agency to expand its mission to include emergency shelter for homeless families, transitional housing for homeless families and individuals in recovery, and affordable housing for individuals, families and seniors. Today the agency has 180 units of housing and an additional 271 in development stages. Ms. Duclos has served on the Committee to End Homelessness, is board chair for the Federal Way Chamber of Commerce, president-elect of the Statewide Community Action Partnership and a board member of the Housing Development Consortium of Seattle/King County.

**PAUL FISCHBURG – Council District 8**

Paul Fischburg has been engaged in creating community for over 20 years. He was a founding member and development manager for Puget Ridge Cohousing where he has lived with his family since the project was completed in 1994. Paul was a founder of the Delridge Neighborhoods Development Association (DNDA) and has been the Executive Director since its inception. Since breaking ground on its first project in 1999, DNDA has completed over \$12 million in community development projects in the Delridge community, with over \$27 million in projects under development. In the summer of 2003, Paul returned from a year-long sabbatical during which he, his wife and daughter experienced community life around the world.

**RON SWICORD – Council District 9**

Ron Swicord has worked in the high tech industry for over 30 years, serving as general manager, vice president of sales, and operations manager. Currently he is program manager for a Fortune 100 company supporting a field sales organization of over 1,200 people throughout the U.S. Mr. Swicord and his wife have lived in the Puget Sound area for 25 years and have three children. He has been involved as fundraising chairman for local non-profit organizations and has raised over \$1

million over the past several years. He supports property rights, encourages citizen involvement in their communities, and favors long-term solutions, which include training, educational assistance and job placement in order to minimize the need for temporary solutions for the homeless.

**HARRIETT WALDEN – Council District 10**

Rev. Harriet Walden is an associate pastor with the Joy Cathedral in Seattle, where she is actively involved in leading a social justice ministry that includes advocating for the homeless. She is a founding member of Mothers for Police Accountability and worked with the Seattle Police Department to develop Crisis Intervention Training for police officers. Rev. Walden has lived in Seattle for thirty years and is both a mother and grandmother. She is active with the Church Council of Greater Seattle.

**STEVEN PYEATT – Council District 11**

Steven Pyeatt has been involved in the computer, networking, and Internet industry for over 25 years, and is currently involved in Web hosting and site development. He is a lifetime area resident, born in Shoreline and currently living in Kirkland. Pyeatt is active in community and charitable causes, including chairing fund raising events for the American Cancer Society. He promotes individuals becoming involved in their communities. He is one of the founders of the Communities for Fair Process and played an active role in advocating for due process with regard to homeless encampments. He advocates a comprehensive system that taps the intelligence and education of the smartest region of the country to develop an innovative model for real solutions to end homelessness.

**SHANE DAVIES – Council District 12**

Shane Davies is a lifelong resident of King County, living just outside Maple Valley. He is a realtor for Windermere Real Estate and currently manages the Maple Valley office, which he opened in 2000. He also spent six years in the US Naval Reserves. Davies has worked with the Windermere Foundation, which uses its funds to help homeless and low-income families. He also volunteers with a local housing charity, Vine Maple Place. He is a member of the Maple Valley/Black Diamond Chamber of Commerce and Rotary.

**ROBERT THOMPSON, MD – Council District 13**

Dr. Robert Thompson is a physician whose primary area of practice is family medicine, with a secondary practice in obstetrics/gynecology. He is affiliated with Valley Medical Center in Renton.

**WILLIAM KIRLIN-HACKETT – Faith-based organization (CACHE Co-Chair)**

Bill Kirlin-Hackett resides in Redmond and is an ordained Lutheran (ELCA) minister. His home congregation is St. Luke's Lutheran Church in Bellevue. He is Program Coordinator for the Interfaith Task Force on Homelessness, and also serves as one of the coordinating leaders of the Religious Leaders' Task Force of the King County Alliance for Human Services. In addition, he serves on the Advisory Board for the Rauschenbusch Center for Spirit and Action.

**TONY LEE – Community-based organization**

Tony Lee is Advocacy Director for the Fremont Public Association and Policy Director for the Statewide Poverty Action Network (SPAN). He is responsible for directing advocacy work for both FPA and SPAN, focusing on low-income issues such as welfare reform, GAU, Medicaid and low-income housing. Previously he served as Legislative Director for the Washington Association of Churches where he coordinated public policy work and focused on human rights and low-income issues. He was also previously a staff attorney with Evergreen Legal Services.

**RHONDA BERRY – Suburban city representative**

Rhonda Berry is City Administrator of the City of Tukwila. She has been with the City nearly 14 years, having served under 3 Mayors. The City's Human Services Division was created under Rhonda's supervision some 13 years ago. Rhonda has served on the Board of Directors of Southeast Seattle Senior Foundation and Emerald City Outreach Ministries, is a volunteer tutor in the Tukwila schools, and has been involved in various community activities.

**ALAN PAINTER – City of Seattle**

Alan Painter is Director of the Community Services Division of the City of Seattle's Human Services Department. He is responsible for coordinating and implementing City policy initiatives to support housing and services on behalf of homeless persons. He chaired the Governor's Washington State Advisory Council on Homelessness and co-chaired the Washington State Policy Academy on Homeless Families. Previously, Alan worked for US Congressman Mike Lowry as director of Lowry's District Office and also worked as a Special Assistant to US Senator Warren G. Magnuson in Washington, D.C. Alan is a Seattle native.

**DOUG STEVENSON – King County**

Doug Stevenson is the lead staff for the King County Council's Law, Justice and Human Services Committee and previously served as the Manager of the county's Human Services Division. In these roles he has worked on the development of housing and treatment programs for persons disabled by mental illness, substance abuse or developmental disabilities. He has also worked on improving the connections between treatment and the criminal justice system as part of recent county reforms in the juvenile and adult justice systems. Mr. Stevenson is also a member of the board of the National Alliance for the Mentally Ill - Greater Seattle Chapter.

Advisory Members:

**BILL HOBSON – Human services organization, homeless services**

Bill Hobson is Executive Director of the Downtown Emergency Service Center. DESC is a nationally recognized agency that assists homeless men and women with major mental disorders, addictive illnesses and other significant vulnerabilities by providing a comprehensive continuum of care including emergency shelter, clinical services (street outreach and engagement, case management, crisis respite, chemical dependency treatment) and long-term supportive housing. Bill serves on several homeless

committees including the Washington State Policy Academy on Chronic Homelessness and the Seattle/King County Coalition for the Homeless.

**LINDA WEEDMAN – Human services organization, housing**

Linda Weedman is Senior Director for Housing and Related Services for the YWCA of Seattle, King County, and Snohomish County. In that capacity she oversees all YWCA housing, transitional housing, homeless and domestic violence services, which are located in ten suburban cities and unincorporated King County. With 20 years of housing and management experience she was formerly the Director of Resident Services for the King County Housing Authority.

**CARL COLE – Law enforcement**

Carl Cole is a Captain in the King County Sheriff's Office in Shoreline. He has been a commissioned officer of the Sheriff's Office for 12 years. Capt. Cole has served in various assignments including patrol, investigations, administration, and training. He is currently the Operations Commander for the City of Shoreline Police Department, responsible for all functions relevant to delivering police services to the Shoreline community.

**JANNA WILSON – Public Health Seattle-King County**

Janna Wilson is program manager of the Health Care for the Homeless Network, which organizes health outreach services for people who are homeless in Seattle and King County. The network provides on-site services and technical assistance at over 60 homeless agencies and serves over 8,000 people who are homeless a year. Janna also serves as a board member on the National Health Care for the Homeless Council. Previously, Janna worked with the King County Council to develop the *Framework Policies for Human Services* and also served as Homeless Continuum of Care planner for the Department of Community and Human Services from 1994-99.

### **Attachment 3: King County Staff Who Provided Assistance to CACHE**

#### ***King County Department of Community and Human Services (DCHS)***

- Jackie MacLean, Director
- Patrick Vanzo, Administrator, Cross Systems Integration Efforts, Director's Office
- Sherry Hamilton, Communications Manager, Director's Office
- Carole Antoncich, Coordinator, Homeless Housing Programs, Community Services Division (CSD)
- Kate Speltz, Homeless Planner, Homeless Housing Programs, CSD
- Janice Hougen, Planner II, Homeless Housing Programs, CSD
- Ellie McKinley, Confidential Secretary, Director's Office

#### ***King County Prosecuting Attorney***

- Sally Bagshaw, Chief Deputy, Civil Division, Office of the Prosecuting Attorney
- John Briggs, Staff, Civil Division, Office of the Prosecuting Attorney

#### ***King County Department of Natural Resources and Parks***

- Bob Burns, Deputy Director

### Attachment 4 -- CACHE Votes by Commissioner

Commission Member	Vote #1	Vote #2	Vote #3	Vote #4*	Vote #5	Vote #6	Vote #7	Vote #8	Vote #9	Vote #10	Vote #11	Vote #12	Vote #13	Vote #14	Vote #15	Vote #16*	Vote #17*
Berry, Rhonda	yes	both	Yes		Yes	Yes	14-30	2 blocks	Yes	100	Yes	Yes	Yes	Yes	Yes		
Davies, Shane	no	neither	Yes		Yes	Yes	30	.25 miles	Yes	75	Yes	Yes	Yes	Yes	Yes		
Duclos, Dini	no	private	Yes		Yes	Yes	14-30	2 blocks	Yes	75	Yes	Yes	Yes	Yes	Yes		
Fischburg, Paul	yes	both	Yes		Yes	Yes	14-30	.25 miles	Yes	75	Yes	Yes	Yes	Yes	No		
Kirlin-Hackett, Bill	yes	both	Yes		Yes	Yes	5-14	2 blocks	Yes	100	Yes	Yes	Yes	Yes	Yes		
Kortum, Sandra	yes	both	Yes		Yes	Yes	14-30	.25 miles	Yes	100	Yes	Yes	Yes	Yes	Yes		
Lee, Tony	yes	both	Yes		Yes	Yes	14-30	2 blocks	Yes	100	Yes	Yes	Yes	Yes	No		
Painter, Alan	yes	both	Yes		Yes	Yes	14-30	2 blocks	Yes	100	Yes	Yes	Yes	Yes	Yes		
Patterson, Al	yes	both	Yes		Yes	Yes	14-30	2 blocks	Yes	75	Yes	Yes	Yes	Yes	Yes		
Plackett, Holly	yes	both	Yes		Yes	Yes	14-30	.25 miles	Yes	75	Yes	Yes	Yes	Yes	Yes		
Pyeatt, Steven	no	neither	Yes		Yes	Yes	30	.25 miles	Yes	75	Yes	Yes	Yes	Yes	Yes		
Rynas, Susan	yes	private	Yes		Yes	Yes	14-30	.25 miles	Yes	100	Yes	Yes	Yes	Yes	Yes		
Santos, Bob	yes	both	Yes		Yes	Yes	5-14	2 blocks	Yes	100	Yes	Yes	Yes	Yes	No		
Schnebele, Judy	yes	both	Yes		Yes	Yes	5-14	2 blocks	Yes	100	Yes	Yes	Yes	Yes	Yes		
Stevenson, Doug																	
Swicord, Ron	no	neither	Yes		Yes	Yes	30	.25 miles	Yes	75	Yes	Yes	Yes	Yes	Yes		
Thompson, Robert	yes	both	Yes		Yes	Yes	5-14	2 blocks	Yes	100	Yes	Yes	Yes	Yes	Yes		
Walden, Harriett	yes	private	Yes		Yes	Yes	14-30	2 blocks	Yes	75	Yes	Yes	Yes	Yes	Yes		

\* Roll-call votes are not available for these decision areas.

**Vote number 1:** Is there a need for homeless encampments?

**Vote number 2:** Should encampments be permitted on public or private lands?

Both = permitted on both public and private land  
Neither = not permitted on public or private land  
Private = permitted only on private land

**Vote number 3:** Any organization sponsoring a homeless encampment must secure an agreement to host the encampment in writing from the host property owner.

**Vote number 4:** For encampments on public lands, the agreement referenced above shall not be executed prior to formal opportunities for public input. Vote is recorded as 10-7 – Roll-call vote not available.

**Vote number 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 number 6:** Any organization sponsoring a homeless encampment must notify the local community about the following specifics:

- Date encampment will begin
- Length of encampment
- 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 number 7:** Any organization sponsoring a homeless encampment must provide notification to the community within a specified number of days prior to the start of the encampment:

5-14 days notification  
14-30 days notification  
At least 30 days advance notification

**Vote number 8:** Any organization sponsoring a homeless encampment must conduct its notification activities in a specified geographic area in proximity to site of encampment:

2 blocks  
1.320 feet (1/4 mile)

- Vote number 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 number 10:** Any organization sponsoring a homeless encampment must comply with limiting the maximum number of residents in any one encampment.
  - Maximum of 100 persons
  - Maximum of 75 persons
- Vote number 11:** Any encampment must provide suitable buffers from surrounding properties.
- Vote number 12:** Any encampment must consider impacts to on and off-site parking.
- Vote number 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 and King County.
- Vote number 14:** The duration for each encampment must be compatible with climate-related local limitations.
- Vote number 15:** The duration of an encampment should not exceed three consecutive months, and not exceed six months in any two year period.
 

*(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.)*
- Vote number 16:** King County should identify and specify King County parcels that could potentially be used for homeless encampments. Vote recorded as 11-3 – Roll-call vote not available.
- Vote number 17:** Multiple encampments in unincorporated King County should be spaced no less than 25 miles apart from each other. Vote recorded as 9 yes/6 no/2 abstaining – Role-call vote not available.



## Department of Community and Human Services

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### Department

- † [Home](#)
- † [About DCHS](#)
- † [Mission, Goals, and Values](#)
- † [Framework Policies](#)

### Divisions

- † [Community Services](#)
- † [Developmental Disabilities](#)
- † [Mental Health, Chemical Abuse and Dependency Services](#)
- † [Office of the Public Defender](#)

### Boards & Councils

- † [Aging Advisory Council](#)
- † [Alcoholism and Substance Abuse Administrative Board](#)
- † [Community Organizing Advisory Board](#)
- † [Developmental Disabilities Board](#)
- † [Mental Health Advisory Board](#)
- † [Veterans' Advisory Board](#)
- † [Women's Advisory Board](#)

### Unincorporated Area Councils

- † [Four Creeks](#)
- † [Greater Maple Valley](#)
- † [North Highline](#)
- † [Upper Bear Creek](#)
- † [Vashon-Maury Island](#)
- † [West Hill](#)

### News Release

Date: August 13, 2004

Contact: Sherry Hamilton,  
Communications Manager  
206 205-1324

#### Citizens' Advisory Commission on Homeless Encampments releases final report and recommendations

The Citizens' Advisory Commission on Homeless Encampments (CACHE) formed by the King County Council in late June has completed their deliberations and today issued their final report and recommendations. In its establishing ordinance, the Council asked the CACHE to explore issues around the need for homeless encampments, whether encampments should be sited on public and/or private land, and the policies and procedures for how decisions about camp locations should be determined. The final report addresses these issues and provides recommendations to guide future county policy regarding the establishment of tent cities.

In the report forwarded to the King County Council today, the CACHE found a need for homeless encampments primarily because current regional efforts are inadequate to meet the needs of homeless men, women and families.

"All commission members are united in our message to the King County Council and all the other elected officials throughout our county, that homelessness for 8,000 of our neighbors is not acceptable - and that tent cities are in no way a credible solution for this urgent matter," said Holly Plackett, Co-Chair of the CACHE. "Our recommendations are to support the homeless in dignified and safe shelter, while working with urgency on permanent housing opportunities for all community members on every economic level."

The majority of the CACHE members approved the use of public or private lands for homeless encampments but only as a short-term answer to the immediate crisis of individuals living on the streets. The report calls for a strong, countywide and coordinated effort to create the full range of emergency, transitional and permanent affordable housing as well as support services and treatment that are needed to achieve a meaningful and successful

response to homelessness.

"King County' s elected leadership has taken an important though yet small step toward addressing local homelessness by the formation of the CACHE. The CACHE report is a recommendation for options and action on behalf of the homeless, and it is a call to address with urgency more substantive solutions to homelessness, " said Bill Kirlin-Hackett, Co-Chair of the CACHE.

The CACHE was created through the action of the King County Council, which passed Ordinance #14922 on June 17, 2004 to study and make recommendations to the executive and council on the need for homeless encampments, policy and procedural guidelines for the location of future encampments, and options for locating homeless encampments on public and/or private land in King County. The ordinance, sponsored by King County Councilmember Carolyn Edmonds, also defined the membership of the CACHE. The eighteen voting and four advisory members of the CACHE were unanimously confirmed by the Council and began their work on June 21, 2004. They held five business meetings and two public hearings.

"We owe a debt of gratitude to the members of the CACHE committee for all the hard work and time they have devoted to analyzing homelessness in King County," said Councilmember Edmonds. "I look forward to reviewing their report and receiving their presentation as the Council begins deliberations on this matter."

King County is a key partner in efforts currently underway by the Committee to End Homeless and other regional planning groups working to develop a comprehensive response to housing and support service needs for the homeless.

" We are dedicated to seeking solutions to the lack of affordable housing in King County. We are committed to our work on the Committee to End Homelessness and its efforts to develop a long-term plan. Until that work is done, we must continue to provide interim emergency housing options for homeless people that offer a safer alternative to life on the streets," said Jackie MacLean, Director, King County Department of Community and Human Services. " We also need to work to reduce the continuing fear and stigmatization of the homeless that creates yet another barrier to their efforts to rebuild their lives," concluded MacLean.

No date has yet been set for the Council's deliberation of the report. The report is available on the CACHE Web site at <http://web.archive.org/web/20041210051920/http://www.metrokc.gov/dchs/cache>

RESOLUTION NO. 1159 (2004)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
BOTHELL, WASHINGTON, STATING THE CITY'S POSITION  
REGARDING KING COUNTY'S SITING OF TENT CITY4

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WHEREAS, the City of Bothell understands and has empathy for the needs of homeless men and women in the region; and

WHEREAS, this resolution is not to criticize the people who are in this situation, nor the organizations dedicated to assisting them; and

WHEREAS, the City is disappointed and dismayed at the lack of public process that was involved in this high-impact decision, especially including the lack of communication and notification to the neighboring jurisdictions; and

WHEREAS, in the late afternoon of Friday, April 30, the City of Bothell and its citizens learned of the decision to allow Tent City4 to be erected on May 6 at the Brickyard Park and Ride property in unincorporated King County, leaving no time for public process; and

WHEREAS, on the afternoon of Friday, May 14, 2004, the City of Bothell learned of the decision to allow Tent City4 to be erected on May 17, on the St. Brendan Church campus; and

WHEREAS, the City of Bothell believes that appropriate time must be allocated for information to be shared, as well as comments to be received from concerned citizens, prior to a final decision; and

WHEREAS, the St. Brendan Church site is within the Bothell city limits, and the permitting process that is, in most cases, necessary prior to locating such an encampment was not followed; and

WHEREAS, it may be that Tent City4 will be a good neighbor, and that no negative incidents will occur; and

MAY 28 2004

1159 (2003)

WHEREAS, it may be that, given the opportunity to learn about Tent City4, the neighborhood and others in the community may have worked with the County and St. Brendan Church to address the many concerns and issues that have been identified to make this site work; and

WHEREAS, there was a distinct lack of communication and public process with the City of Bothell and Bothell citizens about this sudden agreement between King County, SHARE/WHEEL, and St. Brendan Church, resulting in the City of Bothell being notified three days prior to Tent City4 being located on the St. Brendan Church campus; and

WHEREAS, the decision was presented as a *fait accompli*, with no regard for the wishes, concerns, and fears of the residents in the area.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The City of Bothell wants to emphasize, in no uncertain terms, that this type of action by King County, without a meaningful and timely public process, is totally unacceptable, particularly to the neighbors of this site.

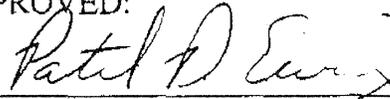
Section 2. The issues are (a) whether the County has the authority to unilaterally agree to locate this temporary homeless camp on property within the Bothell City Limits; (b) that the appropriate permitting process be followed; (c) that the citizenry and the local jurisdictions be kept informed about what is happening in their neighborhoods, and provided the opportunity for meaningful input before a final decision is made; and (d) the City has the legal obligation to do everything in its power to ensure the health, safety and welfare of all of Bothell's citizens, including the homeless.

Section 3. It is the City of Bothell's belief that the best course of action related to almost any controversial issue is to engage and listen to the people.

Accordingly, the City of Bothell asks that King County, SHARE/WHEEL and St. Brendan Church immediately engage in a process that will result in the appropriate permitting and legal siting of Tent City4, in Bothell or in any other location, as absolutely soon as possible.

PASSED this 17<sup>th</sup> day of May, 2004.

APPROVED:



PATRICK D. EWING  
MAYOR

ATTEST/AUTHENTICATED:



JOANNE TRUDEL  
CITY CLERK

FILED WITH THE CITY CLERK: May 17, 2004  
PASSED BY THE CITY COUNCIL: May 17, 2004  
RESOLUTION NO.: 1159 (2004)

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**ORDINANCE NO. 369**

AN EMERGENCY ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AUTHORIZING THE CITY MANAGER TO PERMIT THE USE OF UNDEVELOPED CITY-OWNED PARK LAND AS A TEMPORARY LOCATION FOR TENT CITY 4 USE FOR UP TO 40-DAYS; REQUIRING LOCAL SPONSORSHIP AND ESTABLISHING CONDITIONS FOR THE ESTABLISHMENT OF A HOMELESS CAMP; REQUIRING TENT CITY 4 TO APPLY FOR TEMPORARY USE PERMIT(S) PRIOR TO ESTABLISHMENT OF FUTURE HOMELESS CAMPS ON PUBLIC OR PRIVATE PROPERTY WITHIN THE CITY, AND DECLARING AN EMERGENCY.

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**THE CITY COUNCIL OF THE CITY OF WOODINVILLE,  
WASHINGTON, DO ORDAIN AS FOLLOWS:**

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**SECTION 1.**        **Findings of fact.** The council hereby finds:

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A. The City of Woodinville funds essential human services through its adopted annual budget, providing subsidized assistance for child care, legal aid, crisis intervention, basic medical and dental health, domestic violence prevention, sexual assault and traumatic stress treatment, senior care, family counseling services, emergency shelter and affordable housing to qualified residents. In partnership with other cities and King County, the City of Woodinville contracts with twenty-three regional human service providers to make essential human services available to those residents of Woodinville in need of community support and public assistance. The provision of essential human services is vital to the health, safety and well-being of all Woodinville residents.

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B. Homelessness and the lack of affordable housing are very real problems throughout King County, including the Eastside. In Woodinville, an average home now costs more than \$400,000; exceeding the average home cost of \$361,200 on the Eastside. King County has estimated that a wage-earner needs to make more than twice the minimum wage to afford a rental unit on the Eastside. In 2003, the regional Crisis Clinic Community Information Line received 506 calls from people from North and East King County who identified themselves as homeless. The largest multi-service center in East County reports an average turn-away rate of 6 families for every family helped into transitional housing.

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C. The 2003 Seattle King County Coalition for the Homeless "One Night Count" estimated nearly 8,000 homeless people in King County on any given night; with 4,600 people living in shelters and transitional programs; 1,900 people living on Seattle streets without shelter; and an additional 1,260 people unsheltered throughout King County outside of Seattle. Halfway through 2004, at least eleven homeless deaths have occurred in Kirkland, Clyde Hill, Lake Forest Park, Tukwila, Maple Valley, Kent, and Auburn.

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D. The City of Woodinville participates in regional programs to provide permanent

40 affordable housing or shelter opportunities, but these efforts have not been sufficient to meet  
41 existing needs. The City of Woodinville is one of fifteen member cities of “A Regional  
42 Coalition for Housing” (ARCH), which won the first-ever Fannie Mae Foundation Innovations  
43 in American Government Award in Affordable Housing on July 28, 2004 from the Ash  
44 Institute for Democratic Governance and Innovation at Harvard University. ARCH was  
45 created twelve years ago to help suburban cities meet local housing needs including affordable  
46 housing and to combat homelessness with innovative solutions.

47 E. On May 15, 2004 the City of Woodinville opened its first affordable housing project at  
48 Greenbrier Heights. The publicly-owned property was once intended as the site for a solid  
49 waste transfer station, but was used instead for innovative affordable housing. Greenbrier  
50 Heights includes 170 new units of marketplace and affordable housing, with fifty rental units,  
51 fifty senior apartments, and seventy ownership units (with twenty units priced for the  
52 affordable housing market). Greenbrier Heights was a partnership between the City of  
53 Woodinville, private developer Cam West, ARCH, King County, Shelter Resources Inc, (SRI)  
54 and Downtown Action to Save Housing (DASH).

55 F. Various regional groups are also working to create long-term solutions to the problem  
56 of homelessness and many of them have come together to form the Committee to End  
57 Homelessness - a partnership of King County, United Way of King County, the Church  
58 Council of Greater Seattle, the City of Seattle, the Seattle-King County Coalition for the  
59 Homeless, Eastside and North Urban Human Service Alliances, and the South King County  
60 Council of Human Services. This coalition intends to develop plans to end homelessness in  
61 King County within ten years.

62 G. SHARE/WHEEL, an advocacy organization comprised of the Seattle-Housing and  
63 Resource Effort (SHARE) and the Women’s Housing Equality and Enhancement League  
64 (WHEEL), has operated transitional housing as well as tent cities in the City of Seattle and  
65 other local cities in cooperation with the faith-based community for several years. The  
66 temporary encampments are intended to provide safe shelter for homeless individuals not able  
67 to relocate into transitional shelter and unable to obtain permanent housing.

68 H. Congregations at the Woodinville Alliance Church and the Northshore United Church  
69 of Christ contemplated sponsorships of Tent City 4 in locations adjacent to or within the City of  
70 Woodinville. The Northshore United Church of Christ applied for a temporary use permit to  
71 host Tent City 4 on August 2, 2004, approximately twelve days before the intended relocation  
72 of the homeless encampment.

73 I. The timeline for reviewing the Northshore United Church of Christ application for a  
74 temporary use permit does not allow for an adequate public process and does not respect the  
75 legitimate concerns and interests of numerous adjacent property owners. As has been  
76 evidenced since the King County Executive’s failed attempt to permit a homeless camp on the  
77 Brickyard Park & Ride transit land on April 29, 2004, an abrupt notice is demeaning to host  
78 community and Tent City residents alike. The lack of notification impedes dialogue among all  
79 perspectives on an important regional issue, prevents adequate planning and proper mitigation  
80 and perpetuates conflict over problem-solving.

81 J. Recent court decisions help define the permitting process pending before the City of  
82 Woodinville. On May 17, 2004 Tent City 4 was established at St. Brendan Catholic Church  
83 property in Bothell, without the benefit of proper permits from the City of Bothell. The City of  
84 Bothell sued the church and organizers to evict Tent City 4 and also to require several critical

85 permit conditions. On June 10, 2004 King County Superior Court Judge Steven Scott denied  
86 the city of Bothell's request for a cease-and-desist order that would have removed Tent City 4,  
87 but ruled that Bothell had a right to require a permit for the homeless encampment and could  
88 enforce certain conditions on tent-city residents. On June 15, 2004 Judge Scott also ruled that  
89 the City of Bothell could not violate the privacy rights of citizens of Tent City with stringent  
90 identification checks, denied the city's request that St. Brendan post a \$1 million bond or proof  
91 of liability insurance, and denied the city's request for the church to pay for police overtime for  
92 additional city security patrols.

93 K. Under these circumstances, the interests of the people of Woodinville are best served  
94 through pursuit of alternative proposals which provide a permitted or city-sanctioned, interim  
95 location for Tent City 4 and also allow for an effective and reasonable public process; and  
96 which prevent lawless squatting within city boundaries. The City Council finds that the  
97 temporary use of city property can accomplish these objectives, and declares an emergency to  
98 enable the immediate, lawful occupancy of a homeless encampment on one specific city  
99 property, subject to the terms and conditions of this ordinance.  
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102 **SECTION 2: Authorization for Temporary Location of Tent City 4.** The City Manager is  
103 authorized to negotiate an agreement with SHARE/WHEEL for a temporary, homeless  
104 encampment for up to 40 days at the future city park property located north of Little Bear Creek  
105 on 134<sup>th</sup> Avenue NE north of 177<sup>th</sup> Place NE and adjacent to commercial/industrial-based  
106 businesses, subject to the following terms and conditions, together with such additional terms and  
107 conditions as the City Manager may in his sole discretion require:

- 108 a. SHARE/WHEEL and at least one, Woodinville-based church sponsor must jointly agree to  
109 the offer for use of the city property on or before 11:00 pm on Saturday, August 14, 2004.
- 110 b. SHARE/WHEEL must agree not to establish or support in any way any other unpermitted  
111 homeless encampments anywhere in the City of Woodinville. SHARE/WHEEL and one or  
112 more Woodinville-based church sponsor(s) may jointly submit an application to locate a  
113 future Tent City at some other church-owned location, but (1) must allow sufficient time in  
114 the application process for public notice, public comment and due process of the permit  
115 application; and (2) must agree not to establish a Tent City within the City of Woodinville  
116 without a valid temporary use permit issued by the city. The City has identified the  
117 Temporary Use Permit (TUP) application process as the appropriate means to review the  
118 use of private or public property for a temporary homeless encampment. The TUP process  
119 involves administrative review by the Planning Director and possibly a public hearing by an  
120 independent Hearing Examiner who renders a final decision on the permit application.  
121 Following receipt of a TUP application, the City will issue a public Notice of Application at  
122 which time a 15-day comment period commences.
- 123 c. SHARE/WHEEL and one or more Woodinville-based church sponsor(s) may also jointly  
124 submit an application to maintain Tent City 4 at the future city park site for an additional 60  
125 days, provided that a valid city permit is issued within the initial occupancy period of up to  
126 40 days. If such extension is intended, an application for a city temporary use permit must  
127 be submitted no later than close-of-business on August 12, 2004 to allow for expedited  
128 processing and adequate public process. If such extension is agreed to between the parties,  
129 SHARE/WHEEL must agree not to return to Woodinville before November 1, 2005 unless

- 130 invited sooner by the City of Woodinville and one or more Woodinville-based church  
131 sponsor(s).
- 132 d. Woodinville-based church sponsorship means that one or more local faith-based  
133 communities will help sustain the successful operation of the Tent City 4 community for the  
134 duration of its visit in Woodinville, evidenced with a commitment to ensure contributions  
135 of food, counseling, donations, transportation, and other general support to the residents of  
136 Tent City 4. A sponsorship agreement with the City of Woodinville should include the  
137 provision of shared liability coverage, cost-sharing and sufficient volunteer support to  
138 ensure a successful encampment.
- 139 e. The City Manager shall negotiate an agreement with SHARE/WHEEL and one or more  
140 Woodinville-based church sponsor(s) which establishes operating rules for Tent City 4 at  
141 the future city park site. The rules shall also include SHARE/WHEEL and Woodinville-  
142 based church sponsor acknowledgement of WMC 12.50 pertaining to public facilities rules  
143 and regulations. The City of Woodinville acknowledges and incorporates herein the Tent  
144 City 4 "Code of Conduct", wherein Tent City 4 pledges to self-police and self-manage its  
145 residents and prohibits alcohol, drugs, weapons, fighting, abuse of any kind, littering or  
146 disturbing neighbors. All Tent City residents must sign an agreement to abide by this code  
147 of conduct and failure to do so can be cause for immediate expulsion.
- 148 f. If the parties agree to extend the Tent City 4 encampment in the City of Woodinville  
149 through the initial period of up to 40 days authorized by the City Council and an additional  
150 60 days allowed by a valid temporary use permit; on or before September 25, 2004,  
151 SHARE/WHEEL – Tent City 4 should demonstrate to the City Manager that it has  
152 identified and is seeking to legally obtain appropriate permits in other potential host  
153 communities for the relocation of Tent City 4. The City of Woodinville intends to assist in  
154 the process of the orderly and lawful relocation of Tent City 4 to another jurisdiction, with  
155 the benefit of due process and public input for the next community.
- 156 g. The City Manager shall establish procedures to monitor extraordinary police, fire and  
157 medical assistance requests and workloads in the event Tent City 4 is located in  
158 Woodinville.
- 159 h. The City Manager, or his designee, shall consult with and establish on-going  
160 communication protocols with businesses adjacent to the future city park site in the  
161 Woodinville Business Center, so that community concerns may be closely monitored and  
162 swiftly responded to.
- 163 i. The City Manager shall seek to obtain assurances from SHARE/WHEEL - Tent City 4 that  
164 Woodinville will have agreements at least comparable to those reached between  
165 SHARE/WHEEL - Tent City 4 and the City of Bothell regarding "verifiable identification"  
166 for current and incoming residents.
- 167 j. The City Manager shall consult with Public Health Seattle-King County and obtain  
168 assurances that adequate regional environmental health-related services will be provided to  
169 Tent City 4 in order to promote a safe and healthy living environment for the residents of  
170 tent city and to ensure the protection of residents of the surrounding neighborhoods
- 171 k. The City Manager shall consult with Tent City 4 and King County Metro (Department of  
172 Transportation) to evaluate the adequacy of bus service to the encampment.
- 173 l. The City Manager shall encourage city staff to make every effort to ensure the success of  
174 Tent City 4, should the necessary agreements be reached, with priority given to community

175 outreach and problem solving with adjacent property owners; and by informing employees  
176 of the options for donations of personal time, talent and resources to the residents of the  
177 encampment. City employees are to be informed of the opportunity to network with camp  
178 residents to provide employment information, resume assistance, housing placement  
179 assistance, food and personal items, or other aid as appropriate on a voluntary basis.

180 **SECTION 3. Compliance with City Development Regulations.** City Council authorization  
181 of the proposed temporary use of the future park site owned by the city and located north of  
182 Little Bear Creek on 134<sup>th</sup> Avenue NE north of 177<sup>th</sup> Place NE and surrounded by  
183 commercial/industrial-based businesses is contingent on compliance with applicable city  
184 development codes and regulations. The seven acre, city-owned site contains environmentally  
185 sensitive areas regulated under WMC 21.24. Based on a wetland delineation map of the site,  
186 the City Council has determined that there is adequate room to temporarily locate Tent City 4 on  
187 upland areas outside of the 100-year flood plain and beyond the critical wetlands of Little Bear  
188 Creek without significant adverse environmental impact.

189 **SECTION 4. Public Facilities Rules and Regulations.** In accordance with Ordinance 181,  
190 and Woodinville Municipal Code (WMC) Section 12.50, the City Council affirms that the city  
191 property, located north of Little Bear Creek on 134<sup>th</sup> Avenue NE north of 177<sup>th</sup> Place NE and  
192 surrounded by industrial-based businesses, is a future park site and as such is a public facility  
193 regulated by city public facilities rules and regulations.

194       A. Nothing in WMC 12.50.070 shall be construed as preventing SHARE/WHEEL -  
195 Tent City 4 from utilizing the City-owned future park property referenced in Section 2 of  
196 this ordinance pursuant to the terms hereof, or as requiring SHARE/WHEEL - Tent City  
197 4 to obtain a permit from the Parks and Recreation Director for such use.

198       B. For the duration of the temporary location of Tent City 4 permitted either by the  
199 City Council or through a temporary use permit issued by the Planning Director,  
200 residents of Tent City 4 shall not be considered to be trespassing on the future city park  
201 property under WMC 12.50.140; PROVIDED that persons evicted from Tent City 4 by  
202 SHARE/WHEEL or persons without membership in the Tent City 4 community shall be  
203 considered to be trespassing and shall be subject to the provisions of WMC 12.50.410.

204       C. For the duration of the temporary location of Tent City 4, permitted either by the  
205 City Council or through a temporary use permit issued by the Planning Director,  
206 Woodinville Police shall be considered designees of the Director of the Department of  
207 Parks and Recreation at the future park site, for purposes of enforcement of provisions of  
208 Section 12.50.360, pertaining to expulsion from parks and public facilities.

209 Violation of any applicable City regulation, including but not limited to the provisions of  
210 this ordinance, shall subject the violator to penalties and enforcement procedures as  
211 provided in Title 1 of the Woodinville Municipal Code.

212 **SECTION 5. Appropriation of Funds.** The City Council does hereby authorize the City  
213 Manager to expend up to \$5,000 in funds from the Human Services accounts to improve city  
214 property to facilitate the temporary establishment of Tent City 4 at the future park site located  
215 north of Little Bear Creek on 134<sup>th</sup> Avenue NE north of 177<sup>th</sup> Place NE and surrounded by  
216 industrial-based businesses; PROVIDED THAT the City Manager shall encourage

217 SHARE/WHEEL to participate in the city volunteer program to provide donated community  
218 service and volunteer labor to offset city host costs; PROVIDED FURTHER THAT any  
219 improvements made are consistent with plans for the future development of the park site. The  
220 City Manager, in consultation with the Police Chief, shall develop a security plan within two  
221 weeks of occupancy and shall advise the City Council of further funding requirements, if  
222 needed, to support adequate police patrols and to ensure community safety.

223 **SECTION 6. No City Endorsement / Expiration of Offer.** The City of Woodinville  
224 actively supports and participates in regional efforts to provide permanent affordable housing  
225 opportunities to end homelessness. The offer by the City Council for limited use of future city  
226 park property is intended solely to protect the interests and needs of Woodinville  
227 neighborhoods, which otherwise would not have the benefit of public process and due process  
228 protection, pending resolution of regional policy decisions for locating homeless encampments  
229 by King County. The City Council does not endorse the Tent City encampment concept, nor  
230 does it establish a precedent or provide assurance that future homeless encampments will be  
231 permitted on public or private property anywhere in the city. The offer for use of the future park  
232 property along Little Bear Creek for Tent City 4 shall expire at 11:00 pm on Saturday, August  
233 14, 2004, or with the unpermitted establishment of a homeless encampment anywhere else in  
234 the city. Illegal encampments on city-owned properties by other individuals or groups are  
235 expressly prohibited. In partnership with other affected local jurisdictions, the City of  
236 Woodinville will pursue effective, long-term legal and political strategies to prevent the abrupt  
237 and chaotic relocation of temporary homeless encampments which threaten the peace, safety  
238 and well-being of city residents.

239 **SECTION 7. Severability.** If any section, sentence, clause or phrase of this ordinance should  
240 be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
241 unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,  
242 clause or phrase of this ordinance.

243 **SECTION 8. Declaration of Emergency.** The council finds as a fact and declares that an  
244 emergency exists and that the enactment of this ordinance as an emergency ordinance is  
245 necessary for the immediate preservation of public peace, health or safety or for the support of  
246 city government and its existing public institutions:

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**SECTION 9. Effective Date.** This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect August 11, 2004.

**SECTION 10. Temporary Use Permit.** Solely for purposes of this ordinance, WMC 21.32.110 is hereby amended by the addition of a new subsection (4) to provide in its entirety as follows:

- (4) Any use of a public park authorized by a valid written agreement executed by the City shall be exempt from the requirements for a temporary use permit.

**SECTION 11. Superseding Effect.** To the extent that any provision of this ordinance conflicts or is otherwise inconsistent with any provision of the Woodinville Municipal Code, the provisions of this ordinance shall control, and said conflicting or inconsistent provision of the Woodinville Municipal Code shall be deemed amended to, but only to, the extent of such conflict or inconsistency.

PASSED by the City Council of the City of Woodinville this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

APPROVED:

\_\_\_\_\_  
MAYOR, DON BROCHA

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK, SANDRA PARKER

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

281 FILED WITH THE CITY CLERK:  
282 PASSED BY THE CITY  
283 COUNCIL: PUBLISHED:  
284 EFFECTIVE DATE:  
285 ORDINANCE NO. \_\_\_\_\_

### Other Building Related Fees

Formal Pre-Application Meeting/Second Meeting..	\$378/\$189
E-M-P Combination Permit.....	31% of Building Permit Fee <i>(Combines Electrical, Mechanical, and Plumbing Permits for New Single Family Homes)</i>
Building Plan Revisions (two hour minimum).....	\$102/Hour
Storm Drainage Review and Inspection (two hour minimum).....	\$102/Hour
Tree Removal and Restoration (1-10 Trees).....	\$126
Tree Removal and Restoration (over 10 Trees).....	\$378
Building Appeal.....	\$630
Plat Improvement/Site Development Review and Inspection (initial deposit required at application) .....	\$102/Hour
Water Service Order (Plus connection and Installation fees) .....	\$252

Set By Resolution No. 1419 (11/2009)  
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02/2010

### Over-the-Counter Permits

<b>Residential Permit Minimums</b> <i>(\$126 Minimum Permit Fee Except as Listed Below)</i>	
<b>Building Permits</b>	
Decks - Minor Repair and Maintenance (up to 20sq of deck area).....	\$69
Re-Roofing of Single Family Residences (except with same roofing system or masonry tile**).....	\$126
<b>Electrical Permits</b>	
Temporary Power - Single Family Residence.....	\$69
Upgrade Panel to 400 amps or Less (per panel).....	\$126
Low Voltage Installation (Security, Irrigation, Vacuum System, Thermostat) .....	\$126
<b>Plumbing Permits</b>	
Water Heater Exchange (no new gas piping) .....	\$69
Water Supply Piping.....	\$69
Side Sewer Revision/Modification/Repair.....	\$69
Side Sewer Disconnect.....	\$126
Side Sewer Connection.....	\$126
Backflow Prevention Inspection (Fire and Irrigation).....	\$126
<b>Mechanical Permits</b>	
Exchange of Existing HVAC System for Single Family Residences <i>(Includes thermostat) .....</i>	\$69
<b>Supplemental Permits</b>	
Adding to Existing Same Type .....	\$18 Plus Itemized Fees
OTC Permit.....	\$18 Plus Itemized Fees

#### Additional Permit Information

- Some work requires multiple permits
- Fees for all other over-the-counter and limited inspection permits shall be based on the adopted Fee Tables using the Fair Market Value of the labor and materials for the proposed work.
- Masonry tile roofs are based on Fair Market Value of labor and materials. Replacement roof, in-kind materials, allowed without a building permit.



## Development and Construction Permit Fee Schedule

Effective January 1, 2010

**City of Mercer Island  
Development Services**

9611 SE 36th Street  
Mercer Island, WA 98040  
206.275.7605

[www.mercer.gov.org](http://www.mercer.gov.org)

## Land Use and Planning Fees

<b>Appeals (fee refunded if appeal is granted)</b>	
Building (plus actual cost of file preparation).....	\$630
Land Use (plus actual cost of verbatim transcript).....	\$611
<b>Critical Areas</b>	
Determination.....	\$1,891
Reasonable Use Exception.....	\$3,782
<b>Design Review</b>	
Administrative Review of Signs and Colors.....	\$303
Design Commission Review	
\$0 - \$5,000 Valuation.....	\$505
\$5,001 - \$25,000 Valuation.....	\$1,261
\$25,001 - 50,000 Valuation.....	\$1,891
Over \$50,000.....	\$2,900
<b>Deviations</b>	
Changes to Antenna Requirements.....	\$1,261
Changes to Open Space.....	\$1,261
Fence Height.....	\$630
Critical Areas Setback.....	\$1,891
Impervious Surface (5% Lot Overage).....	\$1,891
Shoreline.....	\$2,522
Wet Season Construction Moratorium.....	\$772
<b>Environmental Review (SEPA)</b>	
Checklist - Residential Use.....	\$378
Checklist - Non-Residential Use.....	\$1,261
Environmental Impact Statement.....	\$1,891
<i>Revision = 40% of Fee</i>	
<b>Shoreline Management</b>	
Exemption.....	\$126
Permit Revision.....	\$505
Semi-Private Recreation Tract - Modification.....	\$505
Semi-Private Recreation Tract - New.....	\$1,261
Substantial Development Permit.....	\$1,261

## Land Use and Planning Fees (Cont.)

<b>Subdivision Long Plat</b>	
2 - 3 Lots.....	\$6,305
4 - 5 Lots.....	\$8,826
6 Lots or Greater.....	\$11,348
Subdivision Alteration to Existing Plat.....	\$3,152
Final Plat Subdivision Review.....	\$2,522
<b>Subdivision Short Plat</b>	
Two Lots.....	\$3,152
Three Lots.....	\$3,782
Four Lots.....	\$4,413
Deviation of Acreage Limitation.....	\$630
Plat Amendment.....	\$1,576
<b>Variations</b>	
Type 1 \$2,522	
<i>(includes all variations of any type or purpose in all zones other than a single family residential zone: B, C-O, PBZ, MF-2, MF-2L, MF-3, TC, P)</i>	
Type 2 \$1,395	
<i>(includes all variations of any type or purpose in single family residential zones: R-8,4, R-9,6, R-12, R-15)</i>	
<b>Other Land Use</b>	
Accessory Dwelling Units (ADU).....	\$126
Code Interpretation Request (plus \$102/hr over 6 hrs).....	\$612
Comprehensive Plan Amendment (CPA).....	\$2,900
Conditional Use (CUP).....	\$5,043
Lot Line Revision - Minor.....	\$1,891
Lot Line Revision - Major.....	\$3,152
Lot Line Consolidation.....	\$630
Lot Line Amendment.....	\$946
Noise Variance (plus \$102/hr over 3 hours).....	\$306
Rezoning Action.....	\$3,152
Right-of-Way Encroachment Agreement.....	\$378
<i>(Requires Separate ROW Use Permit)</i>	
Temporary Encampment.....	\$0
<i>(Resolution # 1424)</i>	
Zoning Code Text Amendment.....	\$2,900

## Public Right-of-Way (ROW) Use

Miscellaneous ROW Use.....	\$126
Type A - Underground Improvements in Unpaved Area.....	\$126
Type B - Surface Improvements.....	\$252
Type C - Underground Improvements in Paved Area.....	\$378

## Building Permit Fees

<b>Limited Inspection Permits</b>	
Demolition - Single Family.....	\$252
Demolition - Non Single Family.....	\$441
Fire Sprinkler - Single Family (plus plan review and back flow prevention fee).....	\$441
Fire Sprinkler - Single Family Modification.....	\$203
Other Fire Protection Permits.....	\$102/Hour
Fuel Tanks.....	\$126
Land Clearing.....	\$126
State Energy Compliance.....	\$126
Inspections Outside Normal Business Hours.....	\$102/Hour
<i>(minimum two hour charge)</i>	
Re-inspection.....	\$102/Hour
Partial Inspections.....	\$40/ea.
Plan Review and Inspections (all others are not specified).....	\$102/Hour
Review of Special Foundations/Shoring	
Single Family.....	\$609
Multi-family/Commercial.....	\$914
Plan Review/Insp. Of Geotech Reports	
Single Family.....	\$406
Multi-family/Commercial.....	\$812
Temporary Cert. of Occupancy	
Single Family (plus \$102/hr over 4 hrs).....	\$408
Multi-family/Comm (plus \$102/hr over 22 hrs).....	\$2,244
Additional Inspections.....	\$102/Hr
<i>(minimum charge one hour)</i>	