Homeless Encampment Ordinance

Peer City Documents

City of Bellevue

Agenda

City Council
Regular Session

MONDAY
June 6, 2005

8:00 – 10:00 p.m.
Council Chambers

			Page
1.	Call to Order		
2.	Roll Call, Flag Salute		
	(a) Commendation of work of Legislators during 2005 Legislative Session	CMO Diane Carlson	
	(No packet materials)		
	(b) Proclamation: Mountains to Sound Greenway Days	PARK	2-1
3.	Communications: Written and Oral		
	Note: *Three-minute limit per person, or five minutes if representing the official position of a recognized organization. Maximum of three persons are permitted to speak to each side of any one topic. Additional presentations may be heard at Agenda Item 13, including three additional persons speaking to topics heard at Agenda Item 3.*		
4.	Reports of Community Council, Boards and Commissions		
	(a) Report from Parks and Community Services Board	PARK Kurt White	4-1

City Council meetings are wheelchair accessible. American Sign language (ASL) interpretation is available upon request. Please phone 452-6805 at least 48 hours in advance.

City of Bellevue

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5.	Report of the City Manager		
	(a) Management Brief providing update on East Creek Culvert Repair/Kamber Road Improvements	TRAN David Berg	5-1
	(b) Management Brief providing update on Critical Areas process	PCD Kate Berens	5-3
6.	Council Business and New Initiatives		
	(a) Board and Commission Appointments	Mayor Marshall	
	(Memorandum to be provided in Desk Packet)		
7.	Approval of the Agenda		
8.	Consent Calendar		
	(a) Minutes of May 9, 2005 Extended Study Session Minutes of May 16, 2005 Study Session Minutes of May 16, 2005 Regular Session Minutes of May 23, 2005 Extended Study Session Minutes of May 26, 2005 Special Meeting Minutes of May 31, 2005 Special Meeting		
	(b) Motion to approve payment of claims for the period May 14, 2005 through June 3, 2005 and payroll for the period May 1, 2005 through May 15, 2005.	FIN	8-1
	(c) Resolution No. 7187 authorizing execution of a Maintenance Services Agreement with Seattle Carpet Tile Inc., in the amount of $54,778.92, for the replacement and installation of carpet in public safety facilities.	FIRE	8-3
	(d) Ordinance No. 5600 authorizing execution of an agreement with the Washington Sate Military Department to accept grant funds in the amount of $81,776, for emergency management purposes; establishing a project in the Operating Grants and Donations Fund; appropriating unanticipated and future revenues to that fund; and authorizing expenditures of the grant funds.	FIRE	8-11

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(e)	Resolution No. 7188 authorizing approval of the fourth amendment to the Employees' Retirement Benefit Plan (Bellevue MEBT Plan) allowing separated employee participants with vested account balances of $1,000 to remain in MEBT; pay an administrative fee; and invest in the money market option.	HR	8-17
(f)	New City Hall		
	(1) Resolution No. 7189 authorizing execution of all documents necessary to grant a permanent easement to Puget Sound Energy for installation, operation, and maintenance of a natural gas line for the New City Hall.	NCH Team	8-25
	(2) Resolution No. 7190 authorizing execution of agreements with True Faux LLC, Corson Studios LLC, and Forty Functions Enterprises LTD, for final design, fabrication and installation of artwork for the New City Hall project.		
	(3) Resolution No. 7191 authorizing execution of an amendment to the agreement with Mayes Testing Engineers, Inc., in the amount of $173,532, for testing and inspection services for the New City Hall project.		
(g)	Resolution No. 7192 authorizing execution of a Purchasing Agreement and a Small Public Work Agreement with Western Wood Structures, Inc., in the amount of $68,265.60, to design, engineer, manufacture, and install a Santa Rosa style bridge across Kelsey Creek, replacing the existing bridge.	PARK	8-41
(h)	Resolution No. 7193 authorizing granting of permanent easement to Schademan and Associates on a portion of Lakemont Division 7 Tract G, for installation, operation, and maintenance of a sanitary sewer conveyance system required for a single-family development project.	PARK	8-47

		Page
(i) Motion to award Bid No. 0529, to West Coast Construction, in the amount of $325,795.00, as the lowest responsive and responsible bidder, for the installation of a new sidewalk on the west side of 164th Avenue NE from Northup to NE 24th Street (CIP Plan No. PW-W/B-66).	TRAN	8-53
(j) 2005 Overlay Program		
(1) Resolution No. 7194 authorizing execution of Amendment # 4 to the consultant agreement with W&H Pacific, in an amount not to exceed $79,059.59, for engineering services for the 2005 Street Overlay Program – Phase 2.	TRAN	8-59
(2) Ordinance No. 5601 authorizing execution of an Interlocal Agreement with the City of Clyde Hill for design, construction, administration and cost sharing of an asphalt overlay of 98th Avenue NE between NE 15th and NE 24th Streets; and amendment of the 2005-2011 Capital Investment Program (CIP) Plan by increasing the project budget for Street Overlays by $80,000 to reflect City of Clyde Hill contributions; and amending the 2005-2006 General CIP fund to increase the appropriation by $80,000 (CIP Plan No. PW-M-1).		8-67
(k) Resolution No. 7195 authorizing execution of a Consultant Agreement with HDR Engineering Inc., in an amount not to exceed $118,595.07, to provide wetland mitigation design services associated with remaining permit requirements for Lakemont Boulevard (CIP Plan No. PW-R-57).	TRAN	8-77
(l) Cascade Water Alliance		
(1) Resolution No. 7196 authorizing execution of Amendment #1 to the Interlocal Operation and Maintenance Agreement among the cities of Bellevue, Redmond and Kirkland for water system facilities.	UTIL	8-85

		Page
(2) Resolution No. 7197 authorizing execution of the Agreement for Water Distribution with the City of Redmond, effective January 1, 2004.		8-107
(m) Resolution No. 7198 authorizing execution of an Agreement to relinquish a sanitary sewer easement right located at 15885 SE 62nd Street that is no longer required by the Sewer Utility for a temporary pump station.	UTIL	8-129
(n) Ordinance No. 5602 authorizing execution of a Grant Agreement with King Conservation District #9 to accept grant funds for the development of a Bellevue Low Impact Development (LID) Pilot Project Manual, establishing a project within the Operating Grants and Donations Fund, increasing the appropriation by an additional $70,000 revenues, and authorizing the expenditures.	UTIL	8-135
(o) Motion to award Bid No. 0531 to Trimaxx Construction Inc., in the amount of $477,281.00, as low bidder for the 116th Avenue SE Storm Drainage Repair and Outfall (CIP Plan No. D-64 and D-67, Utility Capital Investment Program fun 4690).	UTIL	8-141
(p) Resolution No. 7199 authorizing the approval of payment for final settlement of the pending claim for property damage to the Yahyavi residence caused by a broken water main line.	UTIL	8-147
9. Public Hearings		
(a) Temporary Encampment Ordinance	PCD MaryKate Berens	9-1
(1) Motion to open the public hearing		
(2) Staff report		
(3) Public testimony		

Three-minute limit per person, or five minutes if representing the official position of a recognized organization. A sign-up book has been provided on a table at the rear of the Council Chambers for those wishing to testify.

(4) Motion to close or continue the public hearing

No Council discussion or decision is scheduled for tonight. Staff will present additional factual information relating to temporary encampments on June 20. Additional public testimony will be taken on June 27 in response to new information provided on June 20.

10. Land Use

11. Other Ordinances, Resolutions and Motions

12. Unfinished Business

13. Continued Oral Communications

14. New Business

15. Executive Session

16. Adjournment

Item No. 9(a)
June 6, 2005

CITY COUNCIL STUDY SESSION ITEM

SUBJECT
Temporary Encampment Land Use Code Amendment and Public Hearing

STAFF CONTACT
Matt Terry, Director, Department of Planning & Community Development 452-6191
Kate Berens, Legal Planner, PCD 452-4616
Siona Windsor, Assistant City Attorney 452-6829

POLICY ISSUES
Should the City Council amend the LUC to specifically regulate temporary encampments as an administrative conditional use in all land use districts, based on the record developed and information received during the public hearing?

DIRECTION NEEDED FROM COUNCIL

___ Action
X Discussion
X Information

The Council is not expected to take action on the attached ordinance tonight. This is the first of two planned opportunities for citizens to provide testimony in a public hearing on the proposal. In addition, staff will be available to answer questions, or respond to Council direction to gather additional information or make modifications to the proposed ordinance. It is anticipated that Council will review additional information and take final action according to the proposed schedule detailed below.

BACKGROUND/ANALYSIS

At study sessions in February and March, the Council received information about Tent City IV (TCIV), a temporary homeless encampment that provides shelter for homeless men and women. TCIV rotates between host sites, typically church sites, in different jurisdictions on the Eastside. Since its inception, TCIV has been located in Bothell, Woodinville, unincorporated King County, and Kirkland.

In response to the experiences of other jurisdictions, Council directed amendments to the Land Use Code to directly deal with this type of residential land use. Under the City's existing code provisions, the use is not directly addressed, and as such would be reviewed as a "temporary use" under the provisions of Part 20.30M.

Based on the information provided to Council by staff and members of the public, and based on reports and efforts in other jurisdictions, staff has developed the attached ordinance. The ordinance was introduced without discussion at a Council meeting on May 16th. Notice of the public hearing was published on May 19th and mailed to all interested parties.

At a meeting scheduled for June 20th, staff will present additional factual information relating to the temporary encampment use. A continuation of the public hearing is planned for June 27th to allow for public responses to that additional information. Testimony at the June 27th hearing would be limited to testimony responding to that new information.

Ordinance Summary: The attached ordinance consists of 4 main operating sections. The key provisions of each section are outlined below.

Section 1: Establishes "temporary encampments" as a use in the City's land use charts, and provides that any request shall be processed as an administrative conditional use. An administrative conditional use requires public notice and comment, a decision by the Director of PCD, and an opportunity to appeal to the Hearing Examiner.

Section 2: Creates a new section in the LUC with performance standards and conditions of approval for temporary encampments. Performance standards and conditions include:

- A 60 day limit on operations on any site;
- A limit of one visit per 12 months for any site;
- A requirement that the encampment meet the structure setbacks of the underlying use;
- A limit on total residents, based on site size but in no event more than 100 residents;
- Requirements for site screening;
- Security requirements;
- Health and safety provisions, including minimum water, sanitation, and refuse standards; and
- Requirements for notification of and consultation with school administration if proposed within 600 feet of any school.

Sections 3 & 4: Adds related definitions to the LUC

Ordinance Schedule:
The following schedule outlines the anticipated dates for Council consideration of the ordinance prior to action:

June 6th	Public Hearing on draft ordinance; to be continued to June 27th
June 20th	Submittal of additional information relating to ordinance provisions
June 27th	Continued public hearing to allow comment on additional information
July, 2005	Consideration of and action on proposed ordinance

ALTERNATIVES

1. Open public hearing, accept testimony and continue public hearing to June 27th to allow public comment only on new information being presented to Council after June 6th; or
2. Provide alternative direction to staff

RECOMMENDATION

1. Open public hearing, accept testimony and continue public hearing to June 27th to allow public comment only on new information being presented to Council after June 6th.

ATTACHMENT(S)

Draft Ordinance

AVAILABLE IN COUNCIL OFFICE FOR REVIEW

File No. 05-110045 AD

DRAFT

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE amending the Bellevue Land Use Code to allow for the permitting of Temporary Encampments while assuring the health, safety and welfare of all residents of those Encampments and of the citizens of Bellevue; amending Sections 20.10.440, 20.50.018, and 20.50.048 of the Bellevue Land Use Code; creating a new Section 20.20.840 of the Bellevue Land Use Code; and establishing an effective date.

WHEREAS, the City recognizes that homelessness is a problem within King County;

WHEREAS, the City has taken and will continue to take steps to alleviate the problems of homelessness within the City and throughout King County; including the provision of shelter and the funding of affordable housing;

WHEREAS, the City finds that while Temporary Encampments may provide an interim measure of relief from homelessness, Temporary Encampments are not permanent solutions to the problem, nor are they intended to be;

WHEREAS, in RCW 70.114A.010, the Legislature has determined that temporary accommodations must be safe and sanitary;

WHEREAS, the City finds that residents of Temporary Encampments have an equal right to safe, healthy and sanitary conditions;

WHEREAS, in other jurisdictions through legislation, permitting, and court orders, Temporary Encampments have been subject to health and safety regulations, codes of conduct, zoning laws, and other conditions;

WHEREAS, the City has a compelling interest in the protection of the health and safety of all of its residents, as well as the enforcement of its zoning laws;

WHEREAS, the recent history of Temporary Encampments in other jurisdictions, including the Cities of Bothell, Woodinville, and Kirkland, demonstrates a critical need for public involvement in the process of permitting and siting Temporary Encampments, including adequate notice to the surrounding community, an opportunity for community members to comment upon the application and to exercise their fundamental right to petition the government, and an opportunity for review and processing of a permit by City staff;

WHEREAS, the City Council held a public hearing on June 6, 2005, with regard to such proposed Land Use Code amendment; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 20.10.440 of the Bellevue Land Use Code is hereby amended as follows:

20.10.440 Land use charts.

Chart 20.10.440

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential – Residential Districts										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
1	Residential											
	Single-Family Dwelling (3)	P	P	P	P	P	P	P	P	P	P	P
	Two to Four Dwelling Units Per Structure (6)	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
	Five or More Dwelling Units Per Structure (6)	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities								C	P	P	P
	Senior Citizen Dwellings (4,7*)	PD 5	PD 5	PD 5	PD 5	PD 5	PD 5	PD 5	P	P	P	P
13 15	Hotels and Motels											
	Congregate Care Senior Housing (4,7*)								P	P	P	P
6516	Nursing Home (7*)								C	P	P	P
	Assisted Living (4,7*)								C	P	P	P
	Accessory Dwelling Unit (9)	S	S	S	S	S	S	S	S	S	S	S

	Temporary Encampment (16)	A	A	A	A	A	A	A	A	A	A	A

Uses in land use districts

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Institutional District are listed in LUC 20.25J.020.

** Not effective within the jurisdiction of the East Bellevue Community Council.*

KEY

P – PERMITTED USE
C – CONDITIONAL USE (see Part 20.30B or Part 20.30C)
PD – PERMITTED subject to planned unit development only. (See Part 20.30D)
A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)
S – Permitted only as a subordinate use to a permitted or special use

20.10.440

Chart 20.10.440

		Residential – Nonresidential Districts									
STD LAND USE CODE REF		Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
	LAND USE CLASSIFICATION	PO	O	OLB	LI	GC	NB	CB	F1	F2	F3
1	Residential										
	Single-Family Dwelling (3)	P 15	P 1	S	S	S	P 8	S	S	S	S
	Two to Four Dwelling Units Per Structure (6)		P 1	P			P 8	P 6	P	P	P
	Five or More Dwelling Units Per Structure		P 1	P			P 8	P 6	P	P	P

	(6)										
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities							C	C		
	Senior Citizen Dwellings (4,7*)	P	P	P			P 8	P	P	P	P
13 15	Hotels and Motels			P				C	C	P	P
	Congregate Care Senior Housing (4,7*)	P	P	P			P	P	P	P	P
6516	Nursing Home (7*)	C	P	P			C	P	P	P	P
	Assisted Living (4,7*)	C	P	C			C	P	P	C	C
	Accessory Dwelling Unit (9)	S	S	S	S	S	S	S	S	S	S
	Temporary Encampment (16)	A	A	A	A	A	A	A	A	A	A

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Chart 20.10.440

		Residential – Downtown Districts					
STD LAND USE CODE REF		Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
	LAND USE CLASSIFICATION	DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
1	Residential						
	Single-Family Dwelling (3)	P	P	P	P	P	
	Two to Four Dwelling Units Per Structure (6)	P	P	P	P	P	
	Five or More Dwelling Units Per Structure (6)	P	P	P	P	P	
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities	P	P	P	P	P	
	Senior Citizen Dwellings (4,7*)	P	P	P	P	P	
13 15	Hotels and Motels	P	P	P	P	P	P
	Congregate Care Senior Housing (4,7*)	P	P	P	P	P	
6516	Nursing Home (7*)			P	P	P	

	Assisted Living (4,7*)			P	P	P	
	Accessory Dwelling Unit (9)			S	S	S	
	Temporary Encampment	A	A	A	A	A	A

Uses in land use districts

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

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S – Permitted only as a subordinate use to a permitted or special use

Notes: Uses in land use districts – Residential

(1) No more than 50 percent of the gross floor area of the structure shall be devoted to residential use in O Districts, unless Conditional Use Permit approval is obtained and the applicable Comprehensive Plan policies do not discourage multifamily uses.

(2) (Deleted by Ord. 4999).

(3) A boardinghouse or bed and breakfast is permitted in a single-family dwelling provided the requirements of LUC 20.20.140 are met.

(4) An agreement must be recorded with the King County Department of Records and Elections restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain in perpetuity as senior housing.

(5) Through the planned unit development process, senior citizen dwellings may include common dining and recreation facilities.

(6) Multifamily development in Planning Districts A and B of the Crossroads Subarea is not allowed. Multifamily development in Planning District E of the Crossroads Subarea north of NE 8th Street is not allowed. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E.

(7) In Planning Districts A and B of the Crossroads Subarea and in Planning District E of the Crossroads Subarea north of NE 8th Street, existing legal nonconforming multifamily uses can be converted to senior citizen housing, congregate care senior housing, assisted living or nursing homes. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E.*

(8) These residential uses are permitted in NB Districts only if located on the second floor and above the permitted ground floor nonresidential uses.

(9) Accessory dwelling units are permitted only as subordinate to single-family dwellings and are subject to the provisions of LUC 20.20.120.

(10) (Deleted by Ord. 4999).

(11) (Deleted by Ord. 4999).

(12) (Deleted by Ord. 4999).

(13) (Deleted by Ord. 4999).

(14) (Deleted by Ord. 4999).

(15) One single-family dwelling unit, occupying no more than 25 percent of the floor area of the structure, is permitted in the PO District.

(16) Temporary Encampments are subject to the regulations for temporary encampments in LUC 20.20.840.

** Not effective within the jurisdiction of the East Bellevue Community Council.*

Section 2. A new Section 20.20.840 is hereby added to the Land Use Code as follows:

20.20.840 Temporary Encampments

A. Applicability.

This section applies to each Temporary Encampment within the City. The requirements of this section shall be imposed at the initiation of any Temporary Encampment use, and upon any addition or modification to a Temporary Encampment use.

B. General.

1. Wherever located in the City, a Temporary Encampment requires an Administrative Conditional Use Permit, Part 20.30E LUC, prior to establishment of the encampment.

2. Each Encampment Host, Encampment Manager and Encampment Sponsor of a Temporary Encampment shall jointly apply for a permit under this Section, and shall jointly certify compliance with all applicable use requirements and conditions of this section in the application for administrative conditional use required in subsection 1 of this Section.

C. Use Requirements.

The following requirements apply to each Temporary Encampment:

1. The Encampment Host, Encampment Sponsor, and Encampment Manager must demonstrate that the proposed use meets the definition of a Temporary Encampment, as set out in LUC 20.50.048.

2. The Encampment Host, Encampment Sponsor, and Encampment Manager shall ensure enforcement of the following Code of Conduct at the Temporary Encampment site:

   a. No drugs are permitted.

   b. No alcohol is permitted.

c. No weapons are permitted.

d. All knives over 3 and one-half inches must be turned into the Encampment Manager for safekeeping.

e. No violence is permitted.

f. No open flames are permitted

g. No trespassing into private property in the surrounding neighborhood is permitted.

h. No loitering in the surrounding neighborhood is permitted.

i. No littering on the Temporary Encampment site or in the surrounding neighborhood is permitted.

j. A trash patrol in the surrounding neighborhood is required every other day.

Nothing within this Section shall prohibit the Encampment Host, Encampment Sponsor or Encampment Manager from imposing and enforcing additional Code of Conduct conditions not otherwise inconsistent with this Section, nor shall anything within this Section prohibit the Director from imposing additional Code of Conduct requirements to assure compliance with applicable decision criteria.

3. The maximum number of residents at a Temporary Encampment site shall be determined taking into consideration site conditions, but shall in no case be greater than one hundred at any one time. Any proposed site shall be of sufficient size to support the activities of the Temporary Encampment without the overcrowding of residents or any intrusion into setbacks as established by this Section. In determining the maximum occupancy of a Temporary Encampment, the Director shall consider the square footage of the Encampment Site; the number of proposed Temporary Enclosures; the number of required or proposed bathing, food handling, handwashing, laundry, and toilet facilities; required setbacks; and the ongoing use of the site by the Encampment Host. The City shall impose a condition on the Administrative Conditional Use Permit for the Encampment limiting the number of residents or occupants to the number determined pursuant to this subsection. Any increase in the number of residents or occupants beyond that applied for by the applicants and included in the Administrative Conditional Use Permit shall require an amendment to the Administrative Conditional Use Permit pursuant to LUC 20.30E.170-175.

4. The duration of a Temporary Encampment at any specific location shall not exceed 60 days at any one time, provided that, in the event the final day of this period falls upon a Friday, up to an additional two days shall be allowed to dismantle and remove the Temporary Encampment as necessary.

5. A Temporary Encampment may be located at the same site no more than once every 12 months.

6. A Temporary Encampment shall be within one half mile of a public transportation stop, or the Encampment Sponsor, Encampment Host or Encampment Manager shall otherwise demonstrate the ability for Temporary Encampment occupants to obtain access to the nearest public transportation stop through van or car pools provided by the Encampment Host, Encampment Sponsor, or Encampment Manager. During hours when public transportation is not available, the Encampment Sponsor, Encampment Host, or Encampment Manager shall also make transportation available to anyone who is rejected from or ordered to leave the Temporary Encampment. The Encampment Host, Encampment Sponsor or Encampment Manager shall provide a transportation plan demonstrating compliance with this subsection as part of the Administrative Conditional Use Permit process.

7. On-site parking spaces of the Encampment Host shall not be displaced unless the required minimum parking remains available for the Encampment Host's use, as set forth in LUC 20.20.590. The Host may provide shared parking pursuant to LUC 20.20.590.I, or off-site parking pursuant to LUC 20.20.590.J, to satisfy minimum parking requirements.

8. The perimeter of a Temporary Encampment must be buffered from surrounding properties as follows:

   a. The Temporary Encampment, as measured from the Temporary Encampment perimeter, shall meet the minimum setback requirements applicable to the Encampment Host in the underlying Land Use District; and

   b. A view obscuring fence, which in no event shall be less than six feet high, and which, for purposes of compliance with subsection 10 of this Section, shall be limited to a single opening for ingress and egress to and from the Temporary Encampment.

9. The Encampment Host, Encampment Sponsor and Encampment Manager shall not permit children under the age of eighteen to stay overnight in a Temporary Encampment, unless circumstances prevent a more suitable overnight accommodation for the child and parent or guardian. If a child under the age of eighteen, either alone or accompanied by a parent or guardian, attempts to stay overnight, the Encampment Host, Encampment Sponsor or Encampment Manager shall endeavor to find alternative shelter for the child and any accompanying parent or guardian.

10. The Encampment Host, Encampment Sponsor or Encampment Manager shall take all reasonable and lawful steps to obtain verifiable identification, such as a valid driver's license, government issued identification card, military identification card, or passport, from all prospective and current residents of a Temporary Encampment. The Encampment Host, or a third party approved by the Director, shall provide the identification to the Bellevue Police Department to obtain warrant and sex offender checks on the resident or prospective resident. If any warrant or sex offender check conducted under this section demonstrates that a resident or prospective resident either (a) has an existing or outstanding arrest warrant from any jurisdiction in the United States, or (b) is a sex offender, required to register with City, County or State authorities pursuant to RCW 9A.44.130, then the Encampment Manager, Encampment Sponsor and the Encampment Host shall be notified immediately. The Encampment Host or Encampment Manager shall promptly notify the City of Bellevue Police Department regarding any ejection from the Temporary Encampment due to an outstanding warrant for arrest or sex offender status.

11. The following excerpted portions of those health and safety regulations generally applicable to temporary worker accommodations shall be applicable to and observed at Temporary Encampment sites, and are incorporated by reference herein. In each of these excerpted regulations as incorporated, the term "operator" shall refer to the Encampment Host, Encampment Manager and Encampment Sponsor. References to the application of local ordinances and regulations shall refer to the Codes of King County and the City of Bellevue. All references are to regulations, ordinances and codes now or as hereafter amended:

a. WAC 246-358-055 (Water supply)

The operator must:

(1) Provide a water system that is:

(a) Approved as a Group A public water system in compliance with chapter 246-290 WAC if the water system supplies fifteen or more connections or twenty-five or more people at least sixty days per year or provide proof the camp receives water from an approved Group A public water system or provide proof the temporary worker housing receives water from an approved Group A public water system; or

(b) Approved as a Group B water system in compliance with chapter 246-291 WAC if the water system supplies less than fifteen connections and does not supply twenty-five or more people at least sixty days per year.

****

(2) Provide an adequate and convenient hot and cold water supply for drinking, cooking, [and] bathing, ... purposes.

****

(4) When water is not piped to each dwelling unit, provide cold, potable, running water under pressure within one hundred feet of each dwelling unit.

(5) When water sources are not available in each individual dwelling unit, provide one or more drinking fountains for each one hundred occupants or fraction thereof. Prohibit the use of common drinking cups or containers from which water is dipped or poured.

(6) When water is unsafe for drinking purposes and accessible to occupants, post a sign by the source reading "DO NOT DRINK. DO NOT USE FOR WASHING. DO NOT USE FOR PREPARING FOOD." printed in English and in the native language of the persons occupying the housing or marked with easily-understood pictures or symbols.

b. WAC 246-358-065 (Sewage disposal)

The operator must:

(1) Provide sewage disposal systems in accordance with local health jurisdictions.

(2) Connect all drain, waste, and vent systems from buildings to:

(a) Public sewers, if available; or

(b) Approved on-site sewage disposal systems that are designed, constructed, and maintained as required in chapters 246-272 and 173-240 WAC, and local ordinances.

c. WAC 246-358-070 (Electricity & Lighting)

The operator must ensure that:

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(2) All electrical wiring, fixtures and electrical equipment must comply with the electrical standards of the department of labor and industries

regulations, chapter 19.28 RCW, and local ordinances, and be maintained in a safe condition.

d. WAC 246-358-095 (Hand washing and bathing facilities)

An operator must:

(1) Provide one handwash sink for... every six persons ..... Handwash sinks must be adjacent to toilets.

(2) Provide one showerhead for ... every ten persons .....

(3) Provide one "service sink" in each building used for centralized laundry, hand washing, or bathing.

(4) Provide sloped, coved floors of nonslip impervious materials with floor drains.

(5) Ensure shower room walls are smooth and nonabsorbent to the height of four feet. If used, partitions must be smooth and nonabsorbent to the height of four feet.

(6) Provide all showers, baths, or shower rooms with floor drains to remove wastewater.

(7) Provide cleanable, nonabsorbent waste containers.

(8) Maintain centralized bathing and handwashing facilities in a clean and sanitary condition, cleaned at least daily.

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(10) Ensure shower facilities provide privacy from the opposite sex and the public.

(11) Make showers and bathing facilities available when needed.

e. WAC 246-358-100 (Toilet facilities)

(2) Centralized toilet facilities. The operator must meet the following requirements when centralized toilet facilities are provided:

(a) Provide toilet rooms with:

(i) One toilet for every fifteen persons;

(ii) One handwashing sink for every six persons;

(iii) Either a window of at least six square feet opening directly to the outside, or be satisfactorily ventilated; and

(iv) All outside openings screened with sixteen-mesh material.

(b) Locate toilet rooms so that:

(i) Toilets are within two hundred feet of the door of each sleeping room; and

(ii) No person has to pass through a sleeping room to reach a toilet room.

(c) Maintain toilets in a clean and sanitary condition, cleaned at least daily.

(d) Provide each toilet compartment with an adequate supply of toilet paper.

(e) When shared facilities will be used for both men and women:

(i) Provide separate toilet rooms for each sex with a minimum of one toilet room for each sex and meet the required ratio as defined in (a) of this subsection;

(ii) Identify each room for "men" and "women" with signs printed in English and in the native language of the persons occupying the camp, or identified with easily understood pictures or symbols; and

(iii) Separate facilities by solid walls or partitions extending from the floor to the roof or ceiling when facilities for each sex are located in the same building.

f. WAC 246-358-125 (Cooking and food-handling facilities)

(2) In common food-handling facilities, the operator must provide:

(a) A[n enclosure] , adequate in size, separate from any sleeping quarters;

(b) No direct openings to living or sleeping areas from the common food-handling facility;

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(d) Sinks with hot and cold running potable water under pressure;

(e) At least two (2) cubic feet of dry food storage space per occupant;

(f) Nonabsorbent, easily cleanable food preparation counters situated off the floor;

(g) [When perishable food will be in place,] Mechanical refrigeration conveniently located and able to maintain a temperature of forty-five degrees Fahrenheit or below, with at least two (2) cubic feet of storage space per occupant;

(h) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;

(i) Nonabsorbent, easily cleanable floors; and

(j) Adequate ventilation for cooking facilities.

g. WAC 246-358-135(2) (Maintenance of Bedding)

The operator must:

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(2) Maintain bedding, if provided by the operator, in a clean and sanitary condition.

h. WAC 246-358-155 (Refuse disposal)

The operator must:

(1) Comply with local sanitation codes for removing and disposing of refuse from housing areas.

(2) Protect against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse.

(3) Store refuse in fly-tight, rodent-tight, impervious, and cleanable or single-use containers.

(4) Keep refuse containers clean.

(5) Provide a container on a wooden, metal, or concrete stand within one hundred feet of each dwelling unit.

(6) Empty refuse containers at least twice each week, and when full.

i. WAC 246-358-165 (Insect and rodent control)

The operator must take effective measures to prevent and control insect and rodent infestation

j. WAC 246-358-175 (Disease prevention and control)

The operator must:

(1) Report immediately to the local health officer the name and address of any occupant known to have or suspected of having a communicable disease.

(2) Report immediately to the local health officer:

(a) Suspected food poisoning;

(b) Unusual prevalence of fever, diarrhea, sore throat, vomiting, or jaundice; or

(c) Productive cough, or when weight loss is a prominent symptom among occupants.

(3) Prohibit any individual with a communicable disease from preparing, cooking, serving, or handling food, foodstuffs, or materials in dining halls.

12. Prior to the decision of the Director on an Administrative Conditional Use Permit for a Temporary Encampment, the Encampment Host, Encampment Sponsor, or Encampment Manager, shall provide written notice to the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the proposed Temporary Encampment site, and shall meet and confer with the administration of any applicable schools. The Encampment Host and the school administration shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school concerns regarding the location of a Temporary Encampment within 600 feet of an applicable school. Any such conditions agreed upon between the parties shall

be submitted to the Director for consideration for inclusion within the Administrative Conditional Use Permit. In the event the parties fail to agree on any conditions, either party may provide the Director with a written summary of the parties' discussions, which the Director may consider in evaluating whether the criteria for the Administrative Conditional Use Permit are met, or the need for additional conditions upon the Administrative Conditional Use Permit based on the applicable decision criteria.

13. Exterior lighting shall be shielded or recessed so that direct glare and reflections are contained within the Temporary Encampment, and shall also be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures utilized at Temporary Encampments shall be appropriate in scale, intensity, and height to the use that they are serving.

D. Revocation.

Upon determination that there has been a violation of any decision criteria or condition of approval, the Director may give written notice to the permit holder describing the alleged violation. Within 14 days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the 14-day period, the Director shall sustain or revoke the permit. When a Temporary 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. Appeals of decisions to revoke a Temporary Encampment permit will be processed using the Process II appeal procedures.

E. Severability.

Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. Section 20.50.018 of the Bellevue Land Use Code is hereby amended by the addition of the following new definitions:

"Encampment Manager" shall mean an individual, group, organization, or entity that organizes, manages or operates a Temporary Encampment. An "Encampment Manager" may be the same individual, group, organization, or

entity as the Encampment Host or the Encampment Sponsor of a Temporary Encampment.

"Encampment Host" shall mean the individual, group, organization, or entity (including but not limited to an owner, tenant, or lessee) that has the legal right to occupy the site of a Temporary Encampment. An "Encampment Host" may be the same individual, group, organization, or entity as the Encampment Sponsor or the Encampment Manager of a Temporary Encampment.

"Encampment Sponsor" shall mean an individual, group, organization, or entity which, in conjunction or by agreement with the Encampment Sponsor or Encampment Manager, provides services or support on an ongoing basis for the residents of a Temporary Encampment. An "Encampment Sponsor" may be the same individual, group, organization, or entity as the Encampment Host or the Encampment Manager of a Temporary Encampment.

Section 4. Section 20.50.048 of the Bellevue Land Use Code is hereby amended as follows:

"Temporary Encampment" shall mean a transient or interim gathering or community comprised of Temporary Enclosures, which may include common areas designed to provide food, living, and sanitary services to occupants of the encampment; provided that, this definition shall not include recreational encampments of less than ten days in duration.

"Temporary Enclosures" shall mean tents and other forms of portable shelter that are not permanently attached to the ground, are intended to be erected and dismantled, and are intended for temporary outdoor occupancy. "Temporary Enclosures" shall provide protection from the elements, shall be comprised of flame-resistant material or treated with flame retardant in an approved manner, shall be elevated above and shall not allow direct contact with the bare ground, shall allow for means of unobstructed ingress and egress, shall protect against the entry of rodents and insects, and shall contain at least one window to allow for ventilation.

Section 5. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

PASSED by the City Council this _____ day of _____, 2005, and signed in authentication of its passage this _____ day of _____, 2005.

(SEAL)

_____
Connie B. Marshall, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

_____
Siona Windsor, Assistant City Attorney

Attest:

_____
Myrna L. Basich, City Clerk

Published _____

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

June 6, 2005
8:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Marshall, Deputy Mayor Noble, and Councilmembers Balducci, Chelminiak, Davidson, Degginger, and Lee

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:03 p.m. by Mayor Marshall, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers were present. Councilmember Chelminiak led the flag salute.

(a) Commendation of State Legislators

Mayor Marshall and Deputy Mayor Noble thanked Senator Weinstein, Representative Clibborn, and Representative Jarrett from the 41st District and Senator Esser, Representative Hunter, and Representative Tom from the 48th District for their recent approval of a transportation revenue package, which includes significant funding for I-405. Combined with the transportation "nickel" funding two years ago, I-405 will receive more than $1.4 billion in improvements.

Mayor Marshall expressed appreciation for support from Senator Finkbeiner, Senator Haugen, Senator Swecker, Representative Murray, Representative Rodne, and Representative Woods as well. She noted legislative funding for arts and parks including sports field improvements, PACE (Performing Arts Center Eastside), Crossroads Park, KidsQuest, and the purchase of waterfront property for the future development of a park along Meydenbauer Bay. Council presented plaques to the legislators as a token of appreciation.

Ken Graham, President and CEO of Overlake Hospital Medical Center, congratulated state legislators for their accomplishments during the recent legislative session. He described the

critical role of the NE 10th Street extension project and I-405 improvements in supporting the expansion of the Overlake Hospital Medical Center and Group Health Cooperative campus.

Peter Adler, Executive Vice President of Group Health Cooperative, thanked state legislators for their approval of transportation funding. The addition of new medical facilities in Bellevue is dependent upon the transportation system and will dramatically expand primary, specialty, and hospital care within the community.

Richard Leider, Bellevue Downtown Association Chair, expressed appreciation to legislators for transportation funding and noted its importance in maintaining a healthy business community.

(b) Proclamation – Mountains to Sound Greenway Days

Mayor Marshall read a proclamation declaring June 10-12 as Mountains to Sound Greenway Days.

3. Communications: Written and Oral: None.

4. Reports of Community Councils, Boards and Commissions

(a) Parks and Community Services Board

Kurt White, Parks and Community Services Board Chair, provided an update on the Board's activities [See memo, page 4-1 of Council packet]. Mr. White thanked Councilmember Chelminiak for his input as Council liaison to the Board. Highlights of the past year include program reviews for several Parks programs, development of master plans for the Crossroads Community Center expansion and Ashwood Plaza, review of site selection for the Mercer Slough Environmental Education Center, ongoing work for Parks Department accreditation, Robinswood synthetic fields, Crossroads Water Play Area (with Bellevue Breakfast Rotary), groundbreaking ceremonies for Lewis Creek Park and South Bellevue Community Center, grand opening of the McDowell House, public plaza signage (downtown), and numerous special events (including Family 4th of July, 24-Hour Relay Challenge, and Kelsey Creek Sheep Shearing).

Additional activities in coordination with other City boards, commissions, and departments include Art in the Parks, West Lake Sammamish Parkway, Comprehensive Plan and critical areas regulation updates, and addressing the anticipated water shortage. The Parks and Community Services Board held its retreat this past weekend and focused its discussion on the evolution of Bellevue in terms of planning parks, public spaces, recreation, and human services.

Chair White thanked Lesley Stuart, a retiring Board member, for her eight years of service. Mayor Marshall thanked the Board for their role in creating Bellevue's beautiful park system.

5. Report of the City Manager

(a) Management Brief – Update on East Creek Culvert Repair/Kamber Road

City Manager Steve Sarkozy asked staff to provide an update on Kamber Road projects.

Wes Jorgenson, Utilities Assistant Director, noted a management brief in the Council packet (Page 5-1) and described upcoming sewer main repairs to be conducted by King County along Kamber Road. The repairs will not affect the City's current work on the East Creek Culvert Replacement project. However, the road will be closed one week earlier beginning June 9.

(b) Management Brief – Update on Critical Areas Process

Kate Berens, Legal Planner, explained that staff is launching the public review phase for draft critical areas ordinances that have been prepared under the guidance of the Planning Commission. Three open houses are planned:

- Tuesday, June 7, 7:30 p.m. – Sunset Elementary School
- Thursday, June 8, 6:30 p.m. – First United Methodist Church (1934 108th Avenue NE)
- Wednesday, June 15, 7:00 p.m. – City Hall.

A public hearing before the Planning Commission is tentatively scheduled for July 6.

6. Council Business/New Initiatives

Mayor Marshall noted the desk packet memo outlining recommendations for appointments to Board and Commission positions.

➲ Dr. Davidson moved to approve the following appointments:

Environmental Services Commission – Brad Helland, Paul Osgood
Parks and Community Services Board – David Karle
Planning Commission – Patricia Sheffels
Transportation Commission – Jan Holler, Joel Glass.

Mr. Noble seconded the motion.

➲ The motion for appointments to four Boards and Commissions carried by a vote of 7-0.

Councilmember Chelminiak described citizen communications regarding motorized scooters and questioned Council's interest in pursuing an ordinance to regulate their use. Ms. Balducci expressed support for the initiative and noted a serious incident last summer involving a scooter. Mr. Degginger said he observed three motorized scooters on sidewalks this weekend.

Mayor Marshall asked staff to prepare a management brief and to develop a sample ordinance and schedule for addressing the issue.

7. Approval of the Agenda

➲ Deputy Mayor Noble moved to approve the agenda, and Mr. Chelminiak seconded the motion.

➲ The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

➲ Deputy Mayor Noble moved to approve the Consent Calendar, and Dr. Davidson seconded the motion.

➲ The motion to approve the Consent Calendar carried by a vote of 7-0, and the following items were approved:

(a) Minutes of May 9, 2005 Extended Study Session
Minutes of May 16, 2005 Study Session
Minutes of May 16, 2005 Regular Session
Minutes of May 23, 2005 Extended Study Session
Minutes of May 26, 2005 Special Meeting
Minutes of May 31, 2005 Special Meeting

(b) Motion to approve payment of claims for the period May 14 through June 3, 2005, and payroll for the period May 1 through May 15, 2005.

(c) Resolution No. 7187 authorizing execution of a Maintenance Services Agreement with Seattle Carpet Tile Inc. in the amount of $54,778.92 for the replacement and installation of carpet in public safety facilities.

(d) Ordinance No. 5600 authorizing execution of an agreement with the Washington State Military Department to accept grant funds in the amount of $81,776 for emergency management purposes; establishing a project in the Operating Grants and Donations Fund; appropriating unanticipated and future revenues to that fund; and authorizing expenditures of the grant funds.

(e) Resolution No. 7188 authorizing approval of the fourth amendment to the Employees Retirement Benefit Plan (Bellevue MEBT Plan) allowing separated employee participants with vested account balances of $1,000 to remain in MEBT, pay an administrative fee, and invest in the money market option.

(f) New City Hall

(1) Resolution No. 7189 authorizing execution of all documents necessary to grant a permanent easement to Puget Sound Energy for installation, operation, and maintenance of a natural gas line for the New City Hall.

(2) Resolution No. 7190 authorizing execution of agreements with True Faux LLC, Corson Studios LLC, and Forty Functions Enterprises LTD for final design, fabrication, and installation of artwork for the New City Hall project.

(3) Resolution No. 7191 authorizing execution of an amendment to the agreement with Mayes Testing Engineers, Inc., in the amount of $173,532 for testing and inspection services for the New City Hall project.

(g) Resolution No. 7192 authorizing execution of a Purchasing Agreement and a Small Public Work Agreement with Western Wood Structures, Inc., in the amount of $68,265.60 to design, engineer, manufacture, and install a Santa Rosa-style bridge across Kelsey Creek, replacing the existing bridge.

(h) Resolution No. 7193 authorizing granting of permanent easement to Schademan and Associates on a portion of Lakemont Division 7, Tract G, for installation, operation, and maintenance of a sanitary sewer conveyance system required for a single-family development project.

(i) Motion to award Bid No. 0529 to West Coast Construction in the amount of $325,795, as the lowest responsive and responsible bidder, for the installation of a new sidewalk on the west side of 164th Avenue NE from Northup Way to NE 24th Street. (CIP Plan No. PW-W/B-66)

(j) <u>2005 Overlay Program</u>

(1) Resolution No. 7194 authorizing execution of Amendment #4 to the consultant agreement with W&H Pacific in an amount not to exceed $79,059.59 for engineering services for the 2005 Street Overlay Program, Phase 2.

(2) Ordinance No. 5601 authorizing execution of an Interlocal Agreement with the City of Clyde Hill for design, construction, administration, and cost sharing for an asphalt overlay of 98th Avenue NE between NE 15th and NE 24th Streets; and amendment of the 2005-2011 Capital Investment Program (CIP) Plan by increasing the project budget for Street Overlays by $80,000 to reflect City of Clyde Hill contributions; and amending the 2005-2006 General CIP Fund to increase the appropriation by $80,000. (CIP Plan No. PW-M-1)

(k) Resolution No. 7195 authorizing execution of a Consultant Agreement with HDR Engineering Inc. in an amount not to exceed $118,595.07 to provide wetland mitigation design services associated with remaining permit requirements for Lakemont Boulevard. (CIP Plan No. PW-R-57)

(l) Cascade Water Alliance

(1) Resolution No. 7196 authorizing execution of Amendment #1 to the Interlocal Operation and Maintenance Agreement among the cities of Bellevue, Redmond, and Kirkland for water system facilities.

(2) Resolution No. 7197 authorizing execution of the Agreement for Water Distribution with the City of Redmond effective January 1, 2004.

(m) Resolution No. 7198 authorizing execution of an agreement to relinquish a sanitary sewer easement right located at 15885 SE 62nd Street that is no longer required by the Sewer Utility for a temporary pump station.

(n) Ordinance No. 5602 authorizing execution of a Grant Agreement with King Conservation District #9 to accept grant funds for the development of a Bellevue Low Impact Development Pilot Project Manual, establishing a project within the Operating Grants and Donations Fund, increasing the appropriation by an additional $70,000 in revenue, and authorizing the expenditures.

(o) Motion to award Bid No. 0531 to Trimaxx Construction Inc. in the amount of $477,281 as low bidder for the 116th Avenue SE Storm Drainage Repair and Outfall. (CIP Plan No. D-64 and D-67, Utility Capital Investment Program Fund 4690)

(p) Resolution No. 7199 authorizing the approval of payment for final settlement of the pending claim for property damages to the Yahyavi residence caused by a broken water main line.

9. Public Hearings

(a) Temporary Encampment Ordinance
(No Council discussion or decision is scheduled for tonight. Staff will present additional factual information relating to temporary encampments on June 20. Additional public testimony will be taken on June 27 in response to new information provided on June 20.)

Mayor Marshall acknowledged the large audience for the public hearing and explained that televisions and overflow seating are available in the Council Conference Room. Citizens who have signed up to testify can move back to Council Chambers as their time to speak approaches. Council will hear testimony on the draft temporary encampment ordinance, which is provided in the agenda packet. Mrs. Marshall asked the audience to refrain from clapping but to raise their hands if they agree with a speaker. Council is scheduled to discuss additional information related to the ordinance during its June 20 Study Session. A June 27 public hearing will allow public comment regarding only the new information presented on June 20.

Kate Berens, Legal Planner, said the purpose of tonight's public hearing is to solicit comments

regarding the preliminary draft of a temporary encampment ordinance. This is the beginning of the public review process on this issue.

Ms. Berens highlighted key elements of the ordinance, which regulates temporary encampments as an administrative conditional use in all districts within Bellevue. This type of use requires public notice of any application to establish an encampment, a public comment period, and a decision by the Director of Planning and Community Development. The decision can then be appealed to the City's Hearing Examiner and ultimately to Superior Court. Ms. Berens noted this is a change from the current ordinance which regulates the camps as a temporary use and does not provide a public process. The draft ordinance specifies performance standards including those addressing site design and layout, total number of residents, security issues, and health and safety provisions. It limits the duration of an encampment on any one site to 60 days, and a given site can be utilized once every 12 months.

- Deputy Mayor Noble moved to open the public hearing regarding the draft Temporary Encampment Ordinance, and Mr. Degginger seconded the motion.

- The motion to open the public hearing carried by a vote of 7-0.

The following citizens came forward to comment on the draft ordinance:

(1) Damian Golden expressed support for the draft temporary encampment ordinance. He commended the Congregation for the Homeless, Hopelink, and ARCH (A Regional Coalition for Housing) for their efforts to help the homeless.

(2) James Nakatsu noted his previous visits to Council to discuss his concerns regarding public health issues and other aspects of temporary encampments. He encouraged churches and organizations to host homeless citizens indoors rather than in tents. He submitted petitions in support of the draft ordinance.

(3) Tomiyasu Shigeyama expressed support for the draft ordinance. He appreciates the needs of the homeless but does not want encampments next to schools and day care centers.

(4) Suzanne Kogishi supports the draft temporary encampment ordinance. She encouraged notification to schools and day care centers within 600 feet of any proposed encampment.

(5) Arnie Brandon noted his previous communications to Council regarding criminal activity at Tent City sites. He described the recent murder near Bellevue Community College and the subsequent arrest of a transient person who had arrived from another state within the past few weeks. He submitted a petition in support of the ordinance and emphasized the need for a police presence at encampments 24 hours a day.

(6) Peggy Hotes lives part-time at Tent City 4 in Kirkland and has been a Bellevue resident for 17 years. She is a special education teacher and became involved with Tent City 4 when it was located near her school on Finn Hill. Ms. Hotes said no neighbor or child

has been harmed by any Tent City resident.

(7) William Spencer, a Tent City 4 resident at Lake Washington United Methodist Church, said the encampments have a strict code of conduct and there has been no increase in crime associated with the camps.

(8) Camille Johnson, a 22-year-old resident of Tent City 4, said the sanitation requirements of Bellevue's draft ordinance will increase costs. She noted the 60-day limit causes more disruption in residents' lives and complicates transportation/transit planning.

(9) Felicia Johnson, a Tent City 4 resident, expressed concern regarding the proposed 60-day limit on temporary encampments. She said homeless individuals want and need stability, opportunity, and fair treatment in their lives.

(10) Jessica Culbertson, a Bellevue resident, said she lived in Tent City 4 for more than seven months. She and her husband are now both employed full time. She explained that Tent City helped her and her husband get back on their feet. It enabled them to save money and provided a safe place to sleep and to store their belongings. It provided a sense of community and structure that enabled them to break out of being homeless.

(11) Matt Dustin, a Tent City 4 resident, thanked Council and Bellevue residents for providing this forum. He explained that warrant checks and sex offender checks are conducted on all Tent City residents. He has a 6-year-old daughter and understands citizens' concerns for their children.

Responding to Councilmember Degginger, Mr. Dustin said identification is required of Tent City residents. In the month that Mr. Dustin has been a Tent City resident, he has observed two people who showed up intoxicated and they were escorted away from the site. Mr. Dustin formerly lived in Shoreline.

(12) William Price, a Tent City 4 resident, described the process of checking identification and conducting warrant and sex offender checks on prospective camp residents.

(13) John Culbertson lived in Tent City 4 for almost eight months with his wife. He explained that he works as a framer and stored his tools in his tent during their stay. Although the tools were not locked up, nothing was ever stolen. He found the residents to be kind and generous. Mr. Culbertson said the rules of Tent City are so strict that many homeless people do not want to live there.

(14) Don Goodwin, a Tent City 4 resident, has lived in the Seattle area for 21 years and on the Eastside for 13 years. He has been homeless for 10 months since losing his job approximately 14 months ago. Although Tent City conducts warrant checks, Mr. Goodwin noted that SHARE/WHEEL's official position is opposed to mandating these checks in Bellevue's ordinance. While he understands the need for public notification and a public comment period, Mr. Goodwin feels 30 days is needlessly burdensome. No other jurisdiction has mandated a public comment period of this duration.

Responding to Councilmember Degginger, Mr. Goodwin opined that background checks are conducted to protect both Tent City residents and the community. Mr. Goodwin supports Council's role in protecting the community. In further response, Mr. Goodwin said members of the host church interact with Tent City residents by dropping off donations, preparing meals, and visiting with residents. Mr. Goodwin currently works 32 hours per week in construction.

Responding to Councilmember Lee, Mr. Goodwin said the Tent City 4 Executive Committee, composed of residents, is responsible for complying with permit requirements on a daily basis. Issues that arise are dealt with immediately or presented for a vote during the camp's weekly meetings.

(15) Leo Rhodes, a Tent City 4 resident, commented that the proposed 60-day limit on temporary encampments makes it difficult to have adequate time to identify the next site. He noted Tent City 3 has been operating for five years without any problems. Mr. Rhodes explained that Tent City residents are not like the homeless panhandling for money on the street. They are mostly working people who are trying to move forward in their lives.

Responding to Mayor Marshall, Mr. Rhodes said Tent City 4 has a shower with hot water.

(16) Mike Kluth, a Tent City 4 resident for seven months, said the camp has four sanicans that are cleaned three times a week. The shower is cleaned nightly and the kitchen is cleaned on an ongoing basis.

Responding to Mr. Degginger, Mr. Kluth said there is currently one shower and the number of residents varies from 50 to 60 people.

(17) David Alldridge, a Tent City 4 resident, feels the sanitation requirements proposed in Bellevue's draft ordinance are excessive and costly. He noted no permanent shelter meets similar standards, which were created for migrant farm workers. Residents keep the camp clean and do not want to get sick or cause any problems for the community.

(18) Lawrence Minder, former pastor of St. Brendan Parish, Bothell, lived previously in Tent City 4. He described the camp as highly organized as well as focused on safety and security. He found sanitation conditions at the camp to be good and explained that homeless people find other places to shower. Mr. Minder said Bellevue's draft ordinance includes provisions similar to those in Bothell that were found to be unduly burdensome by the court. He invited Councilmembers to visit Tent City 4 unannounced, and to even spend the night, in order to understand what the camp is all about.

Responding to Councilmember Lee, Mr. Minder said the church provided shower passes to the Bothell community swimming pool as one option for showers. Downtown workers are often able to shower at permanent shelters and similar facilities.

(19) Michael Ramos, Director of Social Justice Ministries, Church Council of Greater Seattle, noted the Church Council's endorsement of the King County 10-year plan to end homelessness and its work with community organizations. He said homeless encampments should not be seen as a threat but as an opportunity to understand others who are struggling to survive and to make ends meet. Mr. Ramos noted that Bellevue's ordinance is based on regulations for migrant worker camps. He explained that these regulations were developed in response to conditions in which migrant workers and their families had no source of food, no access to bathrooms, and were exposed to pesticides on a regular basis. Mr. Ramos said migrant facilities are considered permanent. Residents of temporary homeless encampments are supported by the host church and residents and are not isolated and abandoned as are migrant workers. Mr. Ramos asked Council to revise the draft ordinance to recognize churches' responsibility to continue to provide shelter consistent with their missions.

(20) Renay Bennett, a Bellevue resident, is in favor of the draft ordinance and the following conditions. She feels the property owner should be required to pay financial expenses above and beyond the norm anticipated for the camp location. The City should be indemnified by host and operator from any liability arising from operation of the encampment. The property owner must prove they have insurance to cover the temporary encampment operation. The host and operator shall provide financial security for damage to the site or surrounding properties. Ms. Bennett submitted petitions from her neighbors in support of the draft ordinance.

(21) Scott St. Clair, Bridges to Hope, serves on Bothell's Transitory Accommodations Citizens Advisory Committee (TACAC). He noted Bothell's commitment to crafting an ordinance specific to its community and commended Bellevue for taking a similar approach. Mr. St. Clair encouraged the Bellevue City Council to consider all the information and input and to develop the best ordinance for its citizens.

(22) Patricia Stevens, Director of Mustard Seed Childcare, expressed support for Land Use Code amendments and encouraged the inclusion of child care facilities in the temporary encampment regulations. She submitted petitions from residents.

(23) Doug Hoople feels the draft ordinance is too restrictive, particularly in terms of the sanitation and security requirements mentioned by previous speakers. While temporary encampments are not a permanent solution for homelessness, he feels they provide a necessary function. Mr. Hoople said the camps provide stability for the homeless, which enables them to obtain jobs and housing.

(24) Akiko Olson expressed support for the Land Use Code amendment. She strongly agrees with previous comments by Mr. Nakatsu, Mr. Shigeyama, and Mrs. Kogishi and with comments to come from Mr. Garvin.

(25) Mari Wagner agrees with Mr. Nakatsu, Mr. Shigeyama, Mrs. Kogishi, and Mr. Garvin. She thanked Council for its consideration of residents' children.

(26) Tonya King feels the revision of temporary land use permit regulations is needed. Public notice and public hearings prior to the siting of a temporary encampment in a residential area is necessary. Ms. King commended the Council and City leaders for taking on this issue in spite of threats of legal action by Tent City advocates. Churches must be aware of their responsibilities in taking on a ministry of providing homeless encampments. Ms. King said cities have a duty to protect all citizens and their rights. She submitted petitions from residents.

(27) Wataru Suzuki agrees with comments provided by Mr. Nakatsu, Mr. Garvin, Mr. Shigeyama, and Mrs. Kogishi.

(28) Sanford Brown, Executive Director, Church Council of Greater Seattle, distributed a handout and asked that it be included in the public record. He is a member and former pastor of Lake Washington United Methodist Church, which is located 10 blocks north of Bellevue. Mr. Brown said the staff and board of the Church Council unanimously oppose the draft temporary encampment ordinance. He said the ordinance lacks a compelling government interest and employs the most restrictive means of any jurisdiction in King County. Mr. Brown submitted his comments in writing.

(29) Scott Winter noted his previous testimony before the Bellevue Council regarding the precedent set by Judge Scott. Mr. Winter said Bothell police reports indicate 25 crime cases during Tent City's three-month stay. In the area around Holy Cross Church in Bellevue, there has been one crime in the past 30 months. Mr. Winter said Judge Scott affirmed a jurisdiction's right to pursue, as a precedent, the reimbursement of additional expenses as a permit condition.

(30) Scott Robertson, Vice President of Somerset Community Association, reminded Council that the Bothell and King County (serving Woodinville) police reports have been submitted as part of the public record on this issue. He encouraged the screening of encampment residents by Bellevue Police and not by Tent City residents as is the case now. The Association feels temporary encampments should not be placed in residential areas, and buffers should be provided around schools. Mr. Robertson thanked Seattle Public Health for its data regarding public health concerns. He thanked ARCH, Hopelink, Congregation for the Homeless, and local churches for their services within the community.

➲ At 9:56 p.m., Dr. Davidson moved to extend the meeting to 11:00 p.m. Mr. Noble seconded the motion.

➲ The motion to extend the meeting to 11:00 p.m. carried by a vote of 7-0.

At 9:57 p.m., Mayor Marshall declared a brief break. The meeting resumed at 10:06 p.m.

(31) John O'Neill, a homeless services advocate, said homeless citizens need housing, not tents, as well as counseling, welfare benefits, and job training. He praised King County

Councilmember Bob Ferguson's work to refurbish hotels for transitional housing. He commended the Bellevue City Council for doing its job and listening to all perspectives. Mr. O'Neill condemned the Church Council of Greater Seattle's support of the proposed King County ordinance, which has no sex offender checks and does not adequately address the protection of children. He encouraged help for the homeless, but disagrees with the Tent City approach.

(32) Mas Uchikawa expressed support for the draft ordinance and noted his concern to protect children.

(33) Cindy Ludwig, Bridle Trails Community Club, applauded Council for standing up to intimidation, threats of legal action, and opposing views. The Community Club supports the comments of the previous two speakers and feels better solutions are needed to help the homeless. Ms. Ludwig will submit written comments soon.

(34) Wynn Cannon, representing Bellevue members of the League of Washington Taxpayers, said they are opposed to the Tent City program. He feels more input should be taken from citizens through neighborhood meetings before finalizing the ordinance. He questioned what Tent City residents will contribute to the host community or to the City.

(35) Nate Garvin, a Renton resident, has a child in the Suginoko School. He noted that residents and businesses are required to comply with laws affecting the overall community. He feels churches and homeless encampments should comply with the same rules. Mr. Garvin said the City of Seattle's web site lists many shelters and housing options for the homeless. Tent City organizers have been quoted in the past as citing raising the awareness of homelessness as a primary motivation for the encampments. Mr. Garvin encouraged the Council to adopt health and security regulations for homeless encampments and to restrict locating them near day care centers and schools.

(36) Maria Golden noted previous testimony to Council by citizens expressing security and public health concerns. She supports the draft temporary encampment ordinance, particularly the requirement for verifiable identification from all Tent City residents and nationwide background checks. She agrees with Scott Robertson's suggestion that a third party, Bellevue Police, should conduct background checks.

(37) Susan Dailey is a Bellevue resident and a volunteer with both Tent City 3 and Tent City 4. She explained that some Tent City residents have experienced catastrophic health issues leaving them without money while others have lost their jobs and now work for minimum wage. Ms. Dailey feels the City Council, Bellevue citizens, and Tent City residents now have the opportunity to create a unique partnership.

(38) Lynn Mathews lives in Kirkland, a few blocks from the previous Tent City 4 site. She served as the general coordinator of human services at Tent City 4 and also on the security committee to be called in case of emergency, which never occurred. Tent City 4 receives a great deal of support from community volunteers, including children.

(39) Kate Sayers asked the Council to add homelessness and low-income housing to its agenda. She requested a one-percent match in funding from the state or the tax base to meet the $1.5 billion that has been spent on transportation funding. She wants her children to understand how people get into situations such as homelessness and how they can get out of them.

(40) Akiko Aoki, a teacher at Suginoko School, agrees with Mr. Nakatsu, Mr. Shigeyama, Mr. Garvin, and Mrs. Kogishi.

(41) Yuri Kenmochi agrees with previous speakers associated with Suginoko School.

(42) Miki Daniels agrees with Mr. Nakatsu, Mr. Shigeyama, Mr. Garvin, and Mrs. Kogishi.

(43) Mina Nelson, a Suginoko School parent, supports the proposed Land Use Code amendment.

(44) Steven Pyeatt, representing King County Communities for Fair Process, served on the King County Citizens Advisory Commission for Homeless Encampments and the Bothell TACAC. He commended Bothell's work in this area and encouraged local ordinances that balance the rights of all citizens. Mr. Pyeatt emphasized that everyone's rights are equal and churches' rights do not supersede citizens' rights. He said there have been misstatements about crime and noted that police reports indicate increased crime near Tent City locations.

(45) Sandy Grace encouraged support of the safety net provided by Tent City.

(46) Bill Kirlin-Hackett, Director of the Interfaith Task Force on Homelessness, served as Co-Chair of the King County Citizens Advisory Commission for Homeless Encampments. He noted that Tent City 3 has had no problems with a consent decree since 2002, despite what some may have heard. He said neighboring cities do not see the need for a specific ordinance on temporary encampments and he feels Bellevue does not need one either. He feels Bellevue's proposed ordinance contains excessive and onerous guidelines. If an ordinance is necessary, he encouraged following King County's ordinance. Mr. Kirlin-Hackett asked cities to follow churches in going the extra mile to help the homeless.

Responding to Councilmember Degginger, Mr. Kirlin-Hackett said a host church provides space for the encampments along with the additional financial support it is able to offer. Mr. Kirlin-Hackett said the in-kind support provided by congregations is not documented.

(47) Mika Okita agrees with Mr. Nakatsu, Mr. Shigeyama, Mr. Garvin, and Mrs. Kogishi.

(48) Hisae Mori agrees with Mr. Nakatsu, Mr. Shigeyama, Mr. Garvin, and Mrs. Kogishi.

(49) Yukiko Matsumo agrees with Mr. Nakatsu, Mr. Shigeyama, Mr. Garvin, and Mrs. Kogishi.

(50) Mieko Terada agrees with Mr. Nakatsu, Mr. Shigeyama, Mr. Garvin, and Mrs. Kogishi.

(51) Mark Fishel, MD, appreciates Bellevue's efforts on this issue. He explained that he is a Board-certified, academic physican although not an expert in public health. He has spoken with public health experts in the past few weeks, including the King County Health Department, and conducted research in this area. He objects to the public defamation of his previous testimony, which is based on fact and factual documents. The Director of Clinical Services at the King County Health Department informed him that they do not collect data on Tent City sites. The department has a staff person who visits the encampments but they do not explain what this person does at the sites. Dr. Fishel suggested non-residential sites, such as a warehouse, and smaller encampments.

(52) Yukari Sasala agrees with Mr. Nakatsu, Mr. Shigeyama, Mr. Garvin, and Mrs. Kogishi.

(53) Tom Paine, Redmond City Councilmember, commented as an individual and not as a representative for Redmond. He and his wife visited Tent City 4 in the interest of learning more about this program. He met many people in this visit including an unemployed software engineer and a former lobbyist from Olympia. Mr. Paine feels there are two types of homeless people – those living on the street who are often suffering from mental illness and/or substance addiction and those living in homeless encampments due to temporary circumstances. He noted that 75 percent of the residents have jobs and no drugs or alcohol are allowed.

➲ At 11:00 p.m., Dr. Davidson moved to extend the meeting to 11:30 p.m. Ms. Balducci seconded the motion.

➲ The motion to extend the meeting to 11:30 p.m. carried by a vote of 7-0.

(54) Deborah Townsend, a Quaker and Board member for the Church Council of Greater Seattle, said she is disappointed her community is creating difficulties for Tent City. She understands the issues regarding public health and public safety and wished the Council well in balancing the community's needs.

(55) Laurence Severance encouraged a less restrictive ordinance addressing homeless encampments. He suggested a minimum stay of 90 days for the camps and limiting the public comment period to 30 days. Mr. Severance is a member of Holy Cross Lutheran Church, which decided not to host Tent City.

Responding to Councilmember Degginger, Mr. Severance said the church was asked for space only and not for water or electricity. Suginoko School and Mustard Seed Child Care Center are both located at the church.

(56) Marene Armstrong has been employed at Mustard Seed Child Care for 10 years. She appreciates the right of homeless people to have a safe place to live. She explained that preschools do not make a large profit and locating a Tent City near them could significantly hurt their business.

(57) Norm Milliard said the City of Seattle has a consent decree (agreement) with SHARE/WHEEL, which allows one Tent City at any given time in the city. Mr. Milliard said Tent City 3 in Seattle does not conduct sex offender or identification checks. Bothell was the first to require identification checks. In response to Councilmember Degginger's interest in the cost for host churches, Mr. Milliard said Eastside Cares had a goal of raising $4,000 per month to support Tent City. The City of Woodinville spent $93,000 over 90 days, and the City of Bothell spent more than that. Ballard reported twice as many homeless individuals on the streets in their community six months after Tent City was located there. Mr. Milliard questioned whether statistics are kept on the number of people who move out of Tent City and obtain permanent housing.

(58) Yoko [unable to verify last name] agrees with Mr. Nakatsu, Mr. Shigeyama, Mr. Garvin, and Mrs. Kogishi. She thanked Council for the opportunity to comment.

(59) Shawn Parent agreed with previous comments by Suginoko School parents and staff. He opposes locating Tent City near any school.

(60) Margaret Schwender, Kirkland, referred Council and the public to the Eastside Cares web site and asked Council to reconsider the requirements of the proposed ordinance.

(61) Lee Wimberly, Renton, described an encounter with a homeless couple who came into Holy Cross Church. They were saddened to see people demonstrating the previous day at Tent City 4. Mr. Wimberly asked Council to develop an ordinance that does not kick people when they are down.

Mayor Marshall thanked the audience for their participation and respect for all views.

➲ Mr. Degginger moved to close the public hearing, and Deputy Mayor Noble seconded the motion.

➲ The motion to close the public hearing carried by a vote of 7-0.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions: None.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 11:21 p.m., Mayor Marshall declared the meeting adjourned.

Myrna L. Basich
City Clerk

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CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Regular Session

July 5, 2005
8:00 p.m.

Council Chambers
Bellevue, Washington

PRESENT: Mayor Marshall, Deputy Mayor Noble, and Councilmembers Balducci, Chelminiak, Davidson, Degginger, and Lee

ABSENT: None.

1. Call to Order

The meeting was called to order at 8:01 p.m. by Mayor Marshall, who presided.

2. Roll Call, Flag Salute

Upon roll call by the City Clerk, all Councilmembers were present. Deputy Mayor Noble led the flag salute.

(a) Proclamation for Parks and Recreation Month

Mayor Marshall read a proclamation recognizing July as Parks and Recreation Month in Bellevue. Parks and Community Services Board Chair Kurt White, Commissioner Jane Bennett, and Parks and Community Services Director Patrick Foran were present to receive the proclamation.

(b) AWC 2005 Diversity Champion Award

Mayor Marshall announced receipt of the 2005 Association of Washington Cities Diversity Champion Award in recognition of the City's diversity of media project which includes a radio program, a television program, and video features on the City's web site. Mr. Foran commended Kevin Henry, Program Coordinator, for his leadership on this project.

3. Communications: Written and Oral

(a) Jurgen Brenkert, Citizens for King County Monorail, expressed concern regarding monorail components in Sound Transit's long-range plan. He emphasized the need for mass transit.

(b) Greg Schrader, Bellevue Sister Cities Association, wished a Happy Birthday to Ruby "Parky" Forrester, who will celebrate her 100th birthday on July 10 at the Winters House. He introduced exchange students visiting from and traveling to Kladno, Czech Republic, and Liepaja, Latvia this summer and fall.

4. Reports of Community Councils, Boards and Commissions: None.

5. Report of the City Manager: None.

6. Council Business/New Initiatives

Councilmember Chelminiak attended the Bridle Trails picnic and participated in the 5K run.

Mr. Lee attended the 24-Hour Relay Challenge, the Bridle Trails event, the 4th of July celebration in Downtown Park, and the opening of the NE 29th Street connection. Mr. Lee attended the Bellevue Entrepreneur Partnership meeting.

Deputy Mayor Noble attended the Bridle Trails Park Foundation picnic, the NE 29th Connection opening, and a meeting of the Puget Sound Regional Council (PSRC) Executive Committee.

Mr. Degginger attended the Planning Commission retreat and a meeting of the Cascade Water Alliance Board. He enjoyed the fireworks at Downtown Park as well.

Ms. Balducci attended the 24-Hour Relay Challenge in Downtown Park and Eastside Heritage Center's Strawberry Festival in Old Bellevue.

Dr. Davidson attended the Strawberry Festival. He attended meetings of the Regional Water Quality Committee and the WRIA 8 Forum.

7. Approval of the Agenda

➲ Deputy Mayor Noble moved to approve the agenda, and Mr. Lee seconded the motion.

➲ The motion to approve the agenda carried by a vote of 7-0.

8. Consent Calendar

Mr. Lee asked to pull Agenda Items 8(d) and (f) for Council discussion.

➲ Deputy Mayor Noble moved to approve the Consent Calendar, amended to remove items 8(d) and (f), and Mr. Lee seconded the motion.

➲ The motion to approve the Consent Calendar, as amended, carried by a vote of 7-0, and the following items were approved:

(a) Minutes of June 20, 2005 Special Meeting
Minutes of June 20, 2005 Study Session
Minutes of June 20, 2005 Regular Session

(b) Motion to approve payment of claims for the period June 18 through July 1, 2005, and payroll for the period June 1 through June 15, 2005.

(c) Motion authorizing construction changes for the New City Hall project identified in the Architect's Supplemental Instructions (ASI) 39.

(e) Resolution No. 7216 authorizing execution of all documents necessary to grant Puget Sound Energy a non-exclusive perpetual guy wire and anchor easement within a portion of Enatai Neighborhood Park located at 10661 SE 25th Street.

(g) Resolution No. 7218 authorizing entering into a Right of Use Agreement with Verizon Northwest Inc. and amending the appropriation to the 2005-2006 Land Purchase Revolving Fund by $167,300 to reflect the total amount received from Verizon Northwest for costs of operation, maintenance, and development of the City's conduit and fiber system.

(h) Motion to reject all bids for Bid No. 0535 for construction of the 150th Avenue SE and Eastgate overlay project. (CIP Plan Nos. PW-R-105 and PW-M-13)

(i) Resolution No. 7219 authorizing: 1) execution of a consultant agreement with David Evans Associates, Inc. in the amount of $135,391 to provide traffic signal and intersection improvement design engineering services for improvements at Bel-Red Road and NE 30th Street (CIP Plan No. PW-I-70), Coal Creek Parkway and Factoria Boulevard (CIP Plan No. PW-I-84), and the 112th Avenue and SE 6th Street signal (CIP Plan No. PW-I-88); and 2) amendments to the Project Description/Scope of the Bel-Red Road and NE 30th Street project to accommodate a proposed fourth leg to the intersection providing limited access to the Microsoft campus and an evaluation of potential entry treatments to the Sherwood Forest neighborhood.

(j) Ordinance No. 5614 authorizing: 1) execution of an Interlocal Agreement with Puget Sound Regional Transit Authority (Sound Transit) for the design and construction of roadway improvements to SE 32nd Street between 140th Avenue SE and 142nd Place SE, and to 142nd Place SE between I-90 and SE 32nd Street; and 2) amendment of the 2005-2011 CIP Plan by increasing the project budget for Street Overlays by $312,000 in Sound Transit contributions; and 3) amendment of the 2005-2006 General CIP Fund to increase the appropriation by $312,000.

(k) Resolution No. 7220 authorizing execution of Amendment No. 1 to the Interlocal Agreement with King County Water District No. 1 for the purchase of water supply, system improvements, and maintenance and operations to: 1) commit the District to share in the cost of an emergency water supply intertie with the City of

Kirkland, and 2) for the City of Bellevue to bill each District customer directly for water service.

(l) Resolution No. 7221 authorizing approval of the final settlement of a claim filed for property damage to the Potuzak residence caused by a wastewater system failure.

(m) Resolution No. 7222 authorizing approval of the final settlement of a claim filed for property damage to the Wahlstrom and Tosch residence caused by a break in the City's water main line.

Items for Council discussion:

(d) Resolution No. 7215 authorizing execution of amendments to the existing Professional Services Agreement with ARC Architects in the amount of $78,327 for architectural, engineering, and site design services, and with Kleinfelder, Inc., in the amount of $83,953.63 for additional material testing, subsurface water monitoring, and geotechnical services for construction of the South Bellevue Community Center at Eastgate Park.

Councilmember Lee described his concern regarding the cost increase in the agreement with ARC Architects and Kleinfelder Inc. for work associated with construction of the South Bellevue Community Center at Eastgate Park. Mr. Lee said Mr. Foran subsequently explained unanticipated items resulting in the need for consulting services requiring additional funds.

➲ Mr. Lee moved to approve Resolution No. 7215, and Ms. Balducci seconded the motion.

➲ The motion to approve Resolution No. 7215 carried by a vote of 7-0.

(f) Resolution No. 7217 authorizing execution of amendments to existing Professional Services contracts for Land Use Plan review for:

(1) Berryman & Henigar, Clerk's Receiving Nos. 33622 and 35484, to increase the contract limit from $250,000 to $400,000;
(2) Rutherford & Chekene, Clerk's Receiving No. 33590, to increase the contract limit from $49,900 to $100,000, and to establish a contract expiration date of October 16, 2006;
(3) Crystal Kolke & Associates, Clerk's Receiving No. 37482, to increase the contract limit from $49,000 to $100,000;
(4) Golder Associates, Clerk's Receiving No. 27231, to increase the contract limit from $49,900 to $100,000, and to establish a contract expiration date of October 16, 2006;
(5) Charles Williams Associates (CWA), Clerk's Receiving Nos. 27233 and 28017, to increase the contract limit from $200,000 to $275,000 and to establish a contract expiration date of October 16, 2006;
(6) Rolf Jensen Associates, Clerk's Receiving No. 30658, to increase the

contract limit from $49,900 to $100,000, and to establish a contract expiration date of October 16, 2006;

(7) Capital Architects, Clerk's Receiving No. 35589, to increase the contract limit from $49,900 to $100,000; and

(8) Interval Engineering, Clerk's Receiving No. 33621, to increase the contract limit from $49,900 to $100,000, and to establish a contract expiration date of October 16, 2006.

Mr. Lee acknowledged the need for consultants to assist in plan review and permitting activities due to the recent increase in development activity. He asked staff to discuss related funding needs with Council this fall during budget deliberations.

Mr. Degginger explained that these consultants were identified through a RFQ process in 2002. He looks forward to reviewing and updating the list in 2006.

Responding to Mr. Chelminiak, Planning and Community Development Director Matt Terry confirmed that the contract costs are all related to fee-generating development that is contributing to Bellevue's tax base.

➲ Deputy Mayor Noble moved to approve Resolution No. 7217, and Mr. Chelminiak seconded the motion.

➲ The motion to approve Resolution No. 7217 carried by a vote of 7-0.

9. Public Hearings

(a) Temporary Encampment Ordinance
(During the June 27 Extended Study Session, the scheduled public hearing was opened and continued to tonight's agenda.)

Mayor Marshall acknowledged the large audience for the public hearing and explained that televisions and overflow seating are available in the Council Conference Room. Citizens who have signed up to testify can move back to Council Chambers as their time to speak approaches.

Mrs. Marshall announced that Council opened this public hearing on June 27 and continued it to tonight to allow more time for Council and the public to review the extensive public record. The purpose of tonight's public hearing is to hear new testimony regarding the legislative record received by the Council on June 20. Speakers should not repeat previous testimony. The draft ordinance was originally presented for public discussion on June 6. A copy of the draft ordinance and a list of suggested revisions identified for Council discussion are included in the Council packet. Mayor Marshall asked speakers to limit their comments to aspects of the proposed ordinance that they agree with or would like to see changed.

Mrs. Marshall explained that each speaker is allowed three minutes to speak, or five minutes if representing the position of a recognized organization. She asked the audience not to clap but to raise their hands if they agree with a speaker.

Siona Windsor, Assistant City Attorney, recalled that a draft ordinance amending the Land Use Code to address impacts related to temporary encampments was presented to Council on May 16. The draft ordinance is included in tonight's Council packet beginning on page 9-7. An initial public hearing was held on June 6. The Legislative Record was presented for Council and public review on June 20.

Ms. Windsor explained that Council adopted a moratorium last week on temporary use permit applications for temporary encampments. The moratorium is in effect for 60 days or until Council adopts a new temporary encampment ordinance. Council may take action following the public hearing tonight or at a future meeting.

Deputy Mayor Noble opened the continued public hearing regarding the draft Temporary Encampment Ordinance.

The following citizens came forward to comment on the draft ordinance:

(1) Tonya King, Bellevue, suggested a Tent City host should be required to provide proof of liability insurance and of financial responsibility for expenses incurred by the City during a Tent City stay.

(2) Gay Saunders, Bellevue, supports suggested revision #7 requiring a third party to obtain verifiable identification from Tent City residents and to provide the information to law enforcement for background checks. She noted the argument by some that Tent City is no different than an apartment complex. However, she commented that not all property within the community is zoned for apartment complexes.

(3) James Nakatsu, Mercer Island, said parents of the Suginoko School have been contacting state legislators asking them to amend the transient accommodation code for crisis shelters. He noted concerns regarding public health.

(4) Sanford (Sandy) Brown, Church Council of Greater Seattle, noted a June 14 letter to Council from bishops and executives of multiple denominations requesting four changes to the temporary encampment ordinance: 1) 90-day instead of 60-day stay for Tent City, 2) revising the identification requirement, 3) removing unnecessary sanitation requirements, and 4) deleting provisions determined unnecessary by public health officials. Mr. Brown expressed support for suggested revisions #3, #4, #5, #10, #11, #12, and #13 and supplemental items 1 through 4 (from the City's web site). He encouraged Bellevue to support the King County 10-year plan to end homelessness.

(5) Akiko Olson, Bellevue, cited state law governing health requirements for transient accommodations including provisions regarding proper ventilation and communicable disease testing. She noted the concern of many mothers for the health and safety of the community.

(6) Mari Wagner, Bellevue, commented regarding suggested revision #5 specifying a duration of 90 days for Tent City. She feels a longer stay presents greater risk to the community's health and safety as well as a financial burden. Ms. Wagner said many residents support a 30-day limit on Tent City. If longer than 30 days, she feels the encampments should host fewer residents.

(7) Sue Giaimo lives in Bellevue and attends Grace Lutheran Church. She spoke about the Christian responsibility to provide for the less fortunate. She noted it would be difficult or impossible for many churches to meet the conditions of the draft ordinance. She feels the ordinance limits her right to freedom of worship, which for her includes acts of social justice. Ms. Giaimo asked Council to follow King County's lead of fewer restrictions on temporary encampments.

(8) Nate Garvin, Renton, feels Bellevue Police Department should conduct security screenings and background checks of Tent City residents.

(9) Scott St. Clair, Kirkland, expressed support for background checks and health and safety requirements for Tent City. He said a known sex offender was allowed to live in two separate Tent City locations. He supports public notice requirements and restrictions on Tent City related to their proximity to preschools and day care centers.

(10) Bart Goft, Bellevue, said not all homeless people are drug addicts or alcoholics, just as people working on Wall Street are not all drug addicts or alcoholics – some are and some are not. He noted that one shower per 40 Tent City residents is inadequate. He regrets the need for homeless encampments in our society but feels they should be allowed.

(11) Sean Turner, a Tent City 4 resident, suggested opening more shelters in Bellevue to help the homeless change their lives.

(12) Danielle Thomas, a Tent City 4 resident, said warrant and sex offender checks are conducted on all residents.

(13) Doug Wagner, Bellevue, said the following items should be added to the ordinance: 1) encampment host liability insurance requirement, 2) estimate of expenses for the duration of the stay, 3) billing encampment host for City expenses incurred above and beyond the norm for the location, 4) police officer on site 24 hours a day, and 5) testing of Tent City residents for communicable diseases.

(14) Dwight Travis, a Tent City 4 resident, said security at the encampment is very good, he has not observed any problems, and residents are interested in keeping the peace.

(15) Michael Ramos, Church Council of Greater Seattle, thanked Council for its reasoned approach to considering modifications to the draft ordinance. He described Tent City sites in Seattle near preschools and schools, which have experienced no problems. Lakeside Middle School provided showers for Tent City residents. Seattle University hosted Tent City and found the experience to be educational for students, faculty, and

staff.

(16) Phil Early, a Tent City 3 resident, visited Tent City 4 today and found it to be well organized and clean. He is a U.S. Army veteran who served in the Gulf War, and he is appalled to be homeless. He praised Tent City 3 for providing an opportunity for him to get back on his feet. He noted no child has ever been harmed by a Tent City resident. School groups tour the camps to gain perspective on the homeless in our community. Mr. Early asked Council to not burden potential Tent City hosts with excess regulations.

(17) Rhonda Jackson, a Tent City 4 resident, described the deaths of homeless people on the street. Tent City provides a secure community for the homeless.

(18) Richard Powell, a new resident of Tent City 4, said he was subjected to an extensive screening process before being allowed to move into the camp. He likened Tent City residents to migrant workers, who generate income for a company or individual. However, Tent City residents are not employed by one entity and should not be subjected to the same regulations.

At 9:36 p.m., Mayor Marshall declared a brief break. The meeting resumed at 9:45 p.m.

(19) Margaret Schwender, Kirkland, is a volunteer with Tent City 4. She feels a requirement for full-time staffing to secure identification from incoming residents is an unreasonable burden for churches. She suggested Council review police records from other cities that have hosted Tent City.

Responding to Councilmember Degginger, Ms. Schwender described how smaller churches work together to support Congregations for the Homeless by providing meals and recreational experiences at Tent City and shelter locations.

(20) Wesley Howell, Grace Lutheran Church (Bellevue), explained how the church invites neighbors to use their site and playground. He noted the church has received complaints on many occasions including when the church hosted Congregations for the Homeless, opened a day care center, and hosted AA meetings. He expressed concern regarding requirements for identification and registration.

(21) Holly Kelly, Tent City 4, described warrant and sex offender checks at the camps. She said Tent City provides a safe place for homeless people, who help the community and work to be good neighbors.

(22) Mark Kelly, Tent City 4, recently moved to the area from Oklahoma City. He noted that approximately 4,500 homeless people in Seattle have no place to stay. He worked for the post office but is now unable to work due to a mental disorder. He has no family and no place to go. He has applied for Social Security benefits and is awaiting a response. Mr. Kelly said he graduated from a Catholic high school and spent eight years in the Navy including service in Desert Storm. He needs and appreciates Tent City.

(23) Tev Kelman, Tent City 3, urged Council to consider the King County ordinance, which is similar to regulations governing Tent City 3 in Seattle. The ordinance provides for the health and safety of all citizens, which he feels is the goal of all residents. He said both Tent City 3 and 4 had visits from the health inspector this week and passed without any problems. He praised the Tent City approach for attempting to help all members of the community to live together.

(24) Doug Renaud, Tent City 4, lived in Bellevue for nine years. He suffered a brain injury in 2003 and can no longer work. He described the ongoing process of identifying Tent City sites and getting to know different churches. He estimated that 80 percent of Tent City residents are employed. He said Bellevue has many services needed by Tent City residents including public transportation.

(25) Will Price, Tent City 4, said the King County Sheriff's Office conducts warrant and sex offender checks for Tent City. He said a health department official visited twice in the past two weeks and gave the camp a clean bill of health today. He requested modifications to many of the restrictions in the draft ordinance. He recalled LBJ's Great Society calling for the right of all Americans to eat, have a place to stay, and the opportunity for education.

➲ At 9:55 p.m., Mr. Noble moved to extend the meeting to 10:30 p.m. Mayor Marshall seconded the motion.

➲ The motion to extend the meeting to 10:30 p.m. carried by a vote of 7-0.

(26) Ellie Schroeder said she is a Bellevue resident, business owner, and teacher. She objects to the draft ordinance, which she feels panders to the political pressures of the homeless advocacy industry. She feels Tent City stays should be limited to 30 days, and disagrees with allowing a Tent City every 18 months. Ms. Schroeder feels sanitation provisions should not be reduced and the notification zone should be expanded beyond 600 feet. She noted that Heritage Christian School in Bothell suffered a 21-percent decrease in enrollment when Tent City was nearby, and teachers were laid off. She said encampments should not be allowed in areas without public transportation

(27) Jeremy Hubbell, a Bellevue resident and business owner, supports the requirement for notification to preschools and schools within 600 feet of a proposed Tent City location. He suggested an additional requirement that encampments must be more than 600 feet away from public and private schools, day care centers, and preschools. He proposed the following sentence to be added to suggested revision #14: "If these administrative conditions are deemed reasonable by the City director and yet unacceptable by the encampment host, the City director may deny the permit based on failed negotiations with the administrators." He asked Council to include all public testimony since January 1 opposing Tent City 4 in the record.

(28) Mary Dispenza, Bellevue, agrees with Sandy Brown and Michael Ramos. She encouraged working to make the community a better place and not allowing fear to

influence our actions.

(29) Bill Kirlin-Hackett, Redmond, represents the Interfaith Task Force on Homelessness. He thanked Council for considering changes to the draft ordinance and provided the following comments: 1) supports a 90-day maximum stay, 2) opposes limiting a particular host site to once every 18 months, 3) supports one shower per encampment, 4) opposes the requirement to secure identification from residents, 5) opposes requirements regarding the number of sinks, and 6) opposes specific language related to schools, as there is no evidence of any threat to schools. He applauded the Council's diligence on this issue and Bellevue's support of human services. He noted law enforcement officials confirm that Tent City poses no threat to the community.

Responding to Councilmember Balducci, Mr. Kirlin-Hackett said Tent City 4 currently has two sinks.

(30) Irene Pasternack, Bellevue, said her congregation (Temple B'nai Torah) has been considering hosting a Tent City. She expressed concern about requirements for sinks and showers, which she feels are unnecessary in terms of the health and safety of the community. She favors a 90-day stay because a longer duration provides a better opportunity to help the homeless individuals.

(31) Peggy Hotes, Bellevue, is a special education teacher and lives part time at Tent City 4. She said no child has been harmed by a resident of Tent City 3 or 4 and it is therefore disingenuous to continue talking about the threat of homeless encampments to children. She asked the community to consider Tent City an opportunity to teach children that people are more alike than different and to be compassionate toward others.

(32) Leo Rhodes, Tent City 4, said he is encouraged by the help of SHARE/WHEEL and local churches. He praised Eastside Cares for providing transportation as well as visits by doctors and dentists. Mr. Rhodes spoke to the need for more shelters, transitional housing, and affordable housing.

(33) William Cate, a Bellevue resident for 35 years, is a retired Methodist minister and the Director Emeritus of the Church Council of Greater Seattle. He supports the comments that have been submitted by Sanford Brown and commended the consensus within the Church Council. Mr. Cate said he has always appreciated the work of the City Council and that Bellevue is a well-run city. He hopes this tradition can continue with the City being compassionate and generous to the poor. Mr. Cate noted the separation of church and state and commented on the danger of government dictating church ministries.

(34) Linda Ellsworth, Bellevue, volunteered at Tent City 4 and was touched by the sense of community there. She encouraged citizens concerned about security and safety to volunteer at the camps and to get to know the residents. She feels Tent City provides the opportunity for the homeless to make changes in their lives. She is pleased that her religious community, Eastside Friends Meeting, is now helping to provide meals to Tent City 4.

(35) Deborah Townsend, Bellevue, urged Council to consider the issues raised by Sandy Brown. She supports a 90-day stay instead of shorter stays for Tent City. She feels the sanitation regulations are unnecessary. She would like a church/site to be able to host Tent City every 12 months instead of every 18 months. Ms. Townsend commented on the importance of allowing the religious community to be able to put their faith into action, as a religious issue and not a political issue. She thanked the City for its human services support throughout the community.

(36) Steven Pyeatt, Kirkland, spoke on behalf of Tent City Solutions. He feels Tent City organizers should be doing a better job of planning ahead. He said Tent City 3 in Seattle has averaged 30-day stays. He feels identification, warrant, and sex offender checks should be required.

(37) Mark Fishel, physician living in Kirkland, feels the organizers of Tent City have a political agenda that is exploiting Tent City residents and the goodwill of the religious community. He noted SHARE is currently under investigation for possible improper acquisition of FEMA funds. Dr. Fishel expressed concern regarding tuberculosis and public health issues. He submitted a letter with specific suggestions to strengthen the draft ordinance.

➲ At 10:31 p.m., Mr. Noble moved to extend the meeting to 10:40 p.m. Mayor Marshall seconded the motion.

➲ The motion to extend the meeting to 10:40 p.m. carried by a vote of 7-0.

(38) Paul Christianson, Bellevue, described the history of "sundown towns" in which minorities were required to be outside the city limits after sundown. He likened this to the current treatment of the poor and the homeless.

(39) Mary Miller, Woodinville, works with Eastside Cares and noted new members and volunteers are joining all of the time. Her church, Northshore United Church of Christ, was the Tent City host in Woodinville. The City of Woodinville provided an alternative site for the encampment but the church remained as sponsor. The church signed an agreement with the City and SHARE/WHEEL outlining a code of conduct and problem resolution procedures. Approximately 30 churches and organizations helped support Tent City in Woodinville.

(40) Lawrence Minder, Bothell, is the former pastor of St. Brendan parish, which hosted Tent City 4 for the first time. He thanked Council for providing good information on this issue on the City's web site and for running civilized meetings. He supports the majority of the suggested revisions to the draft ordinance. As a former pastor, he spoke to the sanctity of the right of a church to enter into a contract with a group like SHARE/WHEEL in order to provide effective ministry.

- At 10:38 p.m., Mr. Noble moved to extend the meeting to 11:00 p.m. Mayor Marshall seconded the motion.

- The motion to extend the meeting to 11:00 p.m. carried by a vote of 7-0.

(41) Whitney Giaimo, Bellevue, is the youth representative on her Church Council at Grace Lutheran Church. She described her church's work with the homeless and encouraged everyone to have the courage to help others.

- Deputy Mayor Noble moved to close the public hearing. Mr. Degginger seconded the motion.

- The motion to close the public hearing carried by a vote of 7-0.

Responding to Mayor Marshall, Councilmembers indicated their desire to defer discussion of the draft ordinance to a future meeting.

Councilmember Balducci asked staff to obtain information on the recent health inspections at Tent City 4.

Councilmember Chelminiak requested written information from Sanford Brown regarding his specific recommendations.

Mayor Marshall thanked the audience for their participation.

10. Land Use: None.

11. Other Ordinances, Resolutions and Motions: None.

12. Unfinished Business: None.

13. Continued Oral Communications: None.

14. New Business: None.

15. Executive Session: None.

16. Adjournment

At 10:42 p.m., Mayor Marshall declared the meeting adjourned.

Myrna L. Basich
City Clerk

kaw

Item No. 9(a)
July 5, 2005

CITY COUNCIL STUDY SESSION ITEM

SUBJECT
Temporary Encampment Land Use Code Amendment – Continued Public Hearing

STAFF CONTACT

Matt Terry, Director, Department of Planning & Community Development	452-6191
Kate Berens, Legal Planner, PCD	452-4616
Siona Windsor, Assistant City Attorney	452-6829

POLICY ISSUES
Should the City Council amend the LUC to specifically regulate temporary encampments as an administrative conditional use in all land use districts, based on the record developed and information received during the public hearings?

DIRECTION NEEDED FROM COUNCIL

___ Action
X Discussion
X Information

The Council is not being asked to take action on the proposal tonight. The Council may begin its discussion of the content of the ordinance, and may give the staff initial direction on any changes to the ordinance they would like to see. Due to the volume of the legislative record received on June 20, 2005, and to give the public an opportunity to review the record and to review possible revisions to the current proposal, on June 27, 2005 Council continued the public hearing to July 5th. The Council is expected to take action at any time on or after the public hearing is closed on July 5th.

BACKGROUND/ANALYSIS
On May 17, 2005, staff presented a preliminary draft ordinance regulating temporary encampments as an administrative conditional use in all land use districts in Bellevue. The Council held a public hearing on the preliminary proposal on June 6, 2005. Nearly three hours of testimony was provided by more than 60 people.

On June 20th, staff presented three volumes of documents that has been gathered related to the temporary encampment ordinances. This record contains information from each of the jurisdictions on the eastside that have hosted Tent City IV, including permits, court documents, and police reports, as well as information about public health issues, state regulations related to temporary worker housing, and information about temporary encampments nationally. These materials, as well as public comment received over the past several months, form the record for the proposed ordinance.

Staff recommends that the continued public hearing be limited to public comment on new matters contained in the three volume record and comment on the suggested revisions made since June 6, 2005, described in Attachment A.

SUGGESTED REVISIONS TO THE PROPOSED ORDINANCE

As a result of review of the record, and feedback received since the preliminary draft ordinance was presented on May 17th, suggested revisions to the ordinance were presented for public and Council review and consideration on June 27, 2005. Additional suggestions for modification to the ordinance have been proposed. Attachment A describes the revisions to the ordinance under consideration by the City Council. (Suggested revisions in Attachment A not previously before the public or Council are denoted by an asterisk.) Council action on the suggested motions accomplishing these changes is not requested or anticipated until July 5th or a subsequent Council meeting.

AVAILABILITY OF RECORD

The record is available for public review in several locations:

- At the Department of Planning & Community Development records room (hours of operation are Monday, Tuesday, Thursday and Friday 8:00 am to 4:00 pm and Wednesday 10:00 am to 4:00 pm);
- At the in the City Clerk's Office (hours of operation are Monday through Friday 8:00 am to 5:00 pm);
- At the downtown branch of the Bellevue Library; and
- At the Lake Hills branch of the Bellevue Library.

TONIGHT'S PUBLIC HEARING

From a process standpoint, the public hearing remains open on the Legislative Record and suggested revisions to the draft Ordinance. Council is scheduled to take testimony from any speaker who wishes to come forward on these subjects.

ALTERNATIVES

1. Accept testimony and close the public hearing; or
2. Provide alternative direction to staff

RECOMMENDATION

1. Accept testimony and close the public hearing.

ATTACHMENT(S)

Attachment A – Suggested revisions to the Draft Ordinance
Attachment B – Draft Ordinance

AVAILABLE IN COUNCIL OFFICE FOR REVIEW

File No. 05-110045 AD (City of Bellevue Code Amendment File)

ATTACHMENT A - SUGGESTED REVISIONS TO THE DRAFT ORDINANCE*

1. Clarify in the recitals that RCW 70.114A.010 provides guidance for the minimum health and safety standards that should be observed at Temporary Encampment sites;

2. Include in the recitals the number of Council meetings at which temporary encampments have been addressed by the public and Council;

3. Modify Section 20.20.840.C.2 to clarify that it is the Encampment Host, Sponsor or Manger's responsibility (as opposed to City's responsibility) to enforce a Code of Conduct. Further allow that the Code of Conduct should be substantially in the form provided in the proposed ordinance, and address at minimum the conduct described in the ordinance;

4. Modify Section 20.20.840.C.2.a to prohibit possession or use of <u>illegal</u> drugs;

5 Modify Section 20.20.840.C.4 to change the maximum duration of stay at any one time at a location from 60 days to 90 days;

6. Modify Section 20.20.840.C.5 to limit the return of a temporary encampment to a host site to once every 18 months, rather than once every 12 months;

7. Modify Section 20.20.840.C.8 to require either a 20-foot setback, view-obscuring vegetation, or a six-foot high view-obscuring fence instead of applying the setbacks from the underlying land use district.

*8. Modify Section 20.20.840 C.8 to require either the setbacks from the underlying land use district, view obscuring vegetation or a six-foot high view-obscuring fence.

9. Modify Section 20.20.840.C.10 to require that the property owner or third party unrelated to the temporary encampment obtain verifiable identification and provide that information to law enforcement for the background check;

10. Further modify Section 20.20.840.C.10 regarding which law enforcement agency should be provided identification information in order to perform the required background checks. These modifications are presented as alternatives:

a. Require that the background checks be performed by the King County Sheriff's office, or;

b. Require that the background checks be performed by the Bellevue Police Department or the Washington State Patrol;

11. Modify Section 20.20.840.C.10 so as to limit the background checks to the following language only: "The Encampment Host, Encampment Sponsor or Encampment Manager shall take all reasonable and lawful steps to obtain verifiable identification, such as a valid driver's license, government issued identification card, military identification card, or passport, from all prospective and current residents of a Temporary Encampment.". Additionally, this amendment would require retention of a log of all overnight residents of a Temporary Encampment.

12. Modify Section 20.20.840.C.11 so as to substitute general references to local health codes and regulations for current regulations as adopted or derived from the Washington Administrative Code.

13. Modify Section 20.20.840.C.11.a as necessary to eliminate the reference to Group A and Group B water sources, and to ensure that adequate hot and cold water sources will be available for drinking, cooking and bathing as appropriate;

14. Modify Section 20.20.840.C.11.b to include that the Encampment Host, Manager or Sponsor must provide for sanitary disposal of wastewater in addition to sewage. In addition, delete provisions related to permanent toilet facilities and add provisions requiring portable toilets to comply with King County Code Section 8.20;

15. Several suggestions impact Section 20.20.840.C.11.d, as follows:

a. Modify number of handwashing sinks to one for each 15 persons as opposed to one for each 6 persons; [Note: if the change to one handwashing sink for each 15 persons is accepted, a related change will be required for consistency in Section 20.20.840.C.11.e, which restates the handwashing sink requirement]

b. Modify the number of required shower heads from one for each 10 persons to:

1. One showerhead for each temporary encampment; or
2. One showerhead for each 40 persons

c. Modify the requirements for maintenance to require daily inspection, rather than daily cleaning. The underlying requirement to maintain clean and sanitary conditions remains;

d. Delete subsection 4 relating to sloped, non-slip floors;

e. Delete subsection 5 relating to shower room wall materials; and

f. Delete subsection 10 relating to privacy requirements;

16. Several suggestions impact Section 20.20.840.C.11.e as follows:

a. Modify the section to clearly allow portable toilets to be used to satisfy the requirements for toilet facilities;

b. Modify the requirements for maintenance to require daily inspection, rather than daily cleaning. The underlying requirement to maintain clean and sanitary conditions remains;

c. Delete subsection b relating to location of toilets with respect to sleeping facilities;

d. Delete subsection d relating to specific requirements for toilet paper; and

e. Delete specific requirements for uni-sex facilities;

17. Several suggestions impact Section 20.20.840.C.11.f as follows:

a. Delete specific reference to running water being "under pressure,"

b. Delete requirements for a minimum amount of dry storage for each resident, but maintain the general requirement to provide adequate area separate from sleeping areas;

c. Clarify that refrigeration is only required when perishable foods will be stored;

d. Delete subsection h relating to nonflammable materials near cooking facilities;

e. Delete subsection i relating to flooring material requirements in cooking areas, and

f. Delete subsection j relating to required ventilation in cooking areas;

*18. Add new section 20.20.840.C(11)(i), allowing an Encampment Host, Encampment Sponsor, or Encampment Manager to petition the Director for an exemption from particular provisions of 20.20.840.C(11), upon a showing of substantial compliance or of alternative means of compliance.

19. Modify Section 20.20.840.C.12 to expand the requirement for notice to and consultation with public and private schools to include known child care and pre-school facilities within 600 feet of the proposed encampment site.

20. Modify Section 20.20.840.C.12 to create a requirement for a general informational community meeting to be held prior to the arrival of a Temporary Encampment

*21. New section 20.20.840.F, expressly noting the availability of the general land use code variance procedure

*22. Add new section 20.20.840.G, allowing an Encampment Host, Encampment Sponsor, or Encampment Manager to petition the Director for an exemption from particular provisions of the ordinance upon grounds of hardship.

* 23. Amend all sections of the ordinance establishing that a Temporary Encampment requires an Administrative Conditional Use Permit, and replace with an alternative land-use process that assures completion of the permitting procedure within 30 days.

*** Denotes suggested revision not previously before the public or Council.**

ATTACHMENT B

DRAFT

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE amending the Bellevue Land Use Code to allow for the permitting of Temporary Encampments while assuring the health, safety and welfare of all residents of those Encampments and of the citizens of Bellevue; amending Sections 20.10.440, 20.50.018, and 20.50.048 of the Bellevue Land Use Code; creating a new Section 20.20.840 of the Bellevue Land Use Code; and establishing an effective date.

WHEREAS, the City recognizes that homelessness is a problem within King County;

WHEREAS, the City has taken and will continue to take steps to alleviate the problems of homelessness within the City and throughout King County; including the provision of shelter and the funding of affordable housing;

WHEREAS, the City finds that while Temporary Encampments may provide an interim measure of relief from homelessness, Temporary Encampments are not permanent solutions to the problem, nor are they intended to be;

WHEREAS, in RCW 70.114A.010, the Legislature has determined that temporary accommodations must be safe and sanitary;

WHEREAS, the City finds that residents of Temporary Encampments have an equal right to safe, healthy and sanitary conditions;

WHEREAS, in other jurisdictions through legislation, permitting, and court orders, Temporary Encampments have been subject to health and safety regulations, codes of conduct, zoning laws, and other conditions;

WHEREAS, the City has a compelling interest in the protection of the health and safety of all of its residents, as well as the enforcement of its zoning laws;

WHEREAS, the recent history of Temporary Encampments in other jurisdictions, including the Cities of Bothell, Woodinville, and Kirkland, demonstrates a critical need for public involvement in the process of permitting and siting Temporary Encampments, including adequate notice to the surrounding community, an opportunity for community members to comment upon the application and to exercise their fundamental right to petition the government, and an opportunity for review and processing of a permit by City staff;

WHEREAS, the City Council held a public hearing on June 6, 2005, with regard to such proposed Land Use Code amendment; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 20.10.440 of the Bellevue Land Use Code is hereby amended as follows:

20.10.440 Land use charts.

Chart 20.10.440

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential – Residential Districts										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
1	Residential											
	Single-Family Dwelling (3)	P	P	P	P	P	P	P	P	P	P	P
	Two to Four Dwelling Units Per Structure (6)	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
	Five or More Dwelling Units Per Structure (6)	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities								C	P	P	P
	Senior Citizen Dwellings (4,7*)	PD 5	PD 5	PD 5	PD 5	PD 5	PD 5	PD 5	P	P	P	P
13 15	Hotels and Motels											
	Congregate Care Senior Housing (4,7*)								P	P	P	P
6516	Nursing Home (7*)								C	P	P	P
	Assisted Living (4,7*)								C	P	P	P
	Accessory Dwelling Unit (9)	S	S	S	S	S	S	S	S	S	S	S

	Temporary Encampment (16)	A	A	A	A	A	A	A	A	A	A	A

Uses in land use districts

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Institutional District are listed in LUC 20.25J.020.

** Not effective within the jurisdiction of the East Bellevue Community Council.*

KEY

P – PERMITTED USE
C – CONDITIONAL USE (see Part 20.30B or Part 20.30C)
PD – PERMITTED subject to planned unit development only. (See Part 20.30D)
A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)
S – Permitted only as a subordinate use to a permitted or special use

20.10.440

Chart 20.10.440

		Residential – Nonresidential Districts									
STD LAND USE CODE REF		Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
	LAND USE CLASSIFICATION	PO	O	OLB	LI	GC	NB	CB	F1	F2	F3
1	Residential										
	Single-Family Dwelling (3)	P 15	P 1	S	S	S	P 8	S	S	S	S
	Two to Four Dwelling Units Per Structure (6)		P 1	P			P 8	P 6	P	P	P
	Five or More Dwelling Units Per Structure		P 1	P			P 8	P 6	P	P	P

	(6)										
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities							C	C		
	Senior Citizen Dwellings (4,7*)	P	P	P			P 8	P	P	P	P
13 15	Hotels and Motels			P				C	C	P	P
	Congregate Care Senior Housing (4,7*)	P	P	P			P	P	P	P	P
6516	Nursing Home (7*)	C	P	P			C	P	P	P	P
	Assisted Living (4,7*)	C	P	C			C	P	P	C	C
	Accessory Dwelling Unit (9)	S	S	S	S	S	S	S	S	S	S
	Temporary Encampment (16)	A	A	A	A	A	A	A	A	A	A

Uses in land use districts

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Institutional District are listed in LUC 20.25J.020.

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C – CONDITIONAL USE (see Part 20.30B or Part 20.30C)
PD – PERMITTED subject to planned unit development only. (See Part 20.30D)
A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)
S – Permitted only as a subordinate use to a permitted or special use

Chart 20.10.440

		Residential – Downtown Districts					
STD LAND USE CODE REF		Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
	LAND USE CLASSIFICATION	DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
1	Residential						
	Single-Family Dwelling (3)	P	P	P	P	P	
	Two to Four Dwelling Units Per Structure (6)	P	P	P	P	P	
	Five or More Dwelling Units Per Structure (6)	P	P	P	P	P	
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities	P	P	P	P	P	
	Senior Citizen Dwellings (4,7*)	P	P	P	P	P	
13 15	Hotels and Motels	P	P	P	P	P	P
	Congregate Care Senior Housing (4,7*)	P	P	P	P	P	
6516	Nursing Home (7*)			P	P	P	

	Assisted Living (4,7*)			P	P	P	
	Accessory Dwelling Unit (9)			S	S	S	
	Temporary Encampment	A	A	A	A	A	A

Uses in land use districts

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Institutional District are listed in LUC 20.25J.020.

** Not effective within the jurisdiction of the East Bellevue Community Council.*

KEY

P – PERMITTED USE
C – CONDITIONAL USE (see Part 20.30B or Part 20.30C)
PD – PERMITTED subject to planned unit development only. (See Part 20.30D)
A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)
S – Permitted only as a subordinate use to a permitted or special use

Notes: Uses in land use districts – Residential

(1) No more than 50 percent of the gross floor area of the structure shall be devoted to residential use in O Districts, unless Conditional Use Permit approval is obtained and the applicable Comprehensive Plan policies do not discourage multifamily uses.

(2) (Deleted by Ord. 4999).

(3) A boardinghouse or bed and breakfast is permitted in a single-family dwelling provided the requirements of LUC 20.20.140 are met.

(4) An agreement must be recorded with the King County Department of Records and Elections restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain in perpetuity as senior housing.

(5) Through the planned unit development process, senior citizen dwellings may include common dining and recreation facilities.

(6) Multifamily development in Planning Districts A and B of the Crossroads Subarea is not allowed. Multifamily development in Planning District E of the Crossroads Subarea north of NE 8th Street is not allowed. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E.

(7) In Planning Districts A and B of the Crossroads Subarea and in Planning District E of the Crossroads Subarea north of NE 8th Street, existing legal nonconforming multifamily uses can be converted to senior citizen housing, congregate care senior housing, assisted living or nursing homes. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E.*

(8) These residential uses are permitted in NB Districts only if located on the second floor and above the permitted ground floor nonresidential uses.

(9) Accessory dwelling units are permitted only as subordinate to single-family dwellings and are subject to the provisions of LUC 20.20.120.

(10) (Deleted by Ord. 4999).

(11) (Deleted by Ord. 4999).

(12) (Deleted by Ord. 4999).

(13) (Deleted by Ord. 4999).

(14) (Deleted by Ord. 4999).

(15) One single-family dwelling unit, occupying no more than 25 percent of the floor area of the structure, is permitted in the PO District.

(16) Temporary Encampments are subject to the regulations for temporary encampments in LUC 20.20.840.

** Not effective within the jurisdiction of the East Bellevue Community Council.*

Section 2. A new Section 20.20.840 is hereby added to the Land Use Code as follows:

20.20.840 Temporary Encampments

A. Applicability.

This section applies to each Temporary Encampment within the City. The requirements of this section shall be imposed at the initiation of any Temporary Encampment use, and upon any addition or modification to a Temporary Encampment use.

B. General.

1. Wherever located in the City, a Temporary Encampment requires an Administrative Conditional Use Permit, Part 20.30E LUC, prior to establishment of the encampment.

2. Each Encampment Host, Encampment Manager and Encampment Sponsor of a Temporary Encampment shall jointly apply for a permit under this Section, and shall jointly certify compliance with all applicable use requirements and conditions of this section in the application for administrative conditional use required in subsection 1 of this Section.

C. Use Requirements.

The following requirements apply to each Temporary Encampment:

1. The Encampment Host, Encampment Sponsor, and Encampment Manager must demonstrate that the proposed use meets the definition of a Temporary Encampment, as set out in LUC 20.50.048.

2. The Encampment Host, Encampment Sponsor, and Encampment Manager shall ensure enforcement of the following Code of Conduct at the Temporary Encampment site:

   a. No drugs are permitted.

   b. No alcohol is permitted.

c. No weapons are permitted.

d. All knives over 3 and one-half inches must be turned into the Encampment Manager for safekeeping.

e. No violence is permitted.

f. No open flames are permitted

g. No trespassing into private property in the surrounding neighborhood is permitted.

h. No loitering in the surrounding neighborhood is permitted.

i. No littering on the Temporary Encampment site or in the surrounding neighborhood is permitted.

j. A trash patrol in the surrounding neighborhood is required every other day.

Nothing within this Section shall prohibit the Encampment Host, Encampment Sponsor or Encampment Manager from imposing and enforcing additional Code of Conduct conditions not otherwise inconsistent with this Section, nor shall anything within this Section prohibit the Director from imposing additional Code of Conduct requirements to assure compliance with applicable decision criteria.

3. The maximum number of residents at a Temporary Encampment site shall be determined taking into consideration site conditions, but shall in no case be greater than one hundred at any one time. Any proposed site shall be of sufficient size to support the activities of the Temporary Encampment without the overcrowding of residents or any intrusion into setbacks as established by this Section. In determining the maximum occupancy of a Temporary Encampment, the Director shall consider the square footage of the Encampment Site; the number of proposed Temporary Enclosures; the number of required or proposed bathing, food handling, handwashing, laundry, and toilet facilities; required setbacks; and the ongoing use of the site by the Encampment Host. The City shall impose a condition on the Administrative Conditional Use Permit for the Encampment limiting the number of residents or occupants to the number determined pursuant to this subsection. Any increase in the number of residents or occupants beyond that applied for by the applicants and included in the Administrative Conditional Use Permit shall require an amendment to the Administrative Conditional Use Permit pursuant to LUC 20.30E.170-175.

4. The duration of a Temporary Encampment at any specific location shall not exceed 60 days at any one time, provided that, in the event the final day of this period falls upon a Friday, up to an additional two days shall be allowed to dismantle and remove the Temporary Encampment as necessary.

5. A Temporary Encampment may be located at the same site no more than once every 12 months.

6. A Temporary Encampment shall be within one half mile of a public transportation stop, or the Encampment Sponsor, Encampment Host or Encampment Manager shall otherwise demonstrate the ability for Temporary Encampment occupants to obtain access to the nearest public transportation stop through van or car pools provided by the Encampment Host, Encampment Sponsor, or Encampment Manager. During hours when public transportation is not available, the Encampment Sponsor, Encampment Host, or Encampment Manager shall also make transportation available to anyone who is rejected from or ordered to leave the Temporary Encampment. The Encampment Host, Encampment Sponsor or Encampment Manager shall provide a transportation plan demonstrating compliance with this subsection as part of the Administrative Conditional Use Permit process.

7. On-site parking spaces of the Encampment Host shall not be displaced unless the required minimum parking remains available for the Encampment Host's use, as set forth in LUC 20.20.590. The Host may provide shared parking pursuant to LUC 20.20.590.I, or off-site parking pursuant to LUC 20.20.590.J, to satisfy minimum parking requirements.

8. The perimeter of a Temporary Encampment must be buffered from surrounding properties as follows:

   a. The Temporary Encampment, as measured from the Temporary Encampment perimeter, shall meet the minimum setback requirements applicable to the Encampment Host in the underlying Land Use District; and

   b. A view obscuring fence, which in no event shall be less than six feet high, and which, for purposes of compliance with subsection 10 of this Section, shall be limited to a single opening for ingress and egress to and from the Temporary Encampment.

9. The Encampment Host, Encampment Sponsor and Encampment Manager shall not permit children under the age of eighteen to stay overnight in a Temporary Encampment, unless circumstances prevent a more suitable overnight accommodation for the child and parent or guardian. If a child under the age of eighteen, either alone or accompanied by a parent or guardian, attempts to stay overnight, the Encampment Host, Encampment Sponsor or Encampment Manager shall endeavor to find alternative shelter for the child and any accompanying parent or guardian.

10. The Encampment Host, Encampment Sponsor or Encampment Manager shall take all reasonable and lawful steps to obtain verifiable identification, such as a valid driver's license, government issued identification card, military identification card, or passport, from all prospective and current residents of a Temporary Encampment. The Encampment Host, or a third party approved by the Director, shall provide the identification to the Bellevue Police Department to obtain warrant and sex offender checks on the resident or prospective resident. If any warrant or sex offender check conducted under this section demonstrates that a resident or prospective resident either (a) has an existing or outstanding arrest warrant from any jurisdiction in the United States, or (b) is a sex offender, required to register with City, County or State authorities pursuant to RCW 9A.44.130, then the Encampment Manager, Encampment Sponsor and the Encampment Host shall be notified immediately. The Encampment Host or Encampment Manager shall promptly notify the City of Bellevue Police Department regarding any ejection from the Temporary Encampment due to an outstanding warrant for arrest or sex offender status.

11. The following excerpted portions of those health and safety regulations generally applicable to temporary worker accommodations shall be applicable to and observed at Temporary Encampment sites, and are incorporated by reference herein. In each of these excerpted regulations as incorporated, the term "operator" shall refer to the Encampment Host, Encampment Manager and Encampment Sponsor. References to the application of local ordinances and regulations shall refer to the Codes of King County and the City of Bellevue. All references are to regulations, ordinances and codes now or as hereafter amended:

a. WAC 246-358-055 (Water supply)

The operator must:

(1) Provide a water system that is:

(a) Approved as a Group A public water system in compliance with chapter 246-290 WAC if the water system supplies fifteen or more connections or twenty-five or more people at least sixty days per year or provide proof the camp receives water from an approved Group A public water system or provide proof the temporary worker housing receives water from an approved Group A public water system; or

(b) Approved as a Group B water system in compliance with chapter 246-291 WAC if the water system supplies less than fifteen connections and does not supply twenty-five or more people at least sixty days per year.

****

(2) Provide an adequate and convenient hot and cold water supply for drinking, cooking, [and] bathing, ... purposes.

****

(4) When water is not piped to each dwelling unit, provide cold, potable, running water under pressure within one hundred feet of each dwelling unit.

(5) When water sources are not available in each individual dwelling unit, provide one or more drinking fountains for each one hundred occupants or fraction thereof. Prohibit the use of common drinking cups or containers from which water is dipped or poured.

(6) When water is unsafe for drinking purposes and accessible to occupants, post a sign by the source reading "DO NOT DRINK. DO NOT USE FOR WASHING. DO NOT USE FOR PREPARING FOOD." printed in English and in the native language of the persons occupying the housing or marked with easily-understood pictures or symbols.

b. WAC 246-358-065 (Sewage disposal)

The operator must:

(1) Provide sewage disposal systems in accordance with local health jurisdictions.

(2) Connect all drain, waste, and vent systems from buildings to:

(a) Public sewers, if available; or

(b) Approved on-site sewage disposal systems that are designed, constructed, and maintained as required in chapters 246-272 and 173-240 WAC, and local ordinances.

c. WAC 246-358-070 (Electricity & Lighting)

The operator must ensure that:

****

(2) All electrical wiring, fixtures and electrical equipment must comply with the electrical standards of the department of labor and industries

regulations, chapter 19.28 RCW, and local ordinances, and be maintained in a safe condition.

d. WAC 246-358-095 (Hand washing and bathing facilities)

An operator must:

(1) Provide one handwash sink for... every six persons ..... Handwash sinks must be adjacent to toilets.

(2) Provide one showerhead for ... every ten persons .....

(3) Provide one "service sink" in each building used for centralized laundry, hand washing, or bathing.

(4) Provide sloped, coved floors of nonslip impervious materials with floor drains.

(5) Ensure shower room walls are smooth and nonabsorbent to the height of four feet. If used, partitions must be smooth and nonabsorbent to the height of four feet.

(6) Provide all showers, baths, or shower rooms with floor drains to remove wastewater.

(7) Provide cleanable, nonabsorbent waste containers.

(8) Maintain centralized bathing and handwashing facilities in a clean and sanitary condition, cleaned at least daily.

****

(10) Ensure shower facilities provide privacy from the opposite sex and the public.

(11) Make showers and bathing facilities available when needed.

e. WAC 246-358-100 (Toilet facilities)

(2) Centralized toilet facilities. The operator must meet the following requirements when centralized toilet facilities are provided:

(a) Provide toilet rooms with:

(i) One toilet for every fifteen persons;

(ii) One handwashing sink for every six persons;

(iii) Either a window of at least six square feet opening directly to the outside, or be satisfactorily ventilated; and

(iv) All outside openings screened with sixteen-mesh material.

(b) Locate toilet rooms so that:

(i) Toilets are within two hundred feet of the door of each sleeping room; and

(ii) No person has to pass through a sleeping room to reach a toilet room.

(c) Maintain toilets in a clean and sanitary condition, cleaned at least daily.

(d) Provide each toilet compartment with an adequate supply of toilet paper.

(e) When shared facilities will be used for both men and women:

(i) Provide separate toilet rooms for each sex with a minimum of one toilet room for each sex and meet the required ratio as defined in (a) of this subsection;

(ii) Identify each room for "men" and "women" with signs printed in English and in the native language of the persons occupying the camp, or identified with easily understood pictures or symbols; and

(iii) Separate facilities by solid walls or partitions extending from the floor to the roof or ceiling when facilities for each sex are located in the same building.

f. WAC 246-358-125 (Cooking and food-handling facilities)

(2) In common food-handling facilities, the operator must provide:

(a) A[n enclosure] , adequate in size, separate from any sleeping quarters;

(b) No direct openings to living or sleeping areas from the common food-handling facility;

****

(d) Sinks with hot and cold running potable water under pressure;

(e) At least two (2) cubic feet of dry food storage space per occupant;

(f) Nonabsorbent, easily cleanable food preparation counters situated off the floor;

(g) [When perishable food will be in place,] Mechanical refrigeration conveniently located and able to maintain a temperature of forty-five degrees Fahrenheit or below, with at least two (2) cubic feet of storage space per occupant;

(h) Fire-resistant, nonabsorbent, nonasbestos, and easily cleanable wall coverings adjacent to cooking areas;

(i) Nonabsorbent, easily cleanable floors; and

(j) Adequate ventilation for cooking facilities.

g. WAC 246-358-135(2) (Maintenance of Bedding)

The operator must:

***

(2) Maintain bedding, if provided by the operator, in a clean and sanitary condition.

h. WAC 246-358-155 (Refuse disposal)

The operator must:

(1) Comply with local sanitation codes for removing and disposing of refuse from housing areas.

(2) Protect against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse.

(3) Store refuse in fly-tight, rodent-tight, impervious, and cleanable or single-use containers.

(4) Keep refuse containers clean.

(5) Provide a container on a wooden, metal, or concrete stand within one hundred feet of each dwelling unit.

(6) Empty refuse containers at least twice each week, and when full.

i. WAC 246-358-165 (Insect and rodent control)

The operator must take effective measures to prevent and control insect and rodent infestation

j. WAC 246-358-175 (Disease prevention and control)

The operator must:

(1) Report immediately to the local health officer the name and address of any occupant known to have or suspected of having a communicable disease.

(2) Report immediately to the local health officer:

(a) Suspected food poisoning;

(b) Unusual prevalence of fever, diarrhea, sore throat, vomiting, or jaundice; or

(c) Productive cough, or when weight loss is a prominent symptom among occupants.

(3) Prohibit any individual with a communicable disease from preparing, cooking, serving, or handling food, foodstuffs, or materials in dining halls.

12. Prior to the decision of the Director on an Administrative Conditional Use Permit for a Temporary Encampment, the Encampment Host, Encampment Sponsor, or Encampment Manager, shall provide written notice to the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the proposed Temporary Encampment site, and shall meet and confer with the administration of any applicable schools. The Encampment Host and the school administration shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school concerns regarding the location of a Temporary Encampment within 600 feet of an applicable school. Any such conditions agreed upon between the parties shall

be submitted to the Director for consideration for inclusion within the Administrative Conditional Use Permit. In the event the parties fail to agree on any conditions, either party may provide the Director with a written summary of the parties' discussions, which the Director may consider in evaluating whether the criteria for the Administrative Conditional Use Permit are met, or the need for additional conditions upon the Administrative Conditional Use Permit based on the applicable decision criteria.

13. Exterior lighting shall be shielded or recessed so that direct glare and reflections are contained within the Temporary Encampment, and shall also be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures utilized at Temporary Encampments shall be appropriate in scale, intensity, and height to the use that they are serving.

D. Revocation.

Upon determination that there has been a violation of any decision criteria or condition of approval, the Director may give written notice to the permit holder describing the alleged violation. Within 14 days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the 14-day period, the Director shall sustain or revoke the permit. When a Temporary 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. Appeals of decisions to revoke a Temporary Encampment permit will be processed using the Process II appeal procedures.

E. Severability.

Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. Section 20.50.018 of the Bellevue Land Use Code is hereby amended by the addition of the following new definitions:

"Encampment Manager" shall mean an individual, group, organization, or entity that organizes, manages or operates a Temporary Encampment. An "Encampment Manager" may be the same individual, group, organization, or

entity as the Encampment Host or the Encampment Sponsor of a Temporary Encampment.

"Encampment Host" shall mean the individual, group, organization, or entity (including but not limited to an owner, tenant, or lessee) that has the legal right to occupy the site of a Temporary Encampment. An "Encampment Host" may be the same individual, group, organization, or entity as the Encampment Sponsor or the Encampment Manager of a Temporary Encampment.

"Encampment Sponsor" shall mean an individual, group, organization, or entity which, in conjunction or by agreement with the Encampment Sponsor or Encampment Manager, provides services or support on an ongoing basis for the residents of a Temporary Encampment. An "Encampment Sponsor" may be the same individual, group, organization, or entity as the Encampment Host or the Encampment Manager of a Temporary Encampment.

Section 4. Section 20.50.048 of the Bellevue Land Use Code is hereby amended as follows:

"Temporary Encampment" shall mean a transient or interim gathering or community comprised of Temporary Enclosures, which may include common areas designed to provide food, living, and sanitary services to occupants of the encampment; provided that, this definition shall not include recreational encampments of less than ten days in duration.

"Temporary Enclosures" shall mean tents and other forms of portable shelter that are not permanently attached to the ground, are intended to be erected and dismantled, and are intended for temporary outdoor occupancy. "Temporary Enclosures" shall provide protection from the elements, shall be comprised of flame-resistant material or treated with flame retardant in an approved manner, shall be elevated above and shall not allow direct contact with the bare ground, shall allow for means of unobstructed ingress and egress, shall protect against the entry of rodents and insects, and shall contain at least one window to allow for ventilation.

Section 5. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

PASSED by the City Council this _____ day of _____, 2005, and signed in authentication of its passage this _____ day of _____, 2005.

(SEAL)

_____
Connie B. Marshall, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

_____
Siona Windsor, Assistant City Attorney

Attest:

_____
Myrna L. Basich, City Clerk

Published _____

Agenda

City Council
Regular Session

TUESDAY
July 5, 2005

8:00 – 10:00 p.m.
Council Chambers

			Page
1.	Call to Order		
2.	Roll Call, Flag Salute		
	(a) Proclaiming Parks and Recreation Month	PARK Patrick Foran	2-1
	(b) AWC 2005 Diversity Champion Award	PARK Patrick Foran	2-3
3.	Communications: Written and Oral		

Note: *Three-minute limit per person, or five minutes if representing the official position of a recognized community organization. Maximum of three persons are permitted to speak to each side of any one topic. Additional presentations may be heard at Agenda Item 13, including three additional persons speaking to topics heard at Agenda Item 3.*

4. Reports of Community Council, Boards and Commissions
5. Report of the City Manager
6. Council Business
7. Approval of the Agenda

City Council meetings are wheelchair accessible. American Sign language (ASL) interpretation is available upon request. Please phone 452-6805 at least 48 hours in advance.

City of Bellevue

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8.	Consent Calendar		
	(a) Minutes of June 20, 2005 Special Meeting Minutes of June 20, 2005 Study Session Minutes of June 20, 2005 Regular Session		
	(b) Motion to approve payment of claims for the period June 18, 2005 through July 1, 2005 and payroll for the period June 1, 2005 through June 15, 2005.	FIN	8-1
	(c) Motion authorizing construction changes for the New City Hall project identified in the Architect's Supplemental Instructions (ASI) 39.	NCH Team	8-3
	(d) Resolution No. 7215 authorizing execution of amendments to the existing Professional Services Agreements with ARC Architects in the amount of $78,327.00 for architectural, engineering, and site design services, and Kleinfelder, Inc. in the amount of $83,953.63 for additional material testing, subsurface water monitoring, and geotechnical services for construction of the South Bellevue Community Center at Eastgate Park.	PARK	8-5
	(e) Resolution No. 7216 authorizing execution of all documents necessary to grant Puget Sound Energy a non-exclusive perpetual guy wire and anchor easement within a portion of Enatai Neighborhood Park, located at 10661 SE 25th Street.	PARK	8-11
	(f) Resolution No. 7217 authorizing execution of amendments to existing Professional Services contracts for Land Use Plan review for: 1) Berryman & Henigar, Clerk's Receiving Nos. 33622 and 35484, to increase the contract limit from $250,000 to $400,000; 2) Rutherford & Chekene, Clerk's Receiving No. 33590, to increase the contract limit from $49,900 to $100,000, and establish a contract expiration date of October 16, 2006; 3) Crystal Kolke & Associates, Clerk's Receiving No. 37482, to increase the contract limit from $49,000 to $100,000;	PCD	8-17

			Page
	4) Golder Associates, Clerk's Receiving No. 27231, to increase the contract limit from $49,900 to $100,000, and establish a contract expiration date of October 16, 2006; 5) Charles Williams Associates (CWA), Clerk's Receiving Nos. 27233 and 28017, to increase the contract limit from $200,000 to $275,000, and establish a contract expiration date of October 16, 2006; 6) Rolf Jensen Associates, Clerk's Receiving No. 30658, to increase the contract limit from $49,900 to $100,000, and establish a contract expiration date of October 16, 2006; 7) Capital Architects, Clerk's Receiving No. 35589, to increase the contract limit from $49,900 to $100,000; and 8) Interval Engineering, Clerk's Receiving No. 33621, to increase the contract limit from $49,000 to $100,000, and establish a contract expiration date of October 16, 2006.		
(g)	Resolution No. 7218 authorizing entering into a Right of Use Agreement with Verizon Northwest, Inc. and amending the appropriation to the 2005-2006 Land Purchase Revolving Fund by $167,300 to reflect the total amount received from Verizon Northwest for costs of operations, maintenance and development of the City's conduit and fiber system.	TRAN	8-23
(h)	Motion to reject all bids for Bid No. 0535 for construction of the 150th Avenue SE and Eastgate Overlay project (CIP Plan Nos. PW-R-105 and PW – M-13).	TRAN	8-29
(i)	Resolution No. 7219 authorizing (1) execution of a consultant agreement with David Evans Associates, Inc., in the amount of $135,391, to provide traffic signal and intersection improvement design engineering services for improvements at Bel-Red Road/NE 30th Street (CIP Plan No. PW-I-70), Coal Creek Parkway/Factoria Boulevard (CIP Plan No. PW-I-84) and the 112th Avenue/SE 6th Street signal	TRAN	8-35

			Page
	(CIP Plan No. PW-I-88); and 2) amendments to the Project Description/Scope of the Bel-Red Road/NE 30th Street project to accommodate a proposed fourth leg to the intersection providing limited access to the Microsoft campus and an evaluation of potential entry treatments to the Sherwood Forest neighborhood.		
(j)	Ordinance No. 5614 authorizing 1) execution of an Interlocal Agreement with Puget Sound Regional Transit authority (Sound Transit) for the design and construction of roadway improvements to SE 32nd Street between 140th Avenue SE and 142nd Place SE, and 142nd Place SE between I-90 and SE 32nd Street; and 2) amendment of the 2005-2011 CIP by increasing the project budget for Street Overlays by $312,000 in Sound Transit contributions; and 3) amendment of the 2005-2006 General CIP fund to increase the appropriation by $312,000.	TRAN	8-45
(k)	Resolution No. 7220 authorizing execution of amendment No. 1 to the Interlocal Agreement with King County Water District No. 1 for the purchase of water supply, system improvements and maintenance and operations, to 1) commit the District to share in the cost of an emergency water supply intertie with the City of Kirkland, and 2) for City of Bellevue to bill each District customer directly for water service.	UTIL	8-53
(l)	Resolution No. 7221 authorizing approval of the final settlement of a claim filed for property damage to the Potuzak residence caused by a wastewater system failure.	UTIL	8-59
(m)	Resolution No. 7222 authorizing approval of the final settlement of a claim filed for property damage to the Wahlstrom and Tosch residence caused by a break in the City's water main line.	UTIL	8-63

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9. Public Hearings

(a) Temporary Encampments 9-1

(At the June 27 Extended Study Session the scheduled public hearing was opened and continued to tonight's agenda.)

(1) Staff Report

(2) Public testimony

(3) Motion to close the public hearing

(4) Council discussion

Ordinance No. _____ amending the Bellevue Land Use Code to allow for the permitting of Temporary Encampments while assuring the health, safety and welfare of all residents of those Encampments and of the citizens of Bellevue; amending Sections 20.10.440, 20.50.018, and 20.50.048 of the Bellevue Land Use Code; creating a new Section 20.20.840 of the Bellevue Land Use Code; and establishing an effective date.

(Staff seeks Council adoption of Ordinance No._____ as drafted or subsequently amended, tonight or at a future meeting.)

10. Land Use

11. Other Ordinances, Resolutions and Motions

12. Unfinished Business

13. Continued Oral Communications

14. New Business

15. Executive Session

16. Adjournment

Agenda

*** R E V I S E D ***
City Council
Special Meeting

MONDAY
July 25, 2005

5:30 – 6:00 p.m.
Conference Room 3 AB

1. Executive Session

   (a) Pending litigation

Extended Study Session

6:00 – 10:00 p.m.
Council Conference Room

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1. Executive Session

   (a) Pending litigation *(approximately 1 hour)*

   (b) Potential litigation *(approximately1 hour)*

2. Communications: Written and Oral

   Note: *Three-minute limit per person, or five minutes if representing the official position of a recognized community organization. Maximum of three persons are permitted to speak to each side of any one topic.*

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3. Study Session

(a) Council new initiatives *(no packet materials)*

(b) Temporary Encampments — PCD, Kate Berens; CAO, Siona Windsor

(1) Ordinance No. 5615 amending the Bellevue Land Use Code to allow for the permitting of Temporary Encampments while assuring the health, safety and welfare of all residents of those Encampments and of the citizens of Bellevue; amending Sections 20.35.015, 20.35.045, 20.35.070, 20.50.018, and 20.50.048 of the Bellevue Land Use Code; creating a new Part 20.30U and creating new Sections 20.35.500, 20.35.510, 20.35.520, 20.35.525, 20.35.530, 20.35.535, 20.35.540 of the Bellevue Land Use Code; and establishing an effective date.

(2) Ordinance No. 5618 amending the Bellevue Land Use Code to amend the City's Environmental Procedures to include a new land use permitting process; amending Sections 22.02.031, 22.02.034, 22.02.065, 22.02.080 and 22.02.150 of the Bellevue City Code; and establishing an effective date.

(c) Resolution No. 7240 approving execution of an Amendment to the Professional Services Agreement with Preston Gates & Ellis, LLP, for an amount not to exceed $125,000 (for a total contract amount of $150,000) for legal services related to amending the Land Use Code to address provisions relating to Temporary Encampments. — CAO, Siona Windsor

(d) Regional Issues — CMO, Diane Carlson

(Packet provided under separate cover.)

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City of Bellevue

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4. Discussion of upcoming items

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City of Bellevue

ATTACHMENT A

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE amending the Bellevue Land Use Code to allow for the permitting of Temporary Encampments while assuring the health, safety and welfare of all residents of those Encampments and of the citizens of Bellevue; amending Sections 20.35.015, 20.35.045, 20.35.070, , 20.50.018, and 20.50.048 of the Bellevue Land Use Code; creating a new Part 20.30U and creating new Sections 20.35.500, 20.35.510, 20.35.520, 20.35.525, 20.35.530, 20.35.535, 20.35.540 of the Bellevue Land Use Code; and establishing an effective date.

WHEREAS, the City recognizes that homelessness is a problem within King County; and

WHEREAS, the City has taken and will continue to take steps to alleviate the problems of homelessness within the City and throughout King County; including the provision of shelter and the funding of affordable housing; and

WHEREAS, the City finds that while Temporary Encampments may provide an interim measure of relief from homelessness, Temporary Encampments are not permanent solutions to the problem, nor are they intended to be; and

WHEREAS, the City has determined that temporary accommodations must be safe and sanitary, and finds guidance in state and local laws, regulations, and practices pertaining to health and safety; and

Deleted: in RCW 70.114A.010, the Legislature

WHEREAS, the City finds that residents of Temporary Encampments have an equal right to safe, healthy and sanitary conditions; and

WHEREAS, the City finds that hosts, sponsors and managers of Temporary Encampments have a responsibility to assure the health and safety of Temporary Encampment residents, as well as the surrounding community; and

WHEREAS, in other jurisdictions through legislation, permitting, and court orders, Temporary Encampments have been subject to health and safety regulations, codes of conduct, zoning laws, and other conditions; and

WHEREAS, the City has a compelling interest in the protection of the health and safety of all of its residents, as well as the enforcement of its zoning laws; and

WHEREAS, houses of worship are conditional uses that are located in residential areas throughout the City;

WHEREAS, the recent history of Temporary Encampments in other jurisdictions, including the Cities of Bothell, Woodinville, and Kirkland, demonstrates a critical need for public involvement in the process of permitting and siting Temporary Encampments, including adequate notice to the surrounding community, an opportunity for community members to comment upon the application and to exercise their fundamental right to petition the government, and an opportunity for review and processing of a permit by City staff; and

WHEREAS, the City's Comprehensive Plan supports establishing and enforcing land use regulations to further a variety of goals, including ensuring compatibility between adjacent land uses, protecting public health and safety, and including public participation in land use actions; and

WHEREAS, the City Council held public hearings on June 6, 2005 and July 5, 2005, with regard to this proposed Land Use Code amendment; and

Deleted: such

WHEREAS, the City Council finds that the amendments to the Land Use Code contained in this ordinance satisfy the decision criteria established in LUC 20.30J.135; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new Part 20.30U is hereby added to the Land Use Code as follows:

20.30U Temporary Encampment Permit

Deleted: 2

Deleted: .840

Deleted: A

20.30U.110 Scope

This Part establishes the procedure and criteria that the City will use in making a decision upon an application for a Temporary Encampment Permit.

20.30U.115 Applicability.

Deleted: section

Deleted: section

This Part 20.30U applies to each application for a Temporary Encampment Permit within the City. The requirements of this Part shall be imposed at the initiation of any Temporary Encampment use, and upon any addition or modification to a Temporary Encampment use.

20.30U.120 Who may apply.

Each Encampment Host, Encampment Manager and Encampment Sponsor of a Temporary Encampment shall jointly apply for a permit under this Part 20.30U, and shall jointly certify compliance with all applicable use requirements and conditions of this Part in the application.

20.30U.121. Submittal Requirements.

A. Prior to or upon filing their application for a Temporary Encampment Permit, the Encampment Host, Encampment Sponsor and Encampment Manager shall prepare an Encampment Management Responsibility Plan, which shall be included with their permit application. An application that does not contain an Encampment Management Responsibility Plan shall not be considered complete. The Encampment Management Responsibility Plan shall include the following:

1. A description of the security measures that the Encampment Host, Encampment Sponsor and Encampment Manager intend to employ at the Encampment site, including criteria for rejection as a resident, a code of conduct, neighborhood security patrols, if any, whether and how they will implement outstanding warrant or registered sex offender background checks, and whether and how any Temporary Encampment residents or prospective residents may be ejected from the Temporary Encampment based on the results of such checks.

2. A description of any applicable liability and management agreements, obligations, or policies of insurance held by or entered between the Encampment Host, Encampment Sponsor, or Encampment Manager, as well as copies of any such agreements, obligations or policies.

3. A description of any requested exemptions sought pursuant to LUC 20.30U.125(A)(8)(a), 20.30U.125(A)(11(k), or 20.30U.127, and a description of the manner in which the proposed exemptions satisfy the criteria of the exemption provision and this ordinance.

4. A transportation plan demonstrating compliance with LUC 20.30U.125(A)(6).

5. A proposed site plan.

20.30U.122. Applicable Procedures.

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A Temporary Encampment Permit is a Process V decision. In addition to the requirements for Process V in Part 20.35, the following additional procedures apply:

A. Public meeting required. The director shall hold an informational public meeting. The meeting shall comply with the requirements of LUC 20.35.525. Prior to the public meeting, the Encampment Host shall meet and confer with the Bellevue Police Department regarding the proposed security measures. At the public meeting, a representative of the Encampment Host shall present in writing and describe the proposed Encampment Management Responsibility Plan, and any input or comment received on the plan, including any comment or input from the Bellevue Police Department, or comment or input from schools and/or child care services under LUC 20.30U.122(B). The public meeting shall be attended by all applicants of the proposed Temporary Encampment Permit.

B. Additional mailed notice. The requirements for mailed notice of the application set forth in LUC 20.35.510 shall be expanded to include owners of real property within 600 feet of the project site. Prior to the decision of the Director on a Temporary Encampment Permit, the Encampment Host, Encampment Sponsor, or Encampment Manager, shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the proposed Temporary Encampment site, and shall meet and confer with the operators of any known child care service within 600 feet of the boundaries of the proposed Temporary Encampment site. The Encampment Host and the school administration and/or child care service operator shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a Temporary Encampment within 600 feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the Director for consideration for inclusion within the Temporary Encampment Permit. In the event the parties fail to agree on any conditions, either party may provide the Director with a written summary of the parties' discussions, which the Director may consider in evaluating whether the criteria for the Temporary Encampment Permit are met, or the need for additional conditions upon the Temporary Encampment Permit based on the applicable decision criteria.

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C. The applicant shall provide notice of the application by posting two signs or placards on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The Director shall establish standards for size, color, layout, design, wording, placement, and timing of installation and removal of the signs or placards.

20.30U.125. **Use Requirements.**

A. The following requirements apply to each Temporary Encampment:

1. The Encampment Host, Encampment Sponsor, and Encampment Manager must demonstrate that the proposed use meets the definition of a Temporary Encampment, as set out in LUC 20.50.048.

2. The Encampment Host, Encampment Sponsor, and Encampment Manager shall ensure enforcement of a Code of Conduct at the Temporary Encampment site. The Code of Conduct shall be in substantially the following form or address the following issues:

   a. Possession or use of illegal drugs is not permitted.

   b. No alcohol is permitted.

   c. No weapons are permitted.

   d. All knives over 3 and one-half inches must be turned into the Encampment Manager for safekeeping.

   e. No violence is permitted.

   f. No open flames are permitted.

   g. No trespassing into private property in the surrounding neighborhood is permitted.

   h. No loitering in the surrounding neighborhood is permitted.

   i. No littering on the Temporary Encampment site or in the surrounding neighborhood is permitted.

   j. A trash patrol in the surrounding neighborhood is required every other day.

   Nothing within this Section shall prohibit the Encampment Host, Encampment Sponsor or Encampment Manager from imposing and enforcing additional Code of Conduct conditions not otherwise inconsistent with this Section.

3. The maximum number of residents at a Temporary Encampment site shall be determined taking into consideration site conditions, but shall in no case be greater than one hundred at any one time. Any proposed site shall be of sufficient size to support the activities of the Temporary Encampment without the overcrowding of residents or any intrusion into required setbacks. In determining the maximum occupancy of a Temporary Encampment, the Director shall consider the square footage of the Encampment Site; the number of proposed Temporary Enclosures; the number of required or proposed bathing,

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food handling, handwashing, laundry, and toilet facilities; required setbacks; and the ongoing use of the site by the Encampment Host. The City shall impose a condition on the Temporary Encampment Permit for the Encampment limiting the number of residents or occupants to the number determined pursuant to this subsection. Any increase in the number of residents or occupants beyond that applied for by the applicants and included in the Temporary Encampment Permit shall require a revision to the Temporary Encampment Permit, which shall be processed as a new application.

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4. The duration of a Temporary Encampment at any specific location shall not exceed 60 days at any one time, provided that, in the event the final day of this period falls upon a Friday, up to an additional two days shall be allowed to dismantle and remove the Temporary Encampment as necessary.

5. A Temporary Encampment may be located at the same site no more than once every 18 months.

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6. A Temporary Encampment shall be within one half mile of a public transportation stop, or the Encampment Sponsor, Encampment Host or Encampment Manager shall otherwise demonstrate the ability for Temporary Encampment occupants to obtain access to the nearest public transportation stop through van or car pools provided by the Encampment Host, Encampment Sponsor, or Encampment Manager. During hours when public transportation is not available, the Encampment Sponsor, Encampment Host, or Encampment Manager shall also make transportation available to anyone who is rejected from or ordered to leave the Temporary Encampment. 7. On-site parking spaces of the Encampment Host shall not be displaced unless the required minimum parking remains available for the Encampment Host's use, as set forth in LUC 20.20.590. The Host may provide shared parking pursuant to LUC 20.20.590.I, or off-site parking pursuant to LUC 20.20.590.J, to satisfy minimum parking requirements.

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8. The perimeter of a Temporary Encampment must be buffered from surrounding properties as follows:

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   a. The Temporary Encampment, as measured from the Temporary Encampment perimeter, shall meet the minimum setback requirements applicable to the Encampment Host in the underlying Land Use District; provided that, no Temporary Encampment setback shall be less than 20 fee; and provided further that the Encampment Host, Encampment Sponsor, or Encampment Manager may petition the Director for a reduction of setback requirements applicable to the Encampment Host in the underlying Land Use District to no less than 20 feet. In considering whether a reduction should be granted, the Director may consider whether the minimum setback requirements applicable to the Encampment Host in the underlying Land Use District, if applied to the Temporary

Encampment, would substantially burden the siting or hosting of a Temporary Encampment at a particular location or by a particular Encampment Host, Encampment Sponsor, or Encampment Manager and may consider the effects on health and safety of residents and the community should the reduction be granted.

b. The Temporary Encampment shall be surrounded by a view obscuring fence or equivalent solid structure, which in no event shall be less than six feet high. The perimeter surrounding the Temporary Encampment shall have a single designated point for ingress or egress, consistent with applicable fire and other safety regulations.

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9. The Encampment Host, Encampment Sponsor and Encampment Manager shall not permit children under the age of eighteen to stay overnight in a Temporary Encampment, unless circumstances prevent a more suitable overnight accommodation for the child and parent or guardian. If a child under the age of eighteen, either alone or accompanied by a parent or guardian, attempts to stay overnight, the Encampment Host, Encampment Sponsor or Encampment Manager shall endeavor to find alternative shelter for the child and any accompanying parent or guardian.

10. The Encampment Host, Encampment Sponsor or Encampment Manager shall take all reasonable and lawful steps to obtain verifiable identification, such as a valid driver's license, government issued identification card, military identification card, or passport, from all prospective and current residents of a Temporary Encampment. The Encampment Host, or a third party approved by the Director, shall retain a log of all overnight residents of the Temporary Encampment, including names and dates.

Deleted: provide the identification to the Bellevue Police Department to obtain warrant and sex offender checks on the resident or prospective resident. If any warrant or sex offender check conducted under this section demonstrates that a resident or prospective resident either (a) has an existing or outstanding arrest warrant from any jurisdiction in the United States, or (b) is a sex offender, required to register with City, County or State authorities pursuant to RCW 9A.44.130, then the Encampment Manager, Encampment Sponsor and the Encampment Host shall be notified immediately. The Encampment Host or Encampment Manager shall promptly notify the City of Bellevue Police Department regarding any ejection from the Temporary Encampment due to an outstanding warrant for arrest or sex offender status

11. The Encampment Host, Encampment Sponsor or Encampment Manager shall assure compliance with the following health and safety regulations. References to the application of local ordinances and regulations shall include the Codes and Regulations of King County and the City of Bellevue. All references are to regulations, ordinances and codes now or as hereafter amended:

a. Water Supply

The Encampment Host, Encampment Manager or Encampment Sponsor must:

1. Provide access to hot and cold water for drinking, cooking, and bathing purposes. The Temporary Encampment water supply must be adequate

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to meet the needs of all residents of the Temporary Encampment, and must be located in a manner that provides access to water adjacent to food preparation, toilet and bathing facilities.

2. Prohibit the use of common drinking cups or containers from which water is dipped or poured.

3. When water is unsafe for drinking purposes and accessible to residents, post a sign by the source reading "DO NOT DRINK. DO NOT USE FOR WASHING. DO NOT USE FOR PREPARING FOOD.".

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3. Provide one or more drinking fountains or sources of potable drinking water for each one hundred occupants or fraction thereof, and

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b. Sewage & Wastewater Disposal

The Encampment Host, Encampment Manager and Encampment Sponsor must:

1. Provide for sewage and wastewater disposal in accordance with the Codes and regulations of local health jurisdictions.

2. Assure that all portable toilets comply with King County Code Section 8.20.

c. Electricity & Lighting

The Encampment Host, Encampment Manager or Encampment Sponsor must ensure that all electrical wiring, fixtures and electrical equipment must comply with the electrical standards of the department of labor and industries regulations, chapter 19.28 RCW, and local ordinances, and be maintained in a safe condition.

d. Hand Washing and Bathing

An Encampment Host, Encampment Manager or Encampment Sponsor must:

1. Provide one handwash sink for every fifteen persons. At least two handwash sinks must be adjacent to toilets, and at least one handwash sink must be adjacent to food preparation facilities. Other handwash sinks may be located throughout the Temporary Encampment site for general use.

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2. Provide one showerhead for every forty persons.

3. Provide all showers, baths, or shower rooms with floor drains to remove wastewater.

(4) Provide cleanable, nonabsorbent waste containers.

5. Maintain bathing and handwashing facilities in a clean and sanitary condition, cleaned at least daily.

6. Make showers and bathing facilities available when needed.

e. Toilets

The Encampment Host, Encampment Manager or Encampment Sponsor must meet the following requirements:

1. Provide the following toilet facilities:

(a) One toilet, including portable toilets, for every fifteen persons;

(b) Handwashing sinks adjacent to toilets, as provided in LUC 20.30U.125(A)(11)(d) above;

(c) For each toilet facility, either a window of at least six square feet opening directly to the outside or satisfactory ventilation; and

(d) For each toilet facility, all outside openings screened with sixteen-mesh material.

2. Maintain toilets in a clean and sanitary condition, cleaned at least daily.

f. Cooking and Food Handling

In common food-handling areas, the Encampment Host, Encampment Manager or Encampment Sponsor must provide:

1. An enclosure, adequate in size, separate from any sleeping quarters;

2. No direct openings to living or sleeping areas from the common

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food-handling area;

3. Sinks with hot and cold running potable water, as provided in LUC 20.30U.125(A)(11)(d) above;

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4. Nonabsorbent, easily cleanable food preparation counters situated off the floor;

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5. When perishable food will be in place, mechanical refrigeration conveniently located and able to maintain a temperature of forty-five degrees Fahrenheit or below.

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g. Maintenance of Bedding

The Encampment Host, Encampment Manager or Encampment Sponsor must maintain bedding, if provided by the Encampment Host, Encampment Manager or Encampment Sponsor, in a clean and sanitary condition.

h. Refuse Disposal

The Encampment Host, Encampment Manager or Encampment Sponsor must:

1. Comply with local sanitation codes for removing and disposing of refuse from housing areas.

2. Protect against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse.

3. Store refuse in fly-tight, rodent-tight, impervious, and cleanable or single-use containers.

4. Keep refuse containers clean.

5. Provide a container on a wooden, metal, or concrete stand within one hundred feet of each dwelling unit.

6. Empty refuse containers at least twice each week, and when full.

i. Insect and Rodent Control

The Encampment Host, Encampment Manager or Encampment Sponsor must take effective measures to prevent and control insect and rodent infestation.

j. Disease Prevention and Control

The Encampment Host, Encampment Manager or Encampment Sponsor must:

1. Report immediately to the local health officer the name and address of any occupant known to have or suspected of having a communicable disease.

2. Report immediately to the local health officer:

a. Suspected food poisoning;

b. Unusual prevalence of fever, diarrhea, sore throat, vomiting, or jaundice; or

c. Productive cough, or when weight loss is a prominent symptom among occupants.

3. Prohibit any individual with a communicable disease from preparing, cooking, serving, or handling food, foodstuffs, or materials in dining halls.

k. Substantial Compliance

An Encampment Host, Encampment Sponsor, or Encampment Manager may petition the Director for an exemption from particular provisions of this LUC 20.30U.125A(11) upon a showing of substantial compliance or alternative means of compliance. Alternative means of compliance may include the following: (1) Use of facilities already available on the Encampment Host site or within the Encampment Host's facilities (such as preexisting indoor or outdoor handwashing, toilet, or shower facilities); (2) Use of facilities located sufficiently near the Encampment Host Site so as to adequately address the health and safety of Encampment residents (such as adjacent public toilet, shower or handwashing facilities); (3) Use of alternative means to assure the health and safety of both the Temporary Encampment residents and surrounding neighborhood residents, occupants and users. In considering whether an exemption should be granted, the Director may consider whether the provision or provisions of LUC 20.30U.125 A(11) at issue, if applied to the Temporary Encampment, would substantially burden the siting or hosting of a

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Temporary Encampment at a particular location or by a particular Encampment Host, Encampment Sponsor, or Encampment Manager.

12. Exterior lighting shall be shielded or recessed so that direct glare and reflections are contained within the Temporary Encampment, and shall also be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures utilized at Temporary Encampments shall be appropriate in scale, intensity, and height to the use that they are serving.

20.30U.127. Hardship Exception.

An Encampment Host, Encampment Sponsor, or Encampment Manager may petition the Director for an exception from any of the specific Use Requirements of LUC 20.30U.125 upon grounds of hardship. In considering whether a hardship exception should be granted, the Director may consider whether the provision or provisions at issue substantially burden the siting or hosting of a Temporary Encampment at a particular location or by a particular Encampment Host, Encampment Sponsor, or Encampment Manager and the effects on health and safety of residents and the community should the exception be granted.

20.30U.130. Decision Criteria.

The Director may approve or approve with modifications an application for a Temporary Encampment Permit if:

A. The Temporary Encampment complies with the Use Requirements set out in LUC 20.30U.125, and other applicable requirements of this Code; and

B. The Temporary Encampment will not be materially detrimental to the public health, safety or welfare of the Temporary Encampment residents or the surrounding community; and

C. The imposition of a condition under which the City reserves the right to impose additional conditions or to reconsider the Temporary Encampment Permit within a certain timeframe from approval date, based on complaints filed with the City.

20.30U.135. Revocation of Temporary Encampment Permit.

Upon determination that there has been a violation of any decision criteria or condition of approval, the Director may give written notice to the permit holder

describing the alleged violation. Within 14 days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the 14-day period, the Director shall sustain or revoke the permit. When a Temporary 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. Appeals of decisions to revoke a Temporary Encampment permit will be processed using the Process V appeal procedures. This availability of this procedure shall be in addition to the procedures set out in BCC Chapter 1.18.

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Section 2. Section 20.35.015 of the Bellevue Land Use Code is hereby amended as follows:

20.35.015 Framework for decisions.

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A. Land use decisions are classified into five processes based on who makes the decision, the amount of discretion exercised by the decisionmaker, the level of impact associated with the decision, the amount and type of public input sought, and the type of appeal opportunity.

B. Process I decisions are quasi-judicial decisions made by the Hearing Examiner on project applications. The following types of applications require a Process I decision:

1. Conditional Use Permits (CUPs) and Shoreline Conditional Use Permits;

2. Preliminary Subdivision Approval (Plat);

3. Planned Unit Development (PUD) Approval; and

4. Protected Area Development Exception (PADE);

provided, that applications for CUPs, shoreline CUPs, preliminary plats, PUDs, and PADEs within the jurisdiction of a Community Council pursuant to RCW 35.14.040 shall require a Process III decision.

C. Process II decisions are administrative land use decisions made by the Director. Threshold determinations under the State Environmental Policy Act (SEPA) made by the Environmental Coordinator and Sign Code variances are also Process II decisions unless otherwise provided in this Title 20 or in the Environmental Procedures Code. (See the Environmental Procedures Code, BCC 22.02.034 and Sign Code, BCC 22B.10.180.) The following types of applications require a Process II decision:

1. Administrative Amendments;

2. Administrative Conditional Use;

3. Design Review;

4. Home Occupation Permit;

5. Interpretation of the Land Use Code;

6. Preliminary Short Plat;

7. Shoreline Substantial Development Permit;

8. Variance and Shoreline Variance;

9. Small Lot Protected Area Development Exception; and

10. Review under State Environment Policy Act (SEPA) when not merged with any Process IV or Process V decision.

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D. Process III decisions are quasi-judicial decisions made by the City Council. The following types of applications require a Process III decision:

1. Site-specific or project-specific rezone;

2. Conditional Use, Shoreline Conditional Use, Preliminary Plat, Planned Unit Development, and Protected Area Development Exception projects subject to the jurisdiction of a Community Council pursuant to RCW 35.14.040;

3. Master Development Plans for Institutional Uses; and

4. A rezone of any property to the OLB-OS Land Use District designation.

E. Process IV decisions are legislative nonproject decisions made by the City Council under its authority to establish policies and regulations regarding future private and public development and management of public lands. The following are Process IV decisions:

1. Consideration of suggestions for amendments to the Comprehensive Plan (Annual Docket Adoption);

2. Amendments to the text of the Land Use Code or Comprehensive Plan;

3. Amendments to the Comprehensive Plan Map;

4. Amendments to the Zoning Map (rezones) on a citywide or areawide basis.

F. Process V decisions are administrative land use decisions made by the Director, for which no administrative appeal is available. The following are Process V decisions:

1. Temporary Encampment Permits.

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G. Other types of land use applications and decisions made by the Director, including those set forth below, are minor or ministerial administrative decisions, exempt from the above land use processes. Notice and an administrative appeal opportunity are not provided. LUC 20.35.020 through 20.35.070, however, apply to all land use applications.

1. Boundary Line Adjustment;

2. Final Plat (also requires Hearing Examiner approval prior to recording);

3. Final Short Plat;

4. Land Use Exemption;

5. Temporary Use Permit;

6. Vendor Cart Permit;

7. Requests for Reasonable Accommodation as defined by Part 20.30T LUC.*

**Not effective within the jurisdiction of the East Bellevue Community Council.*

Section 3. Section 20.35.045 of the Bellevue Land Use Code is hereby amended as follows:

20.35.045 Land use decisions – When final.

When a decision is made to approve, conditionally approve, or deny an application, the applicant shall be notified. Process V decisions and minor or ministerial administrative land use decisions that are not subject to administrative appeal shall be final at the time of the Director's decision that the application conforms to all applicable codes and requirements. Process I decisions are final upon expiration of any applicable City administrative appeal period, or if appealed, on the date of the City Council's final decision on the application. Process II decisions are final upon expiration of any applicable City administrative appeal period, or, if appealed, on the day following issuance of a final City decision on the administrative appeal. Process III and IV decisions are final on the date of the City Council's final decision or action on the application or proposal, subject to LUC 20.35.355.G, 20.35.365 and 20.35.450 regarding Community Council jurisdiction.

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Section 4. Section 20.35.070 of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.070 Appeal of City land use decisions to Superior Court.

A. General. A final City decision on a land use permit application (Processes I – III and V), except for shoreline permits, may be appealed to Superior Court by filing a land use petition meeting the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties as set forth in state law and within the 21-day time period as set forth in RCW 36.70C.040. Notwithstanding the provisions of this paragraph, the time for filing an appeal of a final Process II land use action that has been merged with a Process I or III application will be tolled until the Process I or III decisions are final. Requirements for fully exhausting City administrative appeal opportunities, if any are available, must be fulfilled. An appeal of a Shoreline Substantial Development Permit, a Shoreline Conditional Use Permit, or a shoreline variance shall be to the State Shoreline Hearings Board and shall be filed within 21 days as set forth in RCW 90.58.180.

B. A final City action on a legislative nonproject land use proposal (Process IV) may be appealed by petition to the Growth Management Hearings Board as set forth in LUC 20.35.440.C and RCW 36.70A.290.

Section 5. Section 20.35.080 of the Bellevue Land Use Code is hereby amended as follows:

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20.35.080 Merger of Certain Decisions.

A. Process I and III and Process II, Including SEPA threshold determinations. When a single project includes a combination of Process I, Process II, including the SEPA threshold determination associated with the Process I or III action and/or Process III land use applications, review of the project shall combine review of the Process I, Process II, and Process III components. A consolidated report setting forth the Process I and/or Process III recommendation of the Director and the Process II decisions will be issued.

B. SEPA Threshold Determination with Process IV or Process V Decisions. The SEPA threshold determination associated with a Process IV or Process V action shall be merged with the Process IV and Process V action, and processed according to the notice, decision, appeal and other procedures set forth in LUC Sections 20.35.400 to 20.35.450 (Process IV) or LUC Sections 20.35.500 to 20.35.540 (Process V).

Section 6. Section 20.35.200.B of the Bellevue Land Use Code is hereby amended as follows:

B. If required by the State Environmental Policy Act (SEPA), a threshold determination will be issued by the Environmental Coordinator. The threshold determination is also a Process II decision, except as set forth in LUC 20.35.015.C, and may be issued in conjunction with the Director's decision on the accompanying land use decision. If an Environmental Impact Statement (EIS) is required, however, the threshold determination will be issued early and the EIS will be completed prior to the issuance of the accompanying land use decision. If the requirement to prepare an EIS or a supplemental EIS is appealed by the applicant, that appeal will be resolved prior to the issuance of the land use decision. (See 22.02.031 and 22.02.160 regarding timing of issuance of the threshold determination.)

Section 7. Section 20.35.250.C of the Bellevue Land Use Code is hereby amended as follows:

C. SEPA Threshold Determinations on Process IV and Process V Actions.

1. Process IV. An appeal of a SEPA threshold determination on a Process IV action shall be filed together with an appeal of the underlying Process IV action. The appeal shall be by petition to the Growth Management Hearings Board and shall be filed within the 60-day time period set forth in RCW 36.70A.290.

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2. Process V. An appeal of a SEPA threshold determination on a Process V action shall be filed together with an appeal of the underlying Process V action. The appeal shall be as set forth in LUC 20.35.070 and 20.35.540.

Section 8. **A new Section 20.35.500 is hereby added to the Land Use Code as follows:** **20.35.500 Process V: Administrative decisions with no administrative appeal.**

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A. LUC 20.35.500 through 20.35.540 contain the procedures the City will use in implementing Process V. A Process V land use decision is an administrative decision made by the Director of the Department of Planning and Community Development. Process V applications go through a period of public notice and an opportunity for public comment. A public meeting may be held for Process V applications where required for each type of Process V application. The Director then makes a decision based upon the decision criteria set forth in the Code for each type of Process V application. Public notice of the decision is provided, but there is no opportunity for administrative appeal of the decision.

B. If required by the State Environmental Policy Act (SEPA), a threshold determination will be issued by the Environmental Coordinator. The threshold determination for an underlying Process V application is also a Process V decision, and may be issued in conjunction with the Director's decision on the accompanying land use decision. If an Environmental Impact Statement (EIS) is required, however, the threshold determination will be issued early and the EIS will be completed prior to the issuance of the accompanying land use decision. If the requirement to prepare an EIS or a supplemental EIS is appealed by the applicant, that appeal will be resolved prior to the issuance of the land use decision. Section 9. A new Section 20.35.510 is hereby added to the Land Use Code as follows:

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20.35.510 Notice of application.

A. Notice of application for Process V land use decisions shall be provided within 14 days of issuance of a notice of completeness pursuant to the requirements of this section. See additional noticing requirements in LUC 20.30U.122 for Temporary Encampment Permits.

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B. The Director shall provide notice of the application as follows:

1. Publication of the project description, location, types of City permits or approvals applied for, date of application and location where the complete application file may be reviewed, in a newspaper of general circulation in the City.

2. Mailed notice to owners of real property within 300 feet of the project site including the following information:

   a. The date of application;

   b. The project description and location;

   c. The types of City permit(s) or approval(s) applied for;

   d. The Director may, but need not, include other information to the extent known at the time of notice of application, such as: the identification of other City permits required, related permits from other agencies or jurisdictions not included in the City permit process, the dates for any public meetings, identification of any studies requested for application review, any existing environmental documents that apply to the project, and a statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation.

3. Mailed notice of the application including at least the information required in paragraph B.2 of this section to each person who has requested such notice for the calendar year and paid any fee as established by the Director. This mailing shall also include all members of a Community Council and a representative from each of the neighborhood groups, community clubs, or other citizens' groups who have requested notice of land use activity. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

Section 10. A new Section 20.35.520 is hereby added to the Land Use Code as follows:

20.35.520 Minimum comment period.

A. The Notice of Application shall provide a minimum comment period of 14 days. The Director's decision on a Process V application will not be issued prior to the expiration of the minimum comment period.

B. Comments should be submitted to the Director as early in the review of an application as possible and should be as specific as possible.

C. The Director may accept and respond to public comments at any time prior to making the Process V decision.

D. For projects requiring review under the State Environmental Policy Act (SEPA), a single comment letter may be submitted to the Director or the Environmental Coordinator addressing environmental impacts as well as other issues subject to review under the approval criteria for the Process V decision.

Section 11. A new Section 20.35.525 is hereby added to the Land Use Code as follows:

20.35.525 Public meetings.

The Director may require the applicant to participate in a public meeting to inform citizens about a proposal. When required, public meetings shall be held as early in the review process as possible for Process V applications. For projects located within the boundaries of a Community Council, the public meeting may be held as part of that Community Council's regular meeting or otherwise coordinated with that Council's meeting schedule. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

Section 12. A new Section 20.35.530 is hereby added to the Land Use Code as follows:

20.35.530 Director's decision.

A written record of the Process V decision shall be prepared in each case. The record may be in the form of a staff report, letter, the permit itself, or other written document and shall indicate whether the application has been approved, approved with conditions or denied. The Director's decision shall be based on the applicable Land Use Code decision criteria, shall include any conditions to ensure consistency with such decision criteria and with City development regulations, and may include mitigation measures proposed under the provisions of the State Environmental Policy Act (SEPA).

Section 13. A new Section 20.35.535 is hereby added to the Land Use Code as

follows:

20.35.535 Notice of decision.

A. Public notice of all Process V decisions shall be published in a newspaper of general circulation.

B. The Director shall mail notice of the decision to each person who submitted comments during the public comment period or at any time prior to issuance of the decision and who provided an adequate address for mailing.

C. The Director shall mail notice to each person who has requested such notice and paid any fee as established by the Director. Included in this mailing shall be all members of a Community Council and a representative from each of the neighborhood groups, community clubs, and other citizens' groups who have requested regular notice of land use decisions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

Section 14. A new Section 20.35.540 is hereby added to the Land Use Code as follows:

20.35.540 Appeal of Process V decisions.

The Director of Planning and Community Development's decision regarding a Process V application may be appealed to Superior Court pursuant to LUC 20.35.070. An appeal of a SEPA Threshold Determination on a Process V action shall be filed together with an appeal of the underlying Process V action.

Section 15. Section 20.50.018 of the Bellevue Land Use Code is hereby amended by the addition of the following new definitions:

Deleted: 20.10.440 Land use charts.¶
Chart 20.10.440¶
STD LAND USE CODE REF ... [1]

"Encampment Manager" shall mean an individual, group, organization, or entity that organizes, manages or operates a Temporary Encampment. An "Encampment Manager" may be the same individual, group, organization, or entity as the Encampment Host or the Encampment Sponsor of a Temporary Encampment.

"Encampment Host" shall mean the individual, group, organization, or entity (including but not limited to an owner, tenant, or lessee) that has the legal right to occupy the site of a Temporary Encampment. An "Encampment Host" may be the same individual, group, organization, or entity as the Encampment Sponsor or the Encampment Manager of a Temporary Encampment.

"Encampment Sponsor" shall mean an individual, group, organization, or entity which, in conjunction or by agreement with the Encampment Sponsor or Encampment Manager, provides services or support on an ongoing basis for the residents of a Temporary Encampment. An "Encampment Sponsor" may be the same individual, group, organization, or entity as the Encampment Host or the Encampment Manager of a Temporary Encampment.

Section 16. Section 20.50.048 of the Bellevue Land Use Code is hereby amended as follows:

"Temporary Encampment" shall mean a transient or interim gathering or community comprised of Temporary Enclosures, which may include common areas designed to provide food, living, and sanitary services to occupants of the encampment; provided that, this definition shall not include recreational encampments of less than ten days in duration.

"Temporary Enclosures" shall mean tents and other forms of portable shelter that are not permanently attached to the ground, are intended to be erected and dismantled, and are intended for temporary outdoor occupancy. "Temporary Enclosures" shall provide protection from the elements, shall be comprised of flame-resistant material or treated with flame retardant in an approved manner, shall be elevated above and shall not allow direct contact with the bare ground, shall allow for means of unobstructed ingress and egress, shall protect against the entry of rodents and insects, and shall contain at least one window to allow for ventilation.

Section 17. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the or the application of the provision to other persons or circumstances shall not be affected.

Section 18. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

PASSED by the City Council this _____ day of _____, 2005, and signed in authentication of its passage this _____ day of _____, 2005.

(SEAL)

_____
Connie B. Marshall, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

_____
Siona Windsor, Assistant City Attorney

Attest:

_____
Myrna L. Basich, City Clerk

Published _____

K:\16176\00068\MJS\MJS_N21TH

20.10.440 Land use charts.

Chart 20.10.440

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Residential – Residential Districts										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
1	Residential											
	Single-Family Dwelling (3)	P	P	P	P	P	P	P	P	P	P	P
	Two to Four Dwelling Units Per Structure (6)	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
	Five or More Dwelling Units Per Structure (6)	PD	PD	PD	PD	PD	PD	PD	P	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities								C	P	P	P
	Senior Citizen Dwellings (4,7*)	PD 5	PD 5	PD 5	PD 5	PD 5	PD 5	PD 5	P	P	P	P
13 15	Hotels and Motels											
	Congregate Care Senior Housing (4,7*)								P	P	P	P
6516	Nursing Home (7*)								C	P	P	P
	Assisted Living (4,7*)								C	P	P	P
	Accessory Dwelling Unit (9)	S	S	S	S	S	S	S	S	S	S	S
	Temporary Encampment (16)	A	A	A	A	A	A	A	A	A	A	A

Uses in land use districts

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Institutional District are listed in LUC 20.25J.020.

** Not effective within the jurisdiction of the East Bellevue Community Council.*

KEY

P – PERMITTED USE
C – CONDITIONAL USE (see Part 20.30B or Part 20.30C)
PD – PERMITTED subject to planned unit development only. (See Part 20.30D)
A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)
S – Permitted only as a subordinate use to a permitted or special use

20.10.440

Chart 20.10.440

		Residential – Nonresidential Districts									
STD LAND USE CODE REF		Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
	LAND USE CLASSIFICATION	PO	O	OLB	LI	GC	NB	CB	F1	F2	F3
1	Residential										
	Single-Family Dwelling (3)	P 15	P 1	S	S	S	P 8	S	S	S	S
	Two to Four Dwelling Units Per Structure (6)		P 1	P			P 8	P 6	P	P	P
	Five or More Dwelling Units Per Structure (6)		P 1	P			P 8	P 6	P	P	P
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions							C	C		

	and Excluding Secure Community Transition Facilities										
	Senior Citizen Dwellings (4,7*)	P	P	P			P 8	P	P	P	P
13 15	Hotels and Motels			P				C	C	P	P
	Congregate Care Senior Housing (4,7*)	P	P	P			P	P	P	P	P
6516	Nursing Home (7*)	C	P	P			C	P	P	P	P
	Assisted Living (4,7*)	C	P	C			C	P	P	C	C
	Accessory Dwelling Unit (9)	S	S	S	S	S	S	S	S	S	S
	Temporary Encampment (16)	A	A	A	A	A	A	A	A	A	A

Uses in land use districts

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Institutional District are listed in LUC 20.25J.020.

** Not effective within the jurisdiction of the East Bellevue Community Council.*

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PD – PERMITTED subject to planned unit development only. (See Part 20.20D)
A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.20E)
S – Permitted only as a subordinate use to a permitted or special use

Chart 20.10.440

		Residential – Downtown Districts					
STD LAND USE CODE REF		Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
	LAND USE CLASSIFICATION	DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
1	Residential						
	Single-Family Dwelling (3)	P	P	P	P	P	
	Two to Four Dwelling Units Per Structure (6)	P	P	P	P	P	
	Five or More Dwelling Units Per Structure (6)	P	P	P	P	P	
12	Group Quarters: Dormitories, Fraternal Houses, Excluding Military and Correctional Institutions and Excluding Secure Community Transition Facilities	P	P	P	P	P	
	Senior Citizen Dwellings (4,7*)	P	P	P	P	P	
13 15	Hotels and Motels	P	P	P	P	P	P
	Congregate Care Senior Housing (4,7*)	P	P	P	P	P	
6516	Nursing Home (7*)			P	P	P	
	Assisted Living (4,7*)			P	P	P	

	Accessory Dwelling Unit (9)			S	S	S	
	Temporary Encampment	A	A	A	A	A	A

Uses in land use districts

Permitted uses in the Evergreen Highlands Design District (EH-A, EH-B, EH-C and EH-D) are listed in LUC 20.25F.010.

Permitted uses in the Office and Limited Business-Open Space District (OLB-OS) are listed in LUC 20.25L.020.

Permitted uses in the Institutional District are listed in LUC 20.25J.020.

** Not effective within the jurisdiction of the East Bellevue Community Council.*

KEY

P – PERMITTED USE
C – CONDITIONAL USE (see Part 20.30B or Part 20.30C)
PD – PERMITTED subject to planned unit development only. (See Part 20.30D)
A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)
S – Permitted only as a subordinate use to a permitted or special use

Notes: Uses in land use districts – Residential

(1) No more than 50 percent of the gross floor area of the structure shall be devoted to residential use in O Districts, unless Conditional Use Permit approval is obtained and the applicable Comprehensive Plan policies do not discourage multifamily uses.

(2) (Deleted by Ord. 4999).

(3) A boardinghouse or bed and breakfast is permitted in a single-family dwelling provided the requirements of LUC 20.20.140 are met.

(4) An agreement must be recorded with the King County Department of Records and Elections restricting senior citizen dwellings, congregate care senior housing, or assisted living to remain in perpetuity as senior housing.

(5) Through the planned unit development process, senior citizen dwellings may include common dining and recreation facilities.

(6) Multifamily development in Planning Districts A and B of the Crossroads Subarea is not allowed. Multifamily development in Planning District E of the Crossroads Subarea north of NE 8th Street is not allowed. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E.

(7) In Planning Districts A and B of the Crossroads Subarea and in Planning District E of the Crossroads Subarea north of NE 8th Street, existing legal nonconforming multifamily uses can be converted to senior citizen housing, congregate care senior housing, assisted living or nursing homes. Refer to the Crossroads Subarea Planning District Guidelines of the Comprehensive Plan for Planning Districts A, B and E.*

(8) These residential uses are permitted in NB Districts only if located on the second floor and above the permitted ground floor nonresidential uses.

(9) Accessory dwelling units are permitted only as subordinate to single-family dwellings and are subject to the provisions of LUC 20.20.120.

(10) (Deleted by Ord. 4999).

(11) (Deleted by Ord. 4999).

(12) (Deleted by Ord. 4999).

(13) (Deleted by Ord. 4999).

(14) (Deleted by Ord. 4999).

(15) One single-family dwelling unit, occupying no more than 25 percent of the floor area of the structure, is permitted in the PO District.

(16) Temporary Encampments are subject to the regulations for temporary encampments in LUC 20.20.840.

** Not effective within the jurisdiction of the East Bellevue Community Council.*

Item No. 3(b)
July 25, 2005

CITY COUNCIL STUDY SESSION ITEM

SUBJECT
Continued Council consideration and final adoption of the Temporary Encampment Land Use Code Amendment.

STAFF CONTACT
Matt Terry, Director, Department of Planning & Community Development 452-6191
Kate Berens, Legal Planner, PCD 452-4616
Siona Windsor, Assistant City Attorney 452-6829

POLICY ISSUES
Should the City Council amend the Land Use Code (LUC) to specifically regulate temporary encampments through a new permitting process involving public notice, a public meeting and decision by the Director of the Department of Planning & Community Development (PCD), with an appeal directly to Superior Court; and include in the LUC performance standards establishing health and safety requirements, duration of stay, and setbacks, and requiring submittal of certain management and safety plans?

DIRECTION NEEDED FROM COUNCIL
X Action
X Discussion
X Information

On July 18, 2005, Council concluded its deliberations on virtually all suggested revisions and directed staff to incorporate certain suggested revisions into the updated draft temporary encampment ordinance that had been presented to Council for discussion. Staff has prepared a newly updated draft ordinance based on that Council direction (Attachment A) [*Note: Attachment A was not available for inclusion in this Packet at time of printing. It will be posted on the City's website at www.cityofbellevue.org under What's New by close of business on July 22, and copies will be available at the City Clerk's Office on July 25th and at the July 25, 2005 Study Session].* At the end of the July 18th study session, Councilmembers raised several issues for which additional information or options were requested. As to these issues, no consensus was reached by Council that changes to the ordinance were necessary:

- Limiting Temporary Encampment Host definition to religious institutions and making any other changes needed for consistency with this revised definition, if any. The impact of this change would be to limit temporary encampments only to those hosted or sponsored by religious institutions.
- Revising the definition of Encampment Manager to clarify whether encampment residents may operate as the "Encampment Manager" under the proposed ordinance. [Note: The updated draft ordinance currently provides that an Encampment Host must always apply for a permit and is responsible, along with any Manager and Sponsor, to comply with all permit conditions.]
- Referencing that the Temporary Encampment location is a fixed residence.
- Limiting those communicable diseases that trigger the Ordinance's reporting requirements. A list of those conditions that King County considers to be communicable diseases may be found at http://www.metrokc.gov/health/prevcont/index.htm

BACKGROUND/ANALYSIS

On May 17, 2005, staff presented a preliminary draft ordinance regulating temporary encampments as an administrative conditional use in all land use districts in Bellevue. The Council held two public hearings on the draft ordinance, suggested revisions and the record. On June 6, 2005, there was a public hearing on the draft ordinance and on July 5, 2005 there was a public hearing on suggested revisions to the draft ordinance and the record of documents addressing temporary encampments.

COUNCIL PRELIMINARY DIRECTION ON SUGGESTED REVISIONS TO THE PROPOSED ORDINANCE

As a result of review of the record and feedback received since the preliminary draft ordinance was presented on May 17, suggested revisions to the ordinance were presented for public and Council review and consideration at multiple Council meetings. On July 18, 2005, staff presented Council with an updated draft ordinance that incorporated certain suggested revisions on which the Council reached consensus on July 11, 2005. On July 18, Council reached consensus on further suggested revisions. The suggested revisions agreed to on the 18th are highlighted by either underscored or lined-out text in the newly updated draft ordinance (Attachment A).

The suggested revisions on which Council reached consensus on July 18are:

- Recital referencing guidance for health and safety regulations for Temporary Encampments.
- Recital referencing health and safety responsibilities of Hosts, Sponsors and Managers.
- Recital referencing that houses of worship are conditional uses in residential areas.
- Sections 1-10 modifying or enacting multiple Land Use Code provisions to create a new Process V with no administrative appeal from the Director's decision, and new public notice, public meeting and public comment period requirements. [Note: as a result of this change, the substantive regulations addressing temporary encampments were moved from Section 20.20.840 to a new part 20.30U of the Land Use Code].
- Modified existing provisions to provide an 18 month interval between a Temporary Encampment locating at the same site.
- Modified existing provisions to provide for possible setback exemption of no less than 20 feet upon a showing of substantial burden, and to require a view obscuring fence with designated ingress and egress point.
- Modified existing provisions to require the Encampment Host to obtain identification of prospective residents and keep a log of residents and deleted requirement of background checks on obtained identification. Background checks may be a component of the required management plan (see below).
- Modified existing provisions to address adequacy of water supply requirements.
- Modified existing provisions to address number (1 per 15 residents) and placement of hand washing sinks and number of showerheads (1 per 40 residents).
- Clarified provisions regarding hand washing sinks adjacent to toilets.
- Clarified alternative means of substantial compliance with health and safety regulations.
- Clarified Host must meet and confer with known child day cares in addition to other schools.
- Added a requirement of a Management Responsibility Plan upon application that addresses security, liability, insurance and exemption issues related to the Temporary Encampment; requires consultation with the Bellevue Police Department and host responsibilities related to the public meeting.
- Added a specified site plan requirement.
- Added availability of petition to request exemption from conditions applicable to Temporary Encampments upon showing of substantial burden.
- Added specified Director decision criteria.

ALTERNATIVES

1. Provide direction to staff on any changes to the updated draft ordinance and adopt final ordinance; or
2. Provide alternative direction to staff.

RECOMMENDATION

1. Provide direction to staff on any changes to the updated draft ordinance and adopt final ordinance.

ATTACHMENT(S)

Attachment A – Updated Draft Ordinance (Attachment A was not available for inclusion in this Packet at time of printing. It will be posted on the City's website at *www.cityofbellevue.org under What's New* by close of business on July 22, 2005 and copies will be available at the City Clerk's Office on July 25th and at the July 25, 2005 Study Session.)

AVAILABLE IN COUNCIL OFFICE FOR REVIEW

File No. 05-110045 AD (City of Bellevue Code Amendment File)

0804-ORD
07/26/05

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5615

AN ORDINANCE amending the Bellevue Land Use Code to allow for the permitting of Temporary Encampments while assuring the health, safety and welfare of all residents of those Encampments and of the citizens of Bellevue; amending Sections 20.35.015, 20.35.045, 20.35.070, 20.35.080, 20.35.200, 20.35.250, 20.50.018, and 20.50.048 of the Bellevue Land Use Code; creating a new Part 20.30U and creating new Sections 20.35.500, 20.35.510, 20.35.520, 20.35.525, 20.35.530, 20.35.535, 20.35.540 of the Bellevue Land Use Code; and establishing an effective date.

WHEREAS, the City recognizes that homelessness is a problem within King County; and

WHEREAS, the City has taken and will continue to take steps to alleviate the problems of homelessness within the City and throughout King County; including the provision of shelter and the funding of affordable housing; and

WHEREAS, the City finds that while Temporary Encampments may provide an interim measure of relief from homelessness, Temporary Encampments are not permanent solutions to the problem, nor are they intended to be; and

WHEREAS, the City has determined that temporary accommodations must be safe and sanitary, and finds guidance in state and local laws, regulations, and practices pertaining to health and safety; and

WHEREAS, the City finds that residents of Temporary Encampments have an equal right to safe, healthy and sanitary conditions; and

WHEREAS, the City finds that hosts, sponsors and managers of Temporary Encampments have a responsibility to assure the health and safety of Temporary Encampment residents, as well as the surrounding community; and

WHEREAS, in other jurisdictions through legislation, permitting, and court orders, Temporary Encampments have been subject to health and safety regulations, codes of conduct, zoning laws, and other conditions; and

WHEREAS, the City has a compelling interest in the protection of the health and safety of all of its residents, as well as the enforcement of its zoning laws; and

WHEREAS, many houses of worship are conditional uses that are located in residential areas throughout the City; and

ORIGINAL

WHEREAS, the recent history of Temporary Encampments in other jurisdictions, including the Cities of Bothell, Woodinville, and Kirkland, demonstrates a critical need for public involvement in the process of permitting and siting Temporary Encampments, including adequate notice to the surrounding community, an opportunity for community members to comment upon the application and to exercise their fundamental right to petition the government, and an opportunity for review and processing of a permit by City staff; and

WHEREAS, the City's Comprehensive Plan supports establishing and enforcing land use regulations to further a variety of goals, including ensuring compatibility between adjacent land uses, protecting public health and safety, and including public participation in land use actions; and

WHEREAS, the City Council held public hearings on June 6, 2005 and July 5, 2005, with regard to this proposed Land Use Code amendment; and

WHEREAS, the City Council finds that the amendments to the Land Use Code contained in this ordinance satisfy the decision criteria established in LUC 20.30J.135; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new Part 20.30U is hereby added to the Land Use Code as follows:

20.30U Temporary Encampment Permit

20.30U.110 Scope

This Part establishes the exclusive procedure and criteria that the City will use in making a decision upon an application to permit a Temporary Encampment.

20.30U.115 Applicability.

This Part 20.30U applies to each application for a Temporary Encampment Permit within the City. The requirements of this Part shall be imposed at the initiation of any Temporary Encampment use, and upon any addition or modification to a Temporary Encampment use.

20.30U.120 Who may apply.

Temporary Encampments shall not be permitted within the City except as an accommodation of religious exercise by an Encampment Host, Encampment Sponsor, or Encampment Manager. Each Encampment Host, Encampment Manager and Encampment Sponsor of a Temporary Encampment shall jointly apply for a permit under

ORIGINAL

this Part 20.30U, and shall jointly certify compliance with all applicable use requirements and conditions of this Part in the application.

20.30U.121 Submittal Requirements.

A. Prior to or upon filing their application for a Temporary Encampment Permit, the Encampment Host, Encampment Sponsor and Encampment Manager shall prepare an Encampment Management Responsibility Plan, which shall be included with their permit application. An application that does not contain an Encampment Management Responsibility Plan shall not be considered complete. The Encampment Management Responsibility Plan shall include the following:

1. A description of the security measures that the Encampment Host, Encampment Sponsor and Encampment Manager intend to employ at the Encampment site, including criteria for rejection as a resident, a code of conduct, neighborhood security patrols, if any, whether and how they will implement outstanding warrant or registered sex offender background checks, and whether and how any Temporary Encampment residents or prospective residents may be ejected from the Temporary Encampment based on the results of such checks.

2. A description of any applicable liability and management agreements, obligations, or policies of insurance held by or entered between the Encampment Host, Encampment Sponsor, or Encampment Manager, as well as copies of any such agreements, obligations or policies.

3. A description of any requested exemptions sought pursuant to LUC 20.30U.125(A)(8)(a), 20.30U.125(A)(11(k), or 20.30U.127, and a description of the manner in which the proposed exemptions satisfy the criteria of the exemption provision and this ordinance.

4. A transportation plan demonstrating compliance with LUC 20.30U.125(A)(6).

5. A proposed site plan.

6. A street address which, for the duration of the Temporary Encampment, shall be considered the permanent and fixed address of each individual while residing at the Temporary Encampment.

20.30U.122 Applicable Procedures.

A Temporary Encampment Permit is a Process V decision. In addition to the requirements for Process V in Part 20.35, the following additional procedures apply:

A. Public meeting required. The director shall hold an informational public meeting. The meeting shall comply with the requirements of LUC 20.35.525. Prior to the public meeting, the Encampment Host shall meet and confer with the Bellevue Police Department regarding the proposed security measures. At the public meeting, a representative of the Encampment Host shall present in writing and describe the

ORIGINAL

proposed Encampment Management Responsibility Plan, and any input or comment received on the plan, including any comment or input from the Bellevue Police Department, or comment or input from schools and/or child care services under LUC 20.30U.122(B). The public meeting shall be attended by all applicants of the proposed Temporary Encampment Permit.

B. Additional mailed notice. The requirements for mailed notice of the application set forth in LUC 20.35.510 shall be expanded to include owners of real property within 600 feet of the project site. Prior to the decision of the Director on a Temporary Encampment Permit, the Encampment Host, Encampment Sponsor, or Encampment Manager, shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the proposed Temporary Encampment site, and shall meet and confer with the operators of any known child care service within 600 feet of the boundaries of the proposed Temporary Encampment site. The Encampment Host and the school administration and/or child care service operator shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a Temporary Encampment within 600 feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the Director for consideration for inclusion within the Temporary Encampment Permit. In the event the parties fail to agree on any conditions, either party may provide the Director with a written summary of the parties' discussions, which the Director may consider in evaluating whether the criteria for the Temporary Encampment Permit are met, or the need for additional conditions upon the Temporary Encampment Permit based on the applicable decision criteria.

C. The applicant shall provide notice of the application by posting two signs or placards on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The Director shall establish standards for size, color, layout, design, wording, placement, and timing of installation and removal of the signs or placards.

20.30U.125 Use Requirements.

A. The following requirements apply to each Temporary Encampment:

1. The Encampment Host, Encampment Sponsor, and Encampment Manager must demonstrate that the proposed use meets the definition of a Temporary Encampment, as set out in LUC 20.50.048.

2. The Encampment Host, Encampment Sponsor, and Encampment Manager shall ensure enforcement of a Code of Conduct at the Temporary Encampment site. The Code of Conduct shall be in substantially the following form or address the following issues:

a. Possession or use of illegal drugs is not permitted.

b. No alcohol is permitted.

c. No weapons are permitted.

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d. All knives over 3 and one-half inches must be turned into the Encampment Manager for safekeeping.

e. No violence is permitted.

f. No open flames are permitted.

g. No trespassing into private property in the surrounding neighborhood is permitted.

h. No loitering in the surrounding neighborhood is permitted.

i. No littering on the Temporary Encampment site or in the surrounding neighborhood is permitted.

j. A trash patrol in the surrounding neighborhood is required every other day.

Nothing within this Section shall prohibit the Encampment Host, Encampment Sponsor or Encampment Manager from imposing and enforcing additional Code of Conduct conditions not otherwise inconsistent with this Section.

3. The maximum number of residents at a Temporary Encampment site shall be determined taking into consideration site conditions, but shall in no case be greater than one hundred at any one time. Any proposed site shall be of sufficient size to support the activities of the Temporary Encampment without the overcrowding of residents or any intrusion into required setbacks . In determining the maximum occupancy of a Temporary Encampment, the Director shall consider the square footage of the Encampment Site; the number of proposed Temporary Enclosures; the number of required or proposed bathing, food handling, hand washing, laundry, and toilet facilities; required setbacks; and the ongoing use of the site by the Encampment Host. The City shall impose a condition on the Temporary Encampment Permit for the Encampment limiting the number of residents or occupants to the number determined pursuant to this subsection. Any increase in the number of residents or occupants beyond that applied for by the applicants and included in the Temporary Encampment Permit shall require a revision to the Temporary Encampment Permit, which shall be processed as a new application.

4. The duration of a Temporary Encampment at any specific location shall not exceed 60 days at any one time, provided that, in the event the final day of this period falls upon a Friday, up to an additional two days shall be allowed to dismantle and remove the Temporary Encampment as necessary.

5. A Temporary Encampment may be located at the same site no more than once every 18 months.

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6. A Temporary Encampment shall be within one half mile of a public transportation stop, or the Encampment Sponsor, Encampment Host or Encampment Manager shall otherwise demonstrate the ability for Temporary Encampment occupants to obtain access to the nearest public transportation stop through van or car pools provided by the Encampment Host, Encampment Sponsor, or Encampment Manager. During hours when public transportation is not available, the Encampment Sponsor, Encampment Host, or Encampment Manager shall also make transportation available to anyone who is rejected from or ordered to leave the Temporary Encampment.

7. On-site parking spaces of the Encampment Host shall not be displaced unless the required minimum parking remains available for the Encampment Host's use, as set forth in LUC 20.20.590. The Host may provide shared parking pursuant to LUC 20.20.590.I, or off-site parking pursuant to LUC 20.20.590.J, to satisfy minimum parking requirements.

8. The perimeter of a Temporary Encampment must be buffered from surrounding properties as follows:

a. The Temporary Encampment, as measured from the Temporary Encampment perimeter, shall meet the minimum setback requirements applicable to the Encampment Host in the underlying Land Use District; provided that, no Temporary Encampment setback shall be less than 20 feet; and provided further that the Encampment Host, Encampment Sponsor, or Encampment Manager may petition the Director for a reduction of setback requirements applicable to the Encampment Host in the underlying Land Use District to no less than 20 feet. In considering whether a reduction should be granted, the Director may consider whether the minimum setback requirements applicable to the Encampment Host in the underlying Land Use District, if applied to the Temporary Encampment, would substantially burden the siting or hosting of a Temporary Encampment at a particular location or by a particular Encampment Host, Encampment Sponsor, or Encampment Manager and may consider the effects on health and safety of residents and the community should the reduction be granted.

b. The Temporary Encampment shall be surrounded by a view obscuring fence or equivalent solid structure, which in no event shall be less than six feet high. The perimeter surrounding the Temporary Encampment shall have a single designated point for ingress or egress, consistent with applicable fire and other safety regulations.

9. The Encampment Host, Encampment Sponsor and Encampment Manager shall not permit children under the age of eighteen to stay overnight in a Temporary Encampment, unless circumstances prevent a more suitable overnight accommodation for the child and parent or guardian. If a child under the age of eighteen, either alone or accompanied by a parent or guardian, attempts to stay overnight, the Encampment Host, Encampment Sponsor or Encampment Manager shall endeavor to find alternative shelter for the child and any accompanying parent or guardian.

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10. The Encampment Host, Encampment Sponsor or Encampment Manager shall take all reasonable and lawful steps to obtain verifiable identification, such as a valid driver's license, government issued identification card, military identification card, or passport, from all prospective and current residents of a Temporary Encampment. The Encampment Host, or a third party approved by the Director, shall retain a log of all overnight residents of the Temporary Encampment, including names and dates.

11. The Encampment Host, Encampment Sponsor or Encampment Manager shall assure compliance with the following health and safety regulations. References to the application of local ordinances and regulations shall include the Codes and Regulations of King County and the City of Bellevue. All references are to regulations, ordinances and codes now or as hereafter amended:

a. Water Supply

The Encampment Host, Encampment Manager or Encampment Sponsor must:

i. Provide access to hot and cold water for drinking, cooking, and bathing purposes. The Temporary Encampment water supply must be adequate to meet the needs of all residents of the Temporary Encampment, and must be located in a manner that provides access to water adjacent to food preparation, toilet and bathing facilities.

ii. Prohibit the use of common drinking cups or containers from which water is dipped or poured.

iii. When water is unsafe for drinking purposes and accessible to residents, post a sign by the source reading "DO NOT DRINK. DO NOT USE FOR WASHING. DO NOT USE FOR PREPARING FOOD."

b. Sewage & Wastewater Disposal

The Encampment Host, Encampment Manager and Encampment Sponsor must:

i. Provide for sewage and wastewater disposal in accordance with the Codes and regulations of local health jurisdictions.

ii. Assure that all portable toilets comply with King County Code Section 8.20.

c. Electricity & Lighting

The Encampment Host, Encampment Manager or Encampment Sponsor must ensure that all electrical wiring, fixtures and electrical equipment must comply with the electrical standards of the department of labor and industries regulations, chapter 19.28 RCW, and local ordinances, and be maintained in a safe condition.

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d. Hand Washing and Bathing

An Encampment Host, Encampment Manager or Encampment Sponsor must:

i. Provide one hand wash sink for every fifteen persons. At least two hand wash sinks must be adjacent to toilets, and at least one hand wash sink must be adjacent to food preparation facilities. Other hand wash sinks may be located throughout the Temporary Encampment site for general use.

ii. Provide one showerhead for every forty persons.

iii. Provide all showers, baths, or shower rooms with floor drains to remove wastewater.

iv. Provide cleanable, nonabsorbent waste containers.

v. Maintain bathing and hand washing facilities in a clean and sanitary condition, cleaned at least daily.

vi. Make showers and bathing facilities available when needed.

e. Toilets

The Encampment Host, Encampment Manager or Encampment Sponsor must meet the following requirements:

i. Provide the following toilet facilities:

(A) One toilet, including portable toilets, for every fifteen persons;

(B) Hand washing sinks adjacent to toilets, as provided in LUC 20.30U.125.A.11.d above;

(C) For each toilet facility, either a window of at least six square feet opening directly to the outside or satisfactory ventilation; and

(D) For each toilet facility, all outside openings screened with sixteen-mesh material.

ii. Maintain toilets in a clean and sanitary condition, cleaned at least daily.

f. Cooking and Food Handling

In common food-handling areas, the Encampment Host, Encampment Manager or Encampment Sponsor must provide:

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i. An enclosure, adequate in size, separate from any sleeping quarters;

ii. No direct openings to living or sleeping areas from the common food-handling area;

iii. Sinks with hot and cold running potable water, as provided in LUC 20.30U.125.A.11.d above;

iv. Nonabsorbent, easily cleanable food preparation counters situated off the floor;

v. When perishable food will be in place, mechanical refrigeration conveniently located and able to maintain a temperature of forty-five degrees Fahrenheit or below.

g. Maintenance of Bedding

The Encampment Host, Encampment Manager or Encampment Sponsor must maintain bedding, if provided by the Encampment Host, Encampment Manager or Encampment Sponsor, in a clean and sanitary condition.

h. Refuse Disposal

The Encampment Host, Encampment Manager or Encampment Sponsor must:

i. Comply with local sanitation codes for removing and disposing of refuse from housing areas.

ii. Protect against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse.

iii. Store refuse in fly-tight, rodent-tight, impervious, and cleanable or single-use containers.

iv. Keep refuse containers clean.

v. Provide a container on a wooden, metal, or concrete stand within one hundred feet of each dwelling unit.

vi. Empty refuse containers at least twice each week, and when full.

i. Insect and Rodent Control

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The Encampment Host, Encampment Manager or Encampment Sponsor must take effective measures to prevent and control insect and rodent infestation.

j. Disease Prevention and Control

The Encampment Host, Encampment Manager or Encampment Sponsor must:

i. Report immediately to Seattle & King County Public Health the name and address of any occupant known to have or suspected of having a communicable disease, as now or hereafter designated by Seattle & King County Public Health.

ii. Report immediately to Seattle & King County Public Health:

(A) Suspected food poisoning;

(B) Unusual prevalence of fever, diarrhea, sore throat, vomiting, or jaundice; or

(C) Productive cough, or when weight loss is a prominent symptom among occupants.

iii. Prohibit any individual with a communicable disease, as now or hereafter designated by Seattle & King County Public Health, from preparing, cooking, serving, or handling food, foodstuffs, or materials in dining halls.

k. Substantial Compliance

An Encampment Host, Encampment Sponsor, or Encampment Manager may petition the Director for an exemption from particular provisions of this LUC 20.30U.125.A.11 upon a showing of substantial compliance or alternative means of compliance. Alternative means of compliance may include the following: (1) Use of facilities already available on the Encampment Host site or within the Encampment Host's facilities (such as preexisting indoor or outdoor hand washing, toilet, or shower facilities); (2) Use of facilities located sufficiently near the Encampment Host Site so as to adequately address the health and safety of Encampment residents (such as adjacent public toilet, shower or hand washing facilities); (3) Use of alternative means to assure the health and safety of both the Temporary Encampment residents and surrounding neighborhood residents, occupants and users. In considering whether an exemption should be granted, the Director may consider whether the provision or provisions of LUC 20.30U.125.A.11 at issue, if applied to the Temporary Encampment, would substantially burden the siting or hosting of a Temporary Encampment at a particular location or by a particular Encampment Host, Encampment Sponsor, or Encampment Manager.

12. Exterior lighting shall be shielded or recessed so that direct glare and reflections are contained within the Temporary Encampment, and shall also be directed

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downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures utilized at Temporary Encampments shall be appropriate in scale, intensity, and height to the use that they are serving.

20.30U.127 Hardship Exception.

An Encampment Host, Encampment Sponsor, or Encampment Manager may petition the Director for an exception from any of the specific Use Requirements of LUC 20.30U.125 upon grounds of hardship. In considering whether a hardship exception should be granted, the Director may consider whether the provision or provisions at issue substantially burden the siting or hosting of a Temporary Encampment at a particular location or by a particular Encampment Host, Encampment Sponsor, or Encampment Manager and the effects on health and safety of residents and the community should the exception be granted.

20.30U.130 Decision Criteria.

The Director may approve or approve with modifications an application for a Temporary Encampment Permit if:

A. The Temporary Encampment complies with the Use Requirements set out in LUC 20.30U.125, and other applicable requirements of this Code; and

B. The Temporary Encampment will not be materially detrimental to the public health, safety or welfare of the Temporary Encampment residents or the surrounding community; and

C. The imposition of a condition under which the City reserves the right to impose additional conditions or to reconsider the Temporary Encampment Permit within a certain timeframe from approval date, based on complaints filed with the City.

20.30U.135 Revocation of Temporary Encampment Permit.

Upon determination that there has been a violation of any decision criteria or condition of approval, the Director may give written notice to the permit holder describing the alleged violation. Within 14 days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the 14-day period, the Director shall sustain or revoke the permit. When a Temporary 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. Appeals of decisions to revoke a Temporary Encampment permit will be processed using the Process V appeal procedures. This availability of this procedure shall be in addition to the procedures set out in BCC Chapter 1.18.

Section 2. Section 20.35.015 of the Bellevue Land Use Code is hereby amended as follows:

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20.35.015 Framework for decisions.

A. Land use decisions are classified into five processes based on who makes the decision, the amount of discretion exercised by the decisionmaker, the level of impact associated with the decision, the amount and type of public input sought, and the type of appeal opportunity.

B. Process I decisions are quasi-judicial decisions made by the Hearing Examiner on project applications. The following types of applications require a Process I decision:

1. Conditional Use Permits (CUPs) and Shoreline Conditional Use Permits;

2. Preliminary Subdivision Approval (Plat);

3. Planned Unit Development (PUD) Approval; and

4. Protected Area Development Exception (PADE);

provided, that applications for CUPs, shoreline CUPs, preliminary plats, PUDs, and PADEs within the jurisdiction of a Community Council pursuant to RCW 35.14.040 shall require a Process III decision.

C. Process II decisions are administrative land use decisions made by the Director. Threshold determinations under the State Environmental Policy Act (SEPA) made by the Environmental Coordinator and Sign Code variances are also Process II decisions unless otherwise provided in this Title 20 or in the Environmental Procedures Code. (See the Environmental Procedures Code, BCC 22.02.034 and Sign Code, BCC 22B.10.180.) The following types of applications require a Process II decision:

1. Administrative Amendments;

2. Administrative Conditional Use;

3. Design Review;

4. Home Occupation Permit;

5. Interpretation of the Land Use Code;

6. Preliminary Short Plat;

7. Shoreline Substantial Development Permit;

8. Variance and Shoreline Variance;

9. Small Lot Protected Area Development Exception; and

10. Review under State Environment Policy Act (SEPA) when not merged with any Process IV or Process V decision.

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D. Process III decisions are quasi-judicial decisions made by the City Council. The following types of applications require a Process III decision:

1. Site-specific or project-specific rezone;

2. Conditional Use, Shoreline Conditional Use, Preliminary Plat, Planned Unit Development, and Protected Area Development Exception projects subject to the jurisdiction of a Community Council pursuant to RCW 35.14.040;

3. Master Development Plans for Institutional Uses; and

4. A rezone of any property to the OLB-OS Land Use District designation.

E. Process IV decisions are legislative nonproject decisions made by the City Council under its authority to establish policies and regulations regarding future private and public development and management of public lands. The following are Process IV decisions:

1. Consideration of suggestions for amendments to the Comprehensive Plan (Annual Docket Adoption);

2. Amendments to the text of the Land Use Code or Comprehensive Plan;

3. Amendments to the Comprehensive Plan Map;

4. Amendments to the Zoning Map (rezones) on a citywide or areawide basis.

F. Process V decisions are administrative land use decisions made by the Director, for which no administrative appeal is available. The following are Process V decisions:

1. Temporary Encampment Permits.

G. Other types of land use applications and decisions made by the Director, including those set forth below, are minor or ministerial administrative decisions, exempt from the above land use processes. Notice and an administrative appeal opportunity are not provided. LUC 20.35.020 through 20.35.070, however, apply to all land use applications.

1. Boundary Line Adjustment;

2. Final Plat (also requires Hearing Examiner approval prior to recording);

3. Final Short Plat;

4. Land Use Exemption;

5. Temporary Use Permit;

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6. Vendor Cart Permit;

7. Requests for Reasonable Accommodation as defined by Part 20.30T LUC.*

**Not effective within the jurisdiction of the East Bellevue Community Council.*

Section 3. Section 20.35.045 of the Bellevue Land Use Code is hereby amended as follows:

20.35.045 Land use decisions – When final.

When a decision is made to approve, conditionally approve, or deny an application, the applicant shall be notified. Process V decisions and minor or ministerial administrative land use decisions that are not subject to administrative appeal shall be final at the time of the Director's decision that the application conforms to all applicable codes and requirements. Process I decisions are final upon expiration of any applicable City administrative appeal period, or if appealed, on the date of the City Council's final decision on the application. Process II decisions are final upon expiration of any applicable City administrative appeal period, or, if appealed, on the day following issuance of a final City decision on the administrative appeal. Process III and IV decisions are final on the date of the City Council's final decision or action on the application or proposal, subject to LUC 20.35.355.G, 20.35.365 and 20.35.450 regarding Community Council jurisdiction.

Section 4. Section 20.35.070 of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.070 Appeal of City land use decisions to Superior Court.

A. General. A final City decision on a land use permit application (Processes I – III and V), except for shoreline permits, may be appealed to Superior Court by filing a land use petition meeting the requirements set forth in Chapter 36.70C RCW. The petition must be filed and served upon all necessary parties as set forth in state law and within the 21-day time period as set forth in RCW 36.70C.040. Notwithstanding the provisions of this paragraph, the time for filing an appeal of a final Process II land use action that has been merged with a Process I or III application will be tolled until the Process I or III decisions are final. Requirements for fully exhausting City administrative appeal opportunities, if any are available, must be fulfilled. An appeal of a Shoreline Substantial Development Permit, a Shoreline Conditional Use Permit, or a shoreline variance shall be to the State Shoreline Hearings Board and shall be filed within 21 days as set forth in RCW 90.58.180.

B. A final City action on a legislative nonproject land use proposal (Process IV) may be appealed by petition to the Growth Management Hearings Board as set forth in LUC 20.35.440.C and RCW 36.70A.290.

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Section 5. Section 20.35.080 of the Bellevue Land Use Code is hereby amended as follows:

20.35.080 Merger of Certain Decisions.

A. Process I and III and Process II, Including SEPA threshold determinations. When a single project includes a combination of Process I, Process II, including the SEPA threshold determination associated with the Process I or III action and/or Process III land use applications, review of the project shall combine review of the Process I, Process II, and Process III components. A consolidated report setting forth the Process I and/or Process III recommendation of the Director and the Process II decisions will be issued.

B. SEPA Threshold Determination with Process IV or Process V Decisions. The SEPA threshold determination associated with a Process IV or Process V action shall be merged with the Process IV and Process V action, and processed according to the notice, decision, appeal and other procedures set forth in LUC Sections 20.35.400 to 20.35.450 (Process IV) or LUC Sections 20.35.500 to 20.35.540 (Process V).

Section 6. Section 20.35.200.B of the Bellevue Land Use Code is hereby amended as follows:

B. If required by the State Environmental Policy Act (SEPA), a threshold determination will be issued by the Environmental Coordinator. The threshold determination is also a Process II decision, except as set forth in LUC 20.35.015.C, and may be issued in conjunction with the Director's decision on the accompanying land use decision. If an Environmental Impact Statement (EIS) is required, however, the threshold determination will be issued early and the EIS will be completed prior to the issuance of the accompanying land use decision. If the requirement to prepare an EIS or a supplemental EIS is appealed by the applicant, that appeal will be resolved prior to the issuance of the land use decision. (See 22.02.031 and 22.02.160 regarding timing of issuance of the threshold determination.)

Section 7. Section 20.35.250.C of the Bellevue Land Use Code is hereby amended as follows:

C. SEPA Threshold Determinations on Process IV and Process V Actions.

1. Process IV. An appeal of a SEPA threshold determination on a Process IV action shall be filed together with an appeal of the underlying Process IV action. The appeal shall be by petition to the Growth Management Hearings Board and shall be filed within the 60-day time period set forth in RCW 36.70A.290.

2. Process V. An appeal of a SEPA threshold determination on a Process V action shall be filed together with an appeal of the underlying Process V action. The appeal shall be as set forth in LUC 20.35.070 and 20.35.540.

Section 8. A new Section 20.35.500 is hereby added to the Land Use Code as follows:

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20.35.500 Process V: Administrative decisions with no administrative appeal.

A. LUC 20.35.500 through 20.35.540 contain the procedures the City will use in implementing Process V. A Process V land use decision is an administrative decision made by the Director of the Department of Planning and Community Development. Process V applications go through a period of public notice and an opportunity for public comment. A public meeting may be held for Process V applications where required for each type of Process V application. The Director then makes a decision based upon the decision criteria set forth in the Code for each type of Process V application. Public notice of the decision is provided, but there is no opportunity for administrative appeal of the decision.

B. If required by the State Environmental Policy Act (SEPA), a threshold determination will be issued by the Environmental Coordinator. The threshold determination for an underlying Process V application is also a Process V decision, and may be issued in conjunction with the Director's decision on the accompanying land use decision. If an Environmental Impact Statement (EIS) is required, however, the threshold determination will be issued early and the EIS will be completed prior to the issuance of the accompanying land use decision. If the requirement to prepare an EIS or a supplemental EIS is appealed by the applicant, that appeal will be resolved prior to the issuance of the land use decision.

Section 9. A new Section 20.35.510 is hereby added to the Land Use Code as follows:

20.35.510 Notice of application.

A. Notice of application for Process V land use decisions shall be provided within 14 days of issuance of a notice of completeness pursuant to the requirements of this section. See additional noticing requirements in LUC 20.30U.122 for Temporary Encampment Permits.

B. The Director shall provide notice of the application as follows:

1. Publication of the project description, location, types of City permits or approvals applied for, date of application and location where the complete application file may be reviewed, in a newspaper of general circulation in the City.

2. Mailed notice to owners of real property within 300 feet of the project site including the following information:

a. The date of application;

b. The project description and location;

c. The types of City permit(s) or approval(s) applied for;

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d. The Director may, but need not, include other information to the extent known at the time of notice of application, such as: the identification of other City permits required, related permits from other agencies or jurisdictions not included in the City permit process, the dates for any public meetings, identification of any studies requested for application review, any existing environmental documents that apply to the project, and a statement of the preliminary determination, if one has been made, of those development regulations that will be used for project mitigation.

3. Mailed notice of the application including at least the information required in paragraph B.2 of this section to each person who has requested such notice for the calendar year and paid any fee as established by the Director. This mailing shall also include all members of a Community Council and a representative from each of the neighborhood groups, community clubs, or other citizens' groups who have requested notice of land use activity. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

Section 10. A new Section 20.35.520 is hereby added to the Land Use Code as follows:

20.35.520 Minimum comment period.

A. The Notice of Application shall provide a minimum comment period of 14 days. The Director's decision on a Process V application will not be issued prior to the expiration of the minimum comment period.

B. Comments should be submitted to the Director as early in the review of an application as possible and should be as specific as possible.

C. The Director may accept and respond to public comments at any time prior to making the Process V decision.

D. For projects requiring review under the State Environmental Policy Act (SEPA), a single comment letter may be submitted to the Director or the Environmental Coordinator addressing environmental impacts as well as other issues subject to review under the approval criteria for the Process V decision.

Section 11. A new Section 20.35.525 is hereby added to the Land Use Code as follows:

20.35.525 Public meetings.

The Director may require the applicant to participate in a public meeting to inform citizens about a proposal. When required, public meetings shall be held as early in the review process as possible for Process V applications. For projects located within the boundaries of a Community Council, the public meeting may be held as part of that Community Council's regular meeting or otherwise coordinated with that Council's meeting schedule. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

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Section 12. A new Section 20.35.530 is hereby added to the Land Use Code as follows:

20.35.530 Director's decision.

A written record of the Process V decision shall be prepared in each case. The record may be in the form of a staff report, letter, the permit itself, or other written document and shall indicate whether the application has been approved, approved with conditions or denied. The Director's decision shall be based on the applicable Land Use Code decision criteria, shall include any conditions to ensure consistency with such decision criteria and with City development regulations, and may include mitigation measures proposed under the provisions of the State Environmental Policy Act (SEPA).

Section 13. A new Section 20.35.535 is hereby added to the Land Use Code as follows:

20.35.535 Notice of decision.

A. Public notice of all Process V decisions shall be published in a newspaper of general circulation.

B. The Director shall mail notice of the decision to each person who submitted comments during the public comment period or at any time prior to issuance of the decision and who provided an adequate address for mailing.

C. The Director shall mail notice to each person who has requested such notice and paid any fee as established by the Director. Included in this mailing shall be all members of a Community Council and a representative from each of the neighborhood groups, community clubs, and other citizens' groups who have requested regular notice of land use decisions. As an alternative to mailing notice to each such person, notice may be provided by electronic mail only, when requested by the recipient.

Section 14. A new Section 20.35.540 is hereby added to the Land Use Code as follows:

20.35.540 Appeal of Process V decisions.

The Director of Planning and Community Development's decision regarding a Process V application may be appealed to Superior Court pursuant to LUC 20.35.070. An appeal of a SEPA Threshold Determination on a Process V action shall be filed together with an appeal of the underlying Process V action.

Section 15. Section 20.50.018 of the Bellevue Land Use Code is hereby amended by the addition of the following new definitions:

"Encampment Manager" shall mean an individual, group, organization, or entity that organizes, manages or operates a Temporary Encampment. An "Encampment

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Manager" may be the same individual, group, organization, or entity as the Encampment Host or the Encampment Sponsor of a Temporary Encampment.

"Encampment Host" shall mean the individual, group, organization, or entity (including but not limited to an owner, tenant, or lessee) that has the legal right to occupy the site of a Temporary Encampment. An "Encampment Host" may be the same individual, group, organization, or entity as the Encampment Sponsor or the Encampment Manager of a Temporary Encampment.

"Encampment Sponsor" shall mean an individual, group, organization, or entity which, in conjunction or by agreement with the Encampment Host or Encampment Manager, provides services or support on an ongoing basis for the residents of a Temporary Encampment. An "Encampment Sponsor" may be the same individual, group, organization, or entity as the Encampment Host or the Encampment Manager of a Temporary Encampment.

Section 16. Section 20.50.048 of the Bellevue Land Use Code is hereby amended as follows:

"Temporary Encampment" shall mean a transient or interim gathering or community comprised of Temporary Enclosures, which may include common areas designed to provide food, living, and sanitary services to occupants of the encampment; provided that, this definition shall not include recreational encampments of less than ten days in duration.

"Temporary Enclosures" shall mean tents and other forms of portable shelter that are not permanently attached to the ground, are intended to be erected and dismantled, and are intended for temporary outdoor occupancy. "Temporary Enclosures" shall provide protection from the elements, shall be comprised of flame-resistant material or treated with flame retardant in an approved manner, shall be elevated above and shall not allow direct contact with the bare ground, shall allow for means of unobstructed ingress and egress, shall protect against the entry of rodents and insects, and shall contain at least one window to allow for ventilation.

Section 17. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the or the application of the provision to other persons or circumstances shall not be affected.

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0804-ORD
07/26/05

Section 18. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 25th day of July, 2005, and signed in authentication of its passage this 26th day of July, 2005.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Approved as to form:

Lori M. Riordan
Lori M. Riordan, City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

Published July 29, 2005