Homeless Encampment Ordinance

Peer City Documents

City of Bothell

Transitory Accommodations Committee Applicants

Applicant Name	Category	Representing
Bagnall, Donald	Resident	Bothell
Cowles, Paul	Resident	Bothell
Goodwin, Chuck	Resident (& city chaplain)	Bothell
Kelly, Kevin	Resident	Bothell
Milliard, Norman	Resident	Bothell
Milliard, Laurie	Resident	Bothell
Pierce, Pat	Resident	Bothell
Pyeatt, Steven	Resident	Kirkland
Riedmann, LeSan	Resident / Business	Bothell
Schnebele, Judy	Resident	Bothell
Swicord, Ron	Resident	Bothell
Cunningham, Sylvia	Faith-based organization	Bothell United Methodist
DePape, Dennis	Faith-based organization	St. Brendan
Nash, Bill	Faith-based organization	St. Brendan
Rothermel, Rev. Michael S.	Faith-based organization	First Lutheran
St. Clair, Scott	Faith based organization	First Baptist
Nading, Randy	Local schools	Heritage Christian School
Harman, Rodney	All	

Potential Categories

- Faith-based organizations
- Local schools (both public and private)
- Local business community
- Bothell residents at-large.

CITY OF BOTHELL

AGENDA BILL: #05-13
MEETING DATE: January 24, 2005

SUBJECT: APPOINTMENT OF A CITIZENS ADVISORY COMMITTEE FOR CODE AMENDMENTS CONCERNING TRANSITORY ACCOMMODATIONS INCLUDING, BUT NOT NECESSARILY LIMITED TO, TEMPORARY ENCAMPMENTS
DEPT. OF ORIGIN: Community Development Department
SUBMITTED BY: William R. Wiselogle, Community Development Director
PRESENTATION BY: Gary Hasseler, Planning Manager
A/V NEEDS: None

APPROVED FOR SUBMITTAL BY:

City Attorney	Finance Department
Department Director	City Manager

I. RECOMMENDED MOTION

1) Appoint a Citizens Advisory Committee (CAC) regarding proposed Code amendments concerning transitory accommodations including, but not necessarily limited to, temporary encampments.
2) Formally refer the potential code amendment to the Planning Commission for consideration and recommendation, with specific instructions as to the role of the CAC.

II. ATTACHMENTS

None

III. PURPOSE

To 1) appoint a Citizens Advisory Committee to study and make recommendations on proposed Code amendments concerning transitory accommodations, including but not necessarily limited to, temporary encampments, in accordance with Council direction at its September 7, 2004 meeting; and 2) formally refer the potential code amendment to the Planning Commission for consideration and recommendation.

IV. IMPACT

a) Fiscal: See Staff impacts below.

b) Staff: These Code amendments were anticipated at the end of 2004, and thus are included in the 2005 work programs of the departments expected to be most involved in this effort, which include Community Development, Legal, Police, Fire and Executive.

V. OPTIONS / ALTERNATIVES

Option 1 - See Recommended Motion on page 1.

Option 2 - Retain the amendments for Council hearing, deliberation and action.

Option 3 - Limit the Code amendments specifically to temporary encampments.

VI. LIST OF KEY POLICY ISSUES

- How many people should be on the Citizen's Advisory Committee, and what should the composition of the committee be?
- How often should the Citizen's Advisory Committee meet, and for what time period?

VII. BACKGROUND AND DISCUSSION OF KEY POLICY ISSUES

Background

On September 7, 2004 the City Council adopted an Ordinance placing a six-month moratorium on the establishment and operation of transitory accommodations, including, but not necessarily limited to, temporary encampments. The purpose of the moratorium was to provide the City time to adopt Code amendments regulating transitory accommodations. The Council also elected to form a Citizens Advisory Committee that would assist with crafting Code amendments addressing transitory accommodations. Finally, the Council stated at the time that it would retain the amendments for consideration directly by the Council, rather than referring them to the Planning Commission: however, on December 6, 2004, the Council reversed its prior position and elected to refer this item to the Planning Commission.

The moratorium on the establishment and operation of transitory accommodations came about as a result of the establishment of Tent City 4, a temporary homeless encampment that was located on property owned by St. Brendan's parish in the Maywood neighborhood between May 17 and August 15, 2004. The Council granted Tent City 4 a Special Conditional Use Permit on July 19, 2004 after it had been determined that the regulations contained in the Bothell Municipal Code (BMC) did not anticipate a use such as Tent City 4. The Council subsequently formally initiated a Code amendment to address the regulation of transitory accommodations for homeless persons, including but not necessarily limited to, temporary encampments.

As noted above, the time period of the adopted moratorium was six months, which means that it would expire in mid-March, 2005. Six months is the maximum allowed duration under state law. However, moratoria may be extended, in six month increments, if a public hearing is held and findings of fact are adopted at each extension.

On January 10th Council directed staff to advertise within the community for volunteers to serve on a Citizens Advisory Committee and to bring this item back to Council on January 24th, at which time committee members would be appointed by Council. The discussion of key policy issues below contains further discussion of the committee composition and charge.

Discussion of Key Policy Issues

- How many people should be on the Citizen's Advisory Committee, and what should the composition of the committee be?

  Council discussed the composition of the committee on January 10th and reached consensus that the committee be composed of the following groups:

  - The faith-based community;
  - Local schools, both public and private;
  - The local business community;
  - Citizens at large / neighborhoods;
  - One member of the Planning Commission.

The Council did not reach consensus on the exact number of committee members. It is anticipated that the final composition of the committee will be determined on January 24th, once the Council has received applications from the community.

Staff briefed the Planning Commission regarding formation of the committee at the Commission's meeting on January 12th, and asked the Commission to select a Commissioner to serve on the committee. The Commission indicated that they would discuss the issue at their January 19th meeting

- How often should the Citizen's Advisory Committee meet, and for what time period?

  Staff presented Council with two alternatives on January 10th to address this issue. The Council selected an alternative (Alternative B) that essentially follows the format shown below:

  - The committee meets independently once a week, for four weeks;
  - Each meeting would last no longer than two to three hours in length. This provides for a total of eight to 12 hours of meeting time. A possible alternative to this would be to hold a single, all-day "retreat" style meeting. This would limit the number of times committee members would have to be available;
  - At the conclusion of committee meetings, the committee will make a recommendation to the Planning Commission in public hearing. The Planning Commission, in turn, will make a recommendation back to Council.

While Council agreed that this alternative was the preferred format for the committee, no consensus was reached on when or how often the committee would meet. It is anticipated that these issues will be decided on January 24th.

Staff feels that it is important to re-iterate two points that were raised during the Council discussion of this item on January 10th. These are:

1. That the Citizen's Advisory Committee understand fully that the charge of the committee is to craft regulatory recommendations to

the Planning Commission regarding transitory accommodations of all possible types, and that the focus of the committee's work not rest solely on temporary homeless encampments;

2. That the Citizen's Advisory Committee meets often enough and for long enough to accomplish its charge, without burdening either committee members or staff with too many meetings. Staff recommends that Council set a target date for the committee to complete its work by, and limit the frequency of meetings to a reasonable number.

CITY OF BOTHELL

AGENDA BILL: #05-19
MEETING DATE: February 7, 2005

SUBJECT: Proposed Transitory Accommodations Code Amendments - 1) Response to concerns about membership of citizens advisory committee; and 2) Finalization of citizens advisory committee and Planning Commission scope of duties and process
DEPT. OF ORIGIN: Community Development Department
SUBMITTED BY: William R. Wiselogle, Community Development Director
PRESENTATION BY: Gary Hasseler, Planning Manager
A/V NEEDS: None

APPROVED FOR SUBMITTAL BY:

City Attorney	Finance Department
Department Director	City Manager

I. RECOMMENDED MOTION

1) Select, from the suggested options under Background, an appropriate response to concerns about membership of the Transitory Accommodations Citizens Advisory Committee (TACAC); and
2) Determine whether to direct the TACAC to focus only on homeless encampments or more inclusively on the broader category of transitory accommodations, and approve TACAC and Planning Commission charges and processes accordingly.

II. ATTACHMENTS

1. January 24, 2005 agenda bill concerning proposed Transitory Accommodations Code Amendments, previously provided.

III. PURPOSE

To determine an appropriate response to concerns about the makeup of the TACAC, and to finalize the TACAC and Planning Commission charges and processes concerning the proposed Transitory Accommodations Code Amendments.

IV. IMPACT

a) Fiscal: See Staff impacts below.

b) Staff: These Code amendments were anticipated at the end of 2004, and thus are included in the 2005 work programs of the departments expected to be most involved in this effort, which include Community Development, Legal, Police, Fire and Executive.

V. OPTIONS / ALTERNATIVES

Option 1 - See Recommended Motion on page 1.

Option 2 - Respond to concerns about TACAC membership by adopting an option other than those suggested under Background.

Option 3 - Approve TACAC and Planning Commission charges and processes other than those discussed under Background.

VI. LIST OF KEY POLICY ISSUES

- What should the final composition of the TACAC be?
- What should the TACAC's scope of duties and process include?
- What should the Planning Commission's scope of duties and process include?

VII. BACKGROUND AND DISCUSSION OF KEY POLICY ISSUES

For the origin of the proposed Transitory Accommodations Code Amendments, please see the January 24, 2005 agenda bill on this topic.

What should the final composition of the TACAC be?

Since the Council appointed the TACAC on January 24, the City has received a number of e-mails expressing concerns regarding a perceived lack of balance on the committee. Paper copies of these e-mails have been provided to Council members.

The Council at its January 31 meeting stated that it would address these concerns at its February 7 meeting.

Staff proposes for Council consideration three alternative responses to the membership concerns:

1. Make no changes - leave the committee as it is currently constituted.

2. Add one or more committee members, selecting individuals from the original applicant roster. Several e-mails recommended that two members be added.

3. Direct the committee to consider the concerns and suggestions regarding committee expansion and make a recommendation back to the Council.

These options are not exhaustive, but represent a range of approaches.

What should the TACAC's scope of duties and process include?

At its January 24 meeting the Council discussed alternative charges for the TACAC but did not reach a decision, according to staff's notes.

One charge would be to focus solely on developing regulations addressing encampments for the homeless. Under this option, the TACAC would forward to the Planning Commission proposed regulations specifically concerning homeless encampments, and the Commission would fold the TACAC's recommendations into broader deliberations which would address other types of transitory accommodations as well.

The alternative charge would be for the TACAC to conduct those more inclusive deliberations from the outset of the process.

The following recommended charge provides for TACAC consideration of regulations <u>specific to homeless encampments</u>. Should the Council favor the alternative charge (i.e., addressing <u>all</u> types of transitory accommodations), staff has included adjustments appropriate to that charge in *italics*. Per Council direction, it is envisioned that the TACAC would meet weekly in non-televised study sessions which would be open to the public but would not constitute public hearings.

Proposed TACAC scope and process:

1. Discuss and reach agreement on the meaning of "homeless encampments" and any related terms, so that all TACAC members share a common understanding of the subject of committee deliberations *(OR, Identify the range of uses which the term "transitory accommodations" might encompass).*

2. Review Bothell's and other jurisdictions' existing regulations concerning homeless encampments *(OR transitory accommodations).*

3. Review Bothell's and other jurisdictions' experiences with homeless encampments *(OR transitory accommodations).* Utilize both written reports (e.g., Woodinville account, ARCH study) and presentations by individuals involved first-hand with such uses.

4. Review the CACHE report, related documents and other applicable materials.

5. Identify the section or sections in the Bothell Municipal Code (BMC) warranting amendment to address homeless encampments *(OR transitory accommodations).* At this early stage, it appears that revisions will be warranted to BMC 11.02, Definitions, and either 12.06.110, Lodging, or 12.06.160, Temporary Uses.

6. Develop draft amendments.

7. Forward a recommendation to the Planning Commission.

What should the Planning Commission's scope of duties and process include?

Please see discussion above concerning alternative charges for the TACAC.

1. Open a public hearing concerning the proposed Code amendments.

2. Receive the recommendation of the TACAC via a written report (including proposed Code language) and oral presentation.

3. Enter the materials utilized by the TACAC as exhibits.

4. As warranted, query TACAC members regarding their research, conclusions and draft amendments.

5. Identify uses in addition to homeless encampments which might be encompassed by the term "transitory accommodations" (if TACAC charge is limited to recommending regulations specific to homeless encampments).

6. Take public testimony.

7. Seek additional information as needed.

8. Deliberate on all issues pertinent to the regulation of transitory accommodations.

9. Determine whether to recommend to the Council the Code amendments as proposed by the TACAC, or to recommend modifications or an alternative to the TACAC proposal.

10. Determine what additional amendments might be warranted to address transitory accommodations other than homeless encampments (if TACAC charge is limited to recommending regulations specific to homeless encampments).

11. Close the public hearing.

12. Develop formal Findings, Conclusions and Recommendations and finalize the proposed Code amendments.

13. Forward the Findings, Conclusions and Recommendations and proposed Code amendments to the Council.

CITY OF BOTHELL

AGENDA BILL: #05-02
MEETING DATE: January 10, 2005

SUBJECT: OPTIONS FOR FORMATION OF A CITIZENS ADVISORY COMMITTEE FOR CODE AMENDMENTS CONCERNING TRANSITORY ACCOMMODATIONS FOR HOMELESS PERSONS INCLUDING, BUT NOT NECESSARILY LIMITED TO, TEMPORARY ENCAMPMENTS
DEPT. OF ORIGIN: Community Development Department
SUBMITTED BY: William R. Wiselogle, Community Development Director
PRESENTATION BY: Gary Hasseler, Planning Manager
A/V NEEDS: None

APPROVED FOR SUBMITTAL BY:

City Attorney	Finance Department
Department Director	City Manager

I. RECOMMENDED MOTION

1) Determine the composition and responsibilities of a Citizens Advisory Committee (CAC) regarding proposed Code amendments concerning transitory accommodations for homeless persons including, but not necessarily limited to, temporary encampments.
2) Formally refer the potential code amendment to the Planning Commission for consideration and recommendation, with specific instructions as to the role of the CAC.

II. ATTACHMENTS

None

III. PURPOSE

To 1) provide for Council consideration options for creation of a Citizens Advisory Committee to study and make recommendations on proposed Code amendments concerning transitory accommodations for homeless persons, including but not necessarily limited to, temporary encampments, in accordance with Council direction at its September 7, 2004 meeting; and 2) formally refer the potential code amendment to the Planning Commission for consideration and recommendation.

IV. IMPACT

a) Fiscal: See Staff impacts below.

b) Staff: These Code amendments were anticipated at the end of 2004, and thus are included in the 2005 work programs of the departments expected to be most involved in this effort, which include Community Development, Legal, Police and Executive.

V. OPTIONS / ALTERNATIVES

Option 1 - See Recommended Motion on page 1.

Option 2 - Retain the amendments for Council hearing, deliberation and action.

Option 3 - Limit the Code amendments specifically to temporary encampments.

VI. LIST OF KEY POLICY ISSUES

- How many people should be on the Citizen's Advisory Committee, and what should the composition of the committee be?
- How often should the Citizen's Advisory Committee meet, and for what time period?

VII. BACKGROUND AND DISCUSSION OF KEY POLICY ISSUES

Background

On September 7, 2004 the City Council adopted an Ordinance placing a six-month moratorium on the establishment and operation of transitory accommodations, including, but not necessarily limited to, temporary encampments. The purpose of the moratorium was to provide the City time to adopt Code amendments regulating transitory accommodations. The Council also elected to form a Citizens Advisory Committee that would assist with crafting Code amendments addressing transitory accommodations. Finally, the Council stated at the time that it would retain the amendments for consideration directly by the Council, rather than referring them to the

Planning Commission: however, on December 6, 2004, the Council reversed its prior position and elected to refer this item to the Planning Commission.

The moratorium on the establishment and operation of transitory accommodations came about as a result of the establishment of Tent City 4, a temporary homeless encampment that was located on property owned by St. Brendan's parish in the Maywood neighborhood between May 17 and August 15, 2004. The Council granted Tent City 4 a Special Conditional Use Permit on July 19, 2004 after it had been determined that the regulations contained in the Bothell Municipal Code (BMC) did not anticipate a use such as Tent City 4. The Council subsequently formally initiated a Code amendment to address the regulation of transitory accommodations for homeless persons, including but not necessarily limited to, temporary encampments.

As noted above, the time period of the adopted moratorium was six months, which means that it would expire in mid-March, 2005. Six months is the maximum allowed duration under state law. However, moratoria may be extended, in six month increments, if a public hearing is held and findings of fact are adopted at each extension.

Discussion of Key Policy Issues

- How many people should be on the Citizen's Advisory Committee, and what should the composition of the committee be?

  The key here is to have a committee that is large enough to be representative of the various interest groups involved in the issue, but small enough to be efficient. Staff recommends a committee composed of five to seven people. Past experience with a citizens committee that worked on the update of the sign regulations has shown this number to be effective, without being unwieldy.

  Staff recommends the following composition for the committee:

  - One member representing the faith-based community;
  - One member representing local schools;
  - One member representing the local business community;
  - Two to four members representing citizens at large / neighborhoods (i.e. Bothell residents).

It is also anticipated that staff from the Community Development, Legal, Police and possibly the Fire and Executive Departments, as well as outside agencies such as A Regional Coalition for Housing (ARCH), would also attend committee meetings to act as a resource for the committee.

- How often should the Citizen's Advisory Committee meet, and for what time period?

  As with the composition of the committee, the key here is to have the committee meet often enough and for long enough to be efficient, without being wasteful of anyone's time. Staff recommends that a limit be placed on the number, regularity and length of meetings for these reasons. Presented below are two possible alternatives:

  Alternative A

  - The committee meets jointly with the Planning Commission in public hearing to formulate a recommendation for Council. The first half of Planning Commission meetings could be given over to the Transitory Accommodations Code amendments, with the second half being dedicated to other business (i.e. update of the critical areas regulations);

  This alternative would minimize the number of meetings that both committee members and staff would need to attend. As with Alternative "A", staff would recommend that a finite number of meetings be set for committee involvement.

  Alternative B

  - The committee meets independently once a week, for four weeks;
  - Each meeting lasts no longer than two to three hours in length. This provides for a total of eight to 12 hours of meeting time. A possible alternative to this would be to hold a single, all-day "retreat" style meeting. This would limit the number of times committee members would have to be available;
  - At the conclusion of committee meetings, the committee makes a recommendation to the Planning Commission in public hearing;

- If this approach is adopted, staff recommends that a member of the Planning Commission be added to the committee.

Bothell City Council

AGENDA BILL SUMMARY

Meeting Date: July 18, 2005 AB #05-122

Action Item: x Study Session Item: Special Presentation:

Subject: Public hearing and deliberations concerning proposed Transitory Accommodations Code Amendments

Budget Impact and Source of Funds: The proposed Transitory Accommodations Code Amendments are part of the 2005 Work Program and have been funded accordingly in the 2005-06 budget.

Contact Person/Department: William R. Wiselogle, Community Development Director

EXECUTIVE SUMMARY:

The Planning Commission has recommended for Council consideration proposed Transitory Accommodations Code Amendments. The Commission has forwarded the language proposed by the Transitory Accommodations Citizens Advisory Committee (TACAC) essentially intact except for some minor clarifying revisions. However, the Commission in its deliberations also identified a number of substantive concerns with the TACAC proposal, and has offered potential Code revisions to address each of these concerns (with two exceptions) so that the Council would have language to consider should it concur with the Commission's concerns.

The Commission and the TACAC both endorsed an overall approach wherein the Community Development Director would evaluate proposed transitory accommodations against a set of performance criteria. "Transitory accommodations" are defined in the proposed amendments as meaning "tents, sheds, huts, cabins, trailers or other enclosures which are not permanently attached to the ground, may be easily erected and dismantled, and are intended for temporary occupancy, usually for recreational or humanitarian purposes." The term includes homeless encampments, but also includes other encampments associated with such multi-day uses as Boy or Girl Scout jamborees, auto or motorcycle gatherings and music festivals. None of these uses are currently addressed by the Zoning Code.

Under the proposed regulations, the Director would have the authority to approve, approve with conditions, or deny a permit for a transitory accommodation after evaluating the degree to which the proposed accommodation was likely to meet the performance criteria. The approach would allow any conditions of approval to be tailored to the characteristics of the particular transitory accommodation. Please see Attachment 1, Proposed Code Amendments; Attachment 2, Planning Commission Findings, Conclusions and Recommendation; and Attachment 3, Exhibits submitted prior to or during the Planning Commission hearings.

COUNCIL PROCESS: Public Hearing

- Mayor opens the public hearing;
- Staff presentation by William R. Wiselogle, Community Development Director;
- Presentation by Tris Samberg, Planning Commission Chair, or other Planning Commission representative;
- Public comment by TACAC representatives;
- Other public comment;
- Council deliberations and direction to staff, which may include direction to prepare Council Findings, Conclusions and Actions and a proposed Ordinance for consideration on September 6 (if the Council does not anticipate taking final action on September 6, it should direct staff to prepare an Ordinance for consideration on that date extending the current moratorium on transitory accommodations, which is due to expire on September 9);
- Motion and vote to continue the hearing and deliberations to September 6, 2005; or close the hearing and continue deliberations to September 6, 2005.

HISTORY:

- The Council on September 7, 2004, initiated consideration of potential Code amendments to regulate transitory accommodations including but not limited to homeless encampments; on that date the Council also adopted a six-month moratorium on the establishment and operation of transitory accommodations.
- The Council on February 7, 2005, finalized appointments to an eight-member Transitory Accommodations Citizens Advisory Committee (TACAC).
- The Council on February 28, 2005 approved a six-month extension of the moratorium. Counting from the effective date of the ordinance, the moratorium is due to expire on September 9, 2005.
- The TACAC met nine times between February 22 and April 27, 2005, and recommended Code amendments to the Planning Commission.
- The Planning Commission held a public hearing on May 4 and 18 and recommended Code amendments to the City Council on June 22, 2005.

RECOMMENDED ACTION:

- Continue the hearing and deliberations to September 6, 2005; or close the hearing and continue deliberations to September 6, 2005.

ATTACHMENTS:

1. Proposed Transitory Accommodations Code Amendments
2. Planning Commission Findings, Conclusions and Recommendation
3. Exhibits submitted prior to or during Planning Commission hearings

City Manager Approval: _____ Date: _____

Proposed Transitory Accommodations Code Amendments
Planning Commission Recommendation

***Note** – Proposed new language is shown in underline. Please disregard underlined section numbers: these underlines are automatically generated by the program which maintains the City's online Code and cannot be removed.*

12.06.160 Temporary uses.

A. Use Table.

Temporary Uses	Zoning Classification										
	R1 R2	R3 R4 R5 R6	R8a R8d	R11	R15	R-AC	OP	NB	CB	GC	LI
Amusement rides, carnivals or circuses								P	P	P	
Christmas tree lots							P	P	P	P	
Community festivals and street fairs								P	P	P	
Construction sheds or trailers (1)	P	P	P	P	P	P	P	P	P	P	P
Fireworks stands								P	P	P	
Parking lot and sidewalk sales								P	P	P	
Personal wireless service facilities(2)	P	P	P	P	P	P	P	P	P	P	P
Seasonal sales of flowers or produce								P	P	P	
Transitory Accommodations(3)	P	P	P	P	P	P	P	P	P	P	P
Yard and garage sales	P	P	P	P	P	P					

P: Permitted Use C: Conditional Use
Numbers in parentheses reference use-specific development and operating conditions under B below.

B. Development and Operating Conditions.

1. Construction sheds and trailers are permitted on the subject property or on adjacent property with permission of the owner for the duration of the construction activity; provided, that such sheds and trailers are located in conformance with all required setbacks and no residential or other use shall be made of such sheds or trailers which is unrelated to the construction activity.

2. Temporary PWS facilities as defined in BMC 12.11.020 are permitted solely for the purposes of evaluating the technical feasibility of locating a permanent PWS facility upon the subject property and providing

emergency services during natural disasters or other emergencies which may threaten the public health, safety and welfare.

The placement and use of temporary PWS facilities shall conform to required setbacks as specified in Chapter 12.11 BMC and shall be maintained in a good and safe condition, and shall comply with all federal, state and local rules and regulations.

A temporary PWS facility may be used to evaluate the technical feasibility of a particular site for no more than three days. No person may extend the three-day period through trivial or de minimis movements of a temporary PWS facility. Temporary PWS facilities may be used to provide emergency communications services during natural disasters or other emergencies, as determined by the director, which may threaten the public health, safety and welfare. (Ord. 1876 § 2, 2002; Ord. 1815 § 1, 2000; Ord. 1733 §§ 4 (Exh. C), 6, 1998; Ord. 1629 § 1, 1996).

Note – *The proposed transitory accommodations regulations are divided into three parts:*

1. *An introduction, which defines transitory accommodations, notes the range of intensity of impacts such uses can have, and, recognizing this, assigns to the community development director discretionary authority to approve, approve with conditions, or deny transitory accommodation permits.*

2. *Process regulations (sub-section a), prescribing the procedures applicable to transitory accommodations applications.*

3. *Performance criteria (sub-sections b – f), against which the director would evaluate all transitory accommodations applications to determine what impacts such uses would have, whether those impacts would be adequately mitigated, and by what means. Performance criteria are grouped under five categories – site; duration; health and safety; conduct and security; and other criteria.*

3. "Transitory Accommodations" shall mean tents, sheds, huts, cabins, trailers or other enclosures which are not permanently attached to the ground, may be easily erected and dismantled, and are intended for temporary occupancy, usually for recreational or humanitarian purposes. Transitory accommodations are permitted provided the community development director determines on a case by case basis that such use possesses no characteristics which would adversely impact the community in any way, or that any potentially adverse characteristics can be adequately minimized and/or mitigated so as not to be materially

detrimental to the community. Transitory accommodations can vary widely in their characteristics, which include but are not limited to size of site, surrounding land uses, duration, number of occupants, noise generation, and light and glare emanation. Accordingly, certain types of transitory accommodations may require the imposition of extensive conditions to mitigate potential adverse impacts to the community, while others may not: in some cases, adequate mitigation of impacts may not be feasible, and a proposed transitory accommodation consequently may not be allowed. The community development director shall therefore have the authority to approve, approve with conditions, or deny a permit for a transitory accommodation proposal, after consideration of the performance criteria set forth herein.

a. Process

i. A transitory accommodation permit shall be required prior to the commencement of such a use, unless the community development director determines, after consideration of the performance criteria set forth in this section, that the proposed transitory accommodation possesses no characteristics which might adversely impact the community. The prospective transitory accommodation host (property owner and lessee, if applicable), sponsor and manager shall jointly apply for the transitory accommodation permit and shall be equally responsible for compliance with all conditions of the permit. "Applicant", as used in these regulations, shall mean the transitory accommodation host, sponsor and manager. "Proponent", as used in these regulations, shall mean the prospective host, sponsor and manager prior to submittal of an application for a transitory accommodation permit.

ii. A transitory accommodation permit is a Type II action and shall be processed accordingly, as set forth in BMC Title 11, Administration of Development Regulations, except that a pre-application conference and transportation concurrency review shall not be required. The permit fee shall be established by resolution of the city council.

iii. Advance discussions with nearby schools.

(1) Prior to applying for a transitory accommodation permit, the proponent 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 transitory accommodations site, and shall seek comments from said administration.

(2) Where no comments are received, or where the administration of said school(s) is supportive of the proposal, the proponent shall submit an affidavit to this effect with the application.

(3) Where the administration of said school(s) registers objections or concerns regarding the proposed transitory accommodations, the proponent shall attempt to resolve such objections or concerns via a negotiated mitigation plan between the proponent and the school(s). Such a plan shall be submitted with the application and shall be incorporated in the conditions of the permit. Where the negotiations do not result in a mutually agreed upon mitigation plan within 30 days of receipt by the school administration of the initial notice from the proponent, but the parties desire to continue to pursue resolution of the issues, the parties may request mediation services from or through the City. In the event the parties cannot reach agreement after a good faith effort of at least 30 days from receipt by the school administration of the initial notice from the proponent, the proponent may submit an application but shall provide a record of the negotiations between the parties, including but not limited to copies of all correspondence and meeting notes. In evaluating the application against the performance criteria set forth herein, the director shall consider the topic(s) of the unsuccessful negotiations and the extent to which the parties demonstrated good faith in their discussions. "Good faith" in this context shall mean a recognition of the legitimacy of, and a willingness to reasonably accommodate, each party's needs, desires and concerns.

iv. The decision of the community development director may be appealed. Such appeals shall be heard and decided by the hearing examiner in accordance with the procedures set forth in BMC 11.12.010.

v. Emergencies. The community development director may waive these requirements when a natural or man-made disaster necessitates the immediate establishment of transitory accommodations.

vi. Failure to comply. If a transitory accommodation permit has been issued, and the community development director determines that the applicant has violated any condition of that permit, the director shall issue a notice of violation and require compliance in accordance with the procedures set forth in BMC Chapter 11.20, Enforcement. Failure to correct the violation after a reasonable

time for compliance shall result in revocation of the permit. In such an event all activities associated with the accommodation shall cease immediately and the site shall immediately be vacated and restored to its pre-accommodation condition.

b. Site performance criteria.

i. Size. The site shall be of sufficient land area to support the activities of the transitory accommodation without overcrowding of occupants, intruding into required setbacks or critical areas, destroying vegetation, eroding soils or otherwise overtaxing the land. Where deemed necessary by the community development director, the applicant shall provide a site plan indicating the location of the proposed transitory accommodation on the host property; its area in square feet; and the proposed distribution of, and allocation of space for, anticipated activities including but not limited to sleeping, eating, socializing, and bathing and other personal functions.

ii. Setbacks from property line. All activities of the transitory accommodation shall be set back from adjacent properties a sufficient distance so as not to impinge upon or otherwise unduly influence activities on said adjacent properties. Where deemed necessary by the community development director, the applicant shall provide a site plan indicating buildings and uses on properties surrounding the proposed transitory accommodation, and the distance the proposed accommodation would be set back from surrounding property lines. A transitory accommodation shall be set back no less than 20 feet from the exterior boundary lines of adjacent properties unless the owners of such properties consent in writing to a reduction or waiver of such setback.

iii. Screening of activities. Where deemed necessary by the community development director, activities of the transitory accommodation shall be obscured from view from adjacent properties, by a minimum six foot high temporary fence, an existing fence, existing dense vegetation, an existing topographic difference, distance from exterior property lines, or other means, to the maximum extent feasible.

iv. Parking. Adequate parking for the transitory accommodation shall be provided so as not to reduce parking utilized by existing surrounding uses. Where deemed necessary by the community development director, the applicant shall provide a proposed parking plan consisting of the following:

(1) The amount and location of available on-site parking;

(2) The availability of on-street parking;

(3) Whether the proposed use would displace established on-street parking; and

(4) Whether the applicant proposes to utilize other mechanisms that might alleviate the need for additional parking, such as the provision of shuttle buses for the use of occupants of the transitory accommodations, or the provision of shared parking agreements with adjacent uses.

v. Access to public transportation. Where occupants of a proposed transitory accommodation are anticipated to require the use of public transportation, said accommodation shall be located no farther than one-half mile from a regular public transportation stop.

vi. Critical areas. All proposed transitory accommodations shall comply with the City's critical areas regulations as set forth in BMC Chapter 14.04. Where deemed necessary by the community development director, the applicant shall provide a site plan indicating the presence and extent of any critical areas.

vii. Restoration of site. Upon cessation of the temporary accommodation, the site shall be restored, as near as possible, to its original condition. Where deemed necessary by the community development director, the applicant shall re-plant areas in which vegetation had been removed or destroyed.

c. Duration performance criteria.

i. Length of time. The proposed transitory accommodations shall be in operation the minimal length of time necessary to achieve the recreational, humanitarian or other objective(s) of the applicant. Where deemed necessary by the community development director, the applicant shall provide a narrative explaining the objective(s) the applicant seeks to achieve, and the amount of time the applicant believes necessary to achieve that objective. However, under no circumstances shall a proposed transitory accommodation be allowed in one location for more than 90 days, either consecutively or cumulatively, during any 12-month period, except that where the 90th day falls on a Friday, an additional two days shall be allowed to dismantle and remove the accommodation over the immediately following weekend.

ii. Recurring transitory accommodations. A transitory accommodation permit may allow a recurring accommodation, on an annual, bi-annual or less frequent schedule, provided that prior to commencement of each accommodation, the applicant shall notify the community development director; the director shall issue and the applicant shall distribute a notice of application, in accordance with BMC 11.06.004; and the director shall determine whether circumstances have changed which might warrant revising permit conditions or revoking the permit.

d. Health and safety performance criteria. Transitory accommodations shall be operated in such a manner as to ensure the health and safety of occupants of the subject and surrounding properties. Accordingly, all transitory accommodations shall comply with the following:

i. Health regulations. All applicable city, county and state regulations pertaining to public health shall be met.

ii. Fire safety. Inspections of the accommodation by the City for fire safety purposes may be conducted at any time and without prior notice. Adequate access, as determined by the Fire Marshal, shall be maintained within and around the accommodation at all times to ensure that emergency vehicles can ingress/egress the site.

iii. Building code inspections. Inspections of the accommodation by the City to ensure the public health and safety with regard to structures may be conducted at any time and without prior notice.

iv. Drinking water and solid waste. An adequate supply of potable water shall be available on-site at all times. Adequate toilet facilities shall be provided on-site, as determined by the public works director. All city, county and state regulations pertaining to drinking water connections and solid waste disposal shall be met.

v. Trash. Adequate facilities for dealing with trash shall be provided on-site. A regular trash patrol or other method of regular maintenance in the immediate vicinity of the site shall be provided.

e. Conduct and security performance criteria.

i. Noise. Any transitory accommodation shall comply with City noise regulations as set forth in BMC Chapter 8.26. Where deemed necessary by the community development director, the applicant shall provide a plan to mitigate potential noise impacts.

ii. Light and glare. Any transitory accommodation shall comply with City light and glare regulations as set forth in BMC Chapter 8.64. Where deemed necessary by the community development director, the applicant shall provide a plan to mitigate potential light and glare impacts.

iii. Security. Any transitory accommodation shall comply with City regulations regarding lawful behavior as set forth in BMC Title 9, Criminal Code. Any transitory accommodation shall provide all required legal access to public areas of the site by the City of Bothell Police Department and any other relevant law enforcement agency at all times. Additionally, where deemed necessary by the community development director in consultation with the police chief, the applicant shall provide for the following:

(a) The applicant shall take all reasonable and legal 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 camp residents.

(b) The applicant will use such identification to obtain warrant and sex offender checks from the King or Snohomish County Sheriff's office or other relevant authority. The anonymity of the requesting party shall be maintained.

(c) If said check reveals that the subject of the check is a sex offender, required to register with the City, County or State authorities pursuant to RCW 9A.44.130, then the applicant shall immediately reject the subject of the check for residency in the transitory accommodation or eject the subject of the check if that person is currently a resident of the accommodation, and shall immediately notify the Bothell Police Department of such rejection or ejection.

(d) If said check reveals that the subject of the check has an existing or outstanding warrant, then the applicant may select either of the following alternative actions:

(1) Immediately reject or eject the subject of the check and immediately notify the Bothell Police Department of such rejection or ejection; or

(2) Request the Bothell Police Department to confer with the agency or court of jurisdiction from which the warrant originated to determine whether or not said agency or court

desires the warrant to be served. If the originating agency or court desires the warrant to be served, the Bothell Police Department shall do so immediately. If the originating agency or court declines warrant service, due to the minor nature of the offense for which the warrant was issued or for other reasons, the subject may enter or remain in the transitory accommodation, provided that the applicant actively assists the subject in resolving the warrant.

(e) The applicant shall keep a log of all individuals who stay overnight in the transitory accommodation, including names and dates. Logs shall be kept for a minimum of six months.

(f) The applicant shall provide on-site security, as approved by the community development director in consultation with the City of Bothell Police Department.

iv. Codes of conduct. If the occupants of a transitory accommodation have a written code of conduct, said code shall be incorporated into the conditions of approval.

f. Other performance criteria.

i. Indemnification. The applicant shall defend, indemnify, and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits of any nature, including attorney fees, due to the acts or omissions of the applicant in connection with the operation of the transitory accommodation.

ii. Liability insurance. Where deemed necessary by the community development director, the applicant shall procure and maintain in full force, through the duration of the transitory accommodation, comprehensive general liability insurance with a minimum coverage of $1,000,000 per occurrence / aggregate for personal injury and property damage.

iii. Other criteria. Where deemed necessary, the community development director may identify other performance criteria; require the applicant to describe the potential impacts of the proposed transitory accommodation with respect to those criteria; and determine if measures are warranted to minimize or otherwise mitigate such impacts.

Proposed Transitory Accommodations Code Amendments
Planning Commission Findings, Conclusions and Recommendation

Findings

1. The Bothell City Council on July 19, 2004, issued a Special Conditional Use Permit to allow a homeless encampment named Tent City 4 to occupy a portion of the St. Brendan Parish property for a total of 90 days, subject to conditions. The Special Conditional Use Permit process was necessary because the Bothell Municipal Code does not address homeless encampments, and the regulations for similar uses, such as campgrounds, were found not to meet the needs of homeless encampments.

2. The Council on September 7, 2004 initiated consideration of potential Code amendments to regulate transitory accommodations including but not limited to homeless encampments. The Council decided to create a citizens advisory committee to draft regulations concerning transitory accommodations. The committee would forward its recommendation to the Bothell Planning Commission, which would take public testimony, consider the committee's recommendation, modify the draft regulations as the Commission saw fit, and forward its own recommendation to the City Council. The Council would hold its own public hearing, consider the Commission's recommendations, modify the draft regulations as the Council deems appropriate, and adopt an ordinance amending the Bothell Municipal Code.

3. The Council on September 7, 2004 adopted a six-month moratorium on the establishment and operation of transitory accommodations. Subsequently, on February 28, 2005, the Council approved a six-month extension of the moratorium. Unless extended again, the moratorium would expire on September 9, 2005 (the six month period dates from the March 9, 2005 effective date of the moratorium extension).

4. The Council on February 7, 2005 finalized appointments to an eight-member Transitory Accommodations Citizens Advisory Committee (TACAC).

5. The TACAC met on the following dates, all in 2005:

   - February 22
   - March 1, 8, 15, 22 and 29
   - April 6, 12 and 27.

   All meetings were open to the public, but public oral testimony was not taken during these meetings. Instead, citizens were asked to submit comments and suggestions in writing.

The TACAC reviewed the Tent City 4 Special Conditional Use Permit; a Temporary Use Permit issued by King County for a homeless encampment; the final report (and dissenting report) of the King County Citizens Advisory Commission on Homeless Encampments (CACHE); a compendium of information on homeless encampments prepared by A Regional Coalition for Housing (ARCH); other background materials; and written comments submitted by citizens.

The TACAC deliberated on a number of issues relating to temporary accommodations, including the following:

- The definition of transitory accommodations;
- The process for evaluating and approving or denying a proposed transitory accommodation;
- How nearby schools should be involved in the process;
- Size of site;
- Setbacks from property line;
- Screening;
- Parking;
- Access to public transportation;
- Protection of critical areas;
- Restoration of the site upon cessation of the transitory accommodation;
- Duration and recurrence of the transitory accommodation;
- Health and safety;
- Conduct and security; and
- Indemnification and liability.

The TACAC recognized that the term "transitory accommodations" encompasses a wide variety of uses, and utilized three examples of such uses - a homeless encampment, a Boy Scout jamboree, and a motorcycle rally - as benchmarks against which to test draft Code language. The TACAC sought flexibility in the regulations to ensure that any conditions placed on a temporary accommodation would be appropriate to, and reasonable for, the particular accommodation.

The TACAC ultimately endorsed an approach wherein the Community Development Director would evaluate proposed transitory accommodations against a set of performance criteria which address the above issues. The Director would have the authority to approve, approve with conditions, or deny a permit for a transitory accommodation after evaluating the degree to which the proposed accommodation was likely to meet the performance criteria. The approach would allow any conditions of approval to be tailored to the characteristics of the particular proposed transitory accommodation.

On April 27, 2005, the TACAC completed its effort and forwarded draft Code amendments to the Planning Commission for its consideration.

6. The Planning Commission conducted public hearings and/or deliberations on the Transitory Accommodations Code Amendments on the following dates, all in 2005:

- May 4 and 18;
- June 1 (at which the Commission closed the public hearing) and 22 (deliberations only).

Notice of the above hearing dates was provided in the May and June *Imagine Bothell...* notices. The monthly *Imagine Bothell...* notice is distributed as follows;

- E-mailed or sent via U.S. Mail to approximately 210 individuals who have expressed current or past interest in City land use issues;
- Published in the legal advertising section of The King County Journal newspaper, the City's official newspaper of record, as well as in an affiliated publication, the Bothell-Kenmore Reporter;
- Posted on 12 freestanding notice boards located throughout the City (each of which includes a plastic bin in which extra copies of the notice are placed);
- Posted at Bothell City Hall, the Bothell Post Office, the Bothell Regional Library and the Canyon Park Shopping Center; and
- Placed on the City of Bothell website.

7. The following exhibits were submitted prior to or during the Planning Commission hearings:

Number	Name	When entered into record
1*	Final Report and Recommendation of the Transitory Accommodations Citizen Advisory Committee (TACAC), memo from Manny Ocampo, Assistant City Manager, who facilitated the meetings of the TACAC	May 4, 2005
2	Proposed Transitory Accommodations Code Amendments - TACAC Consensus Recommendation	May 4, 2005
3	TACAC meeting agendas and notes	May 4, 2005
4	Submittals received from the public	May 4, 2005
5	Bothell Special Conditional Use Permit issued to Tent City 4	May 4, 2005
6	King County Citizens Advisory Committee on Homeless Encampments (CACHE) Final Report, with Dissenting Report	May 4, 2005
7	Temporary Use Permit Report and Decision, issued by King County Department of Development and Environmental Services	May 4, 2005
8	A compendium of homeless encampment-related materials assembled by A Regional Coalition for Housing (ARCH)	May 4, 2005
9	Article from Metropolitan King County Council Home Page, "Churches Speak in Support as Council Sets Standards for Homeless Encampments on Private Land"	May 4, 2005
10	Letter dated May 13, 2005, from Rodney T. Harmon to Bothell Planning Commission, with proposed revisions to TACAC	May 18, 2005

Number	Name	When entered into record
	recommendation	
11	Draft City of Bellevue ordinance concerning temporary encampments, submitted by Norm Milliard	May 18, 2005
12	E-mail dated May 18, 2005, from Sandra Lyons to Bothell Planning Commission	May 18, 2005
13	Letter dated May 18, 2005, from Gregory K. Jackson and David P. Wright, with accompanying memo entitled "Legal Issues Relating To Christian Religious Communities Hosting Tent City", by Mark F. Rising	May 18, 2005
14	"Suggestions for 'School Safety Zone Buffers'", prepared by Kevin S. Kelly, submitted by Norm Milliard	May 18, 2005
15	"Buffer Examples from Public & Private Schools", prepared by City of Bothell GIS Section for TACAC, submitted by Norm Milliard	May 18, 2005
16	Facility Usage / Indemnity Agreement between St. Brendan and SHARE/WHEEL, submitted by Norm Milliard	May 18, 2005
17	Highlighted excerpts from *Imagine Bothell...* Comprehensive Plan	June 1, 2005
18	Information sheet concerning the Interagency Council on Homelessness	June 1, 2005

8. The following individuals testified at the above Planning Commission hearings:

May 4, 2005:

- Paul O. Cowles
- Scott St. Clair
- Celeste Deveny
- Kevin Kelly
- Laurie Milliard
- Pastor Michael Schultz Rothermel
- Rod Harmon
- Norm Milliard
- Pat Pierce
- Steven Pyeatt
- Sylvia Cunningham

May 18, 2005:

- Greg Jackson
- Dave Wright
- Scott St. Clair

- Rod Harmon
- Norm Milliard
- Steven Pyeatt
- Pastor Michael Schultz Rothermel
- Laurie Milliard

June 1, 2005:

- Pat Pierce
- Rod Harmon
- Steven Pyeatt
- Norm Milliard

9. The Planning Commission lauded the TACAC for the time and effort committee members devoted to development of the draft transitory accommodation Code amendments, and for the quality of their product. Even so, Commission members raised a number of concerns, which ranged from minor to substantive.

   Wishing to convey its respect for the work of the TACAC, the Commission decided to forward to the Council the TACAC's recommended language essentially intact, except for a small number of minor changes of a clarifying nature. TACAC members who chose to comment on these changes supported them. Finding 10 summarizes the minor revisions which were made to the TACAC proposal.

   In addition, the Commission decided to transmit its substantive concerns via these Findings, Conclusions and Recommendations. The Commission included in the Findings potential Code revisions to address each of these concerns (with two exceptions), so that the Council would have language to consider should it concur with the Commission's concerns. Findings 11 through 17 detail these concerns and, with two exceptions, provide potential language to address them.

10. The Commission made the following minor revisions to the TACAC recommendation:

    - Required a transitory accommodation host, sponsor and manager to jointly apply for a permit, and assigned equal responsibility to each for compliance with all conditions of the permit. The TACAC recommendation had not acknowledged that there might be three different parties involved in the establishment and operation of a transitory accommodation.
    - Defined "applicant" as the host, sponsor and manager collectively, and "proponent" as the host, sponsor and manager collectively prior to application for a permit.
    - Made substitutions throughout the document as necessary to use "applicant" and "proponent" consistently.
    - Refined the definition of "good faith" to encompass a willingness to reasonably accommodate each party's needs, desires and concerns.
    - Changed the section requiring access to public transportation to apply to transit stops rather than transit routes.

- Clarified that certain conduct and security measures are to be determined by the Community Development Director in consultation with the Police Chief.
- Clarified that the indemnification clause applies to acts or omissions of the applicant solely.

11. Substantive concern 1 - Time for compliance. The Commission recommends that the Council consider adding language to 12.06.160B.3.a.vi, Failure to comply, to prescribe a limit to the time an applicant has to correct a violation of a permit condition. The new language would read as follows (proposed new language underlined and bolded):

    vi. Failure to comply. If a transitory accommodation permit has been issued, and the community development director determines that the applicant has violated any condition of that permit, the director shall issue a notice of violation and require compliance in accordance with the procedures set forth in BMC Chapter 11.20, Enforcement. Failure to correct the violation after a reasonable time for compliance, **but in no case longer than 48 hours from notification,** shall result in revocation of the permit. In such an event all activities associated with the accommodation shall cease immediately and the site shall immediately be vacated and restored to its pre-accommodation condition."

12. Substantive concern 2 - Failure to apply. The Commission recommends that the Council consider adding a section to address the establishment of a transitory accommodation without a permit. This section would follow 12.06.160B.3.a.vi, Failure to comply, and would read as follows (proposed new language underlined and bolded):

    vii. Failure to apply. If a transitory accommodation for which a permit would be required is established without a permit first having been obtained, the Community Development Director shall require that all activities associated with the accommodation shall cease immediately and the site shall immediately be vacated and restored to its pre-accommodation condition unless and until such time as a transitory accommodation permit has been obtained.

13. Substantive concern 3 - Parking. The Commission recommends that the Council consider revising the Parking section (12.06.160B.3.b.iv) to better organize the issues, as follows (proposed new language underlined and bolded; proposed deleted language underlined and struck through):

    iv. Parking. Adequate parking for the transitory accommodation shall be provided so as not to reduce parking utilized by existing surrounding uses. Where deemed necessary by the community development director, the applicant shall provide a proposed parking plan **which addresses the following** ~~consisting of the following~~:

(1) A description of parking capacity, both on-site and on-street, that describes the amount and location of parking prior to the transitory accommodation and any displacement of parking resulting from the transitory accommodation; and ~~The amount and location of available on-site parking;~~

~~(2) The availability of on-street parking;~~

(3) ~~Whether the proposed use would displace established on-street parking; and~~

(2) ~~(4)~~ Any circumstances which may reduce the normal demand for parking, such as off-peak-season use; and/or any mechanisms or strategies to reduce parking demand, ~~Whether the applicant proposes to utilize other mechanisms that might alleviate the need for additional parking,~~ such as the provision of shuttle buses for the use of occupants of the transitory accommodations, or the provision of shared parking agreements with adjacent uses.

14. Substantive concern 4 - Recurrence. The Commission expressed three different viewpoints regarding whether, or how often, a transitory accommodation should be allowed to return to the same location (the section on recurring transitory accommodations is 12.06.160B.3.c.ii). There was not a majority of the Commission favoring one particular viewpoint. Consequently, the Commission decided to forward to the Council all three positions, which are as follows:

- Make no changes to the TACAC recommendation, which would allow recurring accommodations subject to reassessment by the Community Development Director prior to each recurrence. One Commissioner favored this position.
- Allow a transitory accommodation to occupy a site no more than 90 days during any 36-month period. Under this approach, for example, an accommodation could occupy a site 30 consecutive days each year for three years in a row, or 90 consecutive days once every three years, or 45 consecutive days for two out of three years. Three Commissioners favored this position.
- Allow one transitory accommodation every 36 months, regardless of whether it operated for one day or 90 days. Three Commissioners favored this position.

15. Substantive concern 5 - Health regulations. The Commission recommends that the Council consider revising the section on Health regulations (12.06.160B.3.d.i) to require bathing facilities where warranted, as follows (proposed new language underlined and bolded):

i. Health regulations. All applicable city, county, and state regulations pertaining to public health shall be met. Showers or other bathing facilities shall be provided where warranted

based on duration of operation of the transitory accommodation or other considerations.

16. Substantive concern 6 - Codes of conduct. The Commission recommends that the Council consider revising the section on codes of conduct (12.06.160B.3.e.iv) to require the applicant to provide such a code. The new language would read as follows (proposed new language underlined and bolded; proposed deleted language underlined and struck through):

    iv. Codes of conduct. **The applicant shall provide a written code of conduct, which** ~~If the occupants of a transitory accommodation have a written code of conduct, said code~~ shall be incorporated into the conditions of approval.

17. Substantive concern 7 - Setbacks / buffers. The Commission deliberated at length concerning whether to recommend prescriptive buffers between transitory accommodations and schools. As proposed, the regulations would prescribe a minimum setback of "no less than 20 feet from the exterior boundaries of adjacent properties unless the owners of such properties consent in writing to a reduction or waiver of such setback". However, the Community Development Director would have the authority under the proposed regulations to establish greater setbacks from adjacent uses, depending on the characteristics of the transitory accommodation, regardless of whether the adjacent use is a school or other use. The Commission discussed different potential prescriptive buffer widths, and potential triggers for imposition of prescriptive buffers. When the issue was put to a vote, however, a majority of the Commissioners (4-3) supported the existing proposed language.

18. DCTED review. The Growth Management Act requires that all proposed amendments to comprehensive plans and development regulations be transmitted to the state Department of Community, Trade and Economic Development (DCTED) at least 60 days prior to the anticipated date of adoption. Accordingly, the Community Development Department transmitted the TACAC's draft regulations to DCTED on April 22, 2005. No comments were received from DCTED or any other state agency during the 60-day review period.

19. SEPA determination. The State Environmental Policy Act (SEPA) requires that the impacts of proposed land use actions, including certain types of Code amendments, be evaluated. The City SEPA Responsible Official issued a Determination of Non-Significance on July 1, 2005.

Conclusions

1. The proposed Transitory Accommodations Code Amendments establish an appropriate and reasonable process and performance criteria for the evaluation, permitting and conditioning of proposed transitory accommodations.

2. The proposed Transitory Accommodations Code Amendments serve the public interest.

Recommendation

Based on these Findings and Conclusions, the Planning Commission recommends to the City Council approval of the Transitory Accommodations Code Amendments, as transmitted, or with modifications suggested in these Findings to reflect the substantive concerns of the Commission.

_____

Tris Samberg, Bothell Planning Commission Chair

_____

Legal review - Michael Weight, Bothell City Attorney

Exhibit 1

CITY OF BOTHELL
MEMORANDUM
Office of the City Manager

DATE: April 28, 2005

TO: Planning Commission Members

FROM: Manny M. Ocampo, Assistant City Manager

SUBJECT: **Final Report and Recommendations of the Transitory Accommodations Citizen Advisory Committee**

As the Planning Commission is aware, the Bothell City Council appointed the following eight community representatives to serve on the Transitory Accommodations Citizen Advisory Committee (TACAC):

Sylvia Cunningham
Kevin Kelly
Laurie Milliard
Bill Nash
Pat Pierce
Steven Pyeatt
Pastor Michael Schultz Rothermel
Scott St. Clair

This Committee's difficult and challenging task was to evaluate all of the pertinent issues related to Bothell's regulatory response to the siting of transitory accommodations, and then, where consensus could be reached, recommend Code amendments that would address these issues. It's important to note that this effort focused on potential temporary encampments of all types.

Process

The TACAC met nine times between February 22 and April 27. Over the course of their work, the Committee reviewed pertinent background information, including but not limited to Bothell's Special Conditional Use Permit for Tent City 4; the King County Citizens' Advisory Commission on Homeless Encampments (CACHE) final report (and dissenting report, as well); a Temporary Use Permit issued by King County for a homeless encampment on Finn Hill; and background materials supplied by A Regional Coalition for Housing (ARCH) (all of these have been provided to the Planning Commission as well). In addition, the Committee spent considerable time reviewing Bothell's existing land use regulations to determine the most

appropriate and workable regulatory tools that could be considered that would help address the many interests identified.

It was determined by the Council that public input regarding the Committee's work would only be allowed to be submitted in writing. Several citizens did supply the Committee with comments. These are attached to this memorandum for information purposes.

From the start, the Committee agreed to operate on a consensus or majority model for final decisions. As the attached Committee meeting agenda's and notes illustrate, this model served the interests of the Committee well. Staff believes that the attached meeting notes will provide the Planning Commission with considerable insight as to the breadth and complexity of the Committee's deliberations leading up to its final recommendation.

Once it was determined that a temporary use permit would be the most effective and appropriate regulatory tool, the Committee identified the following preliminary list of potential issues that might be considered in the development of this permit:

- Type of transitory accommodation
- Outdoors versus indoors
- Time period
- Number of residents
- Sanitation
- Parking
- Transportation
- Relationship with neighbors, including schools
- Public notification
- Public safety and security
- Intensity of use
- Noise
- Duration/frequency
- Financial responsibility
- Disaster response

As the attached notes indicate, the Committee was deliberative and committed to reaching a reasoned and rationale basis for the decisions that led to their recommendation.

Key elements of the recommended proposed amendments

Attached are proposed transitory accommodations Code amendments reflecting the consensus of the TACAC. The proposed regulations have been divided into three parts:

- An introduction, which defines transitory accommodations, notes the range of intensity of impacts such uses can have, and, recognizing this, assigns to the community development

director discretionary authority to approve, approve with conditions, or deny transitory accommodation permits.

- Process regulations, prescribing the procedures applicable to transitory accommodations applications.

- Performance criteria, against which the director would evaluate all transitory accommodations applications to determine what impacts such uses would have, whether those impacts would be adequately mitigated, and by what means. Staff has attempted to group like concerns under five categories of performance criteria – site; duration; health and safety; conduct and security; and other criteria.

Interests addressed

One of the major goals of the Committee was to try to achieve consensus related to the many and varied interests of constituencies impacted by transitory accommodations. These included, but were not limited to:

- General public
- Churches
- Other potential transitory accommodation categories
- Neighbors
- Schools
- Children
- Public security
- Social consciousness

The Committee reached consensus that the recommended Code amendments address these interests appropriately.

Conclusion

Staff is confident that the Planning Commission will agree that the work of the TACAC was difficult and at times, provocative. The Committee's willingness to work cooperatively and respectfully is to be commended. They were tasked to come up with a way that Bothell could respond to the issues related to transitory accommodations that respected the interests and values of all. Staff believes that this diverse group of citizen volunteers, representing a wide spectrum of experiences and interests, accomplished this task with integrity and a commitment to "bringing the City together" even while addressing what had been heretofore an extremely controversial and divisive issue.

Exhibit 2

Proposed Transitory Accommodations Code Amendments
TACAC Consensus Recommendation

***Note** – Proposed new language shown in underline.*

12.06.160 Temporary uses.

A. Use Table.

Temporary Uses	Zoning Classification										
	R1 R2	R3 R4 R5 R6	R8a R8d	R11	R15	R-AC	OP	NB	CB	GC	LI
Amusement rides, carnivals or circuses								P	P	P	
Christmas tree lots							P	P	P	P	
Community festivals and street fairs								P	P	P	
Construction sheds or trailers (1)	P	P	P	P	P	P	P	P	P	P	P
Fireworks stands								P	P	P	
Parking lot and sidewalk sales								P	P	P	
Personal wireless service facilities(2)	P	P	P	P	P	P	P	P	P	P	P
Seasonal sales of flowers or produce								P	P	P	
Transitory Accommodations(3)	P	P	P	P	P	P	P	P	P	P	P
Yard and garage sales	P	P	P	P	P	P					

P: Permitted Use C: Conditional Use
Numbers in parentheses reference use-specific development and operating conditions under B below.

B. Development and Operating Conditions.

1. Construction sheds and trailers are permitted on the subject property or on adjacent property with permission of the owner for the duration of the construction activity; provided, that such sheds and trailers are located in conformance with all required setbacks and no residential or other use shall be made of such sheds or trailers which is unrelated to the construction activity.

2. Temporary PWS facilities as defined in BMC 12.11.020 are permitted solely for the purposes of evaluating the technical feasibility of locating a permanent PWS facility upon the subject property and providing

emergency services during natural disasters or other emergencies which may threaten the public health, safety and welfare.

The placement and use of temporary PWS facilities shall conform to required setbacks as specified in Chapter 12.11 BMC and shall be maintained in a good and safe condition, and shall comply with all federal, state and local rules and regulations.

A temporary PWS facility may be used to evaluate the technical feasibility of a particular site for no more than three days. No person may extend the three-day period through trivial or de minimis movements of a temporary PWS facility. Temporary PWS facilities may be used to provide emergency communications services during natural disasters or other emergencies, as determined by the director, which may threaten the public health, safety and welfare. (Ord. 1876 § 2, 2002; Ord. 1815 § 1, 2000; Ord. 1733 §§ 4 (Exh. C), 6, 1998; Ord. 1629 § 1, 1996).

***Note** – The proposed transitory accommodations regulations have been divided into three parts:*

1. *An introduction, which defines transitory accommodations, notes the range of intensity of impacts such uses can have, and, recognizing this, assigns to the community development director discretionary authority to approve, approve with conditions, or deny transitory accommodation permits.*

2. *Process regulations (sub-section a), prescribing the procedures applicable to transitory accommodations applications.*

3. *Performance criteria (sub-sections b – f), against which the director would evaluate all transitory accommodations applications to determine what impacts such uses would have, whether those impacts would be adequately mitigated, and by what means. Staff has attempted to group like concerns under five categories of performance criteria – site; duration; health and safety; conduct and security; and other criteria.*

3. "Transitory Accommodations" shall mean tents, sheds, huts, cabins, trailers or other enclosures which are not permanently attached to the ground, may be easily erected and dismantled, and are intended for temporary occupancy, usually for recreational or humanitarian purposes. Transitory accommodations are permitted provided the community development director determines on a case by case basis that such use possesses no characteristics which would adversely impact the community in any way, or that any potentially adverse characteristics can

be adequately minimized and/or mitigated so as not to be materially detrimental to the community. Transitory accommodations can vary widely in their characteristics, which include but are not limited to size of site, surrounding land uses, duration, number of occupants, noise generation, and light and glare emanation. Accordingly, certain types of transitory accommodations may require the imposition of extensive conditions to mitigate potential adverse impacts to the community, while others may not: in some cases, adequate mitigation of impacts may not be feasible, and a proposed transitory accommodation consequently may not be allowed. The community development director shall therefore have the authority to approve, approve with conditions, or deny a permit for a transitory accommodation proposal, after consideration of the performance criteria set forth herein.

a. Process

i. A transitory accommodation permit shall be required prior to the commencement of such a use, unless the community development director determines, after consideration of the performance criteria set forth in this section, that the proposed transitory accommodation possesses no characteristics which might adversely impact the community.

ii. A transitory accommodation permit is a Type II action and shall be processed accordingly, as set forth in BMC Title 11, Administration of Development Regulations, except that a pre-application conference and transportation concurrency review shall not be required. The permit fee shall be established by resolution of the city council.

iii. Advance discussions with nearby schools.

(1) Prior to applying for a transitory accommodation permit, the proponent 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 transitory accommodations site, and shall seek comments from said administration.

(2) Where no comments are received, or where the administration of said school(s) is supportive of the proposal, the proponent shall submit an affidavit to this effect with the application.

(3) Where the administration of said school(s) registers objections or concerns regarding the proposed transitory accommodations, the proponent shall attempt to resolve such objections or concerns via a negotiated mitigation plan between the proponent and the school(s). Such a plan shall be submitted with the application and shall be incorporated in the conditions of the permit. Where the negotiations do not result in a mutually agreed upon mitigation plan within 30 days of receipt by the school administration of the initial notice from the proponent, but the parties desire to continue to pursue resolution of the issues, the parties may request mediation services from or through the City. In the event the parties cannot reach agreement after a good faith effort of at least 30 days from receipt by the school administration of the initial notice from the proponent, the proponent may submit an application but shall provide a record of the negotiations between the parties, including but not limited to copies of all correspondence and meeting notes. In evaluating the application against the performance criteria set forth herein, the director shall consider the topic(s) of the unsuccessful negotiations and the extent to which the parties demonstrated good faith in their discussions. "Good faith" in this context shall mean a recognition of the legitimacy of, and a willingness to accommodate, each party's needs, desires and concerns.

iv. The decision of the community development director may be appealed. Such appeals shall be heard and decided by the hearing examiner in accordance with the procedures set forth in BMC 11.12.010.

v. Emergencies. The community development director may waive these requirements when a natural or man-made disaster necessitates the immediate establishment of transitory accommodations.

vi. Failure to comply. If a transitory accommodation permit has been issued, and the community development director determines that the applicant has violated any condition of that permit, the director shall issue a notice of violation and require compliance in accordance with the procedures set forth in BMC Chapter 11.20, Enforcement. Failure to correct the violation after a reasonable time for compliance shall result in revocation of the permit. In such an event all activities associated with the accommodation shall cease immediately and the site shall immediately be vacated and restored to its pre-accommodation condition.

b. Site performance criteria.

i. Size. The site shall be of sufficient land area to support the activities of the transitory accommodation without overcrowding of occupants, intruding into required setbacks or critical areas, destroying vegetation, eroding soils or otherwise overtaxing the land. Where deemed necessary by the community development director, the applicant shall provide a site plan indicating the location of the proposed transitory accommodation on the host property; its area in square feet; and the proposed distribution of, and allocation of space for, anticipated activities including but not limited to sleeping, eating, socializing, and bathing and other personal functions.

ii. Setbacks from property line. All activities of the transitory accommodation shall be set back from adjacent properties a sufficient distance so as not to impinge upon or otherwise unduly influence activities on said adjacent properties. Where deemed necessary by the community development director, the applicant shall provide a site plan indicating buildings and uses on properties surrounding the proposed transitory accommodation, and the distance the proposed accommodation would be set back from surrounding property lines. A transitory accommodation shall be set back no less than 20 feet from the exterior boundary lines of adjacent properties unless the owners of such properties consent in writing to a reduction or waiver of such setback.

iii. Screening of activities. Where deemed necessary by the community development director, activities of the transitory accommodation shall be obscured from view from adjacent properties, by a minimum six foot high temporary fence, an existing fence, existing dense vegetation, an existing topographic difference, distance from exterior property lines, or other means, to the maximum extent feasible.

iv. Parking. Adequate parking for the transitory accommodation shall be provided so as not to reduce parking utilized by existing surrounding uses. Where deemed necessary by the community development director, the applicant shall provide a proposed parking plan consisting of the following:

(1) The amount and location of available on-site parking;

(2) The availability of on-street parking;

(3) Whether the proposed use would displace established on-street parking; and

(4) Whether the sponsoring agency proposes to utilize other mechanisms that might alleviate the need for additional parking, such as the provision of shuttle buses for the use of occupants of the transitory accommodations, or the provision of shared parking agreements with adjacent uses.

v. Access to public transportation. Where occupants of a proposed transitory accommodation are anticipated to require the use of public transportation, said accommodation shall be located no farther than one-half mile from a regular public transportation route.

vi. Critical areas. All proposed transitory accommodations shall comply with the City's critical areas regulations as set forth in BMC Chapter 14.04. Where deemed necessary by the community development director, the applicant shall provide a site plan indicating the presence and extent of any critical areas.

vii. Restoration of site. Upon cessation of the temporary accommodation, the site shall be restored, as near as possible, to its original condition. Where deemed necessary by the community development director, the applicant shall re-plant areas in which vegetation had been removed or destroyed.

c. Duration performance criteria.

i. Length of time. The proposed transitory accommodations shall be in operation the minimal length of time necessary to achieve the recreational, humanitarian or other objective(s) of the sponsoring organization. Where deemed necessary by the community development director, the applicant shall provide a narrative explaining the objective(s) the applicant seeks to achieve, and the amount of time the applicant believes necessary to achieve that objective. However, under no circumstances shall a proposed transitory accommodation be allowed in one location for more than 90 days, either consecutively or cumulatively, during any 12-month period, except that where the 90th day falls on a Friday, an additional two days shall be allowed to dismantle and remove the accommodation over the immediately following weekend.

ii. Recurring transitory accommodations. A transitory accommodation permit may allow a recurring accommodation, on an annual, bi-

annual or less frequent schedule, provided that prior to commencement of each accommodation, the applicant shall notify the community development director; the director shall issue and the applicant shall distribute a notice of application, in accordance with BMC 11.06.004; and the director shall determine whether circumstances have changed which might warrant revising permit conditions or revoking the permit.

d. Health and safety performance criteria. Transitory accommodations shall be operated in such a manner as to ensure the health and safety of occupants of the subject and surrounding properties. Accordingly, all transitory accommodations shall comply with the following:

i. Health regulations. All applicable city, county and state regulations pertaining to public health shall be met.

ii. Fire safety. Inspections of the accommodation by the City for fire safety purposes may be conducted at any time and without prior notice. Adequate access, as determined by the Fire Marshal, shall be maintained within and around the accommodation at all times to ensure that emergency vehicles can ingress/egress the site.

iii. Building code inspections. Inspections of the accommodation by the City to ensure the public health and safety with regard to structures may be conducted at any time and without prior notice.

iv. Drinking water and solid waste. An adequate supply of potable water shall be available on-site at all times. Adequate toilet facilities shall be provided on-site, as determined by the public works director. All city, county and state regulations pertaining to drinking water connections and solid waste disposal shall be met.

v. Trash. Adequate facilities for dealing with trash shall be provided on-site. A regular trash patrol or other method of regular maintenance in the immediate vicinity of the site shall be provided.

e. Conduct and security performance criteria.

i. Noise. Any transitory accommodation shall comply with City noise regulations as set forth in BMC Chapter 8.26. Where deemed necessary by the community development director, the applicant shall provide a plan to mitigate potential noise impacts.

ii. Light and glare. Any transitory accommodation shall comply with City light and glare regulations as set forth in BMC Chapter 8.64. Where deemed necessary by the community development director, the applicant shall provide a plan to mitigate potential light and glare impacts.

iii. Security. Any transitory accommodation shall comply with City regulations regarding lawful behavior as set forth in BMC Title 9, Criminal Code. Any transitory accommodation shall provide all required legal access to public areas of the site by the City of Bothell Police Department and any other relevant law enforcement agency at all times. Additionally, where deemed necessary by the community development director or police chief, the applicant shall provide for the following:

(a) The applicant shall take all reasonable and legal 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 camp residents.

(b) The applicant will use such identification to obtain warrant and sex offender checks from the King or Snohomish County Sheriff's office or other relevant authority. The anonymity of the requesting party shall be maintained.

(c) If said check reveals that the subject of the check is a sex offender, required to register with the City, County or State authorities pursuant to RCW 9A.44.130, then the applicant shall immediately reject the subject of the check for residency in the transitory accommodation or eject the subject of the check if that person is currently a resident of the accommodation, and shall immediately notify the Bothell Police Department of such rejection or ejection.

(d) If said check reveals that the subject of the check has an existing or outstanding warrant, then the applicant may select either of the following alternative actions:

(1) Immediately reject or eject the subject of the check and immediately notify the Bothell Police Department of such rejection or ejection; or

(2) Request the Bothell Police Department to confer with the agency or court of jurisdiction from which the warrant

originated to determine whether or not said agency or court desires the warrant to be served. If the originating agency or court desires the warrant to be served, the Bothell Police Department shall do so immediately. If the originating agency or court declines warrant service, due to the minor nature of the offense for which the warrant was issued or for other reasons, the subject may enter or remain in the transitory accommodation, provided that the applicant actively assist the subject in resolving the warrant.

(e) The applicant shall keep a log of all individuals who stay overnight in the transitory accommodation, including names and dates. Logs shall be kept for a minimum of six months.

(f) The applicant shall provide on-site security, as approved by the City of Bothell Police Department.

iv. Codes of conduct. If the occupants of a transitory accommodation have a written code of conduct, said code shall be incorporated into the conditions of approval.

f. Other performance criteria.

i. Indemnification. The applicant shall defend, indemnify, and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits of any nature, including attorney fees, arising out of or in connection with the operation of the transitory accommodation.

ii. Liability insurance. Where deemed necessary by the community development director, the applicant shall procure and maintain in full force, through the duration of the transitory accommodation, comprehensive general liability insurance with a minimum coverage of $1,000,000 per occurrence / aggregate for personal injury and property damage.

iii. Other criteria. Where deemed necessary, the community development director may identify other performance criteria; require the applicant to describe the potential impacts of the proposed transitory accommodation with respect to those criteria; and determine if measures are warranted to minimize or otherwise mitigate such impacts.

Exhibit 3

Agenda	Transitory Accommodations Citizen Advisory Committee Meeting Tuesday, February 22, 2005 6:00 PM to 9:00 PM Seattle Times Community Room	
Attendees:	Committee Members: Sylvia Cunningham; Kevin Kelly; Laurie Milliard; Bill Nash; Pat Pierce; Steven Pyeatt; Pastor Michael Schultz-Rothermel and Scott St. Clair. Staff: Manny Ocampo, Assistant City Manager, Gary Hasseler, Community Development Planning Manager and Michael Weight, City Attorney	
	Agenda topics	
6:00 – 6:30 p.m.	**Introductions and discussion of committee processes and logistics** How will the committee be organized? What are the ground rules, i.e. consensus model debate; public participation limited to written submittals; etc?	All
6:30 – 7:30 p.m.	**Discussion of committee charge and expected work products** What is the Council's specific charge to the committee? What are the expected work products of the committee? What are the transitory accommodations categories that should be considered?	All
7:30 – 8:00 p.m.	**Discussion of resource materials** Highlight and discuss the resource materials and documents supplied by the City in support of the committee's work.	All
8:00 – 8:30 p.m.	**Discuss project milestones and timelines** What are the key milestones and timelines associated with the committee's work?	All
8:30 – 9:00 p.m.	**Discuss next meeting schedule and suggested agenda topics** Discuss the expected meeting schedule for the committee, as well as, identification of potential topics for the next meeting of the committee.	All

Agenda	Transitory Accommodations Citizen Advisory Committee Meeting Tuesday, March 1, 2005 6:00 PM to 9:00 PM Northshore Senior Center	
	Agenda topics	
6:00 – 6:10 p.m.	**Recap of February 22 meeting** Recap of first meeting discussion, including confirmation of project milestones and time lines.	All
6:10 – 6:30 p.m.	**Finalize discussion of potential temporary accommodation applicants and their usage characteristics** Complete discussion and committee consensus of the temporary accommodation potential applicants and/or their characteristics that need to be addressed by this regulatory process	All
6:30 – 7:15 p.m.	**Staff presentation regarding potential permit alternatives and processes that could be considered by the committee** Staff will provide background information regarding the various potential permit instrument and processes (e.g. temporary use permit; conditional use permit; outright permitted use; etc.) including their advantages, disadvantages, public input opportunities; cost/benefit analysis, etc.	Staff
7:15 – 8:45 p.m.	**Discussion of temporary accommodations potential elements that need to be incorporated into Bothell's permit** Continue discussion of the appropriate permit elements that should be considered in the development of regulations governing temporary accommodations. Committee members are urged to review the resource materials provided in their notebooks, particularly the ARCH materials. This is the key discussion item of the meeting. It's important to get all of the critical elements identified so that consensus can begin to be built for the final recommendation.	All
8:45 – 9:00 p.m.	**Discuss next meeting schedule and suggested agenda topics** Confirm next meeting date and potential topic	All

TRANSITORY ACCOMMODATIONS CITIZEN ADVISORY COMMITTEE

Regular Meeting – March 1, 2005

COMMITTEE MEMBERS PRESENT: Scott St Clair; Pat Cunningham; Kevin Kelly; Laurie Milliard; Pat Pierce; Steven Pyeatt; and Michael Schultz Rothermel

ABSENT AND EXCUSED: Bill Nash

STAFF PRESENT: Assistant City Manager, Manny Ocampo, Community Development Director, William Wiselogle, Community Planning Manager, Gary Hasseler and Recording Secretary, La' Tanya Banks.

CALL TO ORDER:

Assistant City Manager, Manny Ocampo, called the regular meeting of the TACAC to order at 6:00 p.m.

RECAP OF FEBRUARY 22, 2005 MEETING

Mr. Ocampo addressed the Committee, and gave a brief recap of the first meeting discussions, and addressed the potential time lines.

CONTINUED DISCUSSION OF POTENTIAL TEMPORARY ACCOMMODATION APPLICANTS AND THEIR USAGE CHARACTERISTICS

The Committee began detailed discussions on potential temporary accommodation applicants and their characteristics, noting that based on previous discussions, the three general categories are:

1. Homeless Encampments
2. Private, Religious, and Educational Encampments
3. Humanitarian Encampments

The Committee began discussions on the characteristics of the general categories. There was agreement that there may be transitory accommodations that fall into one or more of these categories.

STAFF PRESENTATION REGARDING POTENTIAL PERMIT ALTERNATIVES AND PROCESS THAT COULD BE CONSIDRED BY THE COMMITTEE

Planning Manager, Gary Hasseler distributed a memorandum regarding various permit types, and gave a brief presentation on Bothell Permit Types and Applicability to Transitory Accommodations Uses, and listed three potential methods for addressing transitory accommodations as identified by Planning Division staff for Committee discussions.

It was the consensus of the Committee to focus their discussions on their goal, and establish their own unique permit process that applies to this issue, reminding that they were here to craft the permit and the conditions under which this can be done.

Next week, the Committee will focus and reach a conclusion on the type of instrument to be used in this process.

DISCUSSION OF TEMPORARY ACCOMMODATIONS POTENTIAL ELEMENTS THAT NEED TO BE INCORPORATED INTO BOTHELL'S PERMIT

Mr. Ocampo distributed a draft list of potential permit criteria as recommended by ARCH for discussion, which included the following issues:

- general site
- limits to encampment
- health and safety
- conduct and security
- conditions of contract

The Committee began discussions on general criteria and requirements, noting that the criteria provided by ARCH were to be used as a starting point.

Committee Member Cunningham distributed a King County Department of Development and Environment Services Temporary Use Permit Decision for Committee review.

Mr. Ocampo distributed a letter dated February 24, 2005, from Elaine Bridger and James DuVall, indicating their support of the moratorium extension and recommendations related to transitory accomodations.

Next week, the Committee will hold discussions on the upcoming report, what it will include, the background and structure of the report, and continue discussions on the decisions and how it impacts the report.

REPORTS FROM STAFF:

Mr. Ocampo advised that the next meeting would be held at the Bothell Police Department Community Room.

Mr. Ocampo informed the Committee that he was working on obtaining current legislative information, and advised that Police Chief, Forrest Conover, was working to put together crime statistics for Tent City, as well as other sites.

REPORTS FROM MEMBERS

It was a consensus of the Committee that the deliberations are moving along now that everyone has gotten to know everyone, and can now be frank with his or her views. Opinions may differ, but they are respected, reminding that all have come together to work for a common goal.

ADJOURNMENT:

The meeting was adjourned at 8:40 p.m.

_____

La Tanya Banks, Recording Secretary

Agenda

Transitory Accommodations Citizen Advisory Committee Meeting

Tuesday, March 8, 2005
6:00 PM to 9:00 PM
Please Note Site Change
Public Safety Building Community Room

Agenda topics

6:00 – 6:15 p.m.	**Recap of March 1 meeting** Recap of first meeting discussion, including confirmation of project milestones and time lines.	All
6:15 – 7:15 p.m.	**Finalize preferred process and instrument for processing permits for these types of uses** Finalize discussion and committee consensus of a preferred instrument and process for processing permits. Examples discussed include an outright permitted use without a permit, but with clearly articulated conditions; an outright permitted use, with a permit; a transitory accommodations permit; or a conditional use permit. Inherent in this decision will be acknowledgement of the various components associated with the recommended instrument, e.g. time frames, public notice and participation, enforcement, method for appeal, etc.	All
7:15 – 8:15 p.m.	**Continue discussion of potential permit elements, criteria and conditions** Continued discussion and deliberations regarding permit regulatory language and processes. This will include consensus building around specific permit language	
8:15 – 8:45 p.m.	**Discuss key elements and organization of final report** Committee initiates discussion of the structure and content outline for the final report to the Planning Commission. Staff will be prepared to offer suggestions and/or recommendations regarding this report.	All
8:45 – 9:00 p.m.	**Discuss next meeting schedule and suggested agenda topics** Confirm next meeting date and potential topics	All

FILE

TRANSITORY ACCOMMODATIONS
CITIZENS ADVISORY COMMITTEE MEETING
Meeting Notes
Tuesday, March 8, 2005

Committee Members Present
Scott St Clair, Sylvia Cunningham, Kevin Kelly, Laurie Milliard, Pat Pierce, Steven Pyeatt, Michael Schultz Rothermel, and Bill Nash (by phone).

Staff Members Present
Assistant City Manager Manny Ocampo, Community Development Director Bill Wiselogle, Community Planning Manager Gary Hasseler and Senior Administrative Assistant Lynda Quinn (notetaker).

Call to Order
Assistant City Manager Ocampo called the meeting to order at 6:05 p.m.

Recap of March 1, 2005 Meeting
ACM Ocampo reviewed items in the March 1, 2005 meeting notes. He talked briefly about the three main categories that were identified and discussed at the last meeting, as well as what type of permit, characteristics and potential elements could go into the permit. TACAC members had no changes to the meeting notes.

While verbal public comments are not accepted, written comments to the committee are allowed. ACM Ocampo distributed packets of materials received this week: 1) Packet from Norm Milliard; 2) E-mail from Norm Milliard that transmits additional E-mails; 3) E-mail from a citizen regarding work of TACAC and suggestions for the process TACAC is going through; 4) E-mail from Lois Livingston to ACM Ocampo to share with TACAC. He clarified that this information is provided for background only, as there has been no staff analysis of the materials.

Finalize Preferred Process and Instrument for Processing Permits for These Types of Uses
ACM reviewed the options discussed last week that the Committee might want to consider, which were:

1) Outright permitted use for transitory accommodations without a permit, but with clearly articulated conditions described in the Code;
2) Outright permitted use with a permit, with conditions listed;
3) Special permit;
4) Conditional use permit process, similar to the one used with Tent City4 came to Bothell.

There was a brief discussion about permit uses associated with a transitory accommodations permit, and within it, a way to differentiate between the various requests, identifying criteria analysis by the decision-maker to make a determination based on the individual characteristics to apply as necessary. Planning Manager

Hasseler handed out and reviewed with the Committee a paper describing the options discussed last week.

A suggestion was made that the Committee focus on impacts rather than different types of uses. Another comment was made that conditions will have to be met for an outright permitted use. The issue is going to be with an outright permitted use with conditions or a transitory use permit, it will come down to the conditions and timing.

There was a brief discussion about the Tukwila Model. Some felt there was no permit required at all, while others felt that Tukwila decided not to engage at all. The Committee agreed that not everyone concurred with that observation of the Tukwila Model. There was then a discussion about whichever section of the Code would be applied, would have to be met. A special permit may not be required. It was felt that a number of those instances exist. One observation was that outright permitted uses would have minimal impact, would be very simple to comply with, yet be regulated. Other comments related to this issue were that this type of permit may become a compliance issue and it can be very descriptive. Whether a permit is required or not, there will be analysis of impacts and conditions need to be considered. There was then a brief discussion about whether a permit has value.

It was suggested that the appropriate way for the Committee to start the process is to look into building blocks; then the permit process can be looked at. Think about where the committee wants to be, i.e., the outcome. Bothell needs something that is predictable, understandable, easy to use, etc. It was suggested to find something in the middle that is okay for both points of view on this issue and the citizens. There was then a discussion about thresholds and triggers. It was pointed out that the City Council felt that there was a lack of a clear road map dealing with this in all aspects. They were very interested in figuring out how does Bothell move forward in dealing with this and knowing what to do. Dealing with this will provide certainty, as there are no guidelines now. One member felt it is important to predict and provide certainty. The public/citizens need to be addressed and responded to so that they know the City is looking out for their interests.

ACM Ocampo added that a permit does not need to take lots of time and be burdensome. There was a brief discussion about whether or not the Committee needs to be briefed by the City Attorney. There was not concurrence on this. Committee members requested a copy of the Seattle Consent Decree that established their criteria.

ACM Ocampo handed out the materials prepared by ARCH (A Regional Coalition of Housing). It was pointed out that there are different types of models to get at the same concerns. Legal options, accountability and community/citizen concerns need to be looked at. Different jurisdictions' models focus on different concerns. A lot can be learned by Bothell from their recent experience. The focus then shifted to the location of potential requests, whether they are on public, private or faith-based land.

The meeting adjourned for a break at 7:10 p.m. and reconvened at 7:20 p.m.

Continue Discussion of Potential Permit Elements, Criteria and Conditions

After the break, the discussion turned again to thresholds and triggers. It was pointed out that the ARCH materials provide suggestions. The Committee talked about the first item, potential parking and traffic control issues. As ACM Ocampo read each example of language from sections of the ARCH materials, the Committee considered ideas for wording. There was further discussion on parking. Kirkland's current Tent City was referenced. There was lengthy discussion about subjectivity of the City's decision-makers. Community Planning Manager Hasseler noted that some subjectivity is good, as it may lead towards a way to do a certain project. ACM Ocampo noted that every criteria needs to be addressed, but some with a different weight. This issue was then debated.

The Committee talked about the second item from the ARCH list, Access to Transportation Resources. What is identified or put in place needs to be reliable. After another discussion about the distance of bus stops from encampments, it was suggested to make the required distance ½ mile instead of ¼ mile.

There was then a discussion about the third item, making sure the site is of sufficient size. The size is important, more because of public safety than Health Department and Planning purposes. The size needs to fit the needs. It was suggested that some language be included to cover some analysis by Fire. It was also suggested that "pathways" be talked about in the wording.

Community Planning Manager Hasseler will start formulating draft language and bring it back to the Committee. The Committee can then begin re-working the language

The fourth item, intensity, buffers and characters, was discussed. The topography of the land of the encampment and surrounding topography has to be figured in. The Committee talked about size of buffers and least restrictive versus unrestrictive. There was a discussion about Tent City4 and St. Brendan's church. It was suggested that adjoining and/or affected property owners could provide input regarding conditions of encampments. Buffers need to accomplish a purpose, such as to provide privacy for inhabitants. The Lindholm E-mail was referenced. A comment was made that the intensity of a use has the potential to affect neighbors. If a fence is required, the fence needs to be reasonably effective. ACM Ocampo suggested that the focus needs to be on the impact to the neighbors, whether an encampment is 8, 15, 20, or 100 people. There was a brief discussion about noise at or within the buffers. He and Community Planning Manager Hasseler explained that noise measurement could be taken at the property line.

ACM Ocampo reminded the Committee's job is not to presuppose the outcome or predict behaviors based on the history or other cities' history. The Committee's job is to do the best they can to provide people with the opportunity to do the right thing. There was lengthy discussion about setbacks. It was felt there needs to be a consensus and acknowledgement on the intensity of use in relationship between the proposed use and

existing use. It was suggested that the issue of flexibility is very important, so that extenuating circumstances can be looked at.

ACM Ocampo thanked the Committee for their work, noting that it had been an excellent evening. The two requested documents will be sent electronically to the TACAC members. ACM Ocampo will not be attending next week because he will be attending a conference out of town. Community Development Director Wiselogle and Community Planning Manager Hasseler will facilitate the meeting. He pointed out that the Committee needs to make lots of progress so that timelines are met. Some draft language will be provided next week.

The meeting was adjourned at 9:08 p.m.

Prepared and submitted by:

Lynda Quinn

Lynda Quinn
Senior Administrative Assistant
Office of the City Manager

Agenda

Transitory Accommodations Citizen Advisory Committee Meeting

Tuesday, March 15, 2005
6:00 PM to 9:00 PM
City of Bothell Public Safety Facility Community Room

Agenda topics

6:00 – 6:10 p.m.	**Recap of March 8 meeting** Recap of first meeting discussion, including confirmation of project milestones and time lines.	All
6:10 – 7:30 p.m.	**Continued discussion of permit language** Continued discussion and deliberations regarding permit regulatory language and processes. This will include consensus building around specific permit language. Staff will provide permit language drafts for committee discussion.	All
7:30 – 7:45 p.m.	**Break**	All
7:45 – 8:50 p.m.	**Continued discussion of permit language** Continued discussion and deliberations regarding permit regulatory language and processes. This will include consensus building around specific permit language. As a reminder only, the tentative work schedule goals call for the committee to reach general consensus regarding permit language by the end of next weeks (March 22) meeting. If this can be achieved, staff would bring back a final draft of the permit language and final report for committee final discussion and potential adoption at its meeting of March 29, 2005.	All
8:50 – 9:00 p.m.	**Discuss next meeting schedule and suggested agenda topics** Confirm next meeting date and following an assessment of progress to date, confirm agenda for next meeting.	All

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TRANSITORY ACCOMMODATIONS
CITIZENS ADVISORY COMMITTEE MEETING
Meeting Notes
Tuesday, March 15, 2005

Committee Members Present
Scott St Clair, Sylvia Cunningham, Kevin Kelly, Laurie Milliard, Bill Nash, Pat Pierce, Steven Pyeatt and Michael Schultz Rothermel.

Staff Members Present
Community Development Director Bill Wiselogle, Planning Manager Gary Hasseler and Senior Administrative Assistant Lynda Quinn (notetaker).

Six members of the public were also in attendance.

Call to Order
Planning Manager Hasseler called the meeting to order at 6:02 p.m.

Recap of March 8, 2005 Meeting
Manager Hasseler handed out three separate packets of E-mails received last week. He reviewed items in the March 8, 2005 meeting notes. He talked briefly about the three options that were discussed at the last meeting, noting that TACAC members talked about focusing on impacts rather than different types of uses, and the ARCH criteria. It was point out that the requested materials were not E-mailed to committee members. That will be done before the next meeting. TACAC members had no changes to the meeting notes.

Continued Discussion of Permit Language
TACAC members continued their discussion and deliberations regarding permit regulatory language and processes. Manager Hasseler described the draft document containing proposed code language for those items (criteria) discussed by the committee at the March 8th meeting. He suggested that new language will be added to the original document as consensus is reached on items. Maintaining just one document will ensure that there are not several versions with different wording being circulated. Committee members agreed this is a good approach.

Copies of a draft document prepared by Committee member Kelly were distributed. He described the document, which contained suggestions for "School Safety Zone Buffers." He pointed out that the 1000 ft. buffer mentioned falls within what schools currently use as guidelines for weapons and drugs. This will be discussed at the next meeting, after committee members have had time to review it. Committee member Kelly will send this document electronically to all members and staff.

Concern was expressed about having transitory accommodations in residential neighborhoods at all. Some members felt that the use doesn't fit with the residential environment, i.e., referenced single-family houses next to apartments and/or businesses. There was a brief discussion about an example at the recent City Council meeting when Council was concerned about the proximity of these uses.

There was a discussion about the permitted use table for temporary uses that was part of the draft language submitted by staff. Director Wiselogle briefly explained the background/history of the zoning code. He noted that tent cities are high intensity residential uses. A discussion followed about zones in which a tent city could locate. Finn Hill and Woodinville tent cities were referenced. A discussion ensued.

Director Wiselogle talked about general regulations, explaining that regulations make clear what can and cannot be done in certain zones/areas. In response to a concern that was raised, there was a discussion about setting limits on heights, etc., i.e., lower, higher or insufficient. Another discussion followed about whether to include guidelines for trailers or tents on wheels. It was suggested to change the wording to "unnecessary" or "insufficient." Some committee members were interested to know Bothell's definition of "church." Staff will report back to the committee.

There was a lengthy discussion about parking and expected number of vehicles at sites, and displacement of stalls and those generated by transitory accommodations. Manager Hasseler talked about the suggested wording on determining the parking generated at a site. It was pointed out that a parking plan would vary depending on the use. It was suggested to give the Director as much latitude as he needs when making decisions.

When asked about whether the committee concurred to delete thresholds from the parking requirements, a long debate ensued. Director Wiselogle described a possible application/checklist that may be utilized to ensure that the process is conducted expeditiously, diligently and thoughtfully. A checklist contains criteria. A lengthy discussion followed.

Consensus was reached; committee agreed that thresholds may not be the best approach to some criteria. It was suggested that the code identify what the committee wants to achieve.

The meeting adjourned for a break at 7:27 p.m. and reconvened at 7:37 p.m.

Continue Discussion of Potential Permit Elements, Criteria and Conditions

After the break, the committee resumed the discussion and review from last week of the ARCH materials. Committee member Scott St Clair referenced E-mails from Randy Nading, Headmaster, Heritage Christian School, with attached letter, Dave Rehnberg, and John Jones. Manager Hasseler talked briefly about the Critical Areas Ordinance section. There was a brief discussion, followed by a discussion on disaster response.

Consensus was reached; committee agreed that the proposed code section pertaining to critical areas was acceptable. Further, the committee agreed that language for additional criteria on the ARCH list, such as those criteria relating to public health, could also be proposed by staff.

The Committee talked about the public notice item. It was pointed out that this issue has to do more with impacts and proximity of project to adjacent uses, scale and intensity. The City does not take this issue lightly. One committee member suggested

that they could accommodate vs. the activity making the accommodation, depending on the activity, duration or intensity. For some activities, it was suggested that no notice might be necessary, i.e., low duration or intensity, rather than that of a greater number of people and duration. There was a discussion about whether or not to limit the number times an activity could be done, during one year, etc. It was pointed out that the big thing with Tent City was that there was no time to react to or absorb the activity. There was a lengthy discussion about ways the City currently conducts the notification process. Staff explained the difference between public meetings and public hearings, the different requirements to be met, and ways the public can give input. It was one opinion that there is no reason to deviate from the City's regular standard system, since this his system has been working for many years and has stood the test of time for all sizes and complexities of projects. The regular process is to place signs on the affected property, publish in the City's newspaper of record and mail to all property owners within 300 ft. In response to an inquiry, Manager Hasseler confirmed that the City knows when required mailing and other requirements by the applicant have been met, as the City receives an affidavit which includes a copy of the list of addresses that received the mailing. It was noted that there will always be problems of some kind with any project. The issue was then debated.

A concern was raised about emergent needs which may arise periodically and whether there was the possibility of adding some wording to encompass that, in the way of a contingency plan of some sort for emergency situations. It was suggested that where there is no flexibility, problems may arise. It was suggested that the operating agency needs to already have a contingency plan. The process needs to be kept predictable. There was a lengthy discussion about the 21-day notice requirement, about fairness to everyone, and no special treatment. Another member concurred that the City incorporating a contingency plan process was good, and to look at this as a humanitarian issue, with wording such as "This is what constitutes an emergency...". There was another lengthy discussion. After a vote was taken, there was disagreement among Committee members on including a humanitarian contingency related to or being part of the public notice process. A suggestion was made to come back to the issues or items that "need work" and continue to work through the ARCH materials and conditions language. It was suggested that the committee needs to think globally and locally, as there are many ramifications to keep in mind. Other jurisdictions are paying attention to what Bothell does.

The discussion then focused on limits to the encampment. Some concern was raised because of a perceived special treatment. The idea was brought up of incorporating a sliding scale duration. Some felt that a 90-day duration was too long and a big impact on neighbors, other members did not agree with that.

Staff noted that by Monday, a second draft of the language will be provided to the committee. The second draft will reflect some changes made to the draft so far, and some of the new suggestions made tonight. Some simple conditions will be added, as well as others just as placeholders. Committee members may contact Director Wiselogleor or Manager Hasseler if they have input.

The meeting was adjourned at 9:02 p.m.

Prepared and submitted by:

Lynda Quinn
Senior Administrative Assistant
Office of the City Manager

Agenda	Transitory Accommodations Citizen Advisory Committee Meeting Tuesday, March 22, 2005 6:00 PM to 9:00 PM City of Bothell Public Safety Facility Community Room	
	Agenda topics	
6:00 – 6:15 p.m.	**Recap of March 15 meeting** Recap of last meeting discussion	All
6:15 – 8:15 p.m.	**Review draft regulations and processes provided by staff** Based on committee discussion and consensus, staff will provide a set of recommended regulations and processes for committee review and discussion. Following this, the goal will be to achieve committee consensus regarding permit language so that staff can prepare a final document for the committee to consider.	All
8:15 – 8:45 p.m.	**Review draft report outline provided by staff** Based on committee discussion and consensus, staff will provide an outline of the committee's final report for review and discussion.	All
8:45 – 9:00 p.m.	**Discuss next meeting schedule and suggested agenda topics** Confirm next meeting date and potential topic	All

TRANSITORY ACCOMMODATIONS
CITIZENS ADVISORY COMMITTEE MEETING
Meeting Notes
Tuesday, March 22, 2005

Committee Members Present
Scott St Clair, Sylvia Cunningham, Kevin Kelly, Laurie Milliard, Pat Pierce, Steven Pyeatt and Michael Schultz Rothermel. Bill Nash arrived late.

Staff Members Present
ACM Manny Ocampo, Planning Manager Gary Hasseler and Senior Administrative Assistant Lynda Quinn (notetaker).

Four members of the public were also in attendance.

Call to Order
ACM Ocampo called the meeting to order at 6:07 p.m.

ACM Ocampo handed out copies of E-mails and letters received this week. Mr. Ocampo indicated that there continues to be a wide variety of viewpoints and recommendations expressed. He reminded the Committee that these documents are distributed for informational purposes only and are not an endorsement of any kind by the City or staff. He also reminded the Committee and members of the audience that only written communication will be received from the public. No verbal comments are accepted.

Recap of March 15, 2005 Meeting
Member Pat Pierce made one spelling correction on page 3 of the meeting notes. TACAC members had no other changes to the meeting notes.

Review Draft Regulations and Processes
ACM Ocampo reviewed the Agenda for tonight's meeting, noting he added detail under this item to identify all of the issues yet to be addressed. He then referred to the revised draft language prepared by Manager Hasseler. He added that he liked the "parking lot" idea implemented last week for items on which the Committee could not yet come to a consensus. He recognized that some issues may remain on the "parking lot' list. Some conditions may have minimal language, others may be lengthier. Copies of a Bothell High School newsletter page and correspondence from Ron Swicord were distributed by a committee member.

On the issue of buffer from schools, Manager Hasseler handed out copies of a new GIS map, showing schools and churches with buffer zones identified at 1,000 ft., ¼ mile and ½ mile. He then described details of the map for the Committee, noting that it was the same map containing zoning designations, with enhanced information added. There was then a discussion about the origin of the identified buffer zone areas. Some precedent for including a buffer zone exists within the City of Bothell, for example the mandatory Secure Transitory Facility was set up using State criteria, with a 600 ft. buffer zone. This is a half-way house for sex offenders. The criteria for that facility are very

restrictive and preclude it from being near any place that has children, i.e., schools and day cares.

Committee member Kelly referenced the draft language he prepared and distributed at last week's meeting, noting that he had researched other jurisdictions' codes during its preparation. A discussion ensued about whether institutions with adult students 18 and older could be deleted from the deliberations. Committee member Pyeatt referenced the Seattle University Model. Concern was expressed that the conditions selected by the Committee need to be drafted to allow churches to host an activity on their own property on property other than their own. It was suggested that the Committee look at rationale as to why or why not have a buffer. Examples from Bothell's Tent City4 were cited. A lengthy debate followed. A comment was made to keep in mind the impact of an activity on the property and on the adjacent neighborhood. After further discussion, the Committee concurred that it was not yet time to come to a consensus on this issue. A suggestion was made to follow the existing City codes when defining language. Issues will be resolved in the application process. It was suggested that flexible tools need to be provided to the Director to make the needed decisions.

There was another discussion about instances of violations in the recent Tent City4. ACM Ocampo reviewed his observation of Committee members' points of view on the buffer issue. Some are in favor and recognize a need for buffers; some are unconvinced that buffers are needed; some do not believe that buffers are the way to deal with the impacts or whether or not a church with a school would be included in buffer. There was some discussion about a church not hosting an activity on their property during the school year, and visual and distance buffers. The Committee talked about including language to direct the hosting agency and schools to work together when located too close to each other. There was also a discussion about whether or not to make an exception to a buffer requirement if the agency and school were within 1,000 ft. of another school. This included a debate about including the responsibility of the management authority that operates the school. Committee members talked about how and if the location of an encampment of a piece of property would figure into decision-making. A suggestion was made that for churches with schools, or having a relationship with other schools, a 1,000 ft. buffer might be mitigated by size or location. ACM Ocampo encouraged TACAC members to look at the maps again.

The meeting adjourned for a break at 7:40 p.m. and reconvened at 7:50 p.m.

Following further discussion, ACM Ocampo made the following suggestion: "The host for any proposed site must get the written permission of any school within 1,000 ft. of the proposed transitory accommodation site." Some Committee members discussed this and expressed some concern, noting that it might be a layer of review that is not needed.

There was a discussion about guidelines and examples and potential misbehavior in the buffer area. The Committee talked about whether or not to include high school students in the buffer area. A discussion followed about the feasibility of offering two sets of recommendations to the Planning Commission/City Council. Some felt that if too much

language is taken out, or if the Committee takes to long to present results, the Planning Commission and City Council could have made decisions without TACAC. It was suggested that the Committee not give up too quickly when consensus is not met on items. Committee members each have strong feelings on issues and important decisions to make. The suggestion was made to look at this issue again at the next meeting.

There was a discussion about additional revisions to the map. ***The Committee concurred that the buffer ranges need to be modified to reflect 300 ft., 600 ft. and 1,000 ft. and that UWB can be left without a buffer area.*** Committee members requested the colors also be modified to better define buffer areas.

The public notification issue is still parked, and to be resolved at a later time.

ACM Ocampo explained the recommended language from ARCH on Resident Identification and Contact Information. There was a lengthy discussion about identification, and notification to authorities of those who do not have identification. Suggested language to be added was "If the operating agency fails to obtain identification, they must notify the property owner." There was a discussion about law enforcement in Bothell versus that in King County. It was pointed out that King County can be notified, but not regulated. ACM Ocampo suggested language that addressed the host and the applicant working with Bothell officials on these issues. After further discussion, there was no consensus. There was brief discussion in response to a request for feedback on the draft language dated March 22. It was suggested that the Committee look again at the ARCH materials previously handed out. Staff will continue work on preparing draft language.

ACM Ocampo reviewed outstanding permit elements listed on this evening's Agenda that still need to be addressed by TACAC.

On #5, Disposition resolution and sanctions/notice of default and enforcement, the question was raised at to what happens if people don't comply? A short discussion followed.

On #6, Indemnification/liability insurance issue, ACM Ocampo reminded Committee members that the ARCH materials contain suggestions, which is pretty standard language. A concern was expressed, and a discussion followed, about the responsibility of liability shifting from one entity to another if language is not clearly written. There was a brief discussion about assets of a church and how they might figure into this.

On #7, Community relations, suggestions in the ARCH materials were referenced. A short discussion followed.

<u>Discuss Next Meeting Schedule and Suggested Agenda Topics</u>
Manager Hasseler will try and have additional suggested draft language ready for next week's meeting. There was a brief discussion about the remaining meeting schedule

timeline and the Committee's progress on the assignment. Due to the amount of work remaining, Committee members concurred to add one more meeting on April 5. The location of that meeting will be announced.

Next week's meeting will be held at the Seattle Times Building, unless otherwise notified.

The meeting was adjourned at 9:02 p.m.

Prepared and submitted by:

Lynda Quinn
Senior Administrative Assistant
Office of the City Manager

Agenda	Transitory Accommodations Citizen Advisory Committee Meeting Tuesday, March 29, 2005 6:00 PM to 9:00 PM **PLEASE NOTE LOCATION CHANGE BELOW** Northshore School District Administrative Building Room 202	
	Agenda topics	
6:00 – 6:10 p.m.	**Recap of March 22 meeting** Recap of last meeting discussion	All
6:10 – 7:15 p.m.	**Continue discussion of draft regulatory recommendations of the committee** Continue discussion and consensus building regarding final draft regulatory language and permit process issues for temporary accommodations of all types in the City of Bothell.	All
7:15 – 7:30 p.m.	**Break**	All
7:30 – 8:45 p.m.	**Continue discussion of draft regulatory recommendations of the committee** Continue discussion and consensus building regarding final draft regulatory language and permit process issues for temporary accommodations of all types in the City of Bothell. Focus should also be on identifying which issues, if any, still need resolution in order to complete the committee's work.	All
8:45 – 9:00 p.m.	**Conclusion and prep for next committee meeting** Confirm agenda for April 5 committee meeting and identify remaining issues necessary to complete committee report.	All

TRANSITORY ACCOMMODATIONS
CITIZENS ADVISORY COMMITTEE MEETING
Meeting Notes
Tuesday, March 29, 2005

Committee Members Present
Scott St Clair, Sylvia Cunningham, Kevin Kelly (by phone), Laurie Milliard, Bill Nash, Pat Pierce, Steven Pyeatt and Michael Schultz Rothermel.

Staff Members Present
ACM Manny Ocampo, Community Development Director Wiselogle and Senior Administrative Assistant Lynda Quinn (notetaker).

Six members of the public were also in attendance.

Call to Order
ACM Ocampo called the meeting to order at 6:15 p.m. in Room 202 at the Northshore Administrative Center.

Recap of March 22, 2005 Meeting
TACAC members reviewed the notes of last week's meeting. Member Michael Schultz Rothermel suggested the following change to the second paragraph on Page 3: "For the sake of further discussion, ~~*Tthe Committee concurred that the buffer ranges need to be*~~ requested to see the buffer ranges *modified to reflect 300 ft., 600 ft. and 1,000 ft. and that UWB can be left without a buffer area."* TACAC members concurred with this change and had no other changes to the meeting notes.

Continue Discussion of Draft Regulatory Recommendations of the Committee
Director Wiselogle distributed revised GIS maps showing the modified buffer zones. Member Kevin Kelly clarified that 300 ft. as a buffer zone is not acceptable to him. There was a brief discussion. He was reminded that the 300 ft. was the indication of the zone for notice to be made to surrounding residences. Director Wiselogle point out that the map does not yet show private day care schools, as this information has to be obtained manually.

ACM Ocampo referred to pages 2 and 3 of the draft language indicating that the blanks indicated would be replaced by language Bill is working on related to focusing on Community Development Director best assessment of a "reasonable person" standard for determining specific conditions. There was discussion among members about their opinions on buffer distances. Committee member Rothermel-Schultz raised the issue that there needs to be a compelling reason to implement buffers, and none was yet offered. Another discussion ensued about responsibility of the owner of a school versus a middle man to work with the host agency. The committee then talked about sexual predators in the Tent City4 encampment. TACAC members then discussed the idea of the host agency talking with adjacent neighbors ahead of time would be a good idea, followed by a discussion about coming to some sort of formal agreement regarding how identified issues could be mutually addressed.

The Committee acknowledged the necessity to come to consensus on the issue ofbuffers. However, when queried by ACM Ocampo, the committee, at that point in time was split on whether or not buffers are absolutely necessary. Some were in favor of a hard 600 ft. to 1,000 ft. buffer, some were willing to consider an arrangement with schools, and others would consider a different type of buffer than discussed. Another lengthy discussion followed. A Committee member emphasized that it was important to come up with something that the entire committee, representing the community, could be comfortable with, so that the community didn't feel like they had to get involved in the decision-making.

There was a brief discussion about implementing an alternative labor dispute resolution process as a structured way that all individuals would be brought into compliance. A discussion followed about mitigation techniques to mediate the issues.

The meeting adjourned for a break at 7:35 p.m. and reconvened at 7:50 p.m.

Director Wiselogle read new sample language he had prepared. He noted that setting the right tone in the language is important. A discussion followed. It is important to identify the impacts and regulations to help both sides do the right thing; not every possibility, but as much as we can. If there is no agreement, there are options.

ACM Ocampo proposed to the Committee to go ahead and "park" the buffer issues. He and Director Wiselogle will work on revisions to the language, scenarios and proposals. He encouraged everyone to review the proposals objectively, keeping in mind that whether there is a recommendation or if there is not a recommendation from the Committee, it will carry weight. Committee Member Michael Schultz Rothermel expressed concern that it was really important to look at the big picture and keep in mind the time frame, land use and religious institution legal issues, and any moral implications of "redlining" a group or groups of people in society. A brief discussion followed. Director Wiselogle talked for a short time about interjurisdictional ideas and cooperation.

ACM Ocampo explained the proposed language on conduct and security, noting that most of this was from Bothell's Conditional Use Permit process. A lengthy discussion followed. In response to committee discussion, Director Wiselogle indicated he will add additional language. It was observed that the City also needs to be encouraging to contribute to overall solutions to the homeless issue, either as part of the regulatory process or outside it. There was a brief discussion about the City's Human Services programs and what they offer.

A discussion ensued about what happens when a resident of an encampment is expelled. Another discussion followed about the importance of having thresholds. ACM Ocampo will talk with the Chief of Police and the City Attorney on this issue. The Committee then talked about on-site security and the applicant having a site security plan. In terms of the need to provide some help in securing legally valid identity proof for TAC residents, it was suggested that this is something the host and/or the City might

be encouraged to provide. However, some Committee members felt it was not the right use of taxpayer money. A discussion followed.

ACM Ocampo reviewed the list of items not yet included, which were access, vacating the encampment site and the duration of the encampment permit. It was understood that code enforcement will be included as part of the application process. Dispute resolutions, i.e., appeals, will be made to the Hearing Examiner, not to the City Council.

Finally, staff indicated that it is their hope to provide a comprehensive revised draft of the Transitory Accommodations Permit regulations sometime before the next committee meeting. It remains the goal of staff and the committee to complete its recommendations by April 5.

Conclusion and Prep for Next Committee Meeting

ACM Ocampo expressed his appreciation to TACAC members for how the meetings have progressed, noting that the Committee is closer to final recommendations. He noted that it had been suggested to move next week's meeting to Wednesday, April 6, instead of Tuesday, April 5. Committee members agreed to move the meeting to Wednesday. Staff will determine the meeting location and confirm that with the Committee.

The meeting was adjourned at 9:05 p.m.

Prepared and submitted by:

Lynda Quinn
Senior Administrative Assistant
Office of the City Manager

Agenda

Transitory Accommodations Citizen Advisory Committee Meeting

Please Note Date and Location Change

Wednesday, April 6, 2005
6:00 PM to 9:00 PM
Police Department Community Room

	Agenda topics	
6:00 – 6:05 p.m.	**Recap of March 29 meeting** Recap of last meeting discussion	All
6:05 – 7:15 p.m.	**Continue discussion regarding regulatory recommendations of the committee** Discuss achieving committee consensus regarding final regulatory language and permit process issues for temporary accommodations of all types in the City of Bothell.	All
7:15 – 7:30 p.m.	**Break**	
7:30 – 8:30 p.m.	**Finalize regulatory recommendations of the committee** Finalize, where possible, consensus regarding the final recommendations of the committee related to the transitory accommodations permit.	All
8:30 – 8:45 p.m.	**Discuss next steps** Discuss final report, including process and timing, transmitting committee recommendations to the Planning Commission.	
8:45 – 9:00 p.m.	**Wrap-up and celebration** If we've achieved the earlier agenda items, it will be time to celebrate a job well done. Refreshments and sparkling cider will be provided.	All

TRANSITORY ACCOMMODATIONS
CITIZENS ADVISORY COMMITTEE MEETING
Meeting Notes
Wednesday, April 6, 2005

Committee Members Present
Sylvia Cunningham, Kevin Kelly, Laurie Milliard, Bill Nash, Pat Pierce, Michael Schultz-Rothermel, and Scott St. Clair.

Staff Members Present
Assistant City Manager Manny Ocampo, Community Development Director Bill Wiselogle, Police Chief Forrest Conover, and Executive Assistant Cathy Hawkins (notetaker).

Three members of the public were also in attendance.

Call to Order
ACM Ocampo called the meeting to order at 6:10 p.m. in the Community Room of the City of Bothell's Police Station.

Meeting Notes
Meeting notes of March 29, 2005, were approved as written.

Review of Transitory Accommodations Code Amendments Draft Language
ACM Ocampo commended Director Wiselogle for his hard work and efforts on the latest draft of the code amendment language.

Wiselogle stated that while drafting the language, he kept in mind the Council's charge to the Committee that the proposed language not be exclusive to homeless encampments. Wiselogle tested the draft language against three potential scenarios (homeless encampments, a private club encampment, and a Boy Scout Jamboree) in two areas of Bothell (a family neighborhood and the North Creek Valley).

Committee member Steve Pyeatt arrived at 6:20 pm.

Wiselogle went on to say that the committee agreeing that a "reasonable person" standard would be utilized was a tremendous help in drafting the language.

There was a question regarding how long the permit process would take and if a timeframe should be included. Wiselogle explained the process: After submitting the permit application, the applicant would have one week to notify surrounding neighbors. The notification process would be open for public comment for 21 days. The CD Director then would review all information. The Director's decision could take up to three weeks or so. Wiselogle estimated that in most cases, the entire permit process could result in an answer within two months of a permit request.

Committee members felt that for applicants who desire to hold an annual event, an express method for application should be available. Wiselogle pointed out that the notification period of 21 days would remain the same but, barring any change in conditions, the review process after that should shorten. It was agreed that it would be better to have the applicant apply each year rather than granting one permit which would allow for a yearly use for so many years.

There was a question as to whether there was flexibility in changing a move-in date once the application is submitted. Wiselogle responded yes, since the criteria are impact-based. Would need to determine, though, how far in advance an applicant can submit.

Kelly had a question regarding "adverse impact." Is this what a reasonable person would dictate and, when there is a change in personnel and a new CD Director takes over, will there be a change in perception? Wiselogle responded that there are a lot of criteria which must be met that would guide the Director in decision-making.

Nash questioned the term "as determined by the CD Director." When is this communicated to the applicant? He would like to resolve it in the wording so that applicants are not held up by not having the correct or enough information submitted for review. Discussion followed and this item was placed on hold for further discussion.

The committee had a lengthy discussion regarding Section a) Process, iii) Advance discussions with nearby schools. Should it be the school, the applicant, or the CD Director who has the final say in a disputed proposed site? The Committee debated all sides. Some felt the schools should have a hard line buffer, while others felt the applicant did not have enough say in the final decision.

Wiselogle stated that the language directs the applicant to work with the school and begin a dialogue. In the event the two parties cannot come to an agreement, the CD Director would make a decision based upon all criteria. After further discussion, the majority felt this was the best compromise.

At this point, in order to utilize Chief Conover's expertise at this meeting, the Committee jumped ahead to Section b) Site performance criteria, iii) Security. Committee members questioned whether or not the City could demand a log of individuals staying at any transitory accommodation. Conover responded that Judge Scott specifically ruled against this during Tent City4. We can request it, but it does not have to be submitted by the applicant, and City Attorney Michael Weight has stated the opinion that we would be better served to focus on requiring the applicant log everyone in and out.

Rothermel-Schultz questioned Item 3 and asked if the language could be sharpened to grade outstanding warrants so that those with "minor" offenses (such as parking tickets) would be handled differently than those with more serious infractions. Conover responded that wording for that would be extremely difficult as there are potentially hundreds of possible warrants issued. He also said it is the Police Department's role to serve as many warrants as possible and to down play some over others would put them

in a compromising situation. After further discussion, it was suggested that a Police representative meet with the applicant before use begins to review potential warrants and how to help the offender clear up the matter or how to report it to Police.

The meeting was continued to Tuesday, April 12, 6-9 pm in the Police Station Community Room. Meeting ended at 8:55 pm.

Agenda	Transitory Accommodations Citizen Advisory Committee Meeting Tuesday, April 12, 2005 6:00 PM to 9:00 PM Police Department Community Room	
	Agenda topics	
6:00 – 7:15 p.m.	**Continue discussion regarding regulatory recommendations of the committee** Discuss achieving committee consensus regarding final regulatory language and permit process issues for temporary accommodations of all types in the City of Bothell.	All
7:15 – 7:30 p.m.	**Break**	
7:30 – 8:30 p.m.	**Finalize regulatory recommendations of the committee** Finalize, where possible, consensus regarding the final recommendations of the committee related to the transitory accommodations permit.	All
8:30 – 8:45 p.m.	**Discuss next steps** Discuss final report, including process and timing, transmitting committee recommendations to the Planning Commission.	
8:45 – 9:00 p.m.	**Wrap-up and celebration** If we've achieved the earlier agenda items, it will be time to celebrate a job well done. Refreshments and sparkling cider will be provided.	All

TRANSITORY ACCOMMODATIONS
CITIZENS ADVISORY COMMITTEE MEETING
Meeting Notes
Tuesday, April 12, 2005

Committee Members Present
Sylvia Cunningham, Kevin Kelly, Laurie Milliard, Bill Nash (arrived late), Pat Pierce, Steven Pyeatt, Michael Schultz Rothermel, and Scott St Clair,.

Staff Members Present
Assistant City Manager Manny Ocampo, Community Development Director Bill Wiselogle, and Sr. Administrative Assistant Lynda Quinn (notetaker).

Two members of the public were also in attendance.

Call to Order
ACM Ocampo called the meeting to order at 6:05 p.m. in the Police Department Community Room.

Continue Discussion Regarding Regulatory Recommendations of the Committee
Tonight's discussion began on Page 3, last part of Section B.3. A suggestion was made to make a change in this section. After discussion of the proposed changed, there were not five members who supported the changes.

On Page 4, Section B.3.a.iii.(1), a proposal was made to replace "so inform" with "provide written notice to" as this was suggested as stronger language and was felt would also provide an adequate record. At least five members supported this change.

There was a discussion on additional language that was suggested to alert all parties to talk to each other and to give the Director an opportunity to make tough calls, recognizing that each party's issues are legitimate. Another discussion followed. Director Wiselogle noted that new additions to the language will be shown in **bold** type. Committee members will see the final draft language before it is forwarded on to the Planning Commission.

There was a discussion about Page 5, Section B.3.a.iv and concerns expressed of the need for assurance that the appeal will be handled in a timely manner. There was then further discussion about the permit appeal period. Director Wiselogle noted that the BMC (Bothell Municipal Code) has a section on Appeals and will reference that section. He stated that anyone can file an appeal, not just the two parties involved. In response to questions raised, staff will review the section of the BMC that addresses who can make appeals, i.e., parties of record only or others.

Committee member Rothermel explained a proposed change to Section B.3.a.v., Emergencies, on Page 5, to add the wording "or other compelling humanitarian need, provides reasonable grounds for the immediate establishment of transitory accommodations" and gave examples. This proposed change was not supported by more than four members.

After some discussion, ACM Ocampo suggested some language changes to Section B.3.a.vi., Failure to Comply. At least five members supported adding the word "immediately" after "...accommodation shall cease immediately and the site shall be...". Further discussion followed about what steps are taken if there is non-compliance. It was pointed out that compliance needs to be immediate, as the accommodations are only temporary. This needs to be included with review of the permit. A suggestion was made to modify the wording to include language about situations where there are repeated violations. It was also suggested to include wording that says if a use is initiated prior to the start of the permit process, the permit will be denied. These were not supported by a majority of the committee. Operating an accommodation without a permit is a violation of the Code and needs to be dealt with. A lengthy discussion followed.

There was then a discussion on Section B.3.b.i., Size. It was suggested to delete the words "destroying vegetation" from the fist sentence. Director Wiselogle explained why it might not be a good idea to delete that wording. There needs to be little or no lingering effects that the transitory accommodation had been there. The committee agreed that the "reasonable person" standard applies here. Committee members then referred to Section B.3.b.ii and vii in regards to setbacks from property lines and critical areas. ACM Ocampo clarified the intent of the language and gave examples. A lengthy discussion followed about whether there is a "reasonable person" standard here to draw the line.

Talking again about Section B.3.b.ii., setbacks from property lines, questions were raised about boundary lines. Director Wiselogle clarified the issue of shared property lines. It was suggested that the same language as the schools is fine, where the neighbor has the right to insist on a 20 ft. setback. In some cases the setback may not be necessary. It was suggested that the applicant needs to know what is required up-front. Director Wiselogle explained the process as to what the applicant is required to do, which includes addressing all the impacts. ACM Ocampo noted that the language is trying to add an element of certainty, noting that having certainty and flexibility are not always possible at the same time. The discussion then focused on a situation going to an appeal. It was noted that there are other factors involved, such as identifying issues, describing the situation and providing information. A logical sequence will be determined by the Hearing Examiner. It was noted by the staff and the committee that the appeal process does not need to be a long, drawn out process. Director Wiselogle explained the appeal process. Further discussion followed.

There was a brief discussion about Page 6, Section B.3.b.iii., screening of activities. At least five members supported striking the language of "solid fabric" from the first sentence. No changes were suggested to Section B.3.b.iv., parking, and it went forward as written.

After a discussion about proposed wording changes to Section B.3.b.v, access to pubic transportation, there were not five members in agreement to any changes. The

proposal was to change the reference of ½ mile. After discussion, no changes were suggested to Section B.3.b.vi., critical areas.

There was a lengthy discussion about Section B.3.b.vii., restoration of site. Some concern was raised about park sites, to which ACM Ocampo responded that it had not been an issue to date. Further discussion followed.

The meeting adjourned for a break at 7:35 p.m. and reconvened at 7:45 p.m.

There was a lengthy discussion about Section B.3.c., duration criteria. Committee member Rothermel suggested that the maximum time that transitory accommodations be allowed to stay in one location be changed from 90 days to 120 days. Discussion followed. It was mentioned that there may be some sites within the City where 120 days might be good and could work. Concern was raised that this would mean that one transitory accommodation could potentially stay ¼ of a year. At some point it needs to be determined what is semi-transitory or semi-permanent. It was argued that for some people, continuity is a good thing. Then the suggestion was made that the duration be changed to 60 days, as a 90-day stay was too long. Reference was made to Seattle's regulations. Discussion followed. Some committee members felt that if the stay was longer, then the rules for transitory accommodations were not being used the right way and the stay might be year-round. It was pointed out that ShareWheel does not want to have stays that long. It was also mentioned that the population in a ShareWheel accommodation shifts or changes a lot during a stay.

ACM Ocampo summarized the three proposals that had been discussed. They were: 1) 90-day stay within 12 months cumulative, one location; 2) 120-day stay within 12 months, w/certain conditions, one location; and 3) 60-day within 12 months, one location. There was some discussion about one stay moving around within the City for a long length of time. After further discussion, at least five members supported the 90-day stay at one location, annual cumulative. Language was supported to allow the accommodation to stay until the weekend closest to 90 days if the 90 days ended on a Friday.

Discussion ensued on Section B.3.d.v., trash. After the word patrol in the second sentence, "or other method of regular maintenance" was supported to be added.

There was then a lengthy discussion about Section B.3.e.iii., security. Supported language was added to the first paragraph of B.3.e.iii.(3), after "warrant" to read "from categories deemed serious for Bothell Police Department in advance of transitory accommodation." Another discussion followed on Section B.3.e.iii.(4), which addressed keeping the log of all individuals who stay overnight at a transitory accommodation. There was a discussion about the requirement for the accommodation to keep the log for a minimum of six months. Staff will research what the purpose of this is. After a brief discussion on Section B.3.e.iii.(5), a wording change was suggested. At least five members supported keeping the existing wording.

The Committee discussed the section on codes of conduct and agreed to leave the existing language. After a discussion on Section B.3.f., other performance criteria, Director Wiselogle clarified a suggested wording change.

Discuss Next Steps

ACM Ocampo summarized the work of the Committee and what is yet ahead. Director Wiselogle expressed his thoughts on the draft regulations, noting that he is proud of the staff and TACAC's work on the product. This was a difficult issue to be addressed and a tremendously admirable job was done, without sacrificing principles.

The final draft of the report will be completed next week. TACAC members will receive a copy of the final draft before it goes to the Planning Commission on April 27 and then on to the City Council. Meeting notes and other attachments provided to the Committee will be forwarded as well. Committee members were invited to attend the upcoming Planning Commission and City Council meetings, in the event that questions arise as to why specific sections of the document read the way they do. In the spirit of reasonable compromise and ethical responsibility, members were encouraged to maintain the integrity of the process and the importance of the consensus process they all agreed to. Director Wiselogle reviewed the remaining part of the process.

The meeting adjourned at 8:45 p.m. for refreshments and concluded at 9:05 p.m.

Exhibit 4

2/24/05
To: Bothell City Council Members
Subject: Vote on Moratorium Extension on Transitory Encampments
Ref: "Notice of Public Hearing" - February 28, 2005 Moratorium Extension
cc: Bothell Planning Commission/Transitory Accommodations Citizens Advisory Committee (TACAC)

We discussed the above referenced "Notice" with your Planning Manager, Mr. Gary Hasseler. In summary, and as a result, we have a better understanding of the need for this Moratorium. A vote **for** this Moratorium would essentially prevent/deny any transitory encampments, similar or like groups, to settle in Bothell during this Moratorium, so that a fair, comprehensive and best public interest regulation or code can be developed to handle these kinds of events. We thank Mr. Hasseler (Department of Community Development) for his unbiased, efficient and clear explanations, including his most timely assistance (after work hours), in spite of his heavy work load. This is outstanding and responsible city employee performance and allowed us time to prepare a more meaningful recommendation and to prepare other writings to help you in your deliberations.

Below are our specific comments relative to the 2/28/05 Moratorium hearing. Also, attached are some conceptual and advisory proposals related to this subject.

Moratorium Vote: We recognize there is a critical need to properly review and impartially control and legally handle transitory and other like encampments. We, as do many others, know this matter is somewhat complex and requires effective City Code coverage (i.e., fair, with no exceptions and within "Due Process"). Plans and land availability offered by others (including religious organizations, churches, etc.) which would allow encampments to settle in the City of Bothell for interim periods must also be considered and handled with legal impartiality, without prejudicial imbalance and with strict adherence to the process by all (no exceptions). **Therefore, as citizens and residents of Bothell, we support this Moratorium. We believe this is essential in the process of effectively developing and implementing a meaningful City Code for insuring public safety and for the "Greater Good." We stand with you and strongly recommend you vote for this Moratorium.**

Additional Information: In the attachments you will find specific writings we have prepared and which should also help you, the Bothell Planning Commission and the TACAC Committee in formulating recommendations for your review. We suggest you keep these handy for future reference to help assure the most practical solution for a City Code and/or an adjustment thereto. The writings are not perfect nor do they represent exactly what should be done, but please consider the philosophy and specifics as they relate to these age old transitory encampment problems.

Thank you for your attention and for considering our recommendations and comments.

Elaine Bridger
10609 N. E. 197th Street,
Bothell, WA 98011
425-489-8943

James L. DuVall
10520 N. E. 197th Street,
Bothell, WA 98011
425-402-9669

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STATUTE DEVELOPMENT SUMMARY

(Brief explanation of the initial plan for the writing of a Statute to assist in controlling and resolving the age old and growing comprehensive and complicated problems of "Homeless People" and Homeless People Sites.)

The attached draft documents ("Statute Requirements," "The Preface" and the "Statute") were organized and developed through a series of three phases. This method was devised to assist in assuring elements required for a fair, equitable, humanitarian and valid "Due Process" Statute were applied. These three phases are noted below.

1. **Phase 1, "Statute Requirements:"** This is a descriptive list of subjects and items that should be considered prior to preparation of the "Statute."

2. **Phase 2, "Preface:"** Designed to explain and present (conceptionally and specifically) the validity of and essential need for a flexible, legally balanced and philanthropic introduction to the "Statute." It is written in such a way as to make it a valid, logical and binding integral part of the enacted "Statute."

3. **Phase 3, "Statute:"** Written with detail and within the concept of not only specifically controlling existing and future "Homeless People and Homeless People Sites" but also to logically and altruistically assist in progressively minimizing this blight on society. The concepts of "Due Process," public health and safety and assisting "Homeless People" become productive citizens have been addressed.

STATUTE REQUIREMENTS

(ITEMS FOR CONSIDERATION WHEN DEVELOPING AND ENACTING NEW AND/OR ADJUSTING EXISTING STATUTES RELATIVE TO "HOMELESS PEOPLE," "TENT CITIES" AND LIKE ENCAMPMENTS.)

1. Classifications & Requirements: Considering people such as: drug and alcohol addicts or ex addicts; school dropouts; those who have lost their jobs due to various circumstances or their own ineffectiveness; professional and non-professional vagrants and drifters; sexual predators; other criminal types; the mentally and/or physically deficient, and irresponsible pregnant adults and pregnant teenagers who live in or would prefer to live in Tent Cities and/or like encampments and to receive public support; they must be specifically identified through identity checks, have medical reviews and examinations. Identity and background checks are to be required before any effective assistance can be rendered because of concerns regarding public health and safety. Those who are identified as unacceptable residents, e.g., due to criminal, sexual predatoring, medical reasons are to be denied residency. This information is to be made available to appropriate public agencies.

2. Employment: "Tent City" type residents must profess a desire to work and seek employment. They must accept any reasonable offered employment and show a form of proof they have applied for employment and/or been helped or denied (for any reason) assistance from public and other agencies.

3. "Due Process:" "Due Process" must be followed except in the case of a bona fide emergency (see item 7 below). Emergency exceptions to **the time requirement** for processing site and other requests for "Tent Cities" and like encampments will require public review and an affirmative vote by the presiding authority (e.g., Council or other Legislative Body).

4. Risk Assessment: Any risks identified as a significant danger to public health and safety as determined by the City, County or State of jurisdiction, will mandate denial of the right to residence. Fraudulently requesting and receiving public support and expenditures will require denial and other penalties as established by law.

5. Private Organizational Assistance: Those persons or organizations offering private or Church land for purposes of residency for the "Homeless" will be held financially responsible for directly applicable public services, e.g., utilities, sanitation and health, fire and safety, and must file appropriate documents to this effect with the proper public agencies consistent with "Due Process."

Note 1: A public document titled "**Where to Turn 2005,etc.**" (**"Health and Human Services in King County"**), published yearly by the "Crisis Clinic" is one listing of those existing agencies and offices available to help and assist those in need. Included in this document are examples of organizations to be used for both public and private assistance. It can be purchased from the Crisis Clinic Business Office at 1515 Dexter Avenue, North, Suite 300, Seattle Washington 98109. Their Telephone is 206-461-3210-Extension 696. It is noted here only as an example and as a part of this Statute to identify and illustrate the huge number of existing "Human Services," (both public and private organizations) available to help those in need.

Note 2: An example identifying the need for the financial responsibility requirement in item 5 above, is clarified in the attached letter dated **9/8/04 - Elaine Bridger to Archbishop Brunett**.

(over)

6. Definitions/Qualifications:

(a) "**Homeless Person**," e.g.. is classified as one who would reside in a Tent City or like encampment, is of legal age; has no legally established residence due to involuntary circumstances (not the fault of the "Homeless Person"); legally qualified to reside in the United States; be medically certified, i.e., to be fully capable, both physically and mentally, for employment; lacks sufficient financial resources to permit private residence or rental, or to acquire public housing; is available for general, professional or other types of employment and required to accept **any** gainful public or private employment offered or available. This person is qualified for residence and public support.

(b) Under this Statute the classes and types of persons listed here in item **(b)** are disqualified for application for residence permits and from using the title "Homeless People" or "Homeless Person" in legal filings for residency and for receiving benefits, residence permits or other public support as described in this Statute. These classes of people are hereby identified as: "Juvenile Indigents;" Criminal Parolees; Escaped Felons; those with outstanding arrest warrants or are "In Flight" from a law enforcement agency; active "Alcoholics;" practicing "Drug Addicts" and/or "Drug Pushers;" Professional Vagrants and Drifters; "Sexual Predators;" other active criminal types; the mentally and/or physically deficient; irresponsible pregnant adults and pregnant teenagers. Also, disqualified are **all** those who have not first requested assistance from other **applicable** jurisdictions (City, County, State and Federal), established public agencies, offices, functions and departments chartered and legally enacted and funded to provide assistance and/or physical and/or financial aid.

Note: There are established agencies, offices, etc. (see also **Note 1** under item **5** above) in existence who have jurisdiction and responsibility for these classes of people and they are to be utilized. The terms public agencies, offices, functions and departments (City, County, State and/or Federal), include those organizations established, e.g. both public and private, to help these people; e.g., Parole Boards, Drug and Alcohol Rehab Centers, Health Departments, United Way Functions, Counseling Centers, Vocational Training, Special Church Groups, Battered Women's Organizations, the State DSHS, Juvenile Court System and many more agencies having jurisdiction over the area/site where people (defining themselves as "Homeless") have been located, currently located and/or for planned locations..

7. Waivers and Exceptions: In cases where there may be an **emergent and/or special need**, and recognizing the Statue specifics may not allow for timely processing, the Council or applicable Legislative body may issue an emergency waiver or an exception in a public hearing, but may not waive "Due Process of the Law." In these proven cases, It is recognized that "Due Process" can be expedited, but not if public health, safety and civil rights are or will be seriously jeopardized.

8. Process for establishing a "Homeless People" or "Homeless Person" site and/or location for residence and public assistance.

(a) In all cases, whether residence areas are offered by private parties, religious organizations or public offices/functions, each "Homeless Person"/family or organization must show proof, in advance of their request, that they qualify as noted under **item 6a** above. This proof requires presentation of copies of forms, applications or other documents stating they have applied to other appropriate public agencies, offices, departments and functions for assistance within the last 30 days and have been refused assistance for reasons of "No fault" on their part. Unavailability of such documented proof in possession of the "Residence requestor" for a residence permit of any kind will require a signed personal release form executed by the "Requestor" and given to the governing or responsible public agency for release of all information from other agencies to verify the "Requestor's" status as to qualifying as a true "Homeless Person" and ready and available for employment. Failure to provide or agree to information release verification will result in denial/disapproval of this application for residency.

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8. (Continued).

(b) Presiding public offices will review, process and recommend approval or disapproval (using established forms and public reviews) by the elected Council in accordance with "Due Process."

(c) In all cases the permit and/or permission to locate or reside will not exceed 30 days. Subsequent requests for stays longer than 30 days will require re-examination of the need including reasons why employment and/or residence have not been found and utilized. Unacceptable reasons will result in leaving the site or eviction and removal. Failure to follow removal and/or eviction orders will result in both financial and criminal penalties to all parties, individuals and/or representing organizations. Penalties for first offense are not to exceed 10 days of penal servitude and/or $100 per day of violation. 2nd offense for any reason will result in permanent disbarment from the City of jurisdiction and a fine may be levied, up to but not in excess of $1000 per day of violation and/or 30 days of penal servitude. Fines and penalties may include impounding and sale of vehicles and all other material goods of residents and also applies to those representing organizations (including religious organizations) as reimbursement for public expenditures and to meet/satisfy court sanctioned penalties. Financial and other assessed penalties may be satisfied through assigned public work and while incarcerated.

(d) The responsible public office/City/County having jurisdiction **currently** hosting the location/site of "Homeless People," "Tent Cities" or similar encampments is mandated to coordinate, at least 30 days in advance, with other public jurisdictions prior to any move or relocation from their area. Failure to coordinate in this respect will result in the new jurisdiction denying the location and move of these "Homeless People/"Tent Cities" to the proposed new site. "Due Process" within the laws/codes of whatever governmental jurisdiction has responsibility must also be followed.

(e) Where private or religious (Church) property is designated and offered as a residence site, "Due Process" must always be followed. Additionally, if the site is considered too sensitive (e.g., close proximity to schools or other juvenile organizations or facilities) and/or deemed unacceptable by the Council or Legislative body for matters related to public health and safety, the permit for residence may be denied. However, if all other requirements of this Statute are met and a public review indicates that the planned site and residents represents a risk but not severe then a "Conditional Use Permit" **maybe** issued but is still subject to a public forum review. All other requirements such as the posting of bonds (financial requirements) and other commitments including reimbursement to the appropriate public offices for service and support, expenditures, etc. will still be required.

(f) If **all requirements** in this Statute have been satisfied and the permit for residence is issued, public support will be made available to assure site residents are aided in securing job training, employment and in adhering to health and other public standards, laws and codes. If the requirements and stipulations in this Statute are met then progressively and in due time "Tent Cities" and like encampments should become obsolete and there will be meaningful progress in truly helping those people classified as "Homeless" as defined within this Statute.

(over)

9/8/04

To: Archbishop Alexander Brunett, Seattle Archdiocese, 910 Marion Street, Seattle, WA 98104 (**Certified Mail/Return Receipt Requested**).

cc: Cardinal Roger Mahony, Archdiocese of Los Angeles; Apostolic Nuncio-Archbishop Gabriel Montalvo Higuera, Washington, DC; King County and Bothell City Councils; Bothell Police Chief Forrest Conover; Other Public Officials; the Media and Others (If desired, References 1-5 can be obtained from Elaine Bridger.

Subject: Public Health and Safety, "Due Process," and Police Overtime

Ref: (1) Letter from Elaine Bridger to Archbishop Brunett, dated 5/20/04, subject: "**Violation of Due Process**."
Ref: (2) Letter from Archbishop Brunett to Elaine Bridger, dated 6/2/04, Subject: "**Tent City - 4**."
Ref: (3) Seattle Times Article, Section B2, Local News, dated 6/14/04, Titled: "**Archdiocese Sex - Abuse Report Done**."
Ref: (4) Letter from Elaine Bridger to Archbishop Brunett, dated, 7/12/04, **No Subject** (Contains Reply with Analysis to Archbishop Brunett's 6/2/04 Letter-see Ref. # **2** and # **3**).
Ref: (5) Seattle Times Article, dated 8/30/04, Section A4, "**Nation Reports," $1/5 Billion for L. A. priest abuses**."

Dear Archbishop Brunett:

"Tent City - 4," a Seattle based homeless encampment, was blatantly invited to move into the City of Bothell by Pastor Lawrence Minder and onto St. Brendan property on 5/17/04 without "Due Process," with no coordination, to accommodate 100 homeless people. Pastor Minder used poor and unacceptable judgment relative to "Tent City - 4." You allowed this move instead of stopping it! I pointed this out to you in my first letter, dated 5/20/04 (Ref. **1**). Also, as requested by the City, the Church rejected the City's requirement to post a $1 million security bond. To further exacerbate this arbitrary move, SHARE/WHEEL and "Tent City - 4" refused to allow "ID" checks by Bothell Police of the nearly 100 residents to weed out felons, predators, drug and alcohol addicts and those fleeing arrest warrants. The residents should have volunteered their names for an "ID" check, but they refused. This compelled the City to provide 24 hour surveillance to assure public health and safety.

In my letter to you dated 7/12/04 (Ref. **4**) I referred to the expense for professional police overtime. When 100 homeless people with problems are closeted, any minor provocation can escalate. This requires immediate intervention by **professional "on site" Bothell City Police**.

Now that "Tent City - 4" has moved, we are still faced with the police overtime costs in the amount of $90,000. Contrary to the Church's claim that this protection wasn't necessary, during the first two weeks alone of the "Tent City - 4" stay there were various violations of the law substantiating this requirement for mandatory 24 hour police surveillance. Factual data on "Tent City - 4" says there were a total of 150 police contacts, among these were 11 arrests for various criminal acts.

(over)

Some police contacts were initiated by residents of "Tent City - 4." This surveillance made it obvious to "Tent City" residents that lawless acts would not be tolerated.

Bothell Police Chief, Forrest Conover, should be commended for his judgment in making the decision to protect public health and safety when he ordered this 24 hour police "on site" presence. Moreover, the site of this "Tent City" being virtually "Next door" to three elementary schools, arbitrarily placed these children at risk!

With payment of $90,000 for police overtime, the Church has a real opportunity to enlighten Church members and especially children, as to what citizenship and virtue are all about. This would also validate the teachings of the Church with respect to ethics and integrity. It would be an immoral as well as an illegal act for the Church not to reimburse the City, considering these circumstances. Bothell has a large Senior population and others who are struggling with limited and/or fixed incomes. Use of tax dollars for this dedicated and special overtime takes money away from other critical services. Failure of the Church to follow "Due Process" not only demands this reimbursement, but requires the Church to practice what it preaches! The Church wants "Due Process" for its abusive Priests, (Ref. 3) and I quote from the statement made by the spokesman for the Archdiocese of Seattle noted in the article (Ref. 3) as follows, "....this archbishop is taking extra care to insure due process for everyone involved,"..... "providing due process to victims and the accused is probably the most important thing for the archbishop."

The Catholic Church has paid out millions of dollars to sex abuse victims as a result of litigation through "Due Process." (Ref. 5). It should not be necessary for me to remind you to meet your obligation to reimburse the City of Bothell resulting from your failure to follow "Due Process."

In your letter (Ref. 2) you stated, "I wish you peace and joy, hope for the future, and the promise of our best efforts to be good neighbors." I replied (Ref. 4), as follows, "To have a good neighbor you must first be one. This is best achieved through mutual respect for the law, recognition of other's rights, preferences and public health and safety." Also, you should always honor "**Due Process**!"

In view of these transgressions by the Church, as a Citizen of Bothell, I officially request that the Church reimburse the City of Bothell for the cost of police overtime, documented in City records, at $90,000. Please send the $90,000 to the City of Bothell, 18305 - 101st Avenue N. E., Bothell, WA 98011-3499, Attention: Manny Ocampo, Bothell City Manager.

Sincerely,

Elaine Bridger

Elaine Bridger
10609 N. E. 197th Street,
Bothell, WA 98011
1-425-489-8943

Update - 2/26/05: **As of this date Archbishop Brunett has not responded to the above letter nor reimbursed the City of Bothell $90,00 for the Bothell City Police overtime. An Archbishop embodies and emphasizes honor, ethics, compassion and truth and sets an example for parishioners and the community! Archbishop Brunett should live up to these standards!**

(over)

BELOW IS THE DRAFT PREFACE FOR THE ATTACHED PROPOSED STATUTE
(This preface should be included as an integral and legal part of the draft Statute)

PREFACE

"Homeless People," their Tent Cities and like encampments are a national problem. To help resolve and assure proper and effective public and private assistance, this Preface and Statute identifies and recognizes those **who truly want and need public and private support.** This assistance includes finding employment, homes, self improvement and within the concept of good citizenship. This Statute also specifically identifies and assists in assuring proper public assistance for those others also classified as "Homeless People," but who are physically and/or mentally deficient and who need to or wish to apply for both private and/or public assistance. It further identifies those who are physically and/or mentally capable but who voluntarily choose not to accept employment and/or to publicly, personally or to beneficially contribute as a productive United States Citizen.

This Statute is consistent with the "Due Process of Law" and supports and supplements the Constitution of the United States, both legally and in concept. Further, it establishes and satisfies public and private criteria and methods for helping people and their families who truly desire to reestablish themselves, regain their self esteem and become valued members of society as contributing citizens and/or residents. It also identifies those who must go to other established and funded agencies and who need either medical, physical, mental, financial or other forms of assistance, and who are not to be considered for immediate and/or gainful employment (e.g., the mentally or physically deficient). This Statute, beginning with this "Preface," defines and establishes qualifications and requirements for all those identified as "Homeless People" or a "Homeless Person," whether they represent themselves or are represented by a private agency or other organization. It also covers requests to reside on offered private, religious or available public property for an "Interim or other specified Period of Time

In specific terms this Statute is enacted to assist in assuring: (1) The concept of "Due Process of Law" is followed for the benefit, health and safety of all citizens and others legally entitled to reside in the United States; (2) Clarifications of and definitions for those to be legally identified or be declared "Homeless People" or a "Homeless Person" for purposes of public support; (3) There are specified legal practices, requirements and procedures to permit residency allowing for both private and/or public support; (4) Optimum application of public and private financial assistance without an overlapping and duplication from **any** other existing public agencies and offices; (5) Recognition of the concept that there will always be "Homeless People" or a "Homeless Person," and this problem may need both public and private effective and timely attention; (6) That treating "Homeless People" or a "Homeless Person" (including those using "Tent Cities," and other similar encampments) without a practical plan for meaningful assistance and general and personal improvement are not only counter productive but condone and promote human weakness, professional vagrancy, begging and lawlessness; (7) That all who need or request help and who do not qualify under this Statute as "Homeless People" or a "Homeless Person" and desire public support, are required to apply for assistance from the appropriate public agency and/or established private organization; (8) That, in plans and programs designed and approved to help the truly "Homeless," the civil rights and safety of citizens, children and residents are protected and preserved; and (9) That bonafide emergencies and other extremely urgent events are recognized and occur and which can be treated as legal yet proper exceptions to this Statute for the benefit of the truly "Homeless" (as defined herein) and in consonance with the moral responsibilities of Government and their applicable agencies, private organizations and society "At Large."

STATUTE

(This Statute, beginning with the "Preface," defines and establishes qualifications and requirements for "Tent Cities," their residents and like encampments, as well as responsibilities for those who represent and/or sponsor them (includes individuals, public and/or private and all religious organizations).

1. PURPOSE: This statute is enacted to assist in assuring: **(1)** The concept of "Due Process" of law is followed for the benefit, health and safety of all citizens and others legally entitled to reside in the United States; **(2)** Clarifications of and definitions for those to be legally identified as or officially to be declared "Homeless People" or a "Homeless Person" for purposes of public/governmental support; **(3)** There are specified legal practices, requirements and procedures to permit residency allowing for both private and/or public support; ***(4)** Optimum application of public/governmental and private financial assistance without an overlapping and duplication of other existing, public agencies and offices responsibilities; **(5)** Recognition of the concept that there will always be "Homeless People" or a "Homeless Person," and that this problem needs both public/governmental and private, effective and timely attention; **(6)** That treating and providing for "Homeless People" or a "Homeless Person" (including those using "Tent Cities," and other similar organizations) on a continual basis without a practical and humane plan for meaningful assistance and personal improvement are not only counter productive but condone and promote human weakness, professional vagrancy, begging and lawlessness; ***(7)** That all those who need or request help and who do not qualify under this statute as "Homeless People" or a "Homeless Person" are required to apply for assistance from the appropriate public agency and/or an established private organization; **(8)** That, in plans and programs designed and approved to help the truly "Homeless," the civil rights and safety of other private citizens, children and residents are protected and preserved; and **(9)** That bonafide emergencies and other extremely urgent events will occur which can be treated as legal and proper exceptions to this statute for the benefit of the truly "Homeless" (as defined herein) and in consonance with the moral responsibilities of Government, private organizations and society "At large."

Note:** The published document titled "**Where to Turn 2004,**" **("Health and Human Services in King County")**, published by the "Crisis Clinic" is an example listing of existing agencies and offices available to help and assist those in need. "Where to Turn Directories*** are compiled by Resource Specialists dedicated to providing the most comprehensive information available in the King County. Crisis Clinic's database. This contains over 3000 human service and government agencies from which Resource Specialists chose over 950 agencies for inclusion in the document "***Where To Turn***." It can be found in most if not all of the King County Branch Libraries and is available for use there. It can also be purchased from the Crisis Clinic Business Office at 1515 Dexter Avenue, North, Suite 300, Seattle Washington 98109. Their telephone is 206-461-3210-Extension 696. **This information is noted here as an example and as a part of this Statute to identify and illustrate the huge number of existing "Human Services," (public and private) available to help those in need; to clarify items (4) and (7) above as well as other statements contained in this statute relative to other existing, available agencies, offices and organizations offering help to those in need.**

2. **Definitions:** A "Homeless Person:" is one of legal age (eighteen or older) who has no legally established residence due to involuntary circumstances (i.e., not the fault of the "Homeless Person"); is legally qualified to reside in the United States and must be medically certified, i.e., fully capable, physically and mentally, for employment; lacks sufficient financial resources to permit private residence, rental or acquire public housing; and if not employed is required to accept available general, professional or other types of employment.

(over)

3. Disqualifying Factors: The classes and types of persons listed here in item **3** are disqualified for applying for residence permits and in conjunction with this from using the titles "Homeless People" or "Homeless Person," and for receiving benefits or other public support as described within or as authorized by this statute. These classes of people are also hereby identified in general as: "Juvenile Indigents," "Criminal Parolees," "Escaped Felons," those with outstanding arrest warrants or are "In Flight" from a law enforcement agency, Illegal Immigrants, active "Alcoholics," practicing "Drug addicts" and/or "Drug Pushers," and those medically determined as "Mentally Deficient." Also, temporarily disqualified are **all** those who apply for residency as "Homeless People" or a "Homeless Person" and who qualify as noted in item **2** above, but have not requested assistance from other City, County, State and Federal) established public agencies, offices, functions and departments of jurisdiction, legally chartered and funded to provide assistance, and/or physical and/or financial aid (see the **Note** below for additional clarity on support from other agencies).

Note: There are established agencies, offices, etc. in existence who have jurisdiction and responsibility for these classes of people and they should be utilized. The term agencies, public agencies (City, County, State and/or Federal functions), includes all those organizations established for public welfare and assistance and having jurisdiction over the area where people (defining themselves as "Homeless People, includes "Tent Cities" and those noted in item **3** above) have been located, are currently located and where they plan to locate.

4. Waivers and Exceptions: Since there maybe an **emergent and special needs** and recognizing that the enacted specifics herein may not allow for these, the presiding Executive authority with concurrence of the majority of the Council or applicable legislative body may issue an emergency waiver or an exception to items **1. 2. or 3.** noted above, in a public hearing, but may not waive "Due Process." If there is a precedent setting conflict between permission for "waiver or exception," "Due Process" must be followed. However this Statute recognizes that "Due Process" can be expedited for emergent special exceptions but not if public health, safety and civil rights are or will be seriously jeopardized.

5. Process for establishing a "Homeless People" or "Homeless Person" site/location for residence and/or public assistance.

a. In all cases; whether residence areas are offered by private parties, religious organizations or public offices/functions; each "Homeless Person"/family or organization must show proof, in advance of their request, that they qualify as noted under **item 2** above. This proof requires presentation of copies of forms, applications or other documents for each person stating they have applied to other appropriate private and/or public agencies for assistance within the last 90 days and have been refused assistance for reasons of "No fault" on their part. Unavailability of such documented proof in possession of the "Residence requestor" in applying for a residence permit of any kind will require a signed personal information release form executed by the "Requestor" and given to the governing or responsible public agency to secure release of all information from other applicable agencies to verify the "Requestor's" status as to qualifying as a true "Homeless Person," available for employment. Failure of verification will result in denial of the application for any type of residence permit.

b. The presiding public office/agency will review will recommend approval or disapproval (using established forms/applications, and required public reviews). Approval or disapproval will be decided by elected Council and in accordance with "Due Process."

c. In all cases the permit and/or permission to locate or reside will not exceed thirty days. Requests (after residency takes place) for extended stays (longer than 30 days) will require re-examination of the need including reasons why employment and residences have not been found and utilized. Unacceptable reasons will result in denial a required move consistent with the original approved residency period.

(over)

5., c. (Continued)

Failure to adhere to approved relocation dates, will require eviction and which may result in financial and/or criminal penalties for those in violation" and which includes individuals and/or representing organizations. Penalties, for first offense, are not to exceed 10 days of penal servitude and/or $100 per day of violation. 2nd offense, for any reason, will result in permanent disbarment from the City or the applicable public jurisdiction. Additionally, a fine maybe levied, up to but not in excess of $1000 per day of violation and/or 30 days of penal servitude. Fines and penalties may include impounding and sale of vehicles and all other material goods as reimbursement for public support expenditures and to meet/satisfy this Statute and/or other court sanctioned penalties.

d. The responsible public or governmental body/office **currently** having jurisdiction in hosting the location/site of a group of "Homeless People," "Tent Cites" or the like is mandated to coordinate, at least 30 days in advance with other public jurisdictions prior to any move or relocation of "Homeless People" to the new jurisdiction area. Failure to coordinate in this respect will result in immediate denial of the move of these "Homeless People" or "Tent City" residents to the proposed new site. "Due Process" must also be followed.

e. Where private or religious (Church) property is designated and offered as a residence site, "Due Process" must always be followed. Additionally, if the site is considered too sensitive (e.g., close proximity to schools or other juvenile organizations or facilities) and/or unacceptable by the elected Council the permit for residence may be rejected/denied. However, if all other requirements of this Statute are met and a public review indicates that the planned site represents something less than a most obvious dangerous and public risk then a "Conditional Use Permit" maybe issued subject to public review. This action does not displace or negate other requirements including the posting of bonds (financial responsibility) for reimbursement to the appropriate public offices for service, support, expenditures, etc.

f. If **all requirements** in this Statute have been satisfied and the permit for residence is issued, public support is to be made available to assure site residents are aided in finding employment and in adhering to health and other public standards, laws and codes and as consistent with this statute."

g. **Private and religious organizations** who are sponsors and/or provide or offer sites for residence, must also be responsible for assuring essential housing and such things as toilet facilities, water, refuse collection, electrical power are available and for paying for special and/or above normal/standard levels of any public support and especially for private and/or police/fire protection requirements/ They are also required to assist in aiding residents in seeking gainful employment and/or education/training.

6. Other: In the cases of conflicts with existing other City Codes, Statutes, etc.. and constitutionality is not a factor this Statute will prevail.

Given to Committee at their 3/15 mtg. L.Q.

From: Will Pearson <onyxmethod123@gmail.com>
To: <Manny.Ocampo@ci.bothell.wa.us>
Date: 3/6/05 10:01:37 PM
Subject: Tent City's move to Bothell

Dear Mr. Ocampo and Members of the Transitory Accommodations Citizens' Advisory Committee,

There is talk of Tent City moving to the town of Bothell. Many people believe that these people aren't actually people, just discarded pieces of humanity left on the side of the road. Although there are some who do have several problems, most of them are good hearted people who would never hurt a fly. There is no reason to enact extra rules and regulations that would only agitate their lives more than usual. But, it is still a building, another organizations, so they should have to obey the health and fire codes, which apply to all other organizations in the area.

The residents of Tent City do have to travel often, and many of them don't have vehicles, so they have to rely on the local transportation system for movement. I believe that the city should be set up close to several bus stops, so they have easy access to public transportation. There should be no strict set up and regulation as to where Tent City should be located. In Kirkland, the church who hosted it last was located halfway between Finn Hill Jr. High and Carl Sandburg Elementary, and there were absolutely no problems in the area. There are some recovering alcoholics, drug-users, etc., who do need extra watch, so an extra police vehicle around the area is not a bad idea, and would also dim the idea of committing crime. If located near a school, the school could have an extra security guard, like my school, FHJH, did.

The people living In Tent City are not bad people, they are normal people who have had rough times and need time to recuperate. I am surely not threatened by the concept of a mobile homeless shelter, in fact, I openly support it. There is nothing better for a man than a warm meal and place to stay. The world would be a better place if there more areas like ours.

Sincerely,

Will Pearson
Of Bothell

United Methodist Church

CC: Dave Wright <Dave@bothellumc.org>

From: "Norm" <draillim@pacifier.com>
To: "Manny Ocampo" <Manny.Ocampo@ci.bothell.wa.us>
Date: 3/7/05 12:15:27 PM
Subject: TACAC Testimony

Please copy and give this to the Transitory Accommodations Citizens Advisory Committee (TACAC) members. Please include this with the exhibits I dropped off at the city hall on Friday. Thank You!!

These three emails are from an immediate neighbor to the Finn hill tent city.

Norm Milliard

-----Original Message-----
From: Finn Hill Community Discussion List [mailto:FINN HILL@LIST.TENTCITYSOLUTIONS.COM]On Behalf Of Larry Lindholm
Sent: Sunday, February 06, 2005 7:09 PM
To: FINNHILL@LIST.TENTCITYSOLUTIONS.COM
Subject: Letter to Council

Dear Ron & fellow councilmembers,

As a homeowner who has spent the last 2 1/2 months with tent city next door to my home, I would like to ask you to consider the one thing on your new ordinance that I think is very upsetting to me. The 20 foot setback to an existing residence is so wrong. It is one thing to have a Tent City in your neighborhood, but it is another to have it within 20 feet of your bedroom.

I have experienced the comings and goings of Tent City residents at all hours of the day and most disturbing, the night. Since there are no set hours for the residents, it has been nothing to have cars start up at midnight, leave and come back 1,2,3,4 hours later. And it is not like they are going on a regular basis to jobs, it's very random. We have had cars start up at 5am on a Sunday morning and run for 1 1/2 hours, I presumed it was to warm up their cold body from being in a tent.

We have had the lovely experience of being serinaded till 10:30 at night on a Thurs. by roving musicians. I finally had to go over to Tent City to ask them to stop playing so we could go to sleep, unlike the 25 or so people who were milling around the camp at that time, I guess their jobs start later than ours. As a side bar to this, 2 days later I was out in my yard and heard a resident say to another resident, 'Hey, is that the guy who complained the other day about us playing our music'. So now I am looked at as an angry homeowner who hates the homeless, which is all wrong, I am an angry homeowner who hates neighbors that don't know me and have no respect for me and my family.

I have heard the analogy of, what's the difference between the homeless in your neighborhood and having a sex offender in your neighborhood. Well at least we know where that person lives and what he has done as opposed to the people coming and going in Tent City. We as neighbors have no idea about the people in Tent Cities. And I am not real

comfortable with the fact that they police their own. Why don't we start having inmates in jails start guarding the other inmates in that jail?

I'm sure you have made up your minds that I am just an eastside NIMBY, well I guess you are right and to further prove it I have decided to sell my home and move to an area where I know a church won't decide for me what is right for me, my family, and neighborhood.

Show some respect for people who have to live directly next door to Tent Cities by requiring at least a 100 foot setback to existing homes.

I believe a community is built by people who have a vested interest in that community. I don't believe people who are only in a neighborhood for 90 days at a time really care how a community is after they are gone. I have worked very hard to make this a neighborhood that people enjoy coming to, just ask my neighbors, and in the blink of an eye it has become a neighborhood that people want to move away from.

Thank you

Larry Lindholm
8426 NE 124th St.
Kirkland, Wa.
98034

-----Original Message-----
From: Finn Hill Community Discussion List
[mailto:FINNHILL@LIST.TENTCITYSOLUTIONS.COM]On Behalf Of Larry Lindholm
Sent: Friday, February 11, 2005 4:56 AM
To: FINNHILL@LIST.TENTCITYSOLUTIONS.COM
Subject: 911 Call

It's been a lovely night. I was first awoken at 1:30 by a guy coughing and coughing. That went on for over an hour. I got up to see where it was coming from and determined it was one of the security people at TC4. Then at 2:50 a car started up in the parking lot next to my bedroom. I thought it would be one of the typical start up and leaves as what happens quite often. No this one was different, the car sat there ideling for 35 minutes, I'd had enough so I called 911 to complain about the running car.

KC dispatched an officer, Mullinax, to check out the car. He arrived and got one of the TC security people and together they went over to the car. The officer knocked on the door and the guy rolled the window down, they had a conversation and the officer and security walked away, THE CAR STILL RUNNING.

The officer got in his car and drove away. THE CARS STILL RUNNING!! I called 911 again and the dispatch said the officer had checked out the car and it was a TC resident just sitting in his car. I asked to have the officer call me and explain the situation to me.

The officer, Mullinax, called me and said it was just a guy sitting in his car checking his emails, huh, and charging his cell phone because he was calling AFRICA, huh. (What does it cost to call AFRICA on a cell

phone?) I asked the officer why he didn't ask the guy to turn his motor off, he said the 911 call had come in as a suspicious vehicle not a noise complaint, so he didn't see anything wrong with the car (HAVING SAT THERE FOR ALMOST AN HOUR) running. I asked if he was going to file a report and he said, NO. I said I wanted a further explanation so he said he would have his supervisor call me.

A Sergeant Duncan called me to basically give me a song and dance and to explain the proper way to make a 911 call. I should have said it was a noisy car, then the officer would have asked him to turn it off. He said because the guy was a resident at that address and it was on private property, he was OK. I said even if the car had been running for an hour, and he said 'don't you start your car in the morning and let it warm up', YES I DO BUT NOT FOR A F*&%ING HOUR NEXT TO MY NEIGHBORS BEDROOM. So needless to say I got nowhere. He did add that "hopefully" TC4 will be gone in a few days, and I'm sure they will have other angry neighbors such as myself to deal with. He also said he hopes they end up somewhere like Bellevue or another city, not in the county so THEY don't have to deal with them, well good luck on that one Sgt. Duncan.

Well I hope you all had a nice nights sleep and a wonderful day. I feel so much better now that I have had this learning experience thanks to Tent City being in my neighborhood. Let's have them back again so I can learn somemore.

Do you Yahoo!?
Yahoo! Mail - Easier than ever with enhanced search. Learn
<http://us.rd.yahoo.com/evt=29916/*http://info.mail.yahoo.com/mail_250>
more

-----Original Message-----
From: Finn Hill Community Discussion List
[mailto:FINNHILL@LIST.TENTCITYSOLUTIONS.COM]On Behalf Of Larry Lindholm
Sent: Sunday, February 13, 2005 6:18 AM
To: FINNHILL@LIST.TENTCITYSOLUTIONS.COM
Subject: Live on KIRO 710 this morning

I was awoken this morn at 5:45 by the sounds of slamming doors and people talking. I just figured it was a TC resident heading out to his job. I continued to hear voices so I thought I'd check it out. Turns out it's KIRO radio doing a live report. With all the parking lot to park in why do people choose to park right next to my house and slam their doors when they get out, do I have a sign on my bedroom window that says PARK HERE!!

Do you Yahoo!?
The all-new My Yahoo! <http://my.yahoo.com/> - Get yours free!

CC: <gary.hasseler@ci.bothell.wa.us>

RECEIVED
MAR - 4 2005
City Hall Reception
City of Bothell

To: Transitory Accommodations Citizen Advisory Committee

From: Norman Milliard
!9225 100th Ave NE
Bothell, WA 98011

Additional Information and Exhibits

1. HB 1585 An Act Relating to standards for housing for persons who are temporarily homeless.
   Sponsored by Rep O'Brien and Nixon

2. Two articles from the Northwest news about camp like in TC4 in Bothell

3. Editorial from the king County Journal

4. Analysis of police incidents compared to the rest of Bothell

5. Police reports from Bothell

BILL REQ. #: H-0292.1

HOUSE BILL 1585

State of Washington **59th Legislature** **2005 Regular Session**

By Representatives Nixon and O'Brien

Read first time 01/28/2005. Referred to Committee on Housing.

AN ACT Relating to standards for housing for persons who are temporarily homeless; amending RCW 70.114A.020 and 70.114A.085; creating a new section; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1** The legislature finds that, due to lack of a permanent address or other contact information, lack of skills and training, lack of reliable personal transportation, frequent health challenges, or other circumstances, homeless persons are vulnerable to exploitation as low-wage laborers. In 1995, the legislature recognized that the circumstances of another group of exploited low-wage laborers, migrant agricultural workers, necessitated the creation of standards for temporary worker housing to prevent those workers from being forced to obtain housing that is unsafe and unsanitary; those standards are reflected in chapter 70.114A RCW. The legislature finds that, due to their poverty, extreme need, and dire circumstances, similar exploitation of the labor of homeless persons also exists, and that, due to an inadequate supply of affordable housing and of space in permanent shelters for the homeless, they are likewise being forced to seek shelter in unsafe and unsanitary conditions. If migrant farmworkers, who in many cases are not citizens of the United States and may not be in the United States legally, are worthy of the protection of the state to ensure that their housing is safe and sanitary, then our friends, neighbors, coworkers, and fellow citizens who find themselves temporarily homeless are even more worthy of that protection. Therefore, it is the intent of the legislature to encourage temporary housing for homeless persons to be safe and sanitary by establishing a clear and concise set of regulations for temporary housing and encampments for homeless persons, substantially equivalent to those provided for temporary worker housing.

Sec. 2 RCW 70.114A.020 and 1999 c 374 s 6 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Agricultural employee" means any person who renders personal services to, or under the direction of, an agricultural employer in connection with the employer's agricultural activity.

(2) "Agricultural employer" means any person engaged in agricultural activity, including the growing, producing, or harvesting of farm or nursery products, or engaged in the forestation or reforestation of lands, which includes but is not limited to the planting, transplanting, tubing, precommercial thinning, and thinning of trees and seedlings, the clearing, piling, and disposal of brush and slash, the harvest of Christmas trees, and other related activities.

(3) "Department" means the department of health.

(4) "Dwelling unit" means a shelter, building, or portion of a building, that may include cooking and eating facilities, that is:

(a) Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and

(b) Physically separated from other sleeping and common-use areas.

(5) "Enforcement" and "enforcement actions" include the authority to levy and collect fines.

(6) "Facility" means a sleeping place, drinking water, toilet, sewage disposal, food handling installation, or other installations required for compliance with this chapter.

(7) "Occupant" means a temporary worker or a person who resides with a temporary worker at the housing site.

(8) "Operator" means a person holding legal title to the land on which temporary worker housing is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the temporary worker housing under a lease, temporary use permit, or other arrangement.

(9) "Temporary worker" means an agricultural employee employed intermittently and not residing year-round at the same site, or a homeless person.

(10) "Temporary worker housing" means a place, area, or piece of land where sleeping places or housing sites are provided by an agricultural employer for his or her agricultural employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees or for homeless persons, for temporary((~~, seasonal~~)) occupancy.

Sec. 3 RCW 70.114A.085 and 1999 c 374 s 11 are each amended to read as follows:

The department shall prepare a report to the legislature on utilization of the temporary worker building code authorized by RCW 70.114A.081. The report shall include the number of housing units, number of families or individuals housed, number of growers or operators obtaining permits, the geographic distribution of the permits, and recommendations of changes in the temporary worker building code necessary to avoid health and safety problems for the occupants. The report shall be transmitted to the ((~~senate committee on commerce, trade, housing and financial institutions and the house of representatives committee on economic development, housing and trade by December 15, 2000, and an update shall be transmitted every two years thereafter~~)) legislature electronically by December 15th in each even-numbered year.

NEW SECTION. **Sec. 4** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 5** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

--- END ---

Northwest News - Printer Friendly Page
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Tent-life stories continue to unfold

by Jeanette Knutson
Staff Writer
The discussion upon which this article is based took place before Tent City moved to Woodinville. This reporter chose not to use the real names of the homeless individuals interviewed.

Of the following four people interviewed - two women, two men - none is a Washingtonian. One of the women is pregnant. All four are young and bright. All lived in Tent City while it was in Bothell and all moved to Woodinville when the camp relocated Aug. 14. All have glide plans to better lives.

All agreed that at Tent City, they felt like pawns in someone else's game. They want their stories known.

"We are prepared," said Nick. "The truth needs to be out there."

Nick worked for a union in California doing asbestos abatement. When the job he was working on was completed, he was laid off. He eventually became homeless, moved to Washington "for opportunities," slept on the street for a while, and eventually made his way to Tent City. Nick is confident, poised, well spoken - a natural leader. His partner is a serious, forthright woman named Sid. Sid's family disowned her for associating with Nick, who is black.

When Nick got to Tent City, he was voted onto the executive committee, the EC. This group of five, plus two alternates, runs the encampment on a day-to-day basis following camp-management dictates, he said.

"I wish I never worked on EC," he said. Being on the EC was time-consuming. It prevented him from achieving his own goals of getting a job and getting out of Tent City, he said. "But if I didn't help the camp, who would?"

Camp management makes a lot of threats, Nick said. They make it clear, he said, that they could pull the plug on Tent City at any time. He said camp residents would be able to run the camp without them. If there's one thing they taught us, he said, it's how to run a camp.

Being on EC sometimes meant long days. Nick recalled a time when he worked three six-hour shifts in a row. Making decisions for the good of the camp or because one is told to do so by camp management can be stressful, he said.

"It causes stress in a relationship, too," said Sid.

Luke said, "The ones with half a brain run the camp. It's a hard job. If you go by the rules they have, you'd be barring everyone for the smallest, stupidest things. Half the time, half the camp is mad at you (for actions taken by the EC)."

Luke worked in fast-food management and in hospitals. He's from Colorado.

"If I don't have a shower every day," he said, "and I can't keep myself clean, how can I go to work in a place like a hospital?"

In Bothell, he got a shower once a week. (The Woodinville Tent City has a shower.) In certain situations, camp organizers threatened to take away shower passes and bus tickets, Luke said. It would be difficult for anyone to hold a job if they were not clean or if they had no assurance of transportation, he said.

Luke is open and engaging. He would like to work in human resources one day.

"I've worked with people so long, I want to help people out," he said. "We're not all just freeloaders. Some of us have goals. Terri (his partner) is six months along. We have to get out."

Terri is bubbly and streetwise. She may act a little tougher than she really is. She said she had a job but became ill. She went to the hospital for two weeks, lost her job and became homeless.

Luke said, "Terri's dad is here (in Washington). Her dad worries about his only child."

Terri said, "Tent City is somewhat better than indoor shelters. Here, you can come and go when you like, smoke when you want. The problem is once they've got you here, they don't want you to leave."

"The idea (of Tent City) is good," said Sid, "if it helped you get out (of your homeless situation)."

Coming to the Eastside, she said, "means getting farther and farther away from social services," which are located in downtown Seattle. "Being out here makes you feel a little safer, though."

All six said they felt they received "zero help" from camp management while at Tent City: no help finding a job, no help getting hooked up with V.A. benefits or federally assisted housing, no counseling, no direction, no support, no motivation to do better.

"The longer we stay," said Luke, "the better it is for them."

Terri said that camp organizers have all the power. They're the god; we're their little toys, she said.

All agreed that they received the most help from volunteer church people and the Bothell community. Again, this interview took place before the camp residents moved to Woodinville.

"The community was very good to us," said Sid.

"Someone donated a computer," said Terri, "a Gateway, still in the box, with a printer and modem."

Someone else donated a satellite dish, a receiver and a remote control; and a car and camper, they said.

Someone donated quarters so that camp residents could do laundry.

"Where did it all go?" someone asked.

Camp management told them that the big-ticket items went to auction.

"We have no idea where it all goes," Sid said. "That information doesn't get back to us."

Aside from the many, many donations such as coffee, foodstuffs, gift cards, hot meals and dental services, clothing and toiletries are also donated.

In Bothell, there always seemed to be an abundance of hygiene products. Luke said this was probably because they couldn't take showers. They had no need for toiletries.

Many camp residents did not do laundry regularly, they said. Some threw their clothes away when they got dirty and went to the donation tent when they needed another outfit, someone said.

Sid did not throw her dirty clothes away, but she said that in the 60 days she and Nick were in the Bothell Tent City, she had only done laundry once.

Someone said camp residents had to earn community credit. This, Terri explained, was what they did to "pay their rent." Attending community notification meetings and explaining Tent-City life to potential host cities or sponsors is an example of how someone might earn community credit. Sid said camp residents were taken aside before the meetings and told what to say. Anyone who might deviate from the script was not brought to public meetings, she said.

Residents were required to get complete information about those who brought donations: names, addresses, phone numbers. They could earn community credit by writing thank-you cards to the donors, said Sid.

They also could earn credit by attending church on Sunday.

Camp organizers chose the churches, and two camp residents attended each church, Sid said. They were supposed to bring back church bulletins to prove they attended the service.

"The idea is to make ourselves presentable to the community so that other churches would sponsor us," she said.

The Rev. Paul Forman, pastor of Northshore United Church of Christ, the sponsoring church for Woodinville's Tent City, said in a phone conversation last week, "I'm not so sure there's such a thing as an objective truth in this situation. There are people in the camp who are willing to bad-mouth the camp. These are angry folks, angry with their condition in life, angry with the way the camp is run, angry for a lot of reasons."

Forman said that he believed there were "people funneling misinformation about the camp" to outsiders. He said they were insinuating things about the camp based upon things told to them in confidence.

Forman said, "Scott Morrow (Seattle Housing and Resource Effort, SHARE, member and camp organizer) is a coach and mentor."

He said Morrow was trying to get camp leadership to take responsibility, to follow

the rules.

"Tent City 4 is a new camp," said Forman. "Part of the issue is Tent City 3 had a long history. Tent City 4 is still trying to iron out the kinks.

"Camp organizers are trying to develop leadership. New people come in almost daily. They have to develop these skills rapidly. They don't have six months to a year to do this. Scott is constantly trying to empower their leadership.

"It is my understanding that at Tent City 4, the executive committee serves for a week then they have to go off the committee. The committee is constantly changing to keep it from becoming an ingrown group.

"This is a new organization. It's not going to be a perfect experience. They are trying very hard. For the most part, the community is trying to support it. (Tent City) is under a real microscope. Anything they do is jumped upon," said Forman.

Referring to barring, the temporary or permanent expulsion of a camp resident because of a rule infraction, "It happens in most organizations," said Forman. "It certainly happens in corporations. In some ways, it's more bald (in Tent City). It's not disguised as niceness."

He said, "You have to remember, they are working with some of the most difficult people in society."

Forman believes the optional requirements of speaking at public meetings or attending church services on Sundays as a means to earn community credit "is a way of socializing them. There is a reason camp organizers pick the churches they do. They are trying to build a relationship with certain churches, those that have generally shown some interest in the camp."

Forman said his church was trying to help camp organizers find the next place for Tent City to settle. They were working on this now so that there would be adequate time for a permitting process at the encampment's next destination.

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Tent City alumni lift veil on camp life

by Jeanette Knutson
Staff Writer

Photo by Ian Gleadle
Tent City attracts people from around the country. Two homeless women read about Tent City while on the East Coast and traveled across the United States to get to the encampment.

This reporter chose not to use the real names of the individuals interviewed for this article.

They know what it's like to sit along the highway in freezing wind, eating a can of ravioli. Food usually isn't the problem, said Marsha and Kate, two homeless women who lived in Tent City 4 for a month when it was located in Bothell.

Where to sleep … now, that's a problem.

Marsha and Kate came across the country to stay in Tent City. They read an article about the encampment while in Laconia, N.H. Prompted by the article and a longtime wish to visit Seattle, the women, over time, worked their way across the United States. They stayed in Salvation Army housing and got help from churches. They did odd jobs in return for money given them - managed a rummage sale, hemmed garments, gave haircuts, whatever they could do. They were resourceful and determined and eventually arrived in Seattle by bus via Stevens Point, Wis. After one night in a hotel, they spent the last of their money trying to get to the Bothell Tent City. As it turns out, an archbishop from Seattle drove them there.

It didn't take the women long to figure out the camp's hierarchy and value system.

"I got the lowdown in two days," said Marsha. "This is not our first encounter with homelessness. It's just one more version of it."

Upon arriving at Tent City, Marsha asked what time she and Kate were expected to get up and get out of the camp.

The reply went something like this: "You don't have to leave the camp. You don't even have to get up if you don't want to."

For the women, such remarks were emblematic of the camp's culture.

"The people who run the place," said Marsha, "don't care about (the residents). No one is telling anyone where to go or what to do or how to get on with their lives. People need to know ways they can get help, and SHARE (Seattle Housing and Resource Effort) / WHEEL (Women's Housing, Equality and Enhancement League), the camp organizers, is not helping in any way, shape or form."

The women said "in any way, shape or form" in unison.

Kathleen, the no-nonsense social worker the two homeless women met at a Bible study session, said, "No one is telling others what services are available. People living there are not even aware that help is available. They don't know how to apply for food stamps or how to apply for certain services, especially if they are sick."

Kathleen has four decades' experience in the field of social work in many different regions of the country. Her specialty is working with the disabled. She said there was a lot of mental illness in Tent City that was not being addressed.

"If you're not depressed," Kathleen said, "you're definitely in denial, from a social worker's point of view."

Kathleen also noticed a lot of physical illness within the camp.

"People who find themselves in Tent City are people with limited options," she said. "They are overwhelmed. They have been displaced. They are vulnerable. They don't have the support system most people have.

"They are doing the best they can in a situation beyond their control. Tent City is not all it is cracked up to be. It has a lot of people who are very sick who need better options."

Kathleen offered a suggestion for improvement: "It would be good if the (camp's) executive committee would educate themselves (about obtaining food stamps, medical services, federal housing assistance, jobs) so they could educate others."

The "executive committee" is a group of five camp residents plus two alternates who make some of the day-to-day camp decisions.

When the Irish, Italians, Koreans or Vietnamese came to the United States, Kathleen said, the ones who got here first mentored the new ones. Everyone was given time to become successful. If they weren't making it, the mentors would ask, "What do you need? We'll get it for you. We need you to be successful." It is this kind of mentoring that Tent-City residents are lacking, she said.

The social worker said, "Tent City has its place, but it can be better run, more efficiently run ... ."

She said despite the camp's shortcomings, it is a familiar place for some who want camaraderie, for some who feel safety in numbers.

"We know a lot about the camp," said Marsha, "but we don't want to close the camp. We do believe (the homeless) have a right to sleep somewhere they feel safe. Yes, there are a lot of problems, but at least they have a place to stay."

When asked how Tent City could be made better, Marsha said, "There are basic rules I'd put in place," and she proceeded to list a few.

"People should get up no later than eight or eight-thirty every day," said Marsha. "I know it is hard with limited grooming facilities (The Bothell Tent City had no onsite showers and two small cold-water hand-washing stations, they said.), but people should get dressed and go to the library, get on the Internet and do something pertaining to getting a job or getting out of Tent City.

"Bus tickets should not be given out unless a person is dressed and ready to leave. Some camp residents hoarded bus tickets, trading them for cigarettes, soda, a new

hat, a pair of boots, anything they could get," she said.

Marsha also said that camp residents sometimes get a single bus ticket per day, not two.

"There are not enough bus tickets to get there and back," she said. Residents must get to where they are going, do their business, and get back to camp - all before the transfer expires, she said.

She said camp organizers threatened to withhold bus tickets and shower passes until the executive committee did what camp organizers wanted. Marsha also said that camp organizers threatened to remove portable toilets.

"That's not right," she said. "Third World countries live better than we do."

Marsha said, "Backpacks and bags should be subject to random searches. There are drugs and alcohol in the camp."

Kate said, "There is so much prevalent drug stuff." She said beer cans are found in the portable toilets in the morning and around bus stops. Nighttime conversations about drinking can easily be overheard.

Marsha thought quiet time between 10 p.m. and 8 a.m. should be enforced. She said it was difficult to get up in the morning when loud conversations continued throughout the night.

"I could lay there at 1:30 a.m. and hear someone get a beating," Marsha said. "I could hear about marital problems, drugs and alcohol. One morning at 2 a.m., one woman was having problems with her husband. She was screaming, 'Where are you? What are you doing? Why aren't you here in bed?' I wanted to yell 'Shut up and go to bed.' I don't want to hear someone else's garbage."

Marsha witnessed a lot of "tent-hopping." Someone would come in with a significant other, have an argument, break up, and move on to another tent to sleep with someone else. Then, in a couple days, the "argument, break up, move on to another tent" scenario would replay itself.

"It should be," she said, "if someone comes in with a significant other and breaks up, the woman should go into the women's tent or get a tent of her own. There are no condoms, no birth control. I imagine there are all kinds of diseases floating around."

Social worker Kathleen said someone on the inside was suspicious about any outside liaisons made by camp residents. Some organizers are "tremendously paranoid," she said.

Marsha said, "The rules are not enforced and they are worried if somebody talks to an outsider about Tent City. All they want are more warm bodies to sign the sheet that you're there."

She also said that every day between one and six persons were barred from the camp. Barrings can happen when someone is too loud, when someone interferes with the executive committee, when someone is not at camp for three days in a row, when someone is caught using alcohol or drugs, when someone fails to participate in camp functions - for all sorts of reasons, Marsha explained. The executive committee votes on who is barred, and being barred can mean a three-day, seven-day or permanent expulsion from camp. Being barred is particularly frightening for women.

Donations of personal hygiene items and clothing are kept in a locked tent. If someone needs something, they go to the person in charge of donations. The donations person can go into the tent to get the requested item, or not, depending upon their mood, Marsha said. Donations people have been known to "put aside humongous piles of stuff for (themselves)," she said.

It struck Marsha as odd that camp organizers were more concerned about getting blankets clean than they were about getting people clean.

Before the homeless encampment came to Woodinville, there were no showers at the campsite. People were not required to bathe, so no matter how clean the blankets were, if the people crawling into them hadn't showered in a week or more, the blankets didn't stay clean for long, she said.

"(Tent City residents) need help getting on with their lives," said Marsha. "They need people to support them. They need medical attention and better hygiene. They need to have a life. They're normal people. The only difference is they don't have a home. They've got problems, bad habits; but they're not bad people. I want to see these people get a house and a job outside Tent City."

Kate said that a handful want to get out of Tent City. "Others need to be pushed," she said. "We want people to get what they need. Trust me. They need help. They want it, but they don't want to admit it. Some want everything handed to them. They need to take responsibility."

About a month into their stay, Marsha and Kate were each barred from camp for what their social worker called "trumped-up charges."

Marsha attended one too many Bible studies. There was a rule about how many weekly camp meetings a person could miss in a 30-day period: one. At first, Marsha was excused to go to two Bible classes, both on meeting days. Later, apparently after suspicions surfaced that she had been revealing camp news to church people, she was told that she missed too many camp meetings that month and was barred.

Kate was said to have been rude to another resident when handing over the camp phone. She was speaking with her social worker when someone said they needed the phone. She finished her call and said, "Here's the phone. Now go away. Stop listening to our conversations."

That was it. Kate was out, and so was her friend. Fortunately, the two women had developed a support system.

"These two women are not part of the culture of Tent City," said social worker Kathleen, who helped them acquire housing vouchers, assistance, medical services and food stamps. "They are successful because of their own gumption, their own character. They were motivated to move up and out, not dig in and stay."

Kathleen said, "Since they have been out of Tent City, the women have only moved up. Soon they will have more power for themselves, more autonomy. Each will have an income from disability; each will have housing vouchers. One is a disabled Vet. She's getting her services upgraded through the V.A. (Veterans Administration). This means they will never have to be homeless again."

Marsha and Kate felt no anxiety about sharing their stories. They said a tightknit circle of friends surrounded them. The two women are writing a book about their experiences. It is already in outline form.

"There is far more to our story than Tent City," said Marsha.

Call it serendipity. Call it the grace of God. Two determined homeless women met a social worker at a Bible study class. Her compassion and guidance led them to the security Tent City did not provide.

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Our View: Tent City needs more control at site

2004-06-09

Several arrests and evictions in the three weeks Tent City 4 has been open in Bothell shows critics of the homeless encampment were right -- much more oversight is needed by organizers. This news also should guide the county as it puts together a plan to handle future tent cities.

In this latest incident, on Sunday, a 32-year-old woman was arrested for possession of a drug pipe in her tent, despite the assurances from the Seattle-based tent city organizers that drugs are forbidden at the camp, which includes about 80 homeless residents.

Also, since the homeless set up tents on May 17 at St. Brendan Catholic Church, a registered sex offender has been evicted, a man was arrested on domestic violence charges and another kicked out for erratic behavior. Another resident asked police to check if he had any outstanding warrants. He did, and was arrested. Police also have monitored disputes and intervened in fights. Tent city neighbors have a right to be outraged.

Bothell police have offered to check all residents for outstanding warrants, something the tent city organizers have declined to do. They should rethink that. The homeless deserve our help, but nearby neighbors deserve a higher degree of safety then what they're getting.

The operation also has become a cost burden to Bothell. From May 14, three days before Tent City 4 moved in, to June 6, Bothell police have logged 432 hours of overtime, costing more than $21,000 to patrol the site.

The city will be in court Thursday to argue that the homeless camp violates city permit rules. Church officials have said in the past that federal rules bar local governments from imposing burdensome permit regulations on churches.

We'd hate to see the homeless dumped back on the streets. The camp now has running water, electricity and nearby places for the homeless to shower. Those benefits come with the responsibility to be good neighbors. If Tent City 4 is to continue through its 90-day stay, organizers need to keep the surrounding community safe.

PulsePoll
Should voters have to prove citizenship before being allowed to register to vote?
Yes.
No.
VOTE!

Weather

EDITORIALS EMERGENCY SHELTER HOUSING CHRISTIAN LIFE COMMUNITY EASTSIDE PLANNING ZONING CRIME PREVENTION BUDGET FINANCE KING COUNTY SUPERIOR TRIALS DECISIONS

STOCK LISTINGS

Eastside:
King County Journal
1705 132nd Ave. N.E.
Bellevue, WA 98005

South County:
King County Journal
600 Washington Ave. South
Kent, WA 98032

care4schools.org

7/29/2004

Some numbers to ponder

Filed under:

- General

— Kevin H. Devin @ 5:59 am

I decided to make a stop by our friendly Bothell PD on my way home this past Thursday evening to take a peek at the latest Press Log (printed every Thursday).

I did some quick scanning of the past week's incidents.

Here's what I found for the ENTIRE City of Bothell:

07/15 – 07/21—476 Total Contacts
07/08 – 07/14—497 Total Contacts
07/01 – 07/07—558 Total Contacts
06/24 – 06/30—513 Total Contacts
06/17 – 06/23—494 Total Contacts
06/10 – 06/16—512 Total Contacts
06/03 – 06/09—468 Total Contacts
05/27 – 06/02—468 Total Contacts

NOTE: A contact can range anywhere from a simple verbal communication with someone all the way to an actual arrest. Nonetheless, it's an incident worthy enough for an officer to document

Now… When I picked up my last batch of Police Reports, on Thursday 7/15, I was informed that there were 101 TC4 contacts since they arrived.

Since I did not have access to the first 10 days I've taken and averaged the weekly and daily numbers. Thus, I estimate 492 contacts for the week of 5/20 – 6/2 and another 210 contacts for the first 3 days of their encampment.

Overall the total up to last Thursday comes to approximately 4,635 contacts for the entire City of Bothell. Now, take the 101 TC4-specific contacts as of 7/15, that comes to 2% of all contacts during this time frame have been TC4 contacts.

Now, factor in that the 2000 census (http://bothell.areaconnect.com/statistics.htm) claiming there are a total of 30,150 people living in the City of Bothell, TC4 residents represent a whopping .3 of 1 percent of the population, yet have accounted for 2% of all contacts within the City in this time period.

Something else to consider…

Take the census data of an average Bothell household size of 2.51 people per household, that would

equal a total of 39.84 houses for 100 people. On my block (a large one at that), there are 25 homes. Surrounding Maywood Hills Elementary property there are 26 homes adjacent to it, and 34 homes adjacent to Bothell High School Property.

So tell me… why should there be concern over a congregation of 100 individuals camping adjacent to a school yard?

13 Comments

1. Only 2% is Tent City…Wow Shouldnt you all be MORE concerned about the 98% that ISNT TENT CITY…Tent City is moving Aug 15th…..How you going to Control the Crime IN Bothell NOW??? Just asking??

   Comment by rhonda — 7/29/2004 @ 2:53 pm

2. Read it through a couple more times, Rhonda. And then, if you still think there's nothing to fear, go pick up some unidentified transients and take them home with you.

   Comment by commonsense — 7/29/2004 @ 4:42 pm

3. I have brought Homeless Kids To my Home…They didnt Steal,Break in after they came in, I have Employed Homeless kids…..Nothing happened to my home,nor My daughter or Infant Son….What was the Other 98% crime in Bothell???

   Comment by rhonda — 7/29/2004 @ 5:01 pm

4. Those aren't "kids" at tent city. The majority of residents at TC4 are adult males and have included at least one convicted sex offender, as well as various other convicted felons and fugitives from justice. But you already know that, and you choose to ignore the facts.

   Comment by commonsense — 7/29/2004 @ 10:29 pm

5. Are You telling me theres NOT EX-Cons living in Bothell??The people of tent City Havent hurt anyone have they..NOOO…They didnt HURT YOUR CHILDREN EVEN THO THEY WERE SO CLOSE TO YOUR SCHOOLS…….IM Just Curious to Know what the other 98% of Police calls have been since the End Of may…And noone seems to want to answer that for me.

   Comment by rhonda — 7/29/2004 @ 10:36 pm

6. The other 98% of police contacts? Those took place within the 12.09 SQUARE MILES that comprise the City of Bothell. And 2% took place in the 1.8 ACRES that house Tent City 4! That would mean that 98% of police contacts took place among 30,910 residents of Bothell; 2% took place among the less-than-100 residents of Tent City 4. Do you seriously believe there's no danger from the ADULTS housed at Tent City 4, or from the many transients who are turned away from Tent City 4?

   Comment by look at the facts — 7/29/2004 @ 10:49 pm

7. I'm glad you're reading the items on this site, Rhonda. You'll learn a lot about the real tent city

agenda; it's a lot different than the cliches you hear from SHARE/WHEEL. Keep checking in.

Comment by look at the facts — 7/29/2004 @ 10:58 pm

8. From near the beginning of this ordeal I have had a standing request with the Bothell Police Dept for reports of any arrests, public nuissances, anything concerning school property, all relating to TC4 residents. I have taken these reports to the neighborhood meetings in an attempt to obtain answers to questions surrounding these reports.

   The press logs are published every Thursday and are available to the public.

   Reports cost $7 per report.

   The Bothell Police Department is located at 18410 101st Ave. NE.

   Feel free to request any and all reports you desire as well as browse the press log. I've obtained the ones that I'm interested in and feel that others might be as well. If you're not interested in these… well… the Internet is a BIG place, point your browser elsewhere.

   Enjoy!

   -KHD

   Comment by Kevin H. Devin — 7/29/2004 @ 11:04 pm

9. If a police officer hadn't been camped out 24/7 at the site, we could very well have seen a serious incident. As it is, the situation with the escapee from the correctional institution could EASILY have spiraled out of control.

   What if he had wandered onto the playground instead of jumping over a fence into a neighbor's yard?

   To pretend this is benign is absurd and obscene. And it's only a matter of time before someone – maybe a child – gets hurt. I'd like to think that would be the end of this social experiment we are being used for, but after seeing the way groupies of SHARE/WHEEL repeatedly COMPLETELY deny reality, I have no confidence that could happen. No incident, no matter how serious, would convince them this is a bad thing for a neighborhood.

   Comment by republicannoisemachine — 8/2/2004 @ 10:30 pm

10. SHARE/WHEEL has had the same excuse for every serious infraction connected with tent city: "It could happen anywhere." However, there is NO excuse for importing danger to our schools or our neighborhoods. It is irresponsible for an institution to host a suburban "hangout" for transients. The police know of the dangers, and that is why they made the decision to post 24 hour security in our Bothell neighborhood when Tent City 4 forced their way into town. Leota residents will not have constant police protection when tent city forces their way into the next neighborhood. Is Northshore United willing to pay the costs to protect the homeowners and school children in the Leota neighborhood? You know that you are hosting a "timebomb" and you had better be ready to accept responsibility should the unthinkable occur.

Comment by reality check — 8/3/2004 @ 12:56 pm

11. Has there been any incidents of Children being hurt in your Maywood neighborhood???? I dont think sooo…These people are REAL people not Time bombs……Give them a Chance……A real chance Not a Oh there homeless they are going to HURT OUR CHILDREN, Ruin our Property Values…..

    Comment by rhonda — 8/10/2004 @ 3:31 pm

12. Rhonda,

    You crack me up… your feathers get ruffled so easily.

    Please explain to me how this would NOT be considered a "time bomb?" How might you label it?

    ;-)

    Comment by Kevin H. Devin — 8/10/2004 @ 11:45 pm

13. Kevin,
    Im just saying these are people and YES some need help…But there not Time bombs…Just People That yes have fell through the system and Do need help, but there isnt enough help out there to help about the 8000 Homeless people in King County.And I would Label them Human beings..like any of us….
    How are you to know who lives in your neighborhood and "ISNT A TIME BOMB" as you call them…
    Just because they have a House/apartment ..Doesnt make any of your neighbors not a Time Bomb!

    Comment by rhonda — 8/11/2004 @ 7:53 am

RSS feed for comments on this post.

Leave a comment

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Arrest ☐
Crime ☐
Non-Criminal ☒

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

CR-1

CASE# 04B-04025

OFFENSE(S)	OFFENSE(S) cont'd.
382 Informational Report	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED	MORE CHARGES	ESTIMATED LOSS VALUE
08/02/04 12:10 Monday	08/02/04 12:10	YES ☐ NO ☒	

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other

MORE NAMES YES ☐ NO ☒

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	HOME	PHONE 1
O 1 OF 1	[redacted]	10051 NE 195 ST , Bothell, WA 98011	

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2
	W	M	41	[redacted]		

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3
[redacted]	WA	[redacted]	No		

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CASE SUMMARY / VEHICLE INFORMATION

SUMMARY

Subject contacted because he was acting suspicious. Subject told officer's that he resides at TC-4.

VEHICLE USED IN CRIME	OF	LICENSE (NO AND STATE)	YEAR	MAKE	MODEL	BODY TYPE	COLOR	VIN	MORE VEHICLES
YES ☐ NO ☐ UNK ☐									YES ☐ NO ☒

TOW REPORT	GARAGE NAME AND PHONE	REGISTERED OWNER	R/O ADDRESS
YES ☐ NO ☐			

SUSPECT(S) / ARRESTEE(S)

Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

MORE NAMES YES ☐ NO ☒

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES ☐ NO ☐				/

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CII#
		YES ☐ NO ☐		YES ☐ NO ☐			

CHARGES

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES ☐ NO ☐				/

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CII#
		YES ☐ NO ☐		YES ☐ NO ☐			

CHARGES

ADMINISTRATION

VICTIM DESIRES PROSECUTION	FOLLOW UP	COPIES TO:
YES ☐ NO ☐	YES ☐ NO ☒	☐ PAT ☐ DET ☐ DA ☐ COURT ☐ PROBATION ☐ VWAP ☐ OTHER

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Jeremy Wilson 0198	08/07/04 13:32	Curtis Smithers 0100	08/08/04

OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest ☐
Crime ☐
Non-Criminal ☒

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-04025

OFFENSE(S)	OFFENSE(S) cont'd.
382 Informational Report	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
08/02/04 12:10 Monday	08/02/04 12:10

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST. Bothell	Tent City		2	B3

NARRATIVE

On 08-02-04 at approximately 1209 hours, I was dispatched to a suspicious circumstance, having just occurred at Ebenezer Teriyaki, located at 18107 SR 522. While en route dispatched advised two subjects entered Ebenezer, demanded food and possibly displayed a knife. Officer's Collins, Muro, Stuvland and Sergeant Seuberlich responded to assist.

I contacted [redacted] inside Ebenezer Teriyaki. He told me that he observed two subjects enter the restaurant and demanded food. One of the subjects had what he thought was a knife in his hand. One of the subjects was described as [redacted]

Officer Stuvland advised that he observed two subjects matching the suspect description inside Schucks, located at 18129 SR 522. I responded to this location and observed two subjects who matched the suspect descriptions, detained outside Schucks.

I contacted Schucks manager [redacted] He told me that one of the subjects, who was later identified as [redacted] entered the store and was acting suspicious. The other subject, who was later identified as [redacted] stayed outside. According to [redacted] walked up and down the merchandise isles, removed merchandise and placed it in other locations. [redacted] told me that he thought [redacted] was going to steal something so he had an employee call 911 while he followed [redacted] [redacted] attempted to converse with [redacted] but [redacted] began to speak nonsense that he didn't understand. The police arrived a short time later and ordered [redacted] out of the store. [redacted] signed a trespass warning and requested Both [redacted] and [redacted] be trespassed from Schucks.

After speaking with all parties involved it doesn't appear that either subject had a knife when they entered Ebenezer. [redacted]

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Jeremy Wilson 0198	08/07/2004 13:32	Curtis Smithers 0100	08/08/04
OFFICER	**UNIT/SHIFT**	**ASSIGNED TO**	**CASE STATUS**
			Closed

Arrest ☐
Crime ☐
Non-Criminal ☒

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-04025

OFFENSE(S)	OFFENSE(S) contd.
382 Informational Report	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
08/02/04 12:10 Monday	08/02/04 12:10

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

NARRATIVE

Both subjects were verbally trespassed. Trespass warning placed in case file.

Case for documentation only.

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Jeremy Wilson 0198	08/07/2004 13:32	Curtis Smithers 0100	08/08/04
OFFICER	**UNIT/SHIFT**	**ASSIGNED TO**	**CASE STATUS**
			Closed

Arrest ☐
Crime ☐
Non-Criminal ☒

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

CR-1

CASE# 04B-03830

OFFENSE(S): 382 Informational Report

OFFENSE(S) cont'd.:

DATE, TIME AND DAY OF OCCURENCE: 07/23/04 21:10 Friday

DATE AND TIME REPORTED: 07/23/04 21:10

MORE CHARGES: YES ☐ NO ☒

ESTIMATED LOSS VALUE:

[redacted] LOCATION NAME

TYPE OF LOCATION:

BEAT: SECTOR:

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other

MORE NAMES: YES ☐ NO ☒

CODE	NAME	SUFFIX	HOME	WORK
C 1 OF 1	[redacted]		[redacted]	[redacted]

OCCUPATION	RACE	SEX	AGE		ADDRESS 2	PHONE 2
	W	F	44	[redacted]		

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3
		[redacted]	No		

CODE	NAME			PHONE 1
O 1 OF 1	[redacted]		[redacted]	

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2
	M	M	55	[redacted]		

[redacted]	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3
		[redacted]	No		

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OF			

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CASE SUMMARY / VEHICLE INFORMATION

SUMMARY:
Suspicious subject looking in window.

VEHICLE USED IN CRIME	LICENSE (NO AND STATE)	YEAR	MAKE	MODEL	BODY TYPE	COLOR	VIN	MORE VEHICLES
YES ☐ NO ☐ UNK ☐ OF								YES ☐ NO ☒

TOW REPORT	GARAGE NAME AND PHONE	REGISTERED OWNER	R/O ADDRESS
YES ☐ NO ☐			

SUSPECT(S) / ARRESTEE(S)

Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

MORE NAMES: YES ☐ NO ☒

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OF			

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
				/

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CII#
		YES ☐ NO ☐		YES ☐ NO ☐			

CHARGES:

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OF			

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES ☐ NO ☐				/

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CII#
		YES ☐ NO ☐		YES ☐ NO ☐			

CHARGES:

ADMINISTRATION

FOLLOW-UP: YES ☐ NO ☒

COPIES TO: ☐ PAT. ☐ DET. ☐ DA ☐ COURT ☐ PROBATION ☐ VWAP ☐ OTHER:

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Deona Rumpza 0083	07/24/04 03:03	Michael Strong 0088	07/24/04

OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest ☐
Crime ☐
Non-Criminal ☒

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-03830

OFFENSE(S)	OFFENSE(S) cont'd.
382 Informational Report	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
07/23/04 21:10 Friday	07/23/04 21:10

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
[redacted]				

NARRATIVE

Female R/P called to report a suspicious male, walking back and forth, watching her residence. The R/P said that the male stared through her front window, watching her and her children. The caller stated she has called at least two other times this month regarding the same man. [redacted] He was last seen walking N/B on 100th from the R/P's house. Dispatch advised me that on both the other occasions, the suspicious male was GOA.

I checked the area and located a male matching the description standing at the entrance to tent city. I contacted the subject who identified himself with a temporary [redacted] He admitted he had been walking around on many side streets, advising me there is no law against that. [redacted]

Documentation only.

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Deona Rumpza 0083	07/24/2004 03:03	Michael Strong 0088	07/24/04
OFFICER	**UNIT/SHIFT**	**ASSIGNED TO**	**CASE STATUS**
			Closed

Arrest [X]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

CR-1

CASE# 04B-03943

OFFENSE(S): 343 Warrant Arrest-Outside Agency

OFFENSE(S) cont'd.:

DATE, TIME AND DAY OF OCCURENCE: 07/29/04 15:29 Thursday

DATE AND TIME REPORTED: 07/29/04 15:29

MORE CHARGES: YES [ ] NO [X]

ESTIMATED LOSS VALUE:

LOCATION OF OCCURRENCE: 10051 NE 195 ST Bothell

LOCATION NAME: Tent City

TYPE OF LOCATION:

BEAT: 2

SECTOR: B3

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other

MORE NAMES: YES [ ] NO [X]

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OCCUPATION	RACE / SEX / AGE / DOB		ADDRESS 2	PHONE 2
DL / STATE	SS# / INJURIES		ADDRESS 3	PHONE 3

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OCCUPATION	RACE / SEX / AGE / DOB		ADDRESS 2	PHONE 2
DL / STATE	SS# / INJURIES		ADDRESS 3	PHONE 3

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OCCUPATION	RACE / SEX / AGE / DOB		ADDRESS 2	PHONE 2
DL / STATE	SS# / INJURIES		ADDRESS 3	PHONE 3

CASE SUMMARY / VEHICLE INFORMATION

SUMMARY:
Contacted subject in TC4 with an outstanding warrant. Subject booked KCJ.

VEHICLE USED IN CRIME: YES [ ] NO [ ] UNK [ ] OF

LICENSE (NO AND STATE) | YEAR | MAKE | MODEL | BODY TYPE | COLOR | VIN

MORE VEHICLES: YES [ ] NO [X]

TOW REPORT: YES [ ] NO [ ]

GARAGE NAME AND PHONE | REGISTERED OWNER | R/O ADDRESS

SUSPECT(S) / ARRESTEE(S)

Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

MORE NAMES: YES [ ] NO [X]

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	OTHER	PHONE 1
A	1 OF 1	[redacted]	10051 NE 195 ST , Bothell, WA 98011	

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	HOME	PHONE 2
W	F	[redacted]	[redacted]	BRO		51	[redacted]	TRANSIENT , ,	

OCCUPATION | INJURIES: No | ADDRESS 3 | PHONE 3

SCARS / MARKS / TATTOOS: YES [X] NO [ ] (See Person Profile Report for SMT Info.)

AKA's: [redacted] (See Person Profile Report for more AKA Info.)

ARRESTEE DISPOSITION: Felony - Booked

RELEASE LOCATION: Kcj

ARREST DATE / TIME: 07/29/2004 / 15:51

[redacted] | STATE | ARRESTED: YES [X] NO [ ] | BOOKING # | WARRANT: YES [ ] NO [X] | CITATION # | SS#: [redacted] | CI#

CHARGES:
Warrant Arrest-Outside Agency (1)

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
RACE / SEX / HT / WT / HAIR / EYE / AGE / DOB			ADDRESS 2	PHONE 2
OCCUPATION	INJURIES		ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS: YES [ ] NO [ ] | AKA's | ARRESTEE DISPOSITION | RELEASE LOCATION | ARREST DATE / TIME

DL / STATE | ARRESTED: YES [ ] NO [ ] | BOOKING # | WARRANT: YES [ ] NO [ ] | CITATION # | SS# | CI#

CHARGES:

ADMINISTRATION

VICTIM DESIRES PROSECUTION: YES [ ] NO [ ] | FOLLOW UP: YES [ ] NO [X] | COPIES TO: [ ] PAT. [ ] DET [ ] DA [ ] COURT [ ] PROBATION [ ] WWAP [ ] OTHER:

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Chad Davis 0275	08/25/04 10:51	Michael Stone 0087	08/25/04

OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest [X]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-03943

OFFENSE(S)	OFFENSE(S) cont'd.
343 Warrant Arrest-Outside Agency	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
07/29/04 15:29 Thursday	07/29/04 15:29

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

NARRATIVE

On 07/29/04 at 1529 hrs I contacted [redacted] at TentCity 4. A check through NCIC indicated she had a felony warrant out of [redacted] Wisconsin for Forgery and Theft [redacted] The warrant was issued in 1992. Dispatch confirmed the warrant and extradition from KCJ.

I took [redacted] into custody and booked her into KCJ.

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Chad Davis 0275	08/25/2004 10:51	Michael Stone 0087	08/25/04
OFFICER	**UNIT/SHIFT**	**ASSIGNED TO**	**CASE STATUS**
			Closed

Arrest ☐
Crime ☐
Non-Criminal ☒

BOTHELL POLICE DEPARTMENT
18410 101ST AVE NE Bothell, WA 98011
WA0170300

CR-1

CASE# 04B-02615

OFFENSE(S)	OFFENSE(S) cont'd.
090Z FIR	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED	MORE CHARGES	ESTIMATED LOSS VALUE
05/19/04 06:08 Wednesday	05/19/04 06:08	YES ☐ NO ☒	

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
100 AV NE, NE 197 ST				

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other

MORE NAMES YES ☐ NO ☒

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	RESIDENCE	PHONE 1
FI 1 OF 1	[redacted]	TENT CITY 4 , ,	

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2
	W	M	78	[redacted]		

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3
		[redacted]	No		

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2
					[redacted]	

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CASE SUMMARY / VEHICLE INFORMATION

SUMMARY
SUBJECT CONTACTED.

VEHICLE USED IN CRIME	OF	LICENSE (NO AND STATE)	YEAR	MAKE	MODEL	BODY TYPE	COLOR	VIN	MORE VEHICLES
YES ☐ NO ☐ UNK ☐									YES ☐ NO ☒

TOW REPORT	GARAGE NAME AND PHONE	REGISTERED OWNER	R/O ADDRESS
YES ☐ NO ☐			

SUSPECT(S) / ARRESTEE(S)

Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

MORE NAMES YES ☐ NO ☒

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES ☐ NO ☐				/

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CI#
		YES ☐ NO ☐		YES ☐ NO ☐			

CHARGES

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES ☐ NO ☐				/

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CI#
		YES ☐ NO ☐		YES ☐ NO ☐			

CHARGES

ADMINISTRATION

VICTIM DESIRES PROSECUTION	FOLLOW-UP	COPIES TO:
YES ☐ NO ☐	YES ☐ NO ☒	☐ PAT. ☐ DET. ☐ DA ☐ COURT ☐ PROBATION ☐ VWAP ☐ OTHER:

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Randy Olson 0085	05/20/04 11:08	Shayla Pendleton 0103	05/20/04

OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest ☐
Crime ☐
Non-Criminal ☒

BOTHELL POLICE DEPA. TMENT

18410 101ST AVE NE Bothell. WA 98011
WA0170300

Supplemental Report

CASE # 04B-02615

PAGE 1 C

OFFENSE(S)	OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
05/19/04 06:08 Wednesday	05/19/04 06:08

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR

NARRATIVE

On 05/19/04 at 11:00 hours I contacted the Tent City 4 residents at their camp location. I was greeted my a B/M named [redacted] and a W/F female named [redacted] I knew [redacted] from previous public meetings she and I attended regarding Tent City. I reported to them the incident of [redacted] wandering around the neighborhood and banging on a neighbor's door. While speaking to [redacted] and [redacted] another camp resident named [redacted] told me he was working camp security the previous evening when [redacted] was admitted to the camp around midnight. [redacted] was provided a tent to sleep in but continued to disturb the other sleeping resident's by looking into their tents and yelling and screaming. Sometime after 06:00am [redacted] wandered out of the camp and eventually was contacted by police.

[redacted] and [redacted] told me the camp could not be responsible for other resident's who decide to leave on their own.

ADMINISTRATION

FOLLOW-UP	COPIES TO:						
YES ☐ NO ☐	☐ PAT.	☐ DET.	☐ DA	☐ COURT	☐ PROBATION	☐ VWAP	☐ OTHER

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Michael Stone 0087	05/20/2004 16:18	Michael Stone 0087	05/20/04

OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS

Arrest ☐
Crime ☐
Non-Criminal ☒

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

CR-1

CASE# 04B-02640

PAGE 1

OFFENSE(S)	OFFENSE(S) cont'd.
090Z Commitment	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED	MORE CHARGES	ESTIMATED LOSS VALUE
05/20/04 12:14 Thursday	05/20/04 12:14	YES ☐ NO ☒	

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other

MORE NAMES YES ☐ NO ☒

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
O 1 OF 1	[redacted]		

OCCUPATION	RACE	SEX	AGE		ADDRESS 2	PHONE 2
Transient	W	M	34	[redacted]		

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3
[redacted]	WA	[redacted]	No		

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CASE SUMMARY / VEHICLE INFORMATION

SUMMARY

Subject out of Tent city having reaction to not taking meds and was suicidal. Transported via Medic 47 to harborview. Involuntary Commitment.

VEHICLE USED IN CRIME	OF	LICENSE (NO AND STATE)	YEAR	MAKE	MODEL	BODY TYPE	COLOR	VIN	MORE VEHICLES
YES ☐ NO ☐ UNK ☐									YES ☐ NO ☒

TOW REPORT	GARAGE NAME AND PHONE	REGISTERED OWNER	R/O ADDRESS
YES ☐ NO ☐			

SUSPECT(S)/ARRESTEE(S)

MORE NAMES YES ☐ NO ☒

Codes: S = Suspect A = Arrestee D = Detainee SV = Suspect/Victim AV = Arrestee/Victim DV = Detainee/Victim

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES ☐ NO ☐				/

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CII#
		YES ☐ NO ☐		YES ☐ NO ☐			

CHARGES

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES ☐ NO ☐				/

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CII#
		YES ☐ NO ☐		YES ☐ NO ☐			

CHARGES

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Randy Olson 0085	05/20/04 16:00	Clinton Beck 0239	05/21/04
OFFICER	**UNIT/SHIFT**	**ASSIGNED TO**	**CASE STATUS**
			Closed

Arrest ☐ Crime ☐ Non-Criminal ☒	**BOTHELL POLICE DEPARTMENT** 18410 101ST AVE NE Bothell, WA 98011 WA0170300 **Narrative Report**	CASE # 04B-02640 Page 1 of 2

OFFENSE(S)	OFFENSE(S) cont'd.
090Z Commitment	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
05/20/04 12:14 Thursday	05/20/04 12:14

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

NARRATIVE

On Thursday 5-20-04 at 1217 hrs. C: [redacted] reported that an unknown W/M, 30's, [redacted] wearing blue jeans and a gray t-shirt running through yards and yelling that people were after him. [redacted] lives at [redacted] Myself and several other officers conducted an area check for the subject. Sgt. Stone stated that the described subject was a resident from Tent City 4 (homeless encampment 10051 NE 195 St) and had just left Tent City. There had not been any problem there, but the male said he felt uncomfortable and left.

Officer Muro was flagged down by [redacted]. [redacted] Muro was told that the subject was up on the third floor landing of the apts. By the time Officer Muro saw the subject he was running out of the entrance of [redacted] across the street towards the [redacted] (convenience store) [redacted] Officer Muro told the male to stop. He was in a panic and said he couldn't stop. See Officer Muro's supplemental report for full details. The male later verbally identified as [redacted] ran into the [redacted] to the rear corner office door, but could not go anywhere. At this point I was arriving at the store and saw Officer Muro go inside and the store keepers running out the front door. [redacted] was inside the front doors. Officer Muro had a Taser pointed at him and ordering him to the ground. He was not complying until I drew my handgun on him and ordered him down. He was handcuffed and detained. [redacted] was very scared and panicked. He was having a difficult time breathing because he was hyperventilating and sweating heavily. [redacted] kept saying that someone was after him and was going to kill him. I could not get details from him. He was extremely paranoid. [redacted] It did not appear that there had been any other person chasing after [redacted] He rambled about different subjects and didn't make a lot of sense or finish a complete thought. As I talked to [redacted] he was still very nervous. [redacted]

Bothell Fire and Shoreline Medic 47 came to scene for a physical evaluation. [redacted]

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Randy Olson 0085	05/20/2004 16:00	Clinton Beck 0239	05/21/04
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest ☐
Crime ☐
Non-Criminal ☒

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-02640

OFFENSE(S)	OFFENSE(S) cont'd.
090Z Commitment	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
05/20/04 12:14 Thursday	05/20/04 12:14

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

NARRATIVE

[redacted]

I told Medic 47 that due to [redacted] he would be an Involuntary Commitment.

Medic 47 transported [redacted] to Harborview Hospital.

[redacted] was also found to have a felony warrant out for his arrest. [redacted]

[redacted]

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Randy Olson 0085	05/20/2004 16:00	Clinton Beck 0239	05/21/04
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

CR-1 Olson/0085 Entered by: Randy Olson

Arrest [X]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

CR-1

CASE# 04B-02651

OFFENSE(S)	OFFENSE(S) cont'd.
343 Warrant Arrest-Outside Agency	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED	MORE CHARGES	ESTIMATED LOSS VALUE
05/20/04 18:17 Thursday	05/20/04 18:17	YES [ ] NO [X]	

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST	Tent City		2	B3

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other

MORE NAMES? YES [ ] NO [X]

CODE	OF	NAME LAST FIRST MIDDLE SUFFIX	ADDRESS 1	PHONE 1
OCCUPATION	RACE / SEX / AGE / DOB		ADDRESS 2	PHONE 2
DL / STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OCCUPATION	RACE / SEX / AGE / DOB		ADDRESS 2	PHONE 2
DL / STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OCCUPATION	RACE / SEX / AGE / DOB		ADDRESS 2	PHONE 2
DL / STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CASE SUMMARY / VEHICLE INFORMATION

SUMMARY

Subject was contacted after a name check revealed he had an outstanding OSA misdemeanor warrant. Warrant confirmed. Auburn P.D. was unable to meet. Subject was booked into SCJ on local charges.

VEHICLE USED IN CRIME	OF	LICENSE (NO AND STATE)	YEAR	MAKE	MODEL	BODY TYPE	COLOR	VIN	MORE VEHICLES
YES [ ] NO [ ] LINK [ ]									YES [ ] NO [X]

TOW REPORT	GARAGE NAME AND PHONE	REGISTERED OWNER	R/O ADDRESS
YES [ ] NO [ ]			

SUSPECT(S) / ARRESTEE(S)

Codes: S = Suspect A = Arrestee D = Detainee SV = Suspect/Victim AV = Arrestee/Victim DV = Detainee/Victim

MORE NAMES? YES [ ] NO [X]

CODE	OF	NAME - LAST FIRST MIDDLE SUFFIX	HOME	PHONE 1
A	1 OF 1	[redacted]	10051 NE 195 ST , Bothell, WA 98011	

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2
W	M	[redacted]	[redacted]	[redacted]	[redacted]	22	[redacted]		

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3
	No		

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES [ ] NO [ ]		Misdemeanor - Booked	[redacted]	[redacted]

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CII#
[redacted]	WA	YES [X] NO [ ]		YES [X] NO [ ]		[redacted]	

CHARGES
Warrant Arrest-Outside Agency (1)

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
RACE / SEX / HT / WT / HAIR / EYE / AGE / DOB			ADDRESS 2	PHONE 2
OCCUPATION	INJURIES		ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES [ ] NO [ ]				/

DL / STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CII#
	YES [ ] NO [ ]		YES [ ] NO [ ]			

CHARGES

ADMINISTRATION

VICTIM DESIRES PROSECUTION	FOLLOW-UP	COPIES TO
YES [ ] NO [ ]	YES [ ] NO [X]	[ ] PAT. [ ] DET. [ ] DA [ ] COURT [ ] PROBATION [ ] VWAP [ ] OTHER.

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Robert Hensley 0092	05/20/04 22:51	Kenneth Seubertich 0172	05/21/04
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest [X]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-02651

OFFENSE(S)	OFFENSE(S) cont'd.
343 Warrant Arrest-Outside Agency	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
05/20/04 18:17 Thursday	05/20/04 18:17

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST	Tent City		2	B3

NARRATIVE

At about 1817 hours on 05/20/04 I was dispatched to Tent City #4 located at 10051 NE 195th St., Bothell, WA in order to attempt a warrant service on a[redacted] A name check of [redacted] revealed that he had an outstanding misdemeanor warrant for [redacted] The warrant was confirmed.

Upon arrival I was informed by residents at Tent City that [redacted] was not on site. At about 1922 hours I was advised that [redacted] had returned and wanted to turn himself in. I contacted [redacted] near the Tent City encampment and placed him into custody without incident.

While enroute to King County Jail I was advised that the originating agency, Auburn P.D., did not use that facility and was unable to meet for the warrant transfer due to manpower shortages. Later, I transported [redacted] to the Snohomish County Jail where he was booked on a local charge. (See Case #04-2652).

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Robert Hensley 0092	05/20/2004 22:51	Kenneth Seuberlich 0172	05/21/04
OFFICER	**UNIT/SHIFT**	**ASSIGNED TO**	**CASE STATUS**
			Closed

Arrest [X]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

CR-1

CASE# 04B-026[illegible]

OFFENSE(S): 090Z Order, No Contact Order, Violation

OFFENSE(S) cont'd.:

DATE, TIME AND DAY OF OCCURENCE: 05/20/04 18:17 Thursday

DATE AND TIME REPORTED: 05/20/04 18:17

MORE CHARGES: YES [ ] NO [X]

ESTIMATED LOSS VALUE:

LOCATION OF OCCURENCE: 10051 NE 195 ST, Bothell

LOCATION NAME: Tent City

TYPE OF LOCATION:

BEAT: 2

SECTOR: B3

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other

MORE NAMES: YES [ ] NO [X]

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	HOME	PHONE
PT 1 of 1	[redacted]	10051 NE 195 ST , Bothell, WA 98011	

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2
	W	F	22	[redacted]		

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3
[redacted]	WA	[redacted]	No		

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CASE SUMMARY / VEHICLE INFORMATION

SUMMARY:

Respondant violated the provisions of a valid No Contact Order by having contact with the petitioner at the above location. Subject was arrested and booked into the Snohomish County Jail.

VEHICLE USED IN CRIME	OF	LICENSE (NO AND STATE)	YEAR	MAKE	MODEL	BODY TYPE	COLOR	VIN	MORE VEHICLES
YES [ ] NO [ ] UNK [ ]									YES [ ] NO [X]

TOW REPORT	GARAGE NAME AND PHONE	REGISTERED OWNER	R/O ADDRESS
YES [ ] NO [ ]			

SUSPECT(S) / ARRESTEE(S)

Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

MORE NAMES: YES [ ] NO [X]

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	HOME	PHONE 1
A 1 of 1	[redacted]	10051 NE 195 ST . Bothell, WA 98011	

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2
W	M[redacted]	[redacted]	[redacted]	BRO	HAZ	22	[redacted]		

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3
	No		

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES [ ] NO [ ]		Misdemeanor - Booked	[redacted]	[redacted]

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CI#
[redacted]	WA	YES [X] NO [ ]		YES [ ] NO [X]	13710BC	[redacted]	

CHARGES: Order, No Contact Order, Violation (1)

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES [ ] NO [ ]				/

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CI#
		YES [ ] NO [ ]		YES [ ] NO [ ]			

CHARGES:

ADMINISTRATION

VICTIM DESIRES PROSECUTION	FOLLOW-UP	COPIES TO:
YES [ ] NO [ ]	YES [ ] NO [X]	[ ] PAT. [ ] DET. [ ] DA [ ] COURT [ ] PROBATION [ ] VWAP [ ] OTHER:

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Robert Hensley 0092	05/21/04 03:11		

OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest [x]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-02652

OFFENSE(S)	OFFENSE(S) cont'd.
J90Z Order, No Contact Order, Violation	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
05/20/04 18:17 Thursday	05/20/04 18:17

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

NARRATIVE

At about 1817 hours on 05/20/04 I responded to Tent City #4 located at 10051 NE 195 St., Bothell, WA in order to attempt to serve an arrest warrant on a [redacted] a resident of the encampment. [redacted] was subsequently arrested for the outside agency warrant and transported to the Bothell Police Department (See Case #04-2651).

While at that location, I was informed by Sgt Stone that [redacted] may be in violation of a No Contact order. A name check of [redacted] revealed that he was the respondent of Auburn Municipal Court Order Prohibiting Contact #3C6729 and that an [redacted] was the petitioner. Sgt Stone told me that [redacted] and [redacted] may be residing together in the Bothell tent city and requested I investigate further.

At about 2030 hours I interviewed [redacted] at the station. [redacted] told me that [redacted] was her long time boyfriend and that she and [redacted] have been living together in a tent at Tent City #4 since Monday morning when the encampment was established. [redacted] also stated that she and [redacted] had been earlier living together at Tent City #3 in Lake City for two weeks before that site was dismantled. [redacted] told me that she was one month pregnant by [redacted] and was afraid to have the order quashed believing that [redacted] would have to go to jail for over a year. [redacted] advised me that she preferred to not submit a written statement.

I then contacted [redacted] whom I had earlier placed in a holding cell pending transport. I informed [redacted] of my investigation into the possible violation of the court order. I advised [redacted] of his Miranda Warnings from a preprinted card I carry with my uniform. [redacted] told me he understood his rights but did not want to speak with me about the incident.

I obtained a fax copy of the Auburn order and reviewed it. The order stated in part that "the defendant shall have no contact directly or indirectly, in person, in writing or by telephone, personally or through a third party, with [redacted]" I noted that the order was dated the 11th day of July, 2003 and that it was signed by [redacted] The order stipulated that it was in effect for 2 years from the date of the order. The order was signed by a judge.

I later transported [redacted] to the Snohomish County Jail where he was booked under citation #13710BC for Violation of a No Contact Order. This ended my involvement in this

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Robert Hensley 0092	05/21/2004 03:11		
OFFICER	**UNIT/SHIFT**	**ASSIGNED TO**	**CASE STATUS**
			Closed

Arrest [x]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-02652

OFFENSE(S)	OFFENSE(S) cont'd.
090Z Order, No Contact Order, Violation	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
05/20/04 18:17 Thursday	05/20/04 18:17

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

NARRATIVE

incident.

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Robert Hensley 0092	05/21/2004 03:11		
OFFICER	**UNIT/SHIFT**	**ASSIGNED TO**	**CASE STATUS**
			Closed

Arrest [X]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

CR-1

CASE# 04B-02756

OFFENSE(S): 343 Warrant Arrest

OFFENSE(S) cont'd.:

DATE, TIME AND DAY OF OCCURENCE: 05/27/04 01:10 Thursday

DATE AND TIME REPORTED: 05/27/04 01:10

MORE CHARGES: YES [ ] NO [X]

ESTIMATED LOSS VALUE:

LOCATION OF OCCURENCE: 19[redacted]104 AV NE, Bothell [redacted]

TYPE OF LOCATION:

BEAT: 2

SECTOR:

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other

MORE NAMES: YES [ ] NO [X]

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OCCUPATION	RACE / SEX / AGE	DOB	ADDRESS 2	PHONE 2
DL / STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OCCUPATION	RACE / SEX / AGE	DOB	ADDRESS 2	PHONE 2
DL / STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OCCUPATION	RACE / SEX / AGE	DOB	ADDRESS 2	PHONE 2
DL / STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CASE SUMMARY / VEHICLE INFORMATION

SUMMARY:
Subject arrested on outstanding outside agency warrant.

VEHICLE USED IN CRIME: YES [ ] NO [ ] UNK [ ] OF | LICENSE (NO AND STATE) | YEAR | MAKE | MODEL | BODY TYPE | COLOR | VIN | MORE VEHICLES: YES [ ] NO [X]

OW REPORT: YES [ ] NO [ ] | GARAGE NAME AND PHONE | REGISTERED OWNER | R/O ADDRESS

SUSPECT(S) / ARRESTEE(S)

Codes: S = Suspect A = Arrestee D = Detainee SV = Suspect/Victim AV = Arrestee/Victim DV = Detainee/Victim

MORE NAMES: YES [ ] NO [X]

CODE: A | 1 OF 1 | NAME - LAST, FIRST, MIDDLE, SUFFIX [redacted] | RESIDENCE: Transient | PHONE 1

RACE: W | SEX: M [redacted] | AGE: 26 [redacted] | ADDRESS 2 | PHONE 2

OCCUPATION | INJURIES: No | ADDRESS 3 | PHONE 3

SCARS / MARKS / TATTOOS: YES [X] NO [ ] (See Person Profile Report for SMT Info.) | AKA's [redacted] | ARRESTEE DISPOSITION: Misdemeanor - Booked | RELEASE LOCATION: Other | ARREST DATE / TIME: 05/27/2004 / 01:20

[redacted] | STATE [redacted] | ARRESTED: YES [X] NO [ ] | BOOKING # | WARRANT: YES [X] NO [ ] | CITATION # | SS# [redacted] | CII#

CHARGES:
Warrant Arrest (1)

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
RACE / SEX / HT / WT / HAIR / EYE / AGE	DOB		ADDRESS 2	PHONE 2
OCCUPATION	INJURIES		ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS: YES [ ] NO [ ] | AKA's | ARRESTEE DISPOSITION | RELEASE LOCATION | ARREST DATE / TIME: /

DL / STATE | ARRESTED: YES [ ] NO [ ] | BOOKING # | WARRANT: YES [ ] NO [ ] | CITATION # | SS# | CII#

CHARGES:

ADMINISTRATION

VICTIM DESIRES PROSECUTION: YES [ ] NO [ ]

FOLLOW-UP: YES [ ] NO [X]

COPIES TO: [ ] PAT. [ ] DET. [ ] DA [ ] COURT [ ] PROBATION [ ] VWAP [ ] OTHER:

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Cyrus Obryant 0276	05/27/04 06:13		

OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest [X]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-02756

OFFENSE(S)	OFFENSE(S) cont'd.
43 Warrant Arrest	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
05/27/04 01:10 Thursday	05/27/04 01:10

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
195[redacted]104 AV NE, Bothell	[redacted]		2	

NARRATIVE

On 05/27/2004, at approx. 0030 while on patrol at Tent City IV, I observed a red Volkswagen Jetta, occupied by a male driver and a black male passenger, parking in the north east parking area of St. Brendan's Church, just off of N.E. 195 St. As I drove by, I saw that this was the only vehicle in the parking area. In addition, I knew that a vehicle had to travel some distance in order to reach that particular area of the parking lot. Just as I passed the vehicle, I observed the vehicle pull into a parking spot. I had made eye contact with the passenger and immediately after this, I saw the vehicle back out of the parking spot and proceed to exit the parking area.

I attempted to follow the vehicle, as it exited the parking area from N.E. 192 St. In the process of doing this, I was stopped by a citizen, who related that a red vehicle she did not recognize had been parked in front of her residence. I saw the vehicle turning south, onto N.E. 101 Pl., but was unable to located the vehicle.

At approx. 0110, while in the parking lot located just west of Tent City IV, I observed a similar red Volkswagen Jetta, traveling east on N.E. 195 St. with it's lights turned off. I exited the parking lot and proceeded to located the vehicle, along with Officer Rumpza. I saw that the vehicle was parking on the south side of the street, just across from the entrance to Tent City. I observed a black male exit the driver's side and a white male exit the passenger side of the vehicle. The two males then walked towards Tent City. Officer Rumpza and I contacted the subjects and asked if they had just been parked at the Church parking lot, across the street. The black male, who verbally identified himself as [redacted] said he had just left work and was picking up his friend from Tent City. He also said that he resides in Tent City and had been staying there for a few days. [redacted] related that he was from [redacted] and was planning on leaving Tent City sometime this week to find work in [redacted] I asked who he was picking up and he said a friend named [redacted] He continued to say that he arrived at Tent City with [redacted] and his family, who are also from [redacted]

Officer Rumpza ran the license plate of the Jetta, [redacted] The vehicle returned as a 1985 Volkswagen Jetta, registered to [redacted] I asked [redacted] about the vehicle and who the owner was. [redacted] said that he was borrowing the car from a co-worker, who was from [redacted] and did not speak English. He said he only knew the co-worker by the name [redacted] He continued to say that [redacted] was waiting for him to return, with his vehicle. I asked

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	EXAMINED BY
Cyrus Obryant 0276	05/27/2004 06:13		

OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest [x]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-02756

OFFENSE(S)
`43 Warrant Arrest

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE
05/27/04 01:10 Thursday

DATE AND TIME REPORTED
05/27/04 01:10

LOCATION OF OCCURENCE
19[redacted]104 AV NE, Bothell

LOCATION NAME
[redacted]

TYPE OF LOCATION

BEAT
2

SECTOR

NARRATIVE

where he was located, and he said somewhere by 145th in Kenmore.

After running both names through Bothell dispatch, I was informed that [redacted] driving status was Suspended [redacted]. I was also informed that [redacted] had an outstanding warrant from S.O. Everett, for [redacted]

The warrant is as follows:

Warrant [redacted] from S.O. Everett for [redacted] Amount of bail was $1500.00.

After confirming the warrant through dispatch, I placed [redacted] under arrest. He was hand-cuffed, which were double-locked and searched, incident to arrest. Arrangements were made to meet Snohomish County Sheriff's Office and Officer Rumpza transported [redacted] to a meet location, where Snohomish County Deputies took him into custody.

[redacted]

At this time, I re-contacted [redacted] and asked him if he knew his license had been suspended. [redacted]

[redacted]

ADMINISTRATION

OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Cyrus Obryant 0276	05/27/2004 06:13		
OFFICER	**UNIT/SHIFT**	**ASSIGNED TO**	**CASE STATUS**
			Closed

Arrest [x]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-02756

OFFENSE(S)	OFFENSE(S) cont'd.
43 Warrant Arrest	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
05/27/04 01:10 Thursday	05/27/04 01:10

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
19[redacted] 104 AV NE, Bothell	[redacted]		2	

NARRATIVE

[redacted]

At this time, an apparent acquaintance of [redacted] exited Tent City and approached our location. He identified himself as [redacted] and said he could drive [redacted] and [redacted] to return the car. After dispatch informed me that [redacted] license was clear and current, they left the area.

This ends my involvement with this case.

This report is for informational use only.

ADMINISTRATION

OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Cyrus Obryant 0276	05/27/2004 06:13		
OFFICER	**UNIT/SHIFT**	**ASSIGNED TO**	**CASE STATUS**
			Closed

Arrest [X]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT
18410 101ST AVE NE Bothell, WA 98011
WA0170300

CR-1

CASE# 04B-02768

OFFENSE(S): 343 Warrant Arrest-Outside Agency

OFFENSE(S) cont'd.:

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED	MORE CHARGES	ESTIMATED LOSS VALUE
05/27/04 17:28 Thursday	05/27/04 17:28	YES [ ] NO [X]	

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other

MORE NAMES YES [ ] NO [X]

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OCCUPATION	RACE / SEX / AGE	DOB	ADDRESS 2	PHONE 2
DL / STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OCCUPATION	RACE / SEX / AGE	DOB	ADDRESS 2	PHONE 2
DL / STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OCCUPATION	RACE / SEX / AGE	DOB	ADDRESS 2	PHONE 2
DL / STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CASE SUMMARY / VEHICLE INFORMATION

SUMMARY

Subj approached Ofcr, request name check believing he had an outstanding warrant. Warrant located, and Subj was taken into custody w/out incident.

VEHICLE USED IN CRIME	OF	LICENSE (NO AND STATE)	YEAR	MAKE	MODEL	BODY TYPE	COLOR	VIN	MORE VEHICLES
YES [ ] NO [ ] LNK [ ]									YES [ ] NO [X]

TOW REPORT	GARAGE NAME AND PHONE	REGISTERED OWNER	R/O ADDRESS
YES [ ] NO [ ]			

SUSPECT(S) / ARRESTEE(S)

Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

MORE NAMES YES [ ] NO [X]

CODE	OF		RESIDENCE	PHONE 1
A	1 OF 1	[redacted]	10051 NE 195 ST , Bothell, WA 98011	
RACE / SEX		AGE	ADDRESS 2	PHONE 2
W / M	[redacted]	22		
OCCUPATION	INJURIES		ADDRESS 3	PHONE 3
	No			

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES [X] NO [ ] (See Person Profile Report for SMT info.)		Felony - Booked	KCJ	05/27/2004 / 17:28

DL / STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CII#
[redacted]	YES [X] NO [ ]		YES [X] NO [ ]		[redacted]	

CHARGES

Warrant Arrest-Outside Agency (1)

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
RACE / SEX / HT / WT / HAIR / EYE / AGE		DOB	ADDRESS 2	PHONE 2
OCCUPATION		INJURIES	ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES [ ] NO [ ]				/

DL / STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CII#
	YES [ ] NO [ ]		YES [ ] NO [ ]			

CHARGES

ADMINISTRATION

VICTIM DESIRES PROSECUTION	FOLLOW-UP	COPIES TO:
YES [ ] NO [X]	YES [ ] NO [X]	[ ] PAT. [ ] DET. [ ] DA [ ] COURT [ ] PROBATION [ ] VWAP [ ] OTHER:

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED

Arrest [X]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-02768

OFFENSE(S)	OFFENSE(S) cont'd.
343 Warrant Arrest-Outside Agency	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
05/27/04 17:28 Thursday	05/27/04 17:28

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

NARRATIVE

On 5-27-04 at 1728hrs [redacted] approached me while I was sitting in my marked patrol car parked on the street in front of 10051 NE 19th ST. [redacted] a Tent City #4 resident, asked me if I would run his name to see if he had any warrants. [redacted] gave me his Washington State drivers license. At this point I agreed to check [redacted] name. The computer check returned with a felony warrant, number: [redacted] Officer Hanna of the Bothell Police Department responded as back-up. Upon Officer Hanna's arrival he placed [redacted] into protective custody, without incident. The warrant was confirmed, and [redacted] said they would extradite [redacted] if he was booked into the King County Jail. Officer Hanna placed [redacted] into his patrol car and transported Chapman to the Bothell Police Department.

The paperwork was completed, and [redacted] was transported to the King County Jail by the night shift.

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Brent Stuvland 0079	05/28/2004 09:44		
OFFICER	**UNIT/SHIFT**	**ASSIGNED TO**	**CASE STATUS**
			Closed

Arrest [X]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

CR-1

CASE# 04B-02942

OFFENSE(S): 3550 Vucsa, Drug Paraphernalia-Possess

OFFENSE(S) cont'd.:

DATE, TIME AND DAY OF OCCURENCE: 06/06/04 23:09 Sunday

DATE AND TIME REPORTED: 06/06/04 23:09

MORE CHARGES: YES [ ] NO [X]

ESTIMATED LOSS VALUE:

LOCATION OF OCCURENCE: 10051 NE 195 ST, Bothell

LOCATION NAME: Tent City

TYPE OF LOCATION:

BEAT: 2

SECTOR: B3

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other

MORE NAMES: YES [ ] NO [X]

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	HOME	PHONE
C 1 OF 1	[redacted]	Homeless , Bothell,	[redacted]

OCCUPATION	RACE	SEX	AGE	ADDRESS 2	PHONE 2
	U	M	44	[redacted]	

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3
			No		

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CASE SUMMARY / VEHICLE INFORMATION

SUMMARY

Rp stated that he had been at tent city earlier, and witnessed people using drugs in one of the tents, belonging to two women named [redacted] and [redacted]. Contacted [redacted] who admitted to the drug use and gave permission to search. Paraphernalia was found.

VEHICLE USED IN CRIME	OF	LICENSE (NO AND STATE)	YEAR	MAKE	MODEL	BODY TYPE	COLOR	VIN	MORE VEHICLES
YES [ ] NO [ ] UNK [ ]									YES [ ] NO [X]

TOW REPORT	GARAGE NAME AND PHONE	REGISTERED OWNER	R/O ADDRESS
YES [ ] NO [ ]			

SUSPECT(S) / ARRESTEE(S)

Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

MORE NAMES: YES [ ] NO [X]

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	HOME	PHONE
A 1 OF 1	[redacted]	Tent City (Homeless) , Bothell, WA 98011	

RACE	SEX	HAIR	EYE	AGE	ADDRESS 2	PHONE 2
W	F	BRO	BRO	32		

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3
	No		

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES [ ] NO [ ]		Misdemeanor - Booked	KCJ	06/07/2004 / 00:55

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CI#
[redacted]	WA	YES [X] NO [ ]		YES [ ] NO [X]	[redacted]	[redacted]	

CHARGES: Vucsa, Drug Paraphernalia-Possess (1)

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES [ ] NO [ ]				/

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CI#
		YES [ ] NO [ ]		YES [ ] NO [ ]			

CHARGES

ADMINISTRATION

VICTIM DESIRES PROSECUTION: YES [X] NO [ ]

FOLLOW-UP: YES [ ] NO [X]

COPIES TO: [ ] PAT. [ ] DET. [ ] DA [ ] COURT [ ] PROBATION [ ] VWAP [ ] OTHER:

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Francis McCahill 0095	06/07/04 02:59	Kenneth Seuberlich 0172	06/07/04

OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest [X]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-02942

OFFENSE(S)	OFFENSE(S) contd.
3550 Vucsa, Drug Paraphernalia-Possess	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
06/06/04 23:09 Sunday	06/06/04 23:09

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

NARRATIVE

On 06-06-04 at 2318 hours, I was dispatched to a phone report of possible drug activity in a tent at Tent City, located at St. Brendan's Church. I then returned to the Bothell Police Department, at which time I called the Rp, [redacted] at his cellular phone and asked him what he had observed. [redacted] stated to me that he had been at the tent city about 25-30 minutes prior to calling the police, visiting a friend, and as he was walking by and open tent, he could see 4-5 subjects inside, and they appeared to be passing around a pipe of some sort, and they were using a propane torch to light it as they smoked from it. [redacted] stated that he could smell what he knew to be Methamphetamine, because he has seen and smelled it before.

Based on what he saw, he believed that the subjects inside were smoking "Meth", and he wanted to do something about it. [redacted] then stated that he had been advised by his friend that he was visiting, that the tent belonged to two women, known as [redacted] and [redacted], and that is was a large tent located towards the back of tent city near the rest rooms. [redacted] stated that he too was homeless, but he does not live at tent city, so he was not worried about problems that may arise from reporting the incident, and felt that something should be done about it, because it makes things bad for the other people that are living there.

I then met with Officer Henkel, who was assigned the security detail at tent city, at which time she stated she had been in contact with a woman earlier, named [redacted] who is part of the tent city internal security force. Based on that contact, and the fact that members of their security force live at tent city, she had reason to believe that it may be the same [redacted]

At 0003 hours on 06-07-04, Sgt Seuberlich, Office Henkel and myself, went to tent city, at which time we were greeted near the entrance by an unidentified male tent city security staffer, at which time I asked if [redacted] was still on duty. He stated that she was not, and when asked who else was on duty with him, he stated that [redacted] roommate, [redacted] was on duty with him. I then asked him to get [redacted] for us, and that we needed to talk to her. We then followed the subject to the fist tent as you enter tent city, which is the base of security operations for tent city. A female then came out of the base tent, at which time I introduced myself and the other officers, and advised her that we needed to speak to her. I then

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Francis McCahill 0095	06/07/2004 02:59	Kenneth Seuberlich 0172	06/07/04
OFFICER	**UNIT/SHIFT**	**ASSIGNED TO**	**CASE STATUS**
			Closed

OFFENSE(S)	OFFENSE(S) cont'd.
3550 Vucsa, Drug Paraphernalia-Possess	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
06/06/04 23:09 Sunday	06/06/04 23:09

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

NARRATIVE

requested that we step away from the other tents, to give her some privacy, at which time we did.

The woman was identified as [redacted] I then asked [redacted] who else lived in her tent with her, at which time she stated she lived with her girlfriend named [redacted] I advised [redacted] of the report, and that based on the observations of the Rp, we had reason to suspect possible illegal drugs were being used there. I then advised her that if the report was true, it would be in her best interest to turn over the drugs and drug paraphernalia at this time. As I spoke to [redacted] she held her head down, and did not deny the allegations. I then asked her if there were any drugs in her tent, to which she answered, " There's just a couple of pipes".

I advised [redacted] that we would like to search her tent, and asked her for her permission to do so. She then stated that [redacted] was in the tent sleeping and that she did not want to disturb her. I then advised her that because of the fact that we received the report, and that she had admitted to me that there was drug paraphernalia, we needed to deal with the situation now. I then advised her that the other option that we had, was to apply for a search warrant, but that would take time, and would be much less convenient and intrusive then a consent to search. [redacted] then gave us consent to search, and signed the attached form.

[redacted] led the way to her tent, at which time she entered with Officer Henkel following her, to ensure that the other female occupant was decent. Officer Henkel then called for me to enter, and as I did so, I observed what I recognized a drug smoking paraphernalia, in plain view on the floor of the tent. The items were all contained in kit, which Officer Henkel later took as evidence. I also noticed a propane torch off to the left side of the tent as I entered, which was similar to the one described by the Rp, and was also seized by Officer Henkel. We then searched the tent, as [redacted] stood by with us, and it appeared that [redacted] slept the whole time.

After we completed the search of the tent, I advised [redacted] to come down to the entrance of tent city to talk about the incident. I then advised her of the Miranda Warning, which I read aloud to her, using an issued Miranda card, after which she stated that she understood her rights, and waived them. [redacted] then admitted to me that she had been smoking

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Francis McCahill 0095	06/07/2004 02:59	Kenneth Seuberlich 0172	06/07/04
OFFICER	**UNIT/SHIFT**	**ASSIGNED TO**	**CASE STATUS**
			Closed

Arrest [x]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-02942

OFFENSE(S)	OFFENSE(S) cont'd.
3550 Vucsa, Drug Paraphernalia-Possess	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
06/06/04 23:09 Sunday	06/06/04 23:09

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

NARRATIVE

Methamphetamine earlier in the evening, in her tent, and that she had she had been clean and sober for several months, but she had a relapse. I asked her who the drug paraphernalia belonged to, at which time she stated that all of it was hers. I then asked her who she got the drugs from, at which time she stated that she got them from a guy in Seattle, but she did not know his full name. I asked her about other drug activity, at which time she gave me a few first names of drug dealers in Seattle and Kent, but was not very specific about them.

I then advised her that based on the fact that she did not have any permanent residence, I had to place her under arrest for Possession of Drug Paraphernalia. She then became upset, because she will be kicked out of tent city for the incident. She further stated that she had a court date in Kent the next day, at which time we decided to book her into the King County Jail so they could assist her in getting to the Kent Court.

[redacted] was then transported to the King County Jail by Officer Henkel, and issued citation [redacted] for Possession of Drug Paraphernalia, and booked into the jail.

Case Status: Cleared by Arrest

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Francis McCahill 0095	06/07/2004 02:59	Kenneth Seuberlich 0172	06/07/04
OFFICER	**UNIT/SHIFT**	**ASSIGNED TO**	**CASE STATUS**
			Closed

Arrest ☐
Crime ☒
Non-Criminal ☐

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

CR-1

CASE# 04B-02956

OFFENSE(S)	OFFENSE(S) cont'd.
090Z Trespass Warning	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED	MORE CHARGES	ESTIMATED LOSS VALUE
06/07/04 19:44 Monday	06/07/04 19:44	YES ☐ NO ☒	

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
9705 NE 185 ST, Bothell	Pop Keeney Field		1	

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other — MORE NAMES YES ☐ NO ☒

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX						
O 1 OF 1	[redacted]					[redacted]	[redacted]
OCCUPATION	RACE	SEX	AGE	DOB	WORK	CELLULAR	
School Security	W	M	45	[redacted]	[redacted]	[redacted]	
DL / STATE	SS#		INJURIES	ADDRESS 3		[redacted]	
			No				

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OF			

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2

DL / STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OF			

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2

DL / STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CASE SUMMARY / VEHICLE INFORMATION

SUMMARY
Two male subjects are located camping at Pop Keeney.

VEHICLE USED IN CRIME	LICENSE (NO AND STATE)	YEAR	MAKE	MODEL	BODY TYPE	COLOR	VIN	MORE VEHICLES
YES ☐ NO ☐ UNK ☐ OF								YES ☐ NO ☒

TOW REPORT	GARAGE NAME AND PHONE	REGISTERED OWNER	R/O ADDRESS
YES ☐ NO ☐			

SUSPECT(S) / ARRESTEE(S)

Codes: S = Suspect A = Arrestee D = Detainee SV = Suspect/Victim AV = Arrestee/Victim DV = Detainee/Victim — MORE NAMES YES ☐ NO ☒

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	HOME	PHONE 1
S 1 OF 2	[redacted]	[redacted]	

RACE	SEX	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2
W	M [redacted]	BLN	BLU	22	[redacted]		

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3
	No		

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES ☐ NO ☐				/

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CII#
[redacted]	[redacted]	YES ☐ NO ☒		YES ☐ NO ☒		[redacted]	

CHARGES
Trespass Warning (1)

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	HOME	PHONE 1
S 2 OF 2	[redacted]	[redacted]	

RACE	SEX	HAIR	EYE	AGE	ADDRESS 2	PHONE 2
W	M [redacted]	BRO	BRO	37	[redacted]	

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3
	No		

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES ☐ NO ☐				/

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	CII#
[redacted]	WA	YES ☐ NO ☒		YES ☐ NO ☒	[redacted]	

CHARGES
Trespass Warning (1)

ADMINISTRATION

VICTIM DESIRES PROSECUTION YES ☐ NO ☒ — FOLLOW-UP YES ☐ NO ☒ — COPIES TO: ☐ PAT. ☐ DET ☐ DA ☐ COURT ☐ PROBATION ☐ JWAP ☐ OTHER

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
David Nelson 0094	06/08/04 05:27	Michael Strong 0088	06/08/04

OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest ☐
Crime ☒
Non-Criminal ☐

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-02956

OFFENSE(S)	OFFENSE(S) cont'd.
090Z Trespass Warning	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
06/07/04 19:44 Monday	06/07/04 19:44

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
9705 NE 185 ST, Bothell	Pop Keeney Field		1	

NARRATIVE

On 06/07/04 at 19:46 hours I was dispatched to investigate a possible trespass at Pop Keeney Field at 9705 NE 185th ST. Northshore School District Security had called and reported a male subject sleeping behind the bleachers.

Upon arrival I contacted Northshore Security Supervisor [redacted] He informed me one of the persons authorized to be at the field located a tent behind the bleachers. The person stated they heard a voice coming from the tent.

[redacted] and I located a two man tent that had been pitched in the middle of trees and shrubbery in an apparent attempt to conceal it. I heard two voices conversing, but I was unable to hear what they were saying. I looked inside the tent and observed two individuals lying on their backs. One of them was smoking a cigarette and the other had an open Old English 800 malt liquor can. I ordered the two of them out and frisked them for weapons.

[redacted] They were considering going to Tent City, [redacted] I did not encourage or discourage them from seeking refuge at Tent City, but I did inform them they could not stay on Northshore property. I informed them both they were being trespassed and they acknowledged they would be subject to arrest if they returned.

[redacted]

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
David Nelson 0094	06/08/2004 05:27	Michael Strong 0088	06/08/04
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest ☐
Crime ☐
Non-Criminal ☒

BOTHELL POLICE DEPA TMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

CR-1

CASE# 04B-03192

PAGE 1

OFFENSE(S)
82 Informational Report

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED	MORE CHARGES	ESTIMATED LOSS VALUE
06/19/04 16:14 Saturday	06/19/04 16:14	YES ☐ NO ☒	

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other — MORE NAMES YES ☐ NO ☒

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
C 1 OF 1	[redacted]		

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2
Transient - Tent City 4	W	M				

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3
			No		

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
O 1 OF 2	[redacted]		

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2
Transient	B	M	47	[redacted]		

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3
[redacted]	WA	[redacted]	No		

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
O 2 OF 2	[redacted]		

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2
Transient	W	F	36	[redacted]		

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3
[redacted]		[redacted]	No		

SUMMARY NARRATIVE INFORMATION

SUMMARY

Subject caused disturbance and was barred from Tent City. Subjects wife had felony warrant. She was booked into King Co. Jail.

VEHICLE USED IN CRIME	OF	LICENSE (NO AND STATE)	YEAR	MAKE	MODEL	BODY TYPE	COLOR	VIN	MORE VEHICLES
YES ☐ NO ☐ UNK ☐									YES ☐ NO ☒

TOW REPORT	GARAGE NAME AND PHONE	REGISTERED OWNER	R/O ADDRESS
YES ☐ NO ☐			

SUSPECT(S)/ARRESTEE(S)

Codes: S = Suspect A = Arrestee D = Detainee SV = Suspect/Victim AV = Arrestee/Victim DV = Detainee/Victim — MORE NAMES YES ☐ NO ☒

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OF			

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES ☐ NO ☐				/

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CI#
		YES ☐ NO ☐		YES ☐ NO ☐			

CHARGES

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OF			

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES ☐ NO ☐				/

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CI#
		YES ☐ NO ☐		YES ☐ NO ☐			

CHARGES

ADMINISTRATION

VICTIM DESIRES PROSECUTION	FOLLOW-UP	COPIES TO:
YES ☐ NO ☐	YES ☐ NO ☒	☐ PAT. ☐ DET. ☐ DA ☐ COURT ☐ PROBATION ☐ VWAP ☒ OTHER:

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Randy Olson 0085	06/19/04 18:57	Michael Strong 0088	06/19/04

OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest ☐
Crime ☐
Non-Criminal ☒

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-03192

OFFENSE(S)	OFFENSE(S) cont'd.
382 Informational Report	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
06/19/04 16:14 Saturday	06/19/04 16:14

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

NARRATIVE

On Saturday 6-19-04 at 1613 hrs. C:[redacted] of the Tent City 4 council advised me that O1:[redacted] was being expelled from Tent City.[redacted] had caused a disturbance in the kitchen tent. No crime was committed, but he broke Tent City rules. Myself, Officers Davis and Smith contacted[redacted] and stood by as he and his wife, O2:[redacted] packed up to leave the camp. Both [redacted] and [redacted] were checked for warrant.[redacted] was clear [redacted] was found to have an outstanding felony warrant out of DOC for [redacted] no bail.[redacted]

Information only.

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Randy Olson 0085	06/19/2004 18:57	Michael Strong 0088	06/19/04
OFFICER	**UNIT/SHIFT**	**ASSIGNED TO**	**CASE STATUS**
			Closed

ƆTHELL POLICE DEPAR ΛENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

DUI Report

CASE # 04B-03302

...E(S) ...4 Dui Alcohol-Liquor ...Z FIR	OFFENSE(S) cont'd.

... TIME AND DAY OF OCCURENCE ...1/24/04 23:15 Thursday		DATE AND TIME REPORTED 06/24/04 23:15	MORE CHARGES YES ☐ NO ☒	
...TION OF OCCURENCE ...R 522, 9600 BLK	LOCATION NAME		TYPE OF LOCATION	BEAT / SECTOR

SUSPECT / ARRESTEE

... 1 OF 1	NAME - LAST, FIRST, MIDDLE, SUFFIX [redacted]				[redacted]		PHONE 1
... SEX F [redacted]	HAIR BRO	EYE BLU	AGE 43	[redacted]	ADDRESS 2		PHONE 2
...PATION		INJURIES No			ADDRESS 3		PHONE 3
...S / MARKs / TATTOOS ☐ NO ☐	AKA's		ARRESTEE DISPOSITION Released (C&R)		RELEASE LOCATION Other		ARREST DATE / TIME 06/24/2004 / 23:15
[redacted] STATE	DL STATUS	ARRESTED YES ☒ NO ☐	BOOKING #	WARRANT YES ☐ NO ☒	[redacted]	[redacted]	CI#

...GES
...I Alcohol-Liquor (1)

VEHICLE

...STATE) [redacted]	YEAR 84	MAKE DODGE	MODEL RAM	[redacted]	COLOR BRO	VIN [redacted]	MORE VEHICLES YES ☐ NO ☒
...80 ☐ NO ☐	GARAGE NAME AND PHONE		REGISTERED OWNER [redacted]		[redacted]		
...NER [redacted]			[redacted]				

INTERVIEW

...S WORN?	SHOE TYPE	(ORIENTATION) WHAT TIME IS IT?	WHERE WERE YOU GOING?	WHERE HAVE YOU BEEN?
...MUCH SLEEP IN THE LAST 24 HOURS?	WHEN DID YOU LAST EAT?	WHAT DID YOU LAST EAT?	WHAT HAVE YOU BEEN DRINKING?	HOW MUCH?
...DID YOU START DRINKING?	WHEN DID YOU STOP DRINKING?	ARE YOU SICK OR INJURED?	EXPLAIN ILLNESS OR INJURY	
...U HAVE ANY PHYSICAL DEFECTS? DESCRIBE	DO YOU WEAR GLASSES OR CONTACTS?	HAVE YOU TAKEN MEDICATION TODAY?	TYPE OF MEDICATION	
...YOU DRIVING?	IF NO, WHO WAS DRIVING?	DO YOU FEEL THE EFFECTS OF THE ALCOHOL?	DO YOU THINK YOU SHOULD BE DRIVING?	
...E DID YOU WORK TODAY?		WHAT KIND OF WORK DO YOU DO?		

...T TEST ☐ NO ☐	PBT STATEMENT READ BY	PBT SERIAL #	TEMPERATURE	LOCATION OF TEST	PBT ADMINISTERED BY
...EST #1 TIME	PBT TEST #1 RESULT	PBT TEST #2 TIME	PBT TEST #2 RESULT	PBT TEST #3 TIME	PBT TEST #3 RESULT

ADMINISTRATION

...W-UP ☐ NO ☒	COPIES TO: ☐ PAT ☐ DET. ☐ DA ☐ COURT ☐ PROBATION ☐ VWAP ☐ OTHER:		
...ICER ...s Obryant 0276	DATE/TIME 06/25/04 07:27	APPROVED BY Shayla Pendleton 0103	DATE APPROVED 06/25/04
...ER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS Closed

OTHELL POLICE DEPAI MENT

18410 101ST AVE NE Bothell, WA 98011

WA0170300

DUI Report

CASE # 04B-03302

FENSE(S)	OFFENSE(S) cont'd.
04 Dui Alcohol-Liquor)OZ FIR	

E, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED	MORE CHARGES
6/24/04 23:15 Thursday	06/24/04 23:15	YES ☐ NO ☒

ATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
R 522, 9600 BLK				

MIRANDA RIGHTS GIVEN YES ☐ NO ☐ MIRANDA RIGHTS WAIVED YES ☐ NO ☐

CHEMICAL TESTS

CHEMICAL TEST ADMONITION GIVEN YES ☐ NO ☐ SUBJECT REFUSED ALL TESTS YES ☐ NO ☐

	LOCATION OF TEST	CHEMICAL TEST WITNESS		TEST TIME	DISPO OF SAMPLES	SAMPLE TAKEN BY
OOD TEST						
	LOCATION OF TEST	TEST TIME	VOID TIME	TEST ID#	DISPO OF SAMPLES	SAMPLE TAKEN BY
INE TEST						
	LOCATION OF TEST	OPERATOR ID #	TEST TIME	TEST ID#	RESULTS	SAMPLE TAKEN BY
EATH TEST						
	TROMBETTA GIVEN?	ADDITIONAL SAMPLE GIVEN?				

OBSERVATION OF SUSPECT

[redacted]

NARRATIVE

)UI ARREST.

ADMINISTRATION

W-UP	COPIES TO:
☐ NO ☒	☐ PAT ☐ DET. ☐ DA ☐ COURT ☐ PROBATION ☐ VWAP ☐ OTHER:

ICER	DATE/TIME	APPROVED BY	DATE APPROVED
ıs Obryant 0276	06/25/04 07:27	Shayla Pendleton 0103	06/25/04
ER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest [X]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Supplemental Report

CASE # 04B-03302

OFFENSE(S)	OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
06/24/04 23:15 Thursday	06/24/04 23:15

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR

NARRATIVE

On 06/24/2004 at approx. 2315 hours, I responded to Sgt. Smithers and Sgt. Strong's location at SR 522 just east of 80 Ave. N.E., in order to assist with a traffic stop Sgt. Smithers had initiated.

Upon arrival at the location of the stop, I observed that a brown 1984 Dodge Ram [redacted] bearing Washington license plate [redacted] was stopped and occupied by one female driver. I contacted Sgt. Smithers, who related that the reason for the stop was that the vehicle had committed some lane violations.

I then approached the driver's side of the vehicle and contacted the female driver. I could detect an odor of intoxicants as I approached the open window of the driver's side door. I related to the driver the reason for the stop and asked if she was feeling alright. She said that she was tired and that she was coming from Tent City, where she currently resides. [redacted] I asked the driver for her driver's license, registration and proof of insurance. [redacted] I then asked the driver if she could provide any proof of insurance. [redacted]

I asked [redacted] if she would submit to some Voluntary Field Sobriety Tests. [redacted]

ADMINISTRATION

FOLLOW-UP	COPIES TO:			
YES [ ] NO [ ]	[ ] PAT. [ ] DET. [ ] DA [ ] COURT [ ] PROBATION [ ] VWAP [ ] OTHER			
REPORTING OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Cyrus Obryant 0276	06/25/2004 04:29	Michael Strong 0088	06/25/04
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS

Arrest [X]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Supplemental Report

CASE # 04B-03302

OFFENSE(S)

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE: 06/24/04 23:15 Thursday

DATE AND TIME REPORTED: 06/24/04 23:15

LOCATION OF OCCURENCE | LOCATION NAME | TYPE OF LOCATION | BEAT | SECTOR

NARRATIVE

[redacted]

Based on Sgt. Smithers observation of [redacted] driving, my contact with [redacted] inside and outside of the vehicle, as well as the results of the Standardized Field Sobriety Tests, I placed [redacted] under arrest for the investigation of DUI. [redacted]

I then transported [redacted] to the Bothell Police Department for processing.

[redacted]

[redacted]

ADMINISTRATION

FOLLOW-UP: YES [ ] NO [ ]

COPIES TO: [ ] PAT. [ ] DET. [ ] DA [ ] COURT [ ] PROBATION [ ] VWAP [ ] OTHER

REPORTING OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Cyrus Obryant 0276	06/25/2004 04:29	Michael Strong 0088	06/25/04

OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS

Arrest [X]
Crime [ ]
Non-Criminal [ ]

OTHELL POLICE DEPAR MENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Supplemental Report

CASE # 04B-03302

OFFENSE(S)	OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
06/24/04 23:15 Thursday	06/24/04 23:15

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR

NARRATIVE

[redacted]

Because [redacted] has no current residence and is a transient, she was transported and booked into the Snohomish County Jail.

This ends my involvement with this case.

ADMINISTRATION

FOLLOW-UP	COPIES TO:
YES [ ] NO [ ]	[ ] PAT. [ ] DET. [ ] DA [ ] COURT [ ] PROBATION [ ] VWAP [ ] OTHER

OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Cyrus Obryant 0276	06/25/2004 04:29	Michael Strong 0088	06/25/04
OFFICER	**UNIT/SHIFT**	**ASSIGNED TO**	**CASE STATUS**

Arrest [X]
Crime [ ]
on-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Supplemental Report

CASE # 04B-03302

OFFENSE(S)	OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
06/24/04 23:15 Thursday	06/24/04 23:15

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR

NARRATIVE

On 06/25/04 at hours I was working at Tent City on a security detail when I was contacted by an employee advising of two ejections from the compound. I was advised that one of the subjects was a female by the name of [redacted] and that she was ejected for being HBD. The subject who reported this identified himself verbally as [redacted] He also advised that [redacted] had a vehicle nearby. A few minutes later I observed a female subject walk from the complex across the street and get into a vehicle in the St. Brendans parking lot. She started the vehicle and drove out of the lot. I decided to check on the vehicle and ran the plate, [redacted] It returned to a [redacted] who had no valid operators license. I followed the vehicle and observed it cross the fog line at W/B SR 522 at the 7500 block. I continued following and the vehicle again crossed the fog line at the 9500 block. I stopped the vehicle at the 8200 block and had Officer O'Bryant take over the contact.

This ended my involvement in this matter.

ADMINISTRATION

FOLLOW-UP	COPIES TO:						
YES [ ] NO [ ]	[ ] PAT.	[ ] DET.	[ ] DA	[ ] COURT	[ ] PROBATION	[ ] VWAP	[ ] OTHER

OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Curtis Smithers 0100	06/25/2004 05:48	Curtis Smithers 0100	06/25/04

CASE STATUS

Arrest [X]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

CR-1

CASE# 04B-03345

OFFENSE(S)	OFFENSE(S) cont'd.
1313 Assault, Simple DV	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED	MORE CHARGES	ESTIMATED LOSS VALUE
06/26/04 22:39 Saturday	06/26/04 22:39	YES [ ] NO [X]	

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

PERSONS

Codes: V - Victim, W - Witness, C - Complainant, P - Parent, G - Guardian, R - Party, O - Other

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	HOME	
V 1 OF 1	[redacted]	10051 NE 195 ST , Bothell, WA 98011	[redacted]

OCCUPATION	RACE	SEX	AGE		ADDRESS 2	PHONE 2
None	B	F	37	[redacted]		

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3
			No		

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CASE SUMMARY / VEHICLE INFORMATION

SUMMARY

Responded to a disturbance between a male and female. Officers determined that an assault had occurred and arrested the male subject.

VEHICLE USED IN CRIME	OF	LICENSE (NO AND STATE)	YEAR	MAKE	MODEL	BODY TYPE	COLOR	VIN	MORE VEHICLES
YES [ ] NO [ ] UNK [ ]									YES [ ] NO [X]

TOW REPORT	GARAGE NAME AND PHONE	REGISTERED OWNER	R/O ADDRESS
YES [ ] NO [ ]			

SUSPECTS / ARRESTEES

Codes: S - Suspect, A - Arrestee, D - Detainee, SV - Suspect/Victim, AV - Arrestee/Victim, DV - Detainee/Victim

CODE	NAME - LAST, FIRST, MIDDLE, SUFFIX	HOME	
A 1 OF 1	[redacted]	10051 NE 195 ST , Bothell, WA 98011	[redacted]

RACE	SEX			AGE		RESIDENCE	PHONE 2
B	M	[redacted]	[redacted]	44	[redacted]	, Transient,	

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3
None	No		

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES [ ] NO [ ]		Misdemeanor - Booked	LCJ	06/26/2004 / 23:21

[redacted]	ARRESTED	BOOKING #	WARRANT	SS#	CII#
	YES [X] NO [ ]		YES [ ] NO [X] [redacted]		

CHARGES

Assault, Simple DV (1)

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES [ ] NO [ ]				/

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CII#
		YES [ ] NO [ ]		YES [ ] NO [ ]			

CHARGES

ADMINISTRATION

VICTIM DESIRES PROSECUTION	FOLLOW-UP	COPIES TO:
YES [X] NO [ ]	YES [ ] NO [X]	[ ] PAT. [ ] DET. [ ] DA [ ] COURT [ ] PROBATION [ ] VWAP [ ] OTHER:

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Darryl Lobe 0182	06/28/04 01:08	Curtis Smithers 0100	06/28/04

OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS

Arrest [x]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-03345

OFFENSE(S)	OFFENSE(S) cont'd.
1313 Assault, Simple DV	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
06/26/04 22:39 Saturday	06/26/04 22:39

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	SEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

NARRATIVE

On 06-26-04 at approximately 2238 hrs I received a report of a DV in progress in "Tent City" located at 10051 NE 195th street in Bothell WA. in King County. Officer Rumpza was on scene and had requested for a second unit.

At approximately 2242 hrs I arrived on scene and observed Officer Rumpza out with two subjects standing south of the camp entrance approximately 40 feet from NE 195th street. Officer Rumpza informed me that she had heard a female scream before she made contact with the subjects involved. Officer Rumpza requested that I speak to the male subject while she remained with the female later identified as being [redacted]

I asked the male subject to accompany me to my patrol vehicle and asked him what had happened. [redacted]

At approximately 2321 hrs Officer Rumpza contacted [redacted] and informed [redacted] that he was under arrest for Assault DV. I proceeded to handcuff [redacted] and secured him inside my patrol vehicle. I also advised him of his constitutional rights and waiver. [redacted] advised that he understood his rights and indicated that he would

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Darryl Lobe 0182	06/28/2004 01:08	Curtis Smithers 0100	06/28/04
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS

Arrest [x]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-03345

OFFENSE(S)	OFFENSE(S) cont'd.
1313 Assault, Simple DV	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
06/26/04 22:39 Saturday	06/26/04 22:39

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

NARRATIVE

cooperate.

At approximately 2337 hrs I transported [redacted] to Bothell P.D. at obtained a written statement. [redacted]

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Darryl Lobe 0162	06/28/2004 01:08	Curtis Smithers 0100	06/28/04
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest [X] Crime [ ] Non-Criminal [ ]	**BOTHELL POLICE DEPARTMENT** 18410 101ST AVE NE Bothell, WA 98011 WA0170300 **CR-1**	CASE# 04B-03405 PAGE

OFFENSE(S)	OFFENSE(S) cont'd.
343 Warrant Arrest-Outside Agency	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED	MORE CHARGES	ESTIMATED LOSS VALUE
07/01/04 10:45 Thursday	07/01/04 10:45	YES [ ] NO [X]	

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

PERSONS

CODE	OF	NAME	HOME	PHONE
O	1 OF 1	[redacted]	10051 N.E. 195 ST, Bothell, WA 98011	[redacted]

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2
[redacted]	B	M	41	[redacted]		

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3
[redacted]	WA	[redacted]	No		

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
	OF			

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
	OF			

OCCUPATION	RACE	SEX	AGE	DOB	ADDRESS 2	PHONE 2

DL	STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CASE SUMMARY/VEHICLE INFORMATION

SUMMARY

Subject being asked to leave by TC-4 was contacted and found to have a [redacted]

VEHICLE USED IN CRIME	OF	LICENSE (NO AND STATE)	YEAR	MAKE	MODEL	BODY TYPE	COLOR	VIN	MORE VEHICLES
YES [ ] NO [ ] UNK [ ]	OF								YES [ ] NO [X]

TOW REPORT	GARAGE NAME AND PHONE	REGISTERED OWNER	R/O ADDRESS
YES [ ] NO [ ]			

SUSPECT(S)/ARRESTEE(S)

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
A	1 OF 1	[redacted]		

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2
W	F	[redacted]	[redacted]	BRO	BRO	20	[redacted]		

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3
Unemployed	No		

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES [ ] NO [ ]		Felony - Booked	Other	07/01/2004 / 10:45

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CII#
[redacted]	WA	YES [X] NO [ ]		YES [ ] NO [X]		[redacted]	

CHARGES

Warrant Arrest-Outside Agency (1)

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
	OF			

RACE	SEX	HT	WT	HAIR	EYE	AGE	DOB	ADDRESS 2	PHONE 2

OCCUPATION	INJURIES	ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS	AKA's	ARRESTEE DISPOSITION	RELEASE LOCATION	ARREST DATE / TIME
YES [ ] NO [ ]				/

DL	STATE	ARRESTED	BOOKING #	WARRANT	CITATION #	SS#	CII#
		YES [ ] NO [ ]		YES [ ] NO [ ]			

CHARGES

ADMINISTRATION

VICTIM DESIRES PROSECUTION	FOLLOW-UP	COPIES TO:
YES [ ] NO [ ]	YES [ ] NO [X]	[ ] PAT. [ ] DET. [ ] DA [ ] COURT [ ] PROBATION [ ] VWAP [ ] OTHER:

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Jeremy Wilson 0198	07/01/04 14:31	Michael Stone 0087	07/01/04

OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest [X]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-03405

OFFENSE(S)	OFFENSE(S) cont'd.
343 Warrant Arrest-Outside Agency	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
07/01/04 10:45 Thursday	07/01/04 10:45

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

NARRATIVE

On 07-01-04 at approximately 1045 hours, I relieved Officer Rogers at Tent City Four. Officer Rogers told me that he was requested to assist with an eviction. Officer Rogers told me to contact the Tent City Four contact person, [redacted]

I made contact with [redacted] and she told me that she requested a male and female couple to leave. She told me that the two were being kicked out because they were suspected of theft and intimidating others. She told me that the male's name was [redacted] and the female's name was [redacted] Both subject had been residing at TC-4 for approximately ten days.

I requested dispatch check both names in locals. Dispatch advised the male subject was in locals and he was clear WACIC/NCIC. Dispatch advised the female subject was in locals, however, they didn't have her middle initial and birth date so a WACIC/NCIC check could not be done.

I made contact with both subjects. I confirmed the males information and requested the female identify herself. I advised her that she didn't have to provide this information. She voluntarily identified herself as [redacted] I advised dispatch of the MI and DOB. Dispatch advised the female had a [redacted] felony warrant [redacted]

I re contacted the female subject and advised that she was under arrest for a felony warrant. I placed her in handcuffs, double locked the cuffs and advised her of her right to counsel. She told me that she understood her right to counsel and had no questions.

[redacted] was transported to BPD by Officer Collins. [redacted] was later booked into the King County Jail by PSO Downs.

Case closed-arrest.

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Jeremy Wilson 0198	07/01/2004 14:31	Michael Stone 0087	07/01/04
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest [X]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

CR-1

CASE# 04B-03943

OFFENSE(S): 343 Warrant Arrest-Outside Agency

OFFENSE(S) cont'd.:

DATE, TIME AND DAY OF OCCURENCE: 07/29/04 15:29 Thursday

DATE AND TIME REPORTED: 07/29/04 15:29

MORE CHARGES: YES [ ] NO [X]

ESTIMATED LOSS VALUE:

LOCATION OF OCCURENCE: 10051 NE 195 ST, Bothell

LOCATION NAME: Tent City

TYPE OF LOCATION:

BEAT: 2

SECTOR: B3

PERSONS

Codes: V = Victim W = Witness C = Complainant P = Parent G = Guardian R = Party O = Other

MORE NAMES: YES [ ] NO [X]

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OCCUPATION	RACE / SEX / AGE / DOB		ADDRESS 2	PHONE 2
DL / STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OCCUPATION	RACE / SEX / AGE / DOB		ADDRESS 2	PHONE 2
DL / STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
OCCUPATION	RACE / SEX / AGE / DOB		ADDRESS 2	PHONE 2
DL / STATE	SS#	INJURIES	ADDRESS 3	PHONE 3

CASE SUMMARY / VEHICLE INFORMATION

SUMMARY:
Contacted subject in TC4 with an outstanding warrant. Subject booked KCJ.

VEHICLE USED IN CRIME: YES [ ] NO [ ] UNK [ ] OF

LICENSE (NO AND STATE) | YEAR | MAKE | MODEL | BODY TYPE | COLOR | VIN

MORE VEHICLES: YES [ ] NO [X]

TOW REPORT: YES [ ] NO [ ]

GARAGE NAME AND PHONE | REGISTERED OWNER | R/O ADDRESS

SUSPECT(S) / ARRESTEE(S)

Codes: S = Suspect A = Arrestee D = Detainee SV - Suspect/Victim AV - Arrestee/Victim DV - Detainee/Victim

MORE NAMES: YES [ ] NO [X]

CODE: A 1 OF 1 [redacted] MIDDLE, SUFFIX

OTHER: 10051 NE 195 ST, Bothell, WA 98011

PHONE 1:

RACE: W | SEX: F | [redacted] | HAIR: BRO | EYE: | AGE: 51 | DOB: [redacted]

HOME: TRANSIENT , ,

PHONE 2:

OCCUPATION:

INJURIES: No

ADDRESS 3:

PHONE 3:

SCARS / MARKS / TATTOOS: YES [X] NO [ ] (See Person Profile Report for SMT info.)

AKA's: [redacted] (See Person Profile Report for more AKA info.)

ARRESTEE DISPOSITION: Felony - Booked

RELEASE LOCATION: Kcj

ARREST DATE / TIME: 07/29/2004 / 15:51

[redacted] STATE

ARRESTED: YES [X] NO [ ]

BOOKING #:

WARRANT: YES [ ] NO [X]

CITATION #:

SS#: [redacted]

CII#:

CHARGES:
Warrant Arrest-Outside Agency (1)

CODE	OF	NAME - LAST, FIRST, MIDDLE, SUFFIX	ADDRESS 1	PHONE 1
RACE / SEX / HT / WT / HAIR / EYE / AGE / DOB			ADDRESS 2	PHONE 2
OCCUPATION		INJURIES	ADDRESS 3	PHONE 3

SCARS / MARKS / TATTOOS: YES [ ] NO [ ]

AKA's:

ARRESTEE DISPOSITION:

RELEASE LOCATION:

ARREST DATE / TIME: /

DL / STATE

ARRESTED: YES [ ] NO [ ]

BOOKING #:

WARRANT: YES [ ] NO [ ]

CITATION #:

SS#:

CII#:

CHARGES:

ADMINISTRATION

VICTIM WISHES PROSECUTION: YES [ ] NO [ ]

FOLLOW UP: YES [ ] NO [X]

COPIES TO: [ ] PAT. [ ] DET. [ ] GA [ ] COURT [ ] PROBATION [ ] VWAP [ ] OTHER:

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Chad Davis 0275	08/25/04 10:51	Michael Stone 0087	08/25/04

OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest [x]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-03943

343 Warrant Arrest-Outside Agency

OFFENSE(S) cont'd.

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
07/29/04 15:29 Thursday	07/29/04 15:29

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

NARRATIVE

On 07/29/04 at 1529 hrs I contacted [redacted] at TentCity 4. A check through NCIC indicated she had a felony warrant out of [redacted] Wisconsin for Forgery and Theft [redacted] The warrant was issued in 1992. Dispatch confirmed the warrant and extradition from KCJ.

I took [redacted] into custody and booked her into KCJ.

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Chad Davis 0275	08/25/2004 10:51	Michael Stone 0087	08/25/04

OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest ☐
Crime ☒
Non-Criminal ☐

BOTHELL POLICE DEP/ TMENT

18410 101ST AVE NE Bothell. W.. 98011
WA0170300
CR-1

CASE# 04B-04079

PAGE 1

OFFENSE(S): 5311 Disorderly Conduct

OFFENSE(S) cont'd.:

DATE, TIME AND DAY OF OCCURENCE: 08/05/04 23:15 Thursday

DATE AND TIME REPORTED: 08/05/04 23:15

MORE CHARGES: YES ☐ NO X

ESTIMATED LOSS VALUE:

LOCATION OF OCCURENCE: 18221 SR 527 NE, Bothell

LOCATION NAME: Safeway

TYPE OF LOCATION:

SEAT: 1

SECTOR: 18

[redacted]

CODE: R 1 OF 1 [redacted] MIDDLE, SUFFIX: [redacted]

RESIDENCE: [redacted]

WORK: [redacted]

OCCUPATION: Safeway [redacted]

RACE: W SEX: M AGE: 42 [redacted]

BUSINESS:

PHONE 2:

[redacted] STATE: WA SS#: INJURIES: No

WORK: 18221 BOTHELL WY , Bothell, WA 98011

PHONE 3:

CODE: OF NAME - LAST, FIRST, MIDDLE, SUFFIX:

ADDRESS 1:

PHONE 1:

OCCUPATION: RACE: SEX: AGE: DOB:

ADDRESS 2:

PHONE 2:

DL: STATE: SS#: INJURIES:

ADDRESS 3:

PHONE 3:

CODE: OF NAME - LAST, FIRST, MIDDLE, SUFFIX:

ADDRESS 1:

PHONE 1:

OCCUPATION: RACE: SEX: AGE: DOB:

ADDRESS 2:

PHONE 2:

DL: STATE: SS#: INJURIES:

ADDRESS 3:

PHONE 3:

SUMMARY:
Drunk and disorderly male wreaks havok in Safeway.

VEHICLE USED IN CRIME: YES ☐ NO ☐ UNK ☐ OF LICENSE (NO AND STATE): YEAR: MAKE: MODEL: BODY TYPE: COLOR: VIN: MORE VEHICLES: YES ☐ NO X

TOW REPORT: YES ☐ NO ☐ GARAGE NAME AND PHONE: REGISTERED OWNER: R/O ADDRESS:

[redacted]

CODE: S 1 OF 1 [redacted]

RESIDENCE: [redacted]

PHONE 1:

RACE: W SEX: M [redacted] AGE: 33 [redacted]

ADDRESS 2:

PHONE 2:

OCCUPATION: Transient - Tent City 4

INJURIES: No

ADDRESS 3:

PHONE 3:

SCARS / MARKS / TATTOOS: YES ☐ NO ☐ AKA's: ARRESTEE DISPOSITION: RELEASE LOCATION: ARREST DATE / TIME: /

[redacted] STATE: ARRESTED: YES ☐ NO X BOOKING #: WARRANT: YES ☐ NO X CITATION #: SS#: [redacted] CI#:

CHARGES:
Disorderly Conduct (1)

CODE: OF NAME - LAST, FIRST, MIDDLE, SUFFIX:

ADDRESS 1:

PHONE 1:

RACE: SEX: HT: WT: HAIR: EYE: AGE: DOB:

ADDRESS 2:

PHONE 2:

OCCUPATION: INJURIES:

ADDRESS 3:

PHONE 3:

SCARS / MARKS / TATTOOS: YES ☐ NO ☐ AKA's: ARRESTEE DISPOSITION: RELEASE LOCATION: ARREST DATE / TIME: /

DL: STATE: ARRESTED: YES ☐ NO ☐ BOOKING #: WARRANT: YES ☐ NO ☐ CITATION #: SS#: CI#:

CHARGES:

VICTIM DESIRES PROSECUTION: YES ☐ NO X FOLLOW-UP: YES ☐ NO X COPIES TO: ☐ PAT. ☐ DET. ☐ DA ☐ COURT ☐ PROBATION ☐ VWAP ☐ OTHER:

BY OFFICER: David Baldwin 0208

DATE/TIME: 08/06/04 06:19

APPROVED BY: Curtis Smithers 0100

DATE APPROVED: 08/06/04

OFFICER:

UNIT/SHIFT:

ASSIGNED TO:

CASE STATUS: Closed

Arrest ☐
Crime ☒
Non-Criminal ☐

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-04079

OFFENSE(S)	OFFENSE(S) cont'd.
5311 Disorderly Conduct	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
08/05/04 23:15 Thursday	08/05/04 23:15

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
18221 SR 527 NE, Bothell	Safeway		1	18

NARRATIVE

On 08/05/04 at approx. 2315 I was dispatched to a male causing a disturbance at 18221 SR 527 NE, Safeway. When I arrived I spoke with [redacted] who advised me that about five minutes earlier he had seen an intoxicated male inside the store. The male was walking toward the cash register carrying two large cans of beer. [redacted] said that he could tell that the male was already intoxicated and so he told him that he was not going to sell him any beer. The male became enraged and started screaming in the store and threw both of the cans of beer down an aisle.

[redacted] told the male to leave the store, [redacted]. The male eventually left and stood in the parking lot continuing to yell and curse. [redacted] also told me that the male had left behind an old duffel bag near the entrance of the store. [redacted] gave me a description of the male and I requested that Officer Valentino do an area check for him.

Assuming that the male would return for his bag, I pulled off some distance and watched the store front. About ten minutes later I observed a male matching the description given to me by [redacted] return to the store. He walked in the North entrance and then walked out again carrying the old duffel bag the had been pointed out to me by [redacted] I pulled up and contacted the male, assisted by Officer Rumpza. I identified the male as [redacted] [redacted] had a strong odor of intoxicants about him and appeared to me to be intoxicated. I asked him about the incident in the store. [redacted] said that he went into the store to buy the beer but the manager would not sell the beer to him. [redacted]

[redacted]

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
David Baldwin 0208	08/06/2004 06:19	Curtis Smithers 0100	08/06/04
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

Arrest [ ]
Crime [x]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-04079

OFFENSE(S)	OFFENSE(S) cont'd.
5311 Disorderly Conduct	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
08/05/04 23:15 Thursday	08/05/04 23:15

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTION
18221 SR 527 NE, Bothell	Safeway		1	18

NARRATIVE

[redacted] did not want to pursue criminal charges, only wanted [redacted] criminally trespassed from the property of Safeway. I explained this to [redacted] in the presence of Officer Rumpza. [redacted] said that he was currently living at tent city 4 in Bothell. [redacted]

[redacted]

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
David Baldwin 0208	08/06/2004 06:19	Curtis Smithers 0100	08/06/04
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

CR-1 Baldw/0208 Entered by: David Baldwin

Arrest [X]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-04203

OFFENSE(S)	OFFENSE(S) cont'd.
1313 Assault, Simple DV	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
08/12/04 13:58 Thursday	08/12/04 13:58

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

NARRATIVE

On 08-12-04 at 1358 hours, dispatch advised of a physical domestic at tent city. I was parked on NE 195 ST, approximately 200 yards from the entrance of the camp. As dispatch was providing me the information on the call, a tent city resident ran up to me stating that a man and woman were involved in a fight. The man advised that he witnessed the male half push the woman and hit her on her back with a chair. I started towards the entrance when the witness urgently started pointing towards a male exiting tent city. The witness indicated that this subject was involved. The subject crossed the street and was in the St. Brendan's parking lot when I contacted him. [redacted]

Ofc. Olson arrived and contacted [redacted]

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Glen Chissus 0249	08/13/2004 08:53	Kenneth Seuberlich 0172	08/13/04
OFFICER	**UNIT/SHIFT**	**ASSIGNED TO**	**CASE STATUS**
			Closed

Arrest [x]
Crime [ ]
Non-Criminal [ ]

BOTHELL POLICE DEPARTMENT

18410 101ST AVE NE Bothell, WA 98011
WA0170300

Narrative Report

CASE # 04B-04203

OFFENSE(S)	OFFENSE(S) cont'd.
1313 Assault, Simple DV	

DATE, TIME AND DAY OF OCCURENCE	DATE AND TIME REPORTED
08/12/04 13:58 Thursday	08/12/04 13:58

LOCATION OF OCCURENCE	LOCATION NAME	TYPE OF LOCATION	BEAT	SECTOR
10051 NE 195 ST, Bothell	Tent City		2	B3

NARRATIVE

[redacted]

I returned to [redacted] and handcuffed him, double locking the cuffs. I advised [redacted] that he was under arrest for Assault-4/DV and placed him into my car. [redacted] I provided these items to [redacted] and transported [redacted] to the PD. Ofc. Olson advised that [redacted] refused to provide a written statement, but he was able to obtain two witness statements. Ofc. Olson took photos of [redacted] injuries and obtained the lawn chair for evidence.

At the station, I read [redacted] his constitutional rights from the Suspect Statement Form. [redacted] stated that he understood his rights and agreed to waive his rights both verbally and by his signature. [redacted] provided a written statement similar to his verbal version. [redacted]

Both [redacted] and [redacted] are homeless and have only been in Washington state for a few weeks. Both have also now been barred from Tent City #4. [redacted] was booked into Sno Co by PSO Downs. [redacted]

ADMINISTRATION

BY OFFICER	DATE/TIME	APPROVED BY	DATE APPROVED
Glen Chissus 0249	08/13/2004 08:53	Kenneth Seuberlich 0172	08/13/04
OFFICER	UNIT/SHIFT	ASSIGNED TO	CASE STATUS
			Closed

From: <Loisnana@aol.com>
To: <Manny.Ocampo@ci.bothell.wa.us>
Date: 3/8/05 4:23:41 PM
Subject: Permit criterior

Dear Manny O'campo

I wish to convey some thoughts on the discussions going on withthe committee setting guidelines, etc. for a possible Tent City in Bothell in the future.

The proposed critrerior for a camp to be located at least a 1000 yards from a school of day care by some seems to be quite excessive. This would eliminate most churches.

Churches have been the organizations most willing to accomodate the camps. Father Kevin Duggan of St. John Mary Viannerys Parish in Kirkland has said" We are certainly richer for the experience, as Christians and human berings. The best part was the experience of collaboration - ecumenical, interfaith and people of generous spirit - from the neighborhood and throughout the eastside who came to help out". He continued by saying, " We have witnessed a tremendous outpouring of support from a whole lot of eastsiders. We had 900 volunteers, mostly from outside the parish, helping out with Tent City. There has never been anything in the Finn Hill neighborhood that has brought out 900 people to support something like Tent City did,"
I am not a parisher of St. John Vianney or do I live in the Finn Hill area.

However, I am part of a Bothell Church and was one of the churches that weekly prepared food for the Tent City when it was located at St. Brendans. A number of the churches in Bothell combined their effots in a very congenial and cooperative way to support the homeless in a variety of ways. Members who participated had a most satisfying and positive experience.

Rev. Walter John Boris of the Kirkland Congregational Church reports the the opposition," masquerades as the voice of reason, while twisting information to frighten the neighborhood".

The mayor of Kirkland, as reported in the newspapers helped set-up Tent City on a recent moves.

I sincerely hope that this committee will use a "voice of reason" in setting up criterior for a future encampment.

Thank you,

Lois Livingston
11925 NE 151st Place,
Bothell WA 98011
425-488-8024

From: <jjwsu@aol.com>
To: <Manny.Ocampo@ci.bothell.wa.us>, <gary.hasseler@ci.bothell.wa.us>
Date: 3/9/05 7:44:15 PM
Subject: TACAC Committee meeting

As chairman of the Heritage Christian School Ministry, I feel compelled to write to you and provide input for the committee. I have also requested all my administrators to do the same.

We cannot repeat what happened last year. No permit process, poor screening of tent residents, and in short a "thumbing their nose" at due process and the safety of the neighborhood and adjacent (yes, adjacent as next door school children) There MUST be a safety zone from any schools or day care centers. I would suggest at least one quarter of a mile MINIMUM. There needs to be a VERY CLEAR permit process that MUST be adhered to, not ignored.

Last years tent city 4, nearly brought HCS to our knees financially. In spite of all this, we still ministered to the residents through the school and church.

There must be a fair and clear process. There must also be some avenue for those injured or placed at risk to recoup their costs.

John R. James
Chairman
HCS Ministry Team

CC: <randyn@fbcbothell.org>, <bonnied@hcseagles.org>, <terir@hcseagles.org>, <daver@hcseagles.org>, <davidr0186@hotmail.com>

3-10-05

To: Archbishop Alexander Brunett, Seattle Archdiocese (**Certified Mail/Return Receipt Requested**)

Subject: City of Bothell Police Overtime Reimbursement

cc: Bothell City Council, Forrest Conover, King County Council, TACAC, Vatican, U. S. Cardinals, Media

Ref: (A) Letters from Elaine Bridger to Archbishop Brunett, (1)-5/20/04, (2)-7/12/04, (3)-9//8/04
(B) Letter from Archbishop Brunett to Elaine Bridger, 6/2/04

Since the Church and you, as the Archbishop, failed to reimburse the City of Bothell $90,000 for Police overtime, and you did not answer my letters (see Ref - 2 & 3), I am following up on this matter. Additionally, I am refreshing your memory as to requirements which must also be considered. These include concepts of "Due Process" (equality before the law), and how "Tent Cities" and like encampments and their residents should be handled. These matters will be pursued until they are resolved honestly, equitably and that "Due Process" is codified in statutes as **inviolable for all**!

First, this matter of overtime: By not reimbursing the City of Bothell the $90,000 you have severely compromised the credibility and honor of the Church, and yourself, as a Church Official and citizen! This continued refusal to reimburse the City $90,000 (for the "Tent City" stay on St. Brendan Parish's property from May-August 2004) is corrupt, self.serving, elitist and unacceptable. I quote from your letter (Ref B) in summary form as follows: "There is no intention of the church to circumvent due process." "We do not intend to place a burden on the City of Bothell." "We will continue to work with the City of Bothell to resolve any residual issues that remain." If you mean what you say, send the $90,000 to the Bothell City Council, City of Bothell (18305 - 101st Avenue N. E., Bothell, WA 98011 - 3499). This will not absolve you or the Church of wrong doings, but it will be a reasonable step in getting back "on track," consistent with the law, **true** Church principles and citizenship responsibilities!

Second, "Due Process": All religious organizations and their officials must live up to their responsibilities and perform as honest and law abiding citizens, including respect for the Constitution and other supporting statutes, **and not as elite organizations who put themselves above the law!**

The City of Bothell, its residents and citizens are looking very carefully at any **ungoverned** (without regard for public health and safety and the law) "Tent Cities" and like encampments on private, public or church properties. The religious community has, through its arbitrary decisions, protocols and practices, forced the requirement for a strict and clear mandate to resolve this issue of: "Due Process," vs religious organizations, their charters and legal and religious responsibilities.

In the case of Bothell City Encampment # 4, you and the Church continually and notoriously have violated this constitutional concept of "Due Process." Pastor Minder evidently must have had some significant problems to resign from the Church. This seems to be evident when he arbitrarily invited nearly 100 unidentified people with multiple difficulties to locate on Church property in the City of Bothell amidst three elementary schools. Furthermore, he did this without following "Due Process," reasonable, prior coordination, without meaningful and responsible financial and public health and safety planning. This was a mindless, irresponsible decision, and you and the Church approved it, "**after the fact**.!" Moreover, you then denied and are still denying the necessity for **special police protection, which had to be provided!** **Regardless of rationalizing this refusal to pay, moral and ethical requirements demand payment!**

(over)

It appears to be the tactics of the Church to hide from the truth in the hope that these problems will disappear. In this respect, I give you the example of the horrendous sex and predatory abuses over the years, which the Church has covered up, then refused to acknowledge until these erupted in an explosive avalanche of law suits. This conclusively proved and is still proving the culpability and corruption of the Church, resulting in multi-million dollar payments to victims, as well as defrocking of priests and much more. Moreover, the Church, in spite of its pledge to uphold ethics and honesty, had to be taken to court and held legally and morally accountable!

Third, concepts and practices for "Tent Cities" and the like, including their residents: We cannot wait and hope that somehow religions, Churches and their administrations will solve these problems for the benefit of humanity, Church members and especially the young! Therefore we are taking specific actions. In the case of "Encampments," "Tent Cities" and their residents (so-called "Homeless People"), we are, in this Community of Bothell, publicly examining the need for stricter statutes. These will clearly set the law, within "Due Process" for future control of these "Tent Cities." Use of private, public and church/religious properties to be used for sites to locate "Encampments" will be strictly controlled, and with the beneficial goal of drastically minimizing and eventually ending them.

"Homeless People" need stability! Rotating these type of "Encampments" without a goal which includes a compassionate and beneficial public solution, is deliberate ignorance of what needs to be done! There must be a stated position that mandates support and assistance for those who can and wish to work and to become self reliant, productive citizens. They should not be subjected to scorn, loathing and isolation. Rather, there should be a "common sense" recognition along with a supporting statute which: (A) Defines ***truly*** **"Homeless People"** as those who wish to work, to regain or maintain their self esteem and to become or remain productive citizens; (B) Defines those mentally and/or physically deficient, including indigent and pregnant teenagers, pregnant adults and others who are obviously not able to work and/or fend for themselves, but truly need assistance, both private and public; (C) Defines those able to work, but who refuse to be employed and/or are classified e.g., as "Drifters," "Freeloaders," "Felons," "Parolees," those "In flight from prosecution," practicing drug and alcoholic addicts, "Drug Pushers," "Sexual Predators," etc.; (D) Must be enacted with a goal of minimizing and eventually eliminating any need for these type of "Encampments;" (E) Will also assist in reducing public/private support, duplication, costs, and optimizes coordination with other private/public agencies who have similar areas of responsibility/jurisdiction. ***Without these concepts and practices we will fail in our attempts to solve this problem while continuing to allow accelerated growth of these "Encampments!"***

Recognize this letter is a summary of things to come. We must assure that "Tent City" problems are corrected. Our most ardent hope is that religious organizations along with others will see that together we can beneficially correct almost everything for the benefit of humanity!

Elaine Bridger

Elaine Bridger
10609 N. E. 197th Street,
Bothell, WA 98011
425-489-8943

RECEIVED
MAR 14 2005
OFFICE OF THE
CITY MANAGER

(over)

Note: If you wish to have copies of the references listed on this 3/10/05 letter please call Elaine Bridger @ 425-489-8943. For those who represent committees or councils and who receive only one copy of this 3/10/05 letter, please make copies for others.

Handed out at
3/15 mtg by
Kevin Kelly

Transitory Accommodation Citizen's Advisory Committee

Suggestions for "School Safety Zone Buffers"

Version 1.0

Creation date: March 15th 2005

Prepared by Kevin S. Kelly
e-mail: kevkelly@msn.com

General Information:

The general purpose of the recommendations contained in this document, are to provide guidance intended to lessen the impact upon the operation and safety of schools with respect to the very-intense land-use that is a Transitory Accommodation (TA).

Some of the information in this document is provided as a "food-for-thought" collection of issues, concerns and potential impacts resulting from TA land use. Some of the information is provided as a suggestion of initial language for the development of ordinance-drafting recommendations to the Bothell Planning Commission and the Bothell City Council.

The suggested language is intended to provide mitigation and general consideration with respect to unpredictable impacts in such areas as; Weapons, Fire-safety, Drug-Free Zones, Traffic Calming and Operational Stability of public and/or private schools.

Overview

It is the opinion of the author and those he represents in his position on the TACAC that the city of Bothell needs to demonstrate strong consideration for children attending schools, their parents and any personnel charged with attempting to operate schools in a safe and orderly manner ... all while enabling applicants to obtain a permit for a TA.

It should be generally understood that it is the opinion of the author that a TA is not an appropriate land-use everywhere in the City of Bothell. While it should be permitted, it should be permitted with conditions that mitigate *known impacts* to school operations and the safety and well-being of the children attending schools in Bothell.

The recommendations contained in this document do not suggest in any way, a ban of TA's. They would simply disallow the implementation of a Transitory Accommodation within 1000 feet of public and/or private school property, considering that a TA is a high-intensity, generally-disruptive and potentially-dangerous land-use.

PREMISE: Children are ALWAYS entitled to extra-ordinary protection from disruptive, potentially dangerous or dangerous situations. Public and/or private school property is a concentration of these very precious members of our society. We create lowered speed-limits or Speed-Zones for traffic-calming, we have dangerous weapons ordinances and "Drug-Free" zones around schools and we offer heightened police or other supervisory protection during certain hours ... all to provide an increased level of security and protection for the most innocent and vulnerable members of our society. Thus, it can be suggested, that schools are an inappropriate location for immediate proximity to a TA.

A TA is a high-intensity land use that brings a large number of highly-unpredictable and unknown individuals, very rapidly, to a specific site. This creates significant impacts and other behaviors (some legal and some otherwise) that are not in the best interests of school operations and safety. It is the opinion of the author that providing a 1000 ft buffer between a TA and a public and/or private school would provide sufficient distance as to mitigate such impacts and provide the ability for the school to operate as usual with the TA being implemented as desired by the hosting entity.

Tent City 4 and Schools

During the summer of 2004, Tent City 4 (the only known recent form of a TA in Bothell) and its "tens of feet" proximity to Heritage Christian School was sufficient to cause considerable distress to parents and faculty having to deal with the actual placement of the TA in such close proximity to the school grounds.

Recently, two churches refusing to allow a TA on their property, made it clear that school safety and the desires of school operations personnel and the parents of children attending these schools played either a partial or substantial role in their decision NOT to host a TA. Not every institution believes that hosting a TA absent permission or consideration from neighboring schools is a good idea.

The City of Bothell should follow-that lead and provide mitigation in a permitting process that would alleviate any school from having to plead and/or deal with an applicant, regarding impacts resulting from a lack of consideration on the part of any applicant for the safety and operational concerns of parents and/or school operations personnel.

In Bothell, emotional, operational and financial impacts were not unique-to but were acutely-felt-by a school (Heritage Christian School) not hosting, but subjected to "tens-of-feet" proximity to Tent City 4. Such impact, unintended or otherwise, must be mitigated as a result of ordinance language that prevents a school from having a TA placed in inappropriate proximity.

Since the school in the Bothell experience was afforded no say in the matter of the siting, the TACAC ordinance must prevent an applicant from delivering impacts to a school that are detrimental. The City must be a fair and balanced arbiter through an ordinance that permits TA's but disallows them from being so closely sited to school property.

Tent City 4's implementation of what we may now characterize as a humanitarian-aid/homeless TA in Bothell, provided more than sufficient "anecdotal experience" to suggest that a considerable buffer between a TA and a school is very likely a good idea.

Drug arrests, the undetected presence of a registered sex-offender for child-rape, violent criminals arrested within and without the camp, the regular violation of the operating entities "code-of-conduct," and the undetected violations of law which did not result in arrests but which persons with close contact to TC4 were or became aware of ... should be sufficient exemplars of what can be expected when a TA is used as a humanitarian/homeless community. These impacts should not be ignored. Police reports for Bothell and Woodinville bear out these safety concerns, particularly for a TA for humanitarian-aid/homeless personages.

Accordingly, the Bothell City Council, as a result of their quasi-judicial findings related to Tent City 4, required a significant increase in the buffer between the TA and Heritage Christian School.

Proposed

The following is an example of the kind of language that would provide for both the specification of 1000 foot buffer between school property and a TA. It also outlines some fundamental reasoning which will be educational for the applicant.

School Safety Zone Requirements
As part of Bothell's continuing commitment to provide for the safety and welfare of children attending public and/or private preschool, elementary, secondary and/or high schools; under no circumstances shall a Transitory Accommodation be implemented within 1,000 feet of public and/or private; preschool, elementary, secondary or high school property.

Since a TA may include; the use of dangerous weapons (as in boy or girl scout camps training in the use of axes or knives) the potential of violating fire-safety regulations (as in the use of fires for food preparation or heat during colder months of the year (as in boy or girl scout camps and/or encampments for humanitarian aid) a high-concentration of drug and/or alcohol addicted/using and/or mentally impaired personages (as in humanitarian-aid/homeless encampments), the need for traffic-calming activities (generally applicable to any TA) ... they must not be sited within 1000 feet of any public and/or private; preschool, elementary, secondary or high school property..

This buffer is intended to:

- Mitigate impacts from behavior which unreasonably disrupts or interferes with the educational process.
- Mitigate impacts from behavior which poses an immediate and significant threat to the welfare, safety or morals of students or school personnel, or to the operation of the school.
- Support Traffic Calming efforts and Speed-Zone enforcement
- Support Drug-Free Zones, mitigating impacts from the possession, control, use or TA residents or their visitors being under the influence of an alcoholic beverage or controlled substance within 1000 feet of school property or any school events.

The term "school property" means any property which is used for school purposes and is owned by or leased to a preschool, elementary school, secondary school, high school and/or school board. The 1,000 foot zone extends from the outermost boundary of the school property and not from any school buildings themselves.

It is no mitigation that juveniles are not present on the school property at the time of the implementation of the TA or that school may not be in session. Schools are used for a variety of purposes featuring children, parents and school personnel when school is not in session.

If a formal site evaluation, conducted by the [permit granting authority] reveals that the site is within 1,000 feet of any public and/or private preschool, elementary, secondary or High School; the site must be abandoned.

NOTE: This document is by no-means inclusive of all the issues pressing upon school safety and the implementation of TA's. The author intends to revise and extend this document as a result of dialogue and interchange with members of both TACAC and the community.

Handed out + referenced @ 3/15 mtg

From: "Dave Rehnberg" <daver@hcseagles.org>
To: <manny.Ocampo@ci.bothell.wa.us>, <gary.hasseler@ci.bothell.wa.us>
Date: Tue, Mar 15, 2005 1:56 PM
Subject: Letter to Memboers of TACAC

Please pass on the letter below to the appropriate committee members.

Dear Members of the Transitory Accommodations Citizens' Advisory Committee (TACAC),

It has come to my attention that your committee is currently considering the Tent City issue and its past and potential impact on the surrounding community. In regard to that discussion, I cannot strongly enough stress the need for adequate buffers between tent cities and surrounding schools. The economic impact that Tent City 4 had on Heritage Christian School was dramatic and is well documented. While we would not contend that Tent City 4 was solely responsible for a lower enrollment in the 2004/2005 school year, there is no doubt that proximity of the camp to our playground area had a significant and adverse effect on our enrollment efforts.

Based on our past experience, I would recommend that the suggested ¼ mile buffer be considered as the minimum acceptable standard. In fact, I would suggest you consider a greater distance if all possible. While I recognize that not all schools and school principals share my view, it must be recognized that parents often leave other schools and enter schools such as Heritage based on a legitimate desire for greater safety and security. To have a homeless encampment literally feet away from a school greatly concerns such parents, who then enroll their students elsewhere resulting in an economic hardship for the school.

In any diverse community it is a juggling act to balance the needs and desires of the members of that community. However, while we obligated by a sense of charity and justice to work on behalf of the homeless and those who are not permanent members of the community, our approach should never be at the expense of those who have chosen to work and live in that community. I trust as you look at the needs of this community you will make decisions that keep this sensitive balance in mind.

Sincerely,

David P. Rehnberg

Principal

Heritage Christian School

From: Gary Hasseler
To: Manny Ocampo; Randy Nading
Date: Tue, Mar 15, 2005 1:54 PM
Subject: Re: Letter to Transitory Accommodations Citizens' Advisory Committee (TACAC)

Thank you for your letter. I will ensure that the committee members receive it tonight at their meeting.

Gary Hasseler
Planning Manager
City of Bothell
425-486-8152
gary.hasseler@ci.bothell.wa.us

>>> "Randy Nading" <randyn@fbcbothell.org> 03/15 1:45 PM >>>
To Whom It May Concern:

Please send the attached letter to the Transitory Accommodations Citizens' Advisory Committee (TACAC).

Sincerely,

Randy Nading
Headmaster
Heritage Christian School
425.485.2585 x 12
randyn@fbcbothell.org

"For my determined purpose
is that I may know Him --
that I may progressively become
more deeply and intimately acquainted with Him,
perceiving and recognizing and understanding
the wonders of His person
more strongly and more clearly."

-- Philippians 3:10, Amplified Bible

From: "Randy Nading" <randyn@fbcbothell.org>
To: <citystaff@ci.bothell.wa.us>, <Manny.Ocampo@ci.bothell.wa.us>, <gary.hasseler@ci.bothell.wa.us>
Date: Tue, Mar 15, 2005 1:46 PM
Subject: Letter to Transitory Accommodations Citizens' Advisory Committee (TACAC)

To Whom It May Concern:

Please send the attached letter to the Transitory Accommodations Citizens' Advisory Committee (TACAC).

Sincerely,

Randy Nading
Headmaster
Heritage Christian School
425.485.2585 x 12
randyn@fbcbothell.org

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HERITAGE CHRISTIAN SCHOOL
10310 N.E. 195th Street, Bothell, WA 98011-2930 • TEL (425) 485-2585 • FAX (425) 486-2895

March 15, 2005

Transitory Accommodations Citizens' Advisory Committee (TACAC)
City of Bothell

To Whom It May Concern:

Last summer I testified at a Bothell city council meeting that the location of Tent City 4 adjacent to our school playground was unacceptable because it was damaging our ability to do business as a private school. We lost the opportunity to enroll new students and as a result ended up releasing several fine teachers due to enrollment drops.

Tent City 4 moved onto the St. Brendan property in mid-May 2004 and departed mid-August 2004, just two weeks before school started. These months are the most critical for us in enrolling students new to the school. As a graphic example of how the proximity of Tent City 4 reduced our ability to recruit new students, consider our weekly enrollment reports for the months of June through August (see attachment).

Our weekly enrollment reports show that as long as Tent City 4 was in place next to our playground, our enrollment froze at about 347 students. As soon as Tent City 4 moved, our enrollment shot up. In fact, we gained 26 students in the two weeks before school started as opposed to 0 students for the majority of the three months Tent City 4 was next to us.

Because of this, I am a strong proponent of ½ mile buffer zones between future Tent City locations in Bothell and any school or daycare facility. Please seriously consider a ½ mile buffer zone as part of your recommendations to the city council for transitory accommodations.

Thank you for your consideration.

Sincerely,

Randy Nading
Headmaster

HCS Enrollment 2004-2005

Month:	March				April			May				June				July				August				Sep	Oct
Day:	1	8	15	22	1	8	22	1	8	15	22	1	8	15	22	1	8	15	22	1	8	15	22	8	1
P3 MW AM	17	17	16	16	16	15	15	15	14	14	16	16	16	15	14	16	16	17	17	18	18	17	17	19	19
P3 MW AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
P3 TTh AM	16	16	17	18	18	19	19	19	20	20	19	19	19	19	18	18	18	16	16	15	15	16	16	17	18
P3 TTh AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
P4 MWF AM	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	18	19	19
P4 MWF PM	11	14	18	18	18	18	19	19	19	19	19	19	19	19	19	19	19	19	19	19	19	18	18	17	17
P4 TThF AM	19	19	19	19	19	19	19	19	19	19	19	19	19	19	20	20	20	20	20	19	19	28	27	29	29
P4 TThF PM	12	13	14	15	18	19	19	19	19	19	19	19	19	19	18	18	18	19	19	20	20	17	17	19	18
PK	4	4	5	5	6	7	7	8	8	8	8	10	9	9	9	9	9	9	9	9	9	10	11	11	11
Subtotal:	**98**	**102**	**108**	**110**	**114**	**116**	**117**	**118**	**118**	**118**	**119**	**121**	**120**	**119**	**117**	**119**	**119**	**119**	**119**	**119**	**119**	**125**	**124**	**131**	**131**
K AM	5	6	7	8	8	8	7	8	8	8	7	6	8	8	7	7	6	6	5	5	5	6	5	4	4
K PM	19	19	19	19	19	19	20	20	20	20	20	17	18	16	16	16	16	16	16	16	16	15	16	15	16
K all day	7	7	7	7	6	6	6	6	7	7	7	9	8	7	8	8	8	8	8	8	8	9	8	11	12
1	27	29	31	32	33	33	33	33	35	36	36	35	35	35	34	34	34	34	34	34	34	34	34	35	35
2	4	14	25	25	26	26	26	26	27	28	28	29	29	29	29	29	29	29	29	30	30	29	29	29	29
3	8	18	29	30	31	31	31	32	32	33	33	33	33	33	33	33	33	33	33	32	32	32	32	33	33
4	0	8	16	19	19	20	21	21	23	24	24	24	24	24	25	25	25	25	25	24	24	23	23	23	23
5	1	8	15	16	18	19	19	19	20	21	21	21	22	22	24	23	23	23	23	23	23	24	24	24	24
Subtotal:	**71**	**109**	**149**	**156**	**160**	**162**	**163**	**165**	**172**	**177**	**176**	**174**	**177**	**174**	**176**	**175**	**174**	**174**	**173**	**172**	**172**	**172**	**171**	**174**	**176**
6	3	9	14	16	18	18	19	19	19	19	19	19	20	20	20	20	20	20	20	20	20	23	23	24	25
7	0	1	1	1	2	3	3	5	5	5	5	5	6	6	6	6	6	7	7	7	7	8	9	9	9
8	0	4	8	10	11	12	12	13	13	13	14	15	16	17	16	16	16	16	16	16	16	17	17	20	20
9	1	3	6	6	6	7	7	7	7	7	7	7	10	11	12	12	12	12	12	12	12	13	13	15	15
Subtotal:	**4**	**17**	**29**	**33**	**37**	**40**	**41**	**44**	**44**	**44**	**45**	**46**	**52**	**54**	**54**	**54**	**54**	**55**	**55**	**55**	**55**	**61**	**62**	**68**	**69**
Totals:	173	228	286	299	311	318	321	327	334	339	340	341	349	347	347	348	347	348	347	346	346	358	357	373	376

HERITAGE CHRISTIAN SCHOOL

10310 N.E. 195th Street, Bothell, WA 98011-2930 • TEL (425) 485-2585 • FAX (425) 486-2895

RECEIVED

MAR 17 2005

OFFICE OF THE
CITY MANAGER

March 16, 2005

To Members of the TACAC,

First let me commend you for taking your time to work together to arrive at solutions for Tent City in our community. Homelessness can be a hopeless situation. It is good for us to provide and take care of those in need. This is a truth we teach our students at Heritage Christian School. We are a school and family who have always served others. Last spring, as Tent City became our neighbors, we provided food, water, blankets, clothes and other supplies. First Baptist Church continued these provisions throughout the summer.

We never had objection to taking care and feeding the homeless people of Tent City. Our concern was and still is the safety of our students here at school and our neighboring schools. We were blessed with the security of our Bothell police department through those last eight weeks of school. I do not believe it is a service we could expect again in the future, due to the expense.

Security and safety have always been our major concern. It was an obvious concern of many parents in our school and new families that I interviewed last spring. This was especially true of the families of younger children. Unfortunately our enrollment numbers reflected this concern, as we had many open places in our Pre-School and Kindergarten for the first time in 25 years. Quite a contrast to our past years of long waiting lists.

As you are making decisions, please be wise to think about the safety of our children. We all want to protect and keep our children safe. **I highly recommend that you set up a "buffer zone" of at least a 1 / 4 mile from ANY school.** This solution seems the right decision to make. It provides for the homeless, eases minds in the community and sets a safe boundary for our children.

Please let us do well in our community in Bothell to serve the homeless and protect our children at the same time.

Thank you,

Bonnie DeJong

Bonnie DeLong
Vice Principal
Heritage Christian School

"... those who wait for the Lord will gain new strength; they will mount up with wings like eagles..."

A Ministry of First Baptist Church of Bothell

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March 15, 2005

Transitory Accommodations Citizens' Advisory Committee (TACAC)
City of Bothell

To Whom It May Concern:

Last summer I testified at a Bothell city council meeting that the location of Tent City 4 adjacent to our school playground was unacceptable because it was damaging our ability to do business as a private school. We lost the opportunity to enroll new students and as a result ended up releasing several fine teachers due to enrollment drops.

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Because of this, I am a strong proponent of ½ mile buffer zones between future Tent City locations in Bothell and any school or daycare facility. Please seriously consider a ½ mile buffer zone as part of your recommendations to the city council for transitory accommodations.

Thank you for your consideration.

Sincerely,

Randy Nading
Headmaster

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1	27	29	31	32	33	33	33	33	35	36	36	35	35	35	34	34	34	34	34	34	34	34	34	35	35
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3	8	18	29	30	31	31	31	32	32	33	33	33	33	33	33	33	33	33	33	32	32	32	32	33	33
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6	3	9	14	16	18	18	19	19	19	19	19	19	20	20	20	20	20	20	20	20	20	23	23	24	25
7	0	1	1	1	2	3	3	5	5	5	5	5	6	6	6	6	6	7	7	7	7	8	9	9	9
8	0	4	8	10	11	12	12	13	13	13	14	15	16	17	16	16	16	16	16	16	16	17	17	20	20
9	1	3	6	6	6	7	7	7	7	7	7	7	10	11	12	12	12	12	12	12	12	13	13	15	15
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From: "Cheryl Gray" <cybernag1@verizon.net>
To: <Manny.Ocampo@ci.bothell.wa.us>, <Gary.Hasseler@ci.bothell.wa.us>
Date: 3/20/2005 3:52:28 PM
Subject: Tent City 4

To the members of TACAC,

My name is Paul Gray. I live at 9220 NE 188th Street, Bothell, WA 98011. I am Chairman of the Elders at First Baptist Church of Bothell.

I feel that some things can be learned from our experiences with Tent City 4. This email is being written to express my opinions and concerns.

The first lesson learned is the need for a buffer zone around all schools. This buffer zone should be a minimum of 1/4 mile. Parents of Heritage Christian School perceived that Tent City 4 was a safety concern. They expressed this at meetings, and some even chose to withdraw their children from the school. Tent City 4 had a negative impact upon school enrollment and income causing some real budget shortfalls.

The second lesson learned is the necessity for a "normal" permitting process to be followed for all temporary encampments. Tent City 4 has a history of being a "last minute frustration" separated from "normal" permitting channels. This "last minute" approach gives no time for public input and gives the perception that public input is irrelevant.

Thank you for reading this letter. (Although it appears that this letter is coming from my wife's email, we share the home email.) If clarification is needed, I may be contacted at this email address or by calling (425)485-1857.

Sincerely,
Paul M. Gray
Chairman of Elders
First Baptist Church of Bothell

From: <jjwsu@aol.com>
To: <Manny.Ocampo@ci.bothell.wa.us>
Date: 3/21/2005 5:00:24 PM

Once again, having experienced the fiasco of last year, I recommend a 1/4 ot 1/2 mile zone around any site and a permit process. Please be realistic in your process.

John James
resident of Bothell
Member of first Baptist Church Bothell
Chairman of Heritage Christian School Minsitry team (school board)

From: "Dan Hill" <danh@integrity.com>
To: <Manny.Ocampo@ci.bothell.wa.us>
Date: 3/21/2005 6:56:41 PM
Subject: TACAC

Subject: TACAC

As a citizen of Bothell and Senior Pastor of First Baptist Church I would like to express my gratitude for your service on the difficult issue of transitory encampments. I am sure that Bothell is well represented and that what is done will help to continue making our city a wonderful place to live and raise our children.

I find myself in a most difficult position as a citizen and also as a minister and as one who is responsible for several hundred children and several hundred more adults. Certainly as a Christian, my heart and the heart of our church and school is one of compassion and mercy toward the homeless. Indeed, when TC4 was in our backyard last summer our church provided water to them the whole time they were there, we hosted meals for them every Sunday evening and donated many goods and services. This was done in spite of the fact that our school and ministry had been affected the most negatively by the presence of the encampment. The enrollment in our school dropped almost immediately and resulted in a couple of excellent teachers losing their means of employment. We have just this month begun to see some recovery from this serious situation. Fortunately, an agreement was worked out between us and St. Brendan Catholic Church that they would never host another encampment DURING the school year. It was, in all probability, the working out of this agreement that saved our school from a further drop in enrollment in the fall.

As a result of this we have been both vilified and appreciated by the community at large for our response to the encampment. Whether the citizenry or our neighbor churches agreed with all that we did or said during that time is not the real point here however. The real issue is future transitory encampments. And even more basic than that is what our response will be to the homeless and disadvantage in our community and region. Having been a part of the largest homeless ministry in the United States before moving to Washington I know that there are better ways but our county government seems to be inclined to merely "maintain" these precious people. Believe me, I realize this issue is one which has broad consequences for our city and broad consequences for the faith community that may want to host future encampments and for this reason I feel severely conflicted.

It is to the First Baptist Church and Heritage Christian School that I am ultimately responsible and accountable for and to. It is in that awareness that I humbly suggest that some kind of buffer zone ordinance be put in place of at least one quarter of a mile around the schools in our community. I further recommend that the normal permitting process be followed so that our community has, at the very least, the opportunity to know in advance that a transitory encampment is being considered by some group in our city. It was obvious last year that most of the opposition to TC4 was not based on the camp itself but the lack of notice and input concerning their anticipated presence.

It has been said that such restrictions would hinder our community churches from carrying out their mission as churches however, I would point out that our Heritage Christian School was severely hindered in carrying our mission to the community. How can we possibly serve a community that resents the fact that we, as a faith-based community, used that status to avoid the normal permitting processes and move ahead with our own agendas? I respect and honor my neighbor churches in whatever position they choose to make on this issue and I would certainly give my life for their right to do so, it is my conviction however, that this is not simply an issue concerning the mission of any given church or organization, this is an issue of respect for every citizen in the greater Bothell community.

Sincerely yours,

Dan R. Hill

Senior Pastor, First Baptist Church

Heritage Christian School

19524 104th Ave NE

Bothell, WA 98011

425-486-7103

danh@fbcbothell.org

CC: <gary.hasseler@ci.bothell.wa.us>

From: "Norm" <draillim@pacifier.com>
To: <gary.hasseler@ci.bothell.wa.us>
Date: 3/22/2005 8:06:12 AM
Subject: Exhibit For TACAC

This is a letter from Northshore School District showing their concern about tent cities next to schools.

Please copy and distribute to the Transitory Accommodations Citizen Advisory Committee.

Thank You,

Norman Milliard
19225 100th Ave NE
Bothell, WA 98011

CC: "Manny Ocampo" <Manny.Ocampo@ci.bothell.wa.us>

Hand Delivered to City Clerk
@ 4:13pm

RECEIVED
AUG 10 2004
City of Woodinville

Office of Superintendent

Northshore School District

Administrative Center
3330 Monte Villa Parkway
Bothell, WA 98021-8972
Phone: (425) 489-6353
Fax: (425) 489-6005
www.nsd.org

August 10, 2004

Woodinville City Council
Woodinville City Hall
17301-133rd Avenue NE
Woodinville, WA 98072

Dear Council Members:

The Northshore School District is sensitive to the challenges faced by the Council and the greater Woodinville community during the emotional discussions regarding the proposed Tent City 4. We understand the complexities of this issue and appreciate that the final decision is up to the Council. However, since we operate schools located in proximity to one of the discussed locations we are taking this opportunity to provide our input.

In addition to our responsibility of educating all students, we are called upon as well to provide them with a safe haven to develop intellectually, emotionally, artistically, socially, and athletically in an environment that stresses tolerance and understanding. Since the original site at Northshore United Church of Christ was introduced as a potential Tent City 4 site, parents of Northshore students have expressed concerns about the district's ability to provide this safe environment. Indeed, the unique topography of the Northshore United Church of Christ site and surrounding properties pose a clear security challenge for our staff at Leota Junior High, Wellington Elementary, and the Home School program.

Therefore, we wish to express our formal support of the Woodinville City Council's proposed alternative location for Tent City 4; i.e., north of Little Bear Creek on 134th Avenue NE, north of 177th Place NE. We believe such a move would help alleviate the concerns of our parents and diminish the need for additional security for our schools.

We are grateful for Council's commitment to the welfare of our community and the opportunity to express our concerns as well as our support for your efforts. Thank you.

Sincerely,

Karen A. Forys

Karen A. Forys, Ph.D.
Superintendent

Lynda Quinn - Future Tent Cities

From: <steve@ddplus.com>
To: <gary.hasseler@ci.bothell.wa.us>
Date: 3/22/2005 10:49 AM
Subject: Future Tent Cities

To Whom it may concern,
Being a long time resident of Bothell, I have many concerns with any future tent city and it's location.

1. There needs to be a permit for such an encampment. When a builder has a project over 4,000 square feet, there is a lengthy permitting process and 2 30 day public comment periods. Shouldn't a transient community go through the same process?

2. There should be a minimum buffer zone between any tent city and any school. This distance should be at least 1/4 of a mile, preferably 1/2 of a mile.

3. Tent city should pay the city for all expenses incurred by the city for having extra police patrols to keep the taxpayers feeling safe in their own neighborhoods.

4. Any member of any congregations that is in a decision making position on the Bothell City counsel should immediately excuse themselves from all proceedings regarding the location of future tent cities.

5. Bothell city counsel should refuse to allow any tent city to return to the same site within a 2 year time.

6. Bothell city counsel should work with all the other agencies to find a permanent solution to the tent city challenge.

Tent city has been offered land on at least 2 occasions that I know of, yet they have refused to accept these generous offers. Tent city does not want a solution to this challenge, they are a activist group that has a political agenda. Please make wise decisions regarding how you proceed in this matter. The

way you make decisions will affect many peoples lives.

It is time the city of Bothell stood up to the demands of a few activists and started paying attention to the residents that elected you to your respective offices. Please do the right thing for the children and the community.

Thank You

Steve Fish
17331 18th Ave SE
Bothell WA. 98012
steve@ddplus.com

ST. BRENDAN PARISH SCHOOL
10049 NE 195TH STREET
BOTHELL WA 98011-2931
(425) 483-8300, FAX (425) 483-2839

"When a Community is nurtured, everyone benefits"

March 22, 2005

To Whom It May Concern:

Last May of 2004, the St. Brendan Parish School community was given an unexpected opportunity to "practice what we preach" when a homeless encampment was set up right across the street from our parish school. The members of Tent City 4 became our new neighbors! Naturally, the immediate reaction was concern for the safety of our 264 students, yet, as the next days unfolded it was obvious that we had a caring and compassionate parish and school community that saw this new situation as an opportunity to "walk the talk". "Whatever you do for the least of my brothers and sisters, you do for me". Mathew 25:40. The school community immediately organized committees to either help with the school safety patrol or help prepare a hot meal every Thursday to be served to the Tent City 4 community. All they had to do was walk across the street to our school gym and be welcomed by our parents and their children, and enjoy a meal prepared with love and care. The school children in their classes made colorful cards to give to our new neighbors. The students also wanted all the food left over from our hot lunch program to be carried over to Tent City.

We teach the importance of treating everyone with respect and dignity, so having Tent City 4 located across the street from St. Brendan Parish School gave all of us staff, parents, and students the perfect opportunity to put our Catholic beliefs into action. We were able to share our many blessings with those who often feel neglected and unwanted.

Thank you,

Arlene Sullivan

Arlene Sullivan
Principal

God of Justice,
open our eyes
to see you in the face of the poor.
Open our ears
to hear you in the cries of the exploited.
Open our mouths
to defend you in the public squares
as well as in private deeds.
Remind us that what we do to the least ones,
we do to you.
Amen.

Source: Being Neighbor: The Catechism and Social Justice

March 21, 2005

To Whom It May Concern:

I have been asked to write about the TC4 group who lived with us during last summer. As a member of St. Brendan's Parish I never once doubted the offer of our Pastor to host these folks. I was, however, amazed at the reaction of our neighbors. I thought we would all welcome the residents of Tent City 4 with open arms. As Christians, I believed that judging others was up to God and not us. He has only asked us to do two things, love Him and our neighbors. And I think He knew that this was not always going to be an easy thing to do. The struggles that we witnessed last Spring were evidence of this.

The presence of TC4 not only caused tension, fear and anxiety, but also love, compassion, and empathy. After all the heated conversations and political wrangling to keep these folks away from our schools and homes, came a welcoming unlike I was expecting. For all those opposed to their arrival there were as many or more willing to help carpool the residents to their new home, help them unpack, and feed them. I visited the camp within the first few hours of their arrival to see what I could do. The residents assigned to record all the donations were clearly overwhelmed. The comment I heard over and over again was that they had never been welcomed in such a positive fashion.

The children of St. Brendan's accompanied by their teachers, offered their Hot Lunch so it would not go to waste and made First Aid bags. Some of the children accompanied their families to offer supplies, sleeping bags and other items the residents were in need of. I saw many examples of parents modeling to their children God's message of love. There exist in our community many ways to do this, but we are sometimes disconnected from the different groups which so desperately need our help. Our own lives become so full that we are not aware. I thank God He made it "easy" for us by putting TC4 so close and visible to us. Our children were never in danger; they were curious, compassionate and willing to help.

Our family along with another Parish family organized meals once a week for the residents. We came to know other families were had never met. Our goal was a common one, simply service and good food. There were always satisfied appetites and a humble thank you. We were witnesses to some harrowing stories, and helped in the kitchen by TC4 residents who would not take No for an answer. One evening a piano had been left in the Gym. As we began serving we heard a rendition of "A Long Time Comin" that gave uss goose bumps. Matthew's voice drew all the children who had come to help serve the meal over to the piano. As he finished the song, there were tears

streaming down his face. It was a moment I will never forget. His audience is what made him cry, is what he explained, "It's all about the children."
There were several other instances like the one above that brought both the residents of TC4 our Parish and School communities and the Bothell residents together, in spite of an equal force trying to pull it apart. There was anger, tension and ill will, on the part of some, but the peace of knowing that God was with us presenting us with a chance to do what He as asked of us could not be overlooked.

There were a few incidents discreetly taken care of by the Bothell Police, but not one neighbor, child or parishioner was ever in danger. Fear is an emotion overcome by knowledge, love and understanding. Before we say no to something that make us feel uncomfortable consider the reasons why we are afraid, are they real or based on something else such as prejudgment of others.

Sandy Moran
Parent, St.Brendan Catholic School

To Committee 3/22.

From: "Greg Jackson" <Greg@bothellumc.org>
To: <cityclerk@ci.bothell.wa.us>, <patrick.ewing@ci.bothell.wa.us>, <michael.johnson@ci.bothell.wa.us>, <tim.tobin@ci.bothell.wa.us>, <andrea.perry@ci.bothell.wa.us>, <jeff.merrill@ci.bothell.wa.us>, <mark.lamb@ci.bothell.wa.us>, <sandy.guinn@ci.bothell.wa.us>
Date: 3/22/2005 1:33:43 PM

Good Afternoon,

I am writing to address an issue before the Transitory Accommodation Citizens' Advisory Committee. I know that there are a number of "hot buttons" before this group. One of them is the matter of whether or not to try to require a buffer zone between potential host sites and schools.

I am writing in opposition to any such buffer. I do not support any policy that denies a church its rights as a religious institution to be in ministry. Further, such a buffer zone has not proved warranted based on the history of Tent Cities in our region. It is always our desire to be good neighbors in our community and we feel that one of the best ways to do this is to minister to all members of the community, including the homeless. In our locale next to Bothell High School, with the background checks provided by Tent City/Sharewheel, there would be no increased danger to students or neighbors. I hope the committee will not include buffers from schools in their proposals.

Thank you very much for your consideration.

Rev. Greg Jackson
Senior Pastor
Bothell United Methodist Church
18515 92nd Ave. NE
Bothell, WA 98011

CC: "Manny Ocampo" <Manny.Ocampo@ci.bothell.wa.us>

From: "Phil and Karen Folkertsma" <pkfolk@verizon.net>
To: <Manny.Ocampo@ci.bothell.wa.us>
Date: 3/26/2005 10:49:10 PM
Subject: Input for the Citizen's Advisory Committee for transitional housing

Could you please forward this to the advisory council as input. Thanks.

Phillip Folkertsma,

Bothell, WA

CC: "'Scott St. Clair'" <scottstc@comcast.net>

Dear members of the Citizens Advisory Committee,

Thank you for taking the time and effort in your role in tackling this difficult issue. I know the many long hours required to contemplate this multi-faceted challenge, sometimes even being forced to project and predict the situations and circumstances regarding the placement and governance of transitory housing in our community.

Except for maybe our Northwest weather, human response and behavior is among the most capricious and unpredictable phenomena we encounter in our everyday lives. None of us can calculate human circumstances or reactions. And that is the backdrop against which your team weighs the guidelines and parameters acceptable in regulating temporary housing encampments.

Fortunately, the vast majority of human beings (and I believe Bothellites are no exception) hold enough care and compassion within their souls to extend both grace and assistance to those in our society whose circumstances or decisions have left them in a position where even the bare essentials for survival are difficult to come by. I watched last summer as individuals and organizations rallied and donated generously when a call for help and donations went out, some sacrifices even came at their own self-detriment. I believe the portrayals in the media of people as uncaring and self-absorbed are the exception and that, in general, people are kind and responsive to the needs of their fellow human beings.

I believe the vast majority of the last year's bitter controversy (including hundreds packing public hearings and national news coverage) revolved around the impropriety of the location of the last tent city in our community, not merely its existence. Whether or not you believe it is compassionate to relegate people (many physically and mentally ill) to cramped-together, thin-nylon structures is open for debate. The morality making a spectacle of the disadvantaged in hopes of trying to secure them more funding in the future is also arguable.

But one principle that should never be up for deliberation is the safety and security of our children. We have laws and regulations in every school district in America prohibiting a motor vehicle from driving over 20 miles an hour (about the speed of a human in a foot race). We have even had to enforce regulations to make the vicinity around our schools drug-free zones with heightened consequences for those who exchange illicit drugs near their premises. While it seems a bit preposterous to have to actually regulate activities which obviously put our children at increased risk, unfortunately, it is necessary.

Over the past two weeks, we have again been forced to read horrific stories about 9, 10 year old children whose lives were snuffed out by people who set out to randomly harm them for their own gratification. The common factor in both cases was that the perpetrator (each with histories of child assault) was able to operate anonymously and through carelessness, gain access to these most vulnerable of our society. One was temporarily living within 150 yards of the child's home, the other befriended the victim through being in close proximity.

Permitting transient housing within close proximities of schools is irresponsible and displays a complete and total lack of judgment. Does this imply that every transient person is a sex-offender? Absolutely not. Many are fathers and mothers, upstanding citizens in our community and would be the first to rescue a child in need. But what a more convenient way for those with malicious intent to gain access to children than to anonymously set up a temporary residence on the edge of a school or playground to gain the familiarity necessary to abduct a child.

The uproar you heard last year was not rooted in callousness, heartlessness or lack of compassion. The vast majority were normal, caring and conscientious citizens and parents that looked at a situation which held strong potential for grave consequences and were fighting for a solution where children were not unnecessarily put in harm's way.

I would strongly urge that you adopt the same buffer zones for safety that are used on our roadways around schools when considering allowing people to set up encampments within schools zones. There are more than adequate number of alternative sitings in our community without carelessly putting our children at risk.

Again, thank you for your work on this and being an advocate for all the community, including its parents, children and the disadvantaged.

Very Truly Yours,

Phillip Folkertsma
1509-242nd Street SE
Bothell, WA 98021

From: daniel j ryan <drdjryan@juno.com>
To: <Manny.Ocampo@ci.bothell.wa.us>, <gary.hasseler@ci.bothell.wa.us>
Date: 4/4/2005 2:17:55 PM
Subject: TACAC

TACAC
c/o Manny Ocampo, Assistant City Manager,
& Gary Hassler, Director of Planning

Dear members of TACAC,
Thank you for taking on an issue as important as this. I'm convinced that the decisions you make will help mold the communities of Bothell for a long time to come. I appreciate the time and intensity you are putting into this.

I would like to let you know the impact TC4 had in Bothell from my perspective. TC4 in Bothell was a very polarizing event in the lives of those who live here permanently and those who frequent the businesses, churches and schools in this area. I am a member of First Baptist Church and an elder in the church. As Christian believers, we are motivated to help the needy in whatever way they can be helped. Some of those who live in TC4 were recipients of food, clothing, fellowship and some developed close friendships with church members. One couple was even married in a ceremony at our church. As a people, this is what we love to do. However, TC4 was thrust upon all of us so quickly and without warning that there were problems associated with it.

One of the problems we encountered was a very fearful response from some of the parents of the students at our school (Heritage Christian School). Founded or not, these parents were not given nearly enough time to prepare for TC4 before it moved onto the property adjoining our school. We ended up losing a number of students due to both the proximity of the site and the lack of notice. This impacted our school financially and therefore our church since the church is ultimately financially responsible for the school. I don't know where these students ended up attending school, but I do know those parents were forced to make a huge change that they didn't want to make.

I believe it would be of great help to require groups such as this to go through a permit process where all people/groups effected by the temporary encampment had a chance to give prior input in the particular situation without retribution and then to have time to properly prepare for the community intrusion. No group or individual should have the ability to force their desires onto others without consent of the governing body. The governing body in this case is the City of Bothell. If we can't have order we will see anarchy. No one wants that.

The other thing I believe is needed is a buffer zone designated around schools and other places where children assemble. As you know, TC4 attracted more than just their own residents. Some of the people attracted to TC4 had police records, some were arrested there at the site, and some were turned away from the camp and set up their own site in the wooded area across the street from our church and school. Thankfully, the owners of the wooded area were allowed to begin development to help alleviate the problem. Five hundred yards is not too large of a distance when considering the safety of children. No one would

want to live with the realization that a child was harmed and that it could have been prevented simply by enforcing a "safe" distance of five hundred yards between temporary encampments and gathering places for children. There are plenty of sites that qualify in the Bothell vicinity.

I know you are busy and this is only one of many issues you are dealing with. Please consider these concerns and recommendations as you formulate rules and regulations governing temporary encampments. Thank you. Dan Ryan

From: "Celeste Deveney" <cjdeveney@hotmail.com>
To: <Manny.Ocampo@ci.bothell.wa.us>
Date: 4/5/2005 2:28:06 PM
Subject: Tent City 4

Dear Mr. Ocampo:

I would like to voice my opinion to the TACAC that Bothell churches need to be able to fulfill their missions. This includes ministering to the homeless (or those living in tents). I am referring to proposed regulations to require a certain amount of buffer yardage between a Tent City encampment, and a school or daycare facility. Such proposed regulations could prevent churches being eligible to host a homeless encampment. This is unconscionable especially in light of the fact that homeless encampments present no risk (other than an imagined risk) to neighborhood schools.

The TACAC must consider that churches have rights also, and need to be able to fill in the gaps where governmental social programs fall short.

Very truly yours,

Celeste Deveney
1113 232nd Place SW
Bothell, WA 98021

Don't just search. Find. Check out the new MSN Search!
http://search.msn.click-url.com/go/onm00200636ave/direct/01/

Exhibit 5

COPY

St. Brendan Parish and SHARE / WHEEL Special Conditional Use Permit request to allow a temporary encampment for the homeless on Parish property

City Clerk
Original

Findings, Conclusions and Decision

Findings of Fact

1. Proposal

St. Brendan Parish has requested a Special Conditional Use Permit to allow the temporary homeless encampment known as Tent City 4 to legally occupy property owned by the Parish. Tent City 4 has occupied the property since May 17, 2004, at the invitation of the Parish but without permit approval from the City of Bothell. King County Superior Court Judge Steven Scott has ruled that the City of Bothell has a right to require the Parish to comply with the permit process.

2. The quasi-judicial hearing process

A Special Conditional Use Permit is a variation of a Conditional Use Permit. A Conditional Use Permit is classified as a Type III permit under Bothell Municipal Code (BMC) 11.04.003. A Type III permit requires an open record public hearing, in accordance with the procedures and other regulations established in BMC 11.12, Open Record Public Hearings (see Exhibit 1). The proposed use is subject to the process defined in BMC 11.12 except as otherwise specifically provided for in Resolution 1162 (2004) (see 4 below).

3. Location of proposal

Tent City 4 is located on otherwise undeveloped property in approximately the 10100 block of NE 195th Street, on the north side of the street. The property amounts to 1.83 acres and is owned by St. Brendan Parish. The Parish also owns 10.03 acres south of NE 195th Street across from the property occupied by Tent City 4. This larger property contains a church, school and related uses. For the purposes of this Special Conditional Use

Permit, the subject property shall be considered the entire 11.86 acres owned by the Parish north and south of NE 195th Street, between 100th and 103rd Avenues NE. See Exhibit 2.

4. Plan designation and zoning classification

The subject property is designated R 2-5 (Residential, two to five dwelling units per acre) in the *Imagine Bothell...* Comprehensive Plan and is zoned R5, consistent with the Plan designation.

5. History leading up to Special Conditional Use Permit request

On May 14, 2004, St. Brendan Parish informed the City of Bothell that the Parish had invited a homeless encampment, Tent City 4, to move to the subject property and to remain there for 90 days. Parish representatives stated that they were responding to an emergency, insofar as the encampment had purportedly reached the end of its promised 90-day maximum stay at a Seattle church. On May 17, 2004, the first residents of the encampment arrived.

In response to the Parish's announcement, Community Development Department staff immediately examined the zoning regulations to determine whether a temporary encampment for the homeless was a permitted, conditional or prohibited use. Staff found that the regulations contained no reference whatsoever to such a use.

In such cases, BMC 12.06.020 applies:

> "Any proposed use not listed in the table shall be classified by the community development director as permitted, conditional, or not permitted, based on the listed use to which the proposed use is most similar. If the community development director determines that the proposed use is not similar to any use in the table, the proposed use shall not be permitted. The determination of the community development director shall be appealable to the hearing body."

In accordance with the above-cited section, the Community Development Director determined that a temporary encampment for the homeless was most similar to a campground. Campgrounds are listed in BMC 12.06.110A, Lodging, as a conditional use in the R5 zone in which the Parish is located. BMC 12.06.110B.2 establishes threshold requirements for campgrounds as follows:

> "Campgrounds and recreational vehicle parks shall be a minimum of 10 acres, and may be combined. Such uses shall include shower and restroom facilities connected to public water and sanitary sewer services, a paved roadway which provides access to each campsite and recreational vehicle site in the development, and Type III landscaping around the perimeter of the development in accordance with Chapter 12.18 BMC."

The Parish was informed of the Director's determination and was requested to apply for a conditional use permit (CUP). The Parish agreed to do so, and a pre-application conference to discuss the CUP process was scheduled for June 8.

Staff had suspected that due to the temporary nature of Tent City 4, neither the Parish nor SHARE / WHEEL, the organizer and operator of Tent City 4, would desire to install the capital improvements - water, sewer, paved roadway and landscaping - which are threshold requirements for a typical campground. At the pre-application conference, Parish and SHARE / WHEEL representatives confirmed this.

Staff then volunteered an alternative approach which appeared potentially applicable to the situation. BMC 11.04.007 provides as follows, in part:

> "Whenever a permit or approval in this code has been designated as a Type I, II, III or IV permit, the procedures in this title shall be followed in project permit processing. The following permits or approvals are, however, specifically excluded from the procedures set forth in this title:
>
> (1 - 4 not shown)
>
> 5. Other project permits, whether administrative or quasi-judicial, that the city council has determined by resolution present special circumstances that warrant a different review process."

Parish representatives at the pre-application conference said they had independently reached the conclusion that the above-cited section might more fittingly apply to Tent City 4. Staff informed the

Parish attorney that the church needed to submit a letter to the Council formally requesting a determination that Tent City 4 presented special circumstances warranting an alternative review process to the standard CUP process. The Parish did so on June 10 (see **Exhibit 3**), and Council consideration of such an alternative approach was scheduled for June 21, 2004.

At the June 21 meeting staff concurred that the temporary nature of a one-time homeless encampment did not merit installation of capital improvements as would be necessary to serve a permanent campground. Moreover, insofar as Tent City 4 is already in place, staff averred that some form of expedited review was clearly preferable to the normal CUP process, which ordinarily takes between three and four months, culminating in a hearing before the hearing examiner.

After deliberating on the issue, the Council adopted Resolution 1162 (2004) which 1) found that Tent City 4 presented special circumstances warranting a different review process than normally would be applied to campgrounds; and 2) established the components of a Special Conditional Use Permit process to be applied to the Parish's request (see **Exhibit 4**).

6. Special Conditional Use Permit (SCUP) process

A special conditional use permit is a variation of a conditional use permit, and as such is subject to the regulations which apply to conditional use permits, except as may be provided otherwise under the exemption language in BMC 11.04.007, as the Council so provided in Resolution 1162 (2004).

BMC 12.28 contains the regulations by which Conditional Use Permit requests are evaluated and approved. This chapter is attached as **Exhibit 5.**

7. History of Tent City 4 operating conditions prior to SCUP request

Immediately following the announcement by the Parish on May 14 that it had invited Tent City 4 to relocate to the subject property, City staff and an *ad hoc* committee of the City Council engaged the Parish and SHARE / WHEEL in negotiations concerning operating conditions of the encampment. Those negotiations did not result in an agreement between the parties. Subsequently, the City filed in King County Superior Court for a preliminary injunction to either 1) order the Parish and SHARE/WHEEL to cease and desist from operating Tent City 4 on the Parish property; or

2) order that conditions be placed on the continuing activity at the subject site.

On June 15, 2004, Superior Court Judge Steven Scott issued Findings of Fact and Conclusions of Law (see **Exhibit 7**) and a Preliminary Injunction (see **Exhibit 8**) on this matter. The Preliminary Injunction prescribed a number of conditions which the Court required the Parish and SHARE / WHEEL to adhere to "...unless and until such time as Defendants obtain a valid and current permit from the City of Bothell for operation of a homeless tent encampment on the (subject property)..."

These conditions are as follows:

1. Comply with the applicable terms of section III(J) of the Consent Decree entered into on March 13, 2002 by SHARE/WHEEL, El Centro De La Raza, and the City of Seattle in the Washington Court of Appeals Case No. 49428-7-I, a copy of which is attached to Plaintiff's Motion for Preliminary Injunction, as follows:

    A. Defendant SHARE/WHEEL shall enter into a written agreement with St. Brendan Parish regarding the establishment of the tent encampment known as Tent City 4. The written agreement shall state the maximum duration that Tent City 4 will remain at St. Brendan Parish. SHARE/WHEEL shall send a copy of the written agreement to the City of Bothell Community Development Department.

    B. The maximum number of residents at Tent City 4 is 100.

    C. SHARE/WHEEL may establish or maintain no more than one encampment at any one time within the limits of the City of Bothell.

    D. SHARE/WHEEL will not permit children to stay overnight at Tent City 4, except under exigent circumstances. If and when such circumstances occur and a child under the age of 18, either alone or accompanied by a parent or guardian, attempts to stay at Tent City 4, SHARE/WHEEL will immediately contact Child Protective Services, and endeavor to find alternative shelter for the child and any accompanying parent(s) or guardian(s).

E. The site shall have a 20 foot setback in each direction from the boundary of the lot, but if that is not available and established vegetation is not sufficiently dense to obscure view, a 6 foot high view-obscuring fabric fence will be established.

F. SHARE/WHEEL will permit inspections of Tent City 4 by the Seattle & King County Public Health Department without prior notice, and implement all directives of the Health Department within the time period specified by the Health Department.

G. SHARE/WHEEL will permit inspections of Tent City 4 by Bothell Fire & EMS, without prior notice. SHARE/WHEEL will implement all directives of Bothell Fire & EMS within 48 hours of notice.

H. SHARE/WHEEL will permit inspections of Tent City 4 by inspectors from the Bothell Community Development Department at reasonable times without prior notice for compliance with the terms of this order.

I. Code of Conduct

a. SHARE/WHEEL will implement and enforce at all times at Tent City 4 its code of conduct. The code of conduct shall be amended to prohibit littering at the St. Brendan Parish site and in the neighborhood surrounding the St. Brendan Parish site. The current code of conduct shall be amended to require a trash patrol every other day in the neighborhood surrounding the St. Brendan Parish site. With the above-described amendments, the code of conduct requires that all Tent City 4 residents abide by the following:

1. No drugs are permitted.
2. No alcohol is permitted.
3. No weapons are permitted.
4. All knives over 3 and one-half inches must be turned into SHARE/WHEEL for safekeeping.
5. No violence is permitted
6. No open flames are permitted.
7. No trespassing into private property in the host neighborhood is permitted.

8. No loitering in the host neighborhood is permitted.
9. Disturbing neighbors is not permitted.
10. No verbal abuse, intimidating remarks, yelling or degrading remarks against member(s) of the host or the host neighborhood is permitted.
11. No verbal abuse, intimidating remarks, yelling or degrading remarks between member(s) of SHARE/WHEEL is permitted.
12. No littering on the encampment site or in the host neighborhood is permitted.

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

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

2) Upon notice by the City of Bothell to SHARE/WHEEL, or if SHARE/WHEEL learns of a potential violation of provisions 8-12 of the Code of Conduct as set forth above, SHARE/WHEEL will investigate and, if sustained, notify the responsible resident(s) of the violation and issue them a warning. That warning will notify the responsible resident(s) that they are on probation and that a

repeated violation of the Code of Conduct during the period that the encampment remains at the host site will cause SHARE/WHEEL to require them to leave the encampment immediately. SHARE/WHEEL will inform the City of Bothell, the host or the host neighborhood member(s) of the results of its investigation and any action taken.

If SHARE/WHEEL fails to expel residents who violate the Code of Conduct as required in paragraphs 1) and 2) above, SHARE/WHEEL will be subject to the Dispute Resolution and Sanctions provision of this preliminary injunction set forth in paragraph 6 below.

J. SHARE/WHEEL shall remain at Tent City 4 no longer than its commitment to St. Brendan Parish as specified in the agreement with St. Brendan Parish.

2. SHARE/WHEEL, St. Brendan Parish and the City of Bothell shall designate contact persons for service of all notices provided for in this order. All parties are under a continuing obligation to update the designation of their respective contact persons as necessary.

3. SHARE/WHEEL and St. Brendan Parish agree to allow Bothell Police officers to enter onto the common areas of Tent City 4, if the Police Department deems it necessary to protect the health, safety, and welfare of Bothell and/or Tent City residents.

4. SHARE/WHEEL and/or St. Brendan Parish personnel agree to contact the Bothell Police Department is someone is rejected or ejected from Tent City 4.

5. <u>Dispute Resolution and Sanctions</u>.

A. The parties agree to submit any dispute between them about compliance with this preliminary injunction as ordered to dispute resolution before initiating further judicial proceedings or enforcement. Upon reasonable belief that the terms of this preliminary injunction has been breached, the party aggrieved will notify all other parties in writing (with email or

facsimile acceptable if receipt is confirmed) of the breach. Within two (2) business days of receipt of notice, the recipient shall cure the breach or request a dispute resolution meeting which shall be held within the next five (5) working days, or at a time mutually agreeable to all parties. If the dispute is not resolved at that meeting, the parties shall present their disagreement to a trained mediator. The parties will jointly agree to a mediator. If mediation fails to bring resolution, one or more of the parties may initiate action in Superior Court to enforce the terms of this preliminary injunction.

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

Judge Scott considered the following documents in establishing the above conditions:

1. Verified Complaint for Declaratory and Injunctive Relief and supporting documents (see **Exhibit 9**).

2. First Amended Complaint for Declaratory and Injunctive Relief (see **Exhibit 10**).

3. Motion for Preliminary Injunction and supporting documents (see **Exhibit 11**).

4. Defendant SHARE/WHEEL's Response to Motion for Preliminary Injunction and supporting documents (see **Exhibit 12**).

5. Defendant St. Brendan Parish's Response to Motion for Preliminary Injunction and supporting documents (see **Exhibit 13**).

6. Plaintiff's Reply to Defendant's Response to Motion for Preliminary Injunction and supporting documents (see **Exhibit 14**).

Staff proposed that the above conditions, to which the Parish and SHARE / WHEEL are already bound under the preliminary injunction, be incorporated as conditions of approval under the Special Conditional Use Permit.

8. Additional recommended conditions

In addition to the above conditions imposed by the Preliminary Injunction, City staff concluded that other conditions were necessary to ensure protection of the public health, safety and welfare. These recommended conditions 1) refined or added detail to the conditions imposed by the Preliminary Injunction; 2) addressed issues on which the City could not reach agreement with the Parish and SHARE / WHEEL earlier; and 3) addressed a concern regarding City utilities. These recommended conditions were introduced at the Council hearing on this topic on June 30, 2004.

The additional recommended conditions were as follows:

6. Time limit on occupancy.

   Tent City 4 shall be limited to one 90-day occupancy of the subject property, dating from May 17, 2004 through midnight August 14, 2004.

7. Warrant and Sex Offender Checks

   A. St. Brendan Parish and SHARE/WHEEL will require all residents of Tent City 4, <u>and</u> those seeking to be residents of Tent City 4, to provide verifiable identification, such as a driver's license, government-issued identification card, military identification or passport.

   B. Said identification will be used by St. Brendan Parish or SHARE/WHEEL to obtain a warrant and sex offender check from the King County Sheriff's Office or the Bothell Police Department.

   C. If said warrant and sex offender check reveals either (1) that there exists an outstanding warrant, from any jurisdiction in the United States, for the arrest of the individual who was the subject of the check; or (2) the subject of the check is a sex offender, required to register with the County Sheriff of their county of residence pursuant to RCW 9A.44.130, then the Parish or SHARE/WHEEL will reject the subject of the check for residency to Tent City 4 or eject the subject of the check if that person is already a Tent City 4 resident.

8. Security

   A. St. Brendan Parish will provide paid, professional site security, both on the Tent City 4 site, as well as in the

immediate surrounding neighborhood. This security will be approved by the City of Bothell Chief of Police, in terms of number and type of security personnel required.

B. In the alternative, the Parish will reimburse the City of Bothell for Bothell Police Department overtime costs required to provide security services and address problems and concerns associated with this use.

9. Insurance

A. St. Brendan Parish will procure and maintain in full force, throughout the duration of the Permit, comprehensive general liability insurance with a minimum coverage of $1,000,000.00 per occurrence/aggregate for personal injury and property damage.

B. Said policy shall not be cancelled nor the amount of said policy reduced except upon thirty (30) days prior written notice to the City. Cancellation of the required insurance shall automatically result in revocation of the Permit.

C. Certificates of coverage as required by Paragraph A above shall be delivered to the City within five (5) business days of issuance of the Permit.

10. Water & Solid Waste

A. If a direct connection to public water is desired, as distinct from a water tank which is filled off-site, the Parish shall ensure that such a connection meets Washington State and City of Bothell codes and regulations, including but not limited to incorporation of proper backflow prevention.

B. Permittee will comply with the City of Bothell solid waste disposal regulations.

9. Environmental review

The Community Development Director determined that Tent City 4 is categorically exempt under the SEPA rules. The SEPA rules establish a number of minor new construction thresholds (e.g., barns of 10,000 square feet or less, commercial buildings of 4,000 square feet or less, parking lots for 20 or fewer autos), at or below which land use actions are exempt from review. Since Tent City 4 has no permanent structures, the Director concluded that it is SEPA-exempt.

10. Council hearings and deliberations

The City Council considered the proposed Special Conditional Use Permit (SCUP) request at meetings on June 30 and July 6, 13 and 19, 2004. The Council received oral testimony on June 30 and July 6, and received written testimony on June 30 and July 6 and 13 (the Council had set a deadline of 5 p.m. July 9 for submittal of written testimony to staff). The Council formally closed the public hearing on July 13. The Council deliberated on the proposed SCUP on July 13 and provided direction to staff for the preparation of Findings of Fact, Conclusions of Law and a Decision. Staff drafted such Findings, Conclusions and Decision and transmitted them to the Council for consideration on July 19.

11. Summary of testimony

Voluminous oral and written testimony was received, but the testimony tended to focus on a few key points. These key points are summarized below, expressed as accurately and fairly as possible from the cumulative point of view of the individuals delivering the testimony. These points are recounted in no particular order, and comprise the most commonly raised concerns, rather than an exhaustive listing of all issues.

1. St. Brendan Parish is fulfilling its religious mission by hosting Tent City 4.

2. Tent City 4 residents should be treated no differently than any other Bothell resident with respect to being asked to provide identification and being subject to a warrant and sex offender check.

3. Tent City 4 is in the wrong location insofar as it is directly adjacent or in close proximity to three schools - Maywood Hills Elementary School, Heritage Christian School, and St. Brendan School. A minimum separation should be established between homeless encampments and schools.

4. The adjacency of Tent City 4 to Heritage Christian School has contributed to a drop in enrollment at that school.

5. Area residents feel less safe since Tent City 4 opened.

6. From opening of Tent City 4 on May 17 through July 6, the Bothell Police Department recorded 83 total incidents related to the encampment. Of these, 18 involved criminal investigations, and 65 involved non-criminal investigations. Crime in the Maywood neighborhood surrounding Tent City 4 has not increased.

7. Bothell is unnecessarily making it difficult for Tent City 4 to operate, thus creating a negative perception of Bothell in the region.

8. St. Brendan should have provided more advance notice to the City and neighborhood.

9. St. Brendan Parish and/or SHARE/WHEEL should pay for the overtime worked by Bothell Police officers stationed by Tent City 4.

10. The police presence in front of Tent City 4 is excessive. The Parish and SHARE/WHEEL should not have to pay for a City staffing decision which is unwarranted.

11. Tent City 4 provides an opportunity to increase personal awareness of, and teach children about, the plight of the homeless.

12. Exhibits

The following exhibits were entered into the record.

Exhibits included in Staff Report

1. Bothell Municipal Code 11.12, Open Record Public Hearings
2. Vicinity map
3. Letter from St. Brendan Parish dated June 10, 2004
4. Resolution 1162
5. Bothell Municipal Code 12.28, Conditional Use Permits
6. Letter from St. Brendan Parish dated June 24, 2004
7. City of Bothell v. Corporation of the Catholic Archbishop of Seattle, *et al*, Findings of Fact and Conclusions of Law, King County Superior Court, dated June 15, 2004
8. City of Bothell v. Corporation of the Catholic Archbishop of Seattle, *et al*, Preliminary Injunction, King County Superior Court, dated June 15, 2004
9. Verified Complaint for Declaratory and Injunctive Relief and supporting documents
10. First Amended Complaint for Declaratory and Injunctive Relief
11. Motion for Preliminary Injunction and supporting documents
12. Defendant SHARE/WHEEL's Response to Motion for Preliminary Injunction and supporting documents
13. Defendant St. Brendan Parish's Response to Motion for Preliminary Injunction and supporting documents
14. Plaintiff's Reply to Defendant's Response to Motion for Preliminary Injunction and supporting documents

Exhibits entered into record at hearing June 30, 2004

15. Tent City Police Activity Report, memo from Forrest Conover, Chief of Police, dated June 29, 2004

16. E-mail from Scott St. Clair, with response from Dave Zabell, Interim Assistant City Manager, both dated June 30, 2004
17. E-mail from Kevin Kelly, dated June 30, 2004
18. Letter from Evan and Denise Wipf, dated June 30, 2004
19. Letter from Scott St. Clair, dated June 30, 2004
20. Letter from Michael P. Challenger, dated June 30, 2004
21. Announcement of Silent Witnessing Vigil
22. Statement of Kevin S. Kelly, dated June 30, 2004
23. Statement of Kurt Langkow, undated
24. Binder of assorted written materials, submitted by Norman Milliard
25. Request for Criminal History Information, form, submitted by Norman Milliard

Exhibits entered into record at hearing July 6, 2004

26. Note from Paul Konrady, St. Brendan Church, dated July 6, 2004; Certificate of Insurance for St. Brendan Church; and narrative of St. Brendan Church presentation to Bothell City Council July 6, 2004
27. Letter from Calvin R. Pygott, dated June 30, 2004
28. E-mail from Scott St. Clair, dated June 30, 2004
29. E-mail from James Monahan, dated June 30, 2004
30. E-mail from Cathy E. Zylstra, dated July 1, 2004
31. E-mail from Sharon Richards, dated July 1, 2004
32. E-mail from Pat Spak, dated July 1, 2004
33. E-mail from "Dooley", dated July 1, 2004
34. E-mail from Janine Ison, dated July 1, 2004
35. E-mail from Sylvia Cunningman, dated July 6, 2004
36. E-mail from Leonard and Melissa Henning, dated July 6, 2004
37. E-mail from Celeste Deveny, dated July 6, 2004
38. E-mail from Laurie R. Milliard, dated July 6, 2004
39. E-mail from Kevin H. Devin, dated July 6, 2004
40. E-mail from James Duvall, dated July 6, 2004
41. Letter from Richard Molitor, dated July 2, received July 6, 2004
42. Letter from Mary Pygott, dated July 6, 2004
43. Letter from Judy Schnebele, dated July 6, 2004
44. Four e-mails, dated between June 21 and 28, 2004, which Councilmember Sandy Guinn stated she had opened and read after the Council had decided to hear the Special Conditional Use Permit, but before the start of the hearing
45. Seattle Times article, "Old fray for new tent city", dated July 6, 2004
46. Letter from Luellen and Thomas Lockwood, dated July 6, 2004
47. Letter from Liz Parks, dated July 5, 2004
48. Letter from Scott St. Clair, dated July 6, 2004
49. Photographs of Tent City 4 from various locations on Heritage Christian School property, submitted by Kevin Kelly
50. Crayon drawing of Heritage Christian School, submitted by Ashley Folkertsma
51. Typed remarks from Phil Folkertsma, undated

52. Typed remarks from Arne Dixon, undated, plus copy of BMC 12.28, Conditional Use Permits
53. Entry form for Lake Pleasant RV Park and other materials, submitted by Norm Milliard
54. "Reporting and solving a problem with SHARE/WHEEL's Tent City 4", submitted by Jim Ferter.
55. Letter from Bonnie Battles, dated June 16, 2004
56. Letter from Tom James, undated
57. Letter from Susan Muhm, dated July 6, 2004

Exhibits entered into record at hearing July 13, 2004

58. E-mail from Tahana Salvadalena, dated July 7, 2004
59. "Police Report for Tent City Special Conditional Use Permit Process", memo from Forrest Conover, Chief of Police, dated July 8, 2004
60. Letter from Betty and Dennis Behrens, undated, received July 8, 2004
61. E-mail from Kurt Langkow, dated July 8, 2004, forwarding newspaper articles concerning homeless encampments in Tacoma and Spokane
62. E-mail from "Dooley", dated July 8, 2004
63. E-mail from Robert H. Walther, dated July 8, 2004
64. E-mail from Linda, Tracy and Erin Dodge, dated July 8, 2004
65. E-mail from Norm Milliard, dated July 8, 2004, containing statistics regarding homelessness
66. E-mail from Norm Milliard, dated July 8, 2004, concerning Scott Morrow's testimony
67. E-mail from Leone St. Clair, dated July 8, 2004
68. E-mail from Laura Fleagle, dated July 9, 2004
69. Letter from Dave Rehnberg, dated July 7, 2004, received July 9, 2004, with attachments concerning Heritage Christian School enrollment
70. Letter from Bonnie Wilder, dated July 8, 2004, received July 9, 2004

Conclusions of Law

1. The Council concludes from the record that temporary encampments for the homeless, and Tent City 4 in particular, possess certain characteristics which warrant imposition of special conditions in addition to the standard requirements of the Bothell Municipal Code in order to preserve and protect the public health, safety and welfare.

2. The Council concludes from the record that the imposition of ten conditions is reasonable, necessary and appropriate to ensure compatibility with uses permitted outright in the R5 zoning classification and neighborhood in which Tent City 4 is located. These conditions consist of the five conditions to which St. Brendan Parish and

SHARE/WHEEL were already bound under the terms of the Preliminary Injunction, plus modifications of the five additional conditions recommended by City staff in its original staff report presented June 30. The ten conditions are detailed in the Decision below.

3. The Council applied the criteria for approval of conditional use permits, as set forth in BMC 12.28.040, to the proposed continued operation of Tent City 4, subject to the ten conditions. The criteria and the Council's conclusions thereon are as follows (conclusions in *italics*):

"A. The granting of the conditional use permit will not:

1. Adversely affect the established character of the surrounding vicinity. For the purposes of this section, character shall mean the distinctive features or attributes of buildings and site design on adjacent properties and in the vicinity and as articulated in the comprehensive plan, including but not limited to building facade, length, building modulation, building height, roof form, tree cover, types of flora, location of landscaping, size and location of signs, setbacks, amount and location of parking, fencing type, height and location, and the like;"

As conditioned, Tent City 4 will relocate to the southwest quadrant of the Parish property, and in that location will be much less visible to surrounding properties than it is in its current location north of NE 195th Street. The encampment will therefore not adversely affect the established visual character of the surrounding vicinity.

"2. Be detrimental to the public health, safety and general welfare; and"

As conditioned, Tent City 4 will add security measures and be required to comply with State and City potable water and solid waste disposal regulations. The encampment will therefore not be detrimental to the public health, safety and general welfare.

"3. Be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located."

As conditioned, Tent City 4 will relocate to the southwest quadrant of the Parish property, and in that location – and subject to compliance with other conditions concerning the

operation of the encampment - will not be injurious to adjacent or proximal property or improvements.

"B. The granting of the proposed conditional use permit is consistent and compatible with the goals and policies of the comprehensive plan, and any code, ordinance, regulation or standard in effect to implement the plan."

As conditioned, Tent City 4 will promote Comprehensive Plan policies supporting fair and equal access to housing.

"C. The proposed use is properly located in relation to other land uses, transportation and public facilities and services in the vicinity; and further, that the capacity of the transportation system and other public facilities and services will adequately serve the proposed use without placing an undue burden on such systems, facilities and services."

Tent City 4 is located within walking distance of multiple transit stops, and SHARE/WHEEL facilitates transit use by providing bus passes. Tent City residents generally do not own automobiles, and thus generate virtually no traffic impacts on their own. Tent City 4 therefore meets the above criterion.

"D. The intensity (i.e., the nature, types and hours of human activity) and character of the proposed use is compatible with the intensity and character of the uses of adjacent property and of property in the vicinity."

Human activity related to Tent City 4 is of low intensity and largely confined to the encampment itself. Relocation of Tent City 4 to the southwest quadrant of the Parish property will further contain what few noise or visual impacts are generated by the encampment. The intensity and character of Tent City 4, as conditioned, are therefore compatible with adjacent and proximal uses.

"E. That the site is of sufficient size to accommodate the proposed use; and further that, in the opinion of the city, all yards, open spaces, landscaping, walls and fences, parking, loading, and other necessary features are properly provided to assure the proposed use will be compatible with adjacent uses and the character of the vicinity."

Once relocated to the southwest quadrant of the Parish property, Tent City 4 will occupy an area of sufficient size and separation from surrounding uses to accommodate the

encampment in a manner which is compatible with adjacent and proximal property and improvements.

"F. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated so as to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazards."

As conditioned to comply with City and State potable water and solid waste disposal regulations, and subject to City fire and other applicable codes, Tent City 4 will not introduce hazardous conditions at the site.

"G. The conditions necessary to mitigate the impacts of the proposed conditional use are capable of reasonable monitoring and reasonable enforcement."

The conditions have been worded and organized so as to accommodate reasonable monitoring and enforcement.

Decision

The City Council hereby grants a Special Conditional Use Permit allowing Tent City 4 to occupy property owned by St. Brendan Parish, subject to the following conditions based on the record established herein.

1. St. Brendan Parish and SHARE/WHEEL shall comply with the applicable terms of section III(J) of the Consent Decree entered into on March 13, 2002 by SHARE/WHEEL, El Centro De La Raza, and the City of Seattle in the Washington Court of Appeals Case No. 49428-7-I. These terms, as modified by King County Superior Court Judge Steven Scott to apply to Tent City 4 on the St. Brendan Parish property, are as follows:

   A. Defendant SHARE/WHEEL shall enter into a written agreement with St. Brendan Parish regarding the establishment of the tent encampment known as Tent City 4. The written agreement shall state the maximum duration that Tent City 4 will remain at St. Brendan Parish. SHARE/WHEEL shall send a copy of the written agreement to the City of Bothell Community Development Department.

   B. The maximum number of residents at Tent City 4 is 100.

   C. SHARE/WHEEL may establish or maintain no more than one encampment at any one time within the limits of the City of Bothell.

D. SHARE/WHEEL will not permit children to stay overnight at Tent City 4, except under exigent circumstances. If and when such circumstances occur and a child under the age of 18, either alone or accompanied by a parent or guardian, attempts to stay at Tent City 4, SHARE/WHEEL will immediately contact Child Protective Services, and endeavor to find alternative shelter for the child and any accompanying parent(s) or guardian(s).

E. The site shall have a 20 foot setback in each direction from the boundary of the lot, but if that is not available and established vegetation is not sufficiently dense to obscure view, a 6 foot high view-obscuring fabric fence will be established.

F. SHARE/WHEEL will permit inspections of Tent City 4 by the Seattle & King County Public Health Department without prior notice, and implement all directives of the Health Department within the time period specified by the Health Department.

G. SHARE/WHEEL will permit inspections of Tent City 4 by Bothell Fire & EMS, without prior notice. SHARE/WHEEL will implement all directives of Bothell Fire & EMS within 48 hours of notice.

H. SHARE/WHEEL will permit inspections of Tent City 4 by inspectors from the Bothell Community Development Department at reasonable times without prior notice for compliance with the terms of this order.

I. Code of Conduct

a. SHARE/WHEEL will implement and enforce at all times at Tent City 4 its code of conduct. The code of conduct shall be amended to prohibit littering at the St. Brendan Parish site and in the neighborhood surrounding the St. Brendan Parish site. The current code of conduct shall be amended to require a trash patrol every other day in the neighborhood surrounding the St. Brendan Parish site. With the above-described amendments, the code of conduct requires that all Tent City 4 residents abide by the following:

1. No drugs are permitted.
2. No alcohol is permitted.

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

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

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

2) Upon notice by the City of Bothell to SHARE/WHEEL, or if SHARE/WHEEL

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

If SHARE/WHEEL fails to expel residents who violate the Code of Conduct as required in paragraphs 1) and 2) above, SHARE/WHEEL will be subject to the Dispute Resolution and Sanctions provision set forth in condition 5 below.

J. SHARE/WHEEL shall remain at Tent City 4 no longer than its commitment to St. Brendan Parish as specified in the agreement with St. Brendan Parish.

2. SHARE/WHEEL, St. Brendan Parish and the City of Bothell shall designate contact persons for service of all notices provided for in this order. All parties are under a continuing obligation to update the designation of their respective contact persons as necessary. SHARE/WHEEL shall notify the City of the names of Executive Committee members on a weekly basis.

3. SHARE/WHEEL and St. Brendan Parish agree to allow Bothell Police officers to enter onto the common areas of Tent City 4, if the Police Department deems it necessary to protect the health, safety, and welfare of Bothell and/or Tent City residents.

4. SHARE/WHEEL and/or St. Brendan Parish personnel agree to contact the Bothell Police Department if someone is rejected or ejected from Tent City 4.

5. Dispute Resolution and Sanctions.

A. The parties agree to submit any dispute between them about compliance with conditions 1-4 to dispute resolution before initiating further judicial proceedings or enforcement. Upon reasonable belief that these conditions have been breached, the party aggrieved will notify all other parties in writing (with email or facsimile acceptable if receipt is confirmed) of the breach. Within two (2) business days of receipt of notice, the recipient shall cure the breach or request a dispute resolution meeting which shall be held within the next five (5) working days, or at a time mutually agreeable to all parties. If the dispute is not resolved at that meeting, the parties shall present their disagreement to a trained mediator. The parties will jointly agree to a mediator. If mediation fails to bring resolution, one or more of the parties may initiate action in Superior Court to enforce the terms of this preliminary injunction.

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

6. Time limit on occupancy.

Tent City 4 shall be limited to one 90-day occupancy of the subject property, dating from May 17, 2004 through midnight August 15, 2004, pursuant to the Agreement between St. Brendan Parish and SHARE/WHEEL dated May 17, 2004.

7. Warrant and Sex Offender Checks.

A. St. Brendan Parish and SHARE/WHEEL shall take all reasonable and legal steps to obtain verifiable identification, such as a driver's license, government-issued identification card, military identification or passport from all residents of Tent City 4 and those seeking to be residents of Tent City 4.

B. Said identification shall be used by St. Brendan Parish or SHARE/WHEEL to obtain a warrant and sex offender check from the King County Sheriff's Office as long as the anonymity of the requesting party is maintained.

C. If said warrant and sex offender check reveals either (1) that there exists an outstanding warrant, from any jurisdiction in the United States, for the arrest of the individual who was the subject of the check; or (2) the subject of the check is a sex offender, required to register with the County Sheriff of their county of residence pursuant to RCW 9A.44.130; then the Parish or SHARE/WHEEL shall reject the subject of the check for residency to Tent City 4 or eject the subject of the check if that person is already a Tent City 4 resident and, if a sex offender, notify the Bothell Police Department immediately.

8. Security and mitigation.

St. Brendan Parish is required to relocate Tent City 4 from its location north of NE 195th Street and to provide additional security for the Tent City 4 site as well as in the immediate surrounding neighborhood. This requirement shall be satisfied as follows:

A. St. Brendan Parish and SHARE/WHEEL shall, within 72 hours of the issuance of this permit, move the site of Tent City 4 to the southwest quadrant of the St. Brendan premises.

B. St. Brendan Parish shall provide additional security in the form of at least one (1) adult volunteer or paid person, not a resident of Tent City 4, who shall be present in and around Tent City 4 each night during the hours of 10 p.m. through 6 a.m. Said volunteer(s) or paid person(s) shall be in possession of a mobile telephone and shall contact the Bothell Police Department if said volunteer(s) or paid person(s) observe(s) what is perceived to be illegal activity or suspicious circumstances. The security shall be approved by the City of Bothell Chief of Police in terms of number and type of security personnel required.

9. Insurance

A. St. Brendan Parish shall procure and maintain in full force, throughout the duration of the Permit, comprehensive general liability insurance with a minimum coverage of $1,000,000.00 per occurrence/aggregate for personal injury and property damage.

B. Said policy shall not be cancelled nor the amount of said policy reduced except upon thirty (30) days prior written notice to the City. Cancellation of the required insurance shall automatically result in revocation of the Permit.

C. Certificates of coverage as required by Paragraph A above shall be delivered to the City within five (5) business days of issuance of the Permit.

10. Water & Solid Waste

A. If a direct connection to public water is desired, as distinct from a water tank which is filled off-site, the Parish shall ensure that such a connection meets Washington State and City of Bothell codes and regulations, including but not limited to incorporation of proper backflow prevention.

B. Permittee shall comply with the City of Bothell solid waste disposal regulations.

APPROVED by the Bothell City Council this 19th day of July, 2004.

APPROVED:

JEFF MERRILL
CHAIR

ATTEST/AUTHENTICATED:

JOANNE TRUDEL
CITY CLERK

APPROVED AS TO FORM:

MICHAEL WEIGHT
CITY ATTORNEY

FILED WITH THE CITY CLERK: July 21, 2004
PASSED BY THE CITY COUNCIL: July 19, 2004

Exhibit 6

King County

Citizens' Advisory Commission on Homeless Encampments

Commission Final Report

August 13, 2004

Contents

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I. Executive Summary

Introductory Statements

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

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

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

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

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

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

Background

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

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

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

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

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

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

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

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

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

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

Summary of CACHE Recommendations[2]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This particular voting configuration may be summarized as follows:

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

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

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

CACHE Votes 3-17:

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

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

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

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

   VOTE: 17 yes/0 no

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

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

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

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

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

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

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

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

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

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

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

II. Background Information: About CACHE

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

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

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

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

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

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

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

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

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

The four advisory members include:

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

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

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

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

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

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

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[4] See http://www.metrokc.gov/dchs/CACHE/

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

III. Review of Relevant Information & Public Hearings

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

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

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

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

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

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

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

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

Total Bed Capacity for Facility-Based Emergency Shelter In King County for Single Adults (2003 Data)[6]

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

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

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

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

[6] King County Department of Community and Human Services, background materials provided to CACHE

And Last Known Permanent Address for Sheltered Individuals[7]

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

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

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

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

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

[7] King County Department of Community and Human Services, background materials provided to CACHE

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

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

Constitutional Issues[8]

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

Zoning Issues[9]

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

Public input: What CACHE heard at Its Public Hearings

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

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

[9] See King County Code 21A.08.050, pertaining to general services land uses

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

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

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

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

On the Need for Homeless Encampments

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

On the Use of Public or Private Lands for Encampments

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

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

On the Value of Homeless Encampments

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

On the Negative Impact of Homeless Encampments

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

On Alternatives to Homeless Encampments

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

Other Input: What CACHE Learned from Written Submissions

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

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

> *"I disagree totally with the idea that we need Tent Cities and further, they do not provide a valid progressive and positive useful service. In conjunction with this I see no need or requirement for Tent Cities or the like to be located on public property....As for the use of private or church property this is up to those others who would offer their land for such use. However, they must follow "Due Process" which involves obeying existing and future ordinances, statues and other public reviews that cover this type of land use. They must also be responsible for expenses that require public support including public health and safety..."*
>
> -- A resident of Bothell WA, July 19, 2004

> *"In May of this year, T[ent] C[ity] 3 was located 50 steps from my front door. At first I was reticent, but after the first 24 hours I was convinced that it was the BEST thing that had happened to my neighborhood in a decade! I wish the tent city could have stayed longer! I own a half-million dollar home, and I was fearful that this encampment would devalue my home...it did not. The people living in TC3 were courteous, thoughtful, security minded, and even picked up the trash within a two-block radius of the camp! The curfews they set, along with the security they self-provided were strictly enforced. It was NOT a steady flow of people coming and going. The security gate and check point were maintained 24/7."*
>
> -- A resident of Seattle WA, July 10, 2004

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

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

- According to a detailed report in the *Seattle Times* about Tent City 3 and its movement through a range of Seattle neighborhoods, *"...residents, police and crime statistics suggest that the homeless encampment has not created a crime wave anywhere it has gone."*[10]

- Forrest Conover, Chief of Police for the City of Bothell, provided a detailed memorandum related to police activities related to the homeless encampment within his jurisdiction. Detailing on results of the 24-hour police presence at the encampment between May 17 and July 6, 2004, he wrote that a total of 83 police contacts were reported. This included 18 criminal investigations and 65 non-criminal investigations. Chief Conover went on to note: *"...the amount of police activity has been fairly significant for the first fifty-one days of the encampment. However, we must also say that many of these reports have been documented 'contacts' by officers working security at Tent City, not criminal activity. In addition, many of these reports have been generated by Tent City 'security' after calling the police department to advise that someone had been 'ejected' or 'rejected'."* He went on to state that *"I believe the reason most other jurisdictions which have hosted a tent city did not have a similar number of police incidents is largely due to the fact that they did not have a police officer stationed at the encampment, and/or police were not notified often when tent city residents were required to leave the encampment."* Bothell Police identified 11 individuals at the tent city with outstanding arrest warrants, two individuals with records as violent offenders and one known level-two sex offender. Overall, Chief Conover noted that *"Most of the individuals at tent city are law-abiding, and we have not seen an increase in crime in the Mayville neighborhood."*[11]

- Chief Keith Haines of the City of Tukwila Police Department provided the following information to CACHE: *"We did not have significant police costs that we incurred the several times that Tent City was here in Tukwila. We had a few minor police calls, but nothing out of the ordinary. We did not post a guard there 24 hours a day because it was not necessary here."*[12]

- Chris Flores, Operations Chief for the Tukwila Fire Department, provided the following additional information from Tukwila: *"Tent City [in Tukwila] did not generate inordinate expenses nor did it significantly impact our call volume."*[13]

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

[11] City of Bothell Interoffice Memorandum from Forrest Conover, Chief of Police, to Manny Ocampo, Interim City Manager, dated July 8, 2004

[12] Email from Keith Haines to Sherry Hamilton, King County DCHS, July 23, 2004

[13] Email from Chris Flores to Sherry Hamilton, King County DCHS, July 22, 2004

IV. CACHE Core Principles: Areas of Consensus

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

- **The scope of homelessness and its causes are large and complex.** CACHE recognized that seven meetings and two months of activities would not create a solution to homelessness, and that numerous other local and regional initiatives are working to address this issue. Precisely because of the scale of the problem of homelessness currently confronting our communities, the Commission recognized that tackling the many core issues that cause homelessness will require active partnership among every concerned citizen and stakeholder in the county. The Commission strongly encourages King County communities, led by the King County Council and the County Executive, not to shy away from the tasks and collaborations that ending homelessness will require.

- **There is not enough affordable housing that is accessible to the homeless in King County.** There is not currently enough affordable housing in King County to end homelessness in our communities. This is particularly true of housing for those of our residents in the very lowest income categories. For a person receiving Supplemental Security Income (SSI) from the Social Security Administration, unless housing is significantly subsidized, it is remains virtually out of reach.[14] Even a working couple, each earning $7.50 per hour, cannot afford the average rent for one-bedroom apartment in King County.[15] Additionally, while the rental housing market in our region may have "softened" in recent years, persons with histories of homelessness often have trouble accessing affordable housing that may be available. The lack of affordable housing, along with unemployment, bad credit, histories of criminal justice system involvement, move-in costs (including first and last month rent, damage deposits), a broad range of physical and mental disabilities, etc., all make existing housing stock difficult to secure for many persons who are homeless, without even considering the increasing shortage of subsidized housing resources and the long waiting lists for such programs. Waiting lists for Section 8 housing vouchers run many months to several years, and these already unreasonable waiting lists will be

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

[15] United Way of King County, Out of the Rain Initiative

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

- **Shelter without needed treatment is an insufficient response to homelessness.** For many persons who are struggling with both homelessness and mental illness, substance use disorders and other disabling conditions, housing in and of itself is not a viable answer to homelessness. For these individuals, without the needed array of essential treatment and supportive services, housing tenure will be short-lived and the risk increases of returning to homelessness. Treatment services must be linked to housing in a fashion that supports individuals in obtaining and maintaining housing.

- **Shelter should be a short-term stepping point to permanent housing.** Emergency housing solutions, such as shelters, should never be considered an adequate response to homelessness. Emergency housing should always be conceptualized as the entry point to a continuum of housing alternatives linked to any needed treatment and supportive services. Providing shelter alone is insufficient, if our goal is truly ending homelessness.

- **Tent cities will not solve or end homelessness.** Encampments should be considered one of the least desirable emergency housing alternatives. Although some individuals find safety, stability and community in the tent city environment, our society should be able to do better than parking people in encampments. The solution to homelessness is housing and supportive services, not more tent cities.

V. CACHE Decisions & Recommendations

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

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

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

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

Pivotal issues considered by the Commission included:

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

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

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

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

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

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

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

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

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

Decision Area 2: Should Encampments Be Permitted on Public or Private Lands?

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

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

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

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

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

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

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

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

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

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

Decision Area 3: What should be the policy and procedural guidelines for determining the location of future homeless encampments?

In order to frame discussion and decision-making on this topic area, the CACHE began its deliberations with the 2002 Consent Decree related to homeless encampments developed among the City of Seattle, SHARE/WHEEL and El Centro de la Raza. It is important to note that in order to remain in alignment with the mandate assigned to it by the Council, the Commission addressed *only* those guidelines it deemed relevant to making decisions about the *location* of future homeless encampments. The Commission did not consider policy and procedural guidelines related to the operations and management of homeless encampments. Although many questions related to this issue were raised during the course of the public testimony received and the CACHE deliberations, further discussion and decision making in these areas has been deferred by CACHE to those entities with designated responsibility for these issues.

Policy and Procedural Guidelines Approved by the Commission

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

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

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

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

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

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

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

Any organization sponsoring a homeless encampment must notify the local community about the following specifics:

- ***The date encampment will begin***
- ***The length of encampment***
- ***The maximum number of residents allowed***
- ***The host location (planned site of the encampment)***
- ***The date(s), time(s), and location(s) of community meeting(s) about the encampment***

VOTE: 17 yes/0 no

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

Any organization sponsoring a homeless encampment must provide notification to the local community within a specified number of days prior to the start of the encampment:

Require between 5-14 days advance notice:	***4 votes***
Require between 14-30 days advance notice:	***10 votes***
Require at least 30 days advance notice:	***3 votes***

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

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

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

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

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

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

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

Any organization sponsoring a homeless encampment must comply with limiting the maximum number of residents in any one encampment.

Allow a maximum of 100 persons per encampment: **9 votes**
Allow a maximum of 75 persons per encampment: **8 votes**

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

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

Tent encampments shall maintain the following buffers from surrounding lots:

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

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

On-Street Parking: The availability of on-street parking will be considered in selecting encampment sites if the encampment would displace on-site parking normally utilized by the host. The sponsoring organization shall endeavor not to displace established parking. Host sites shall be selected where no displacement or minimal displacement of parking will occur, when possible.
On-Site Parking: The sponsoring organization shall select potential host sites with available on-site parking for vehicles associated with the encampment, including delivery trucks, whenever possible.

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

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

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

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

The duration of an encampment at any specific location should not exceed three consecutive months at any one time, and not exceed six months in any two-year period. VOTE: 14 yes/3 no

There was some disagreement voiced about this issue, as reflected in the vote tally recorded above. All the Commissioners agreed that an exception to this provision could be made if the site is suitable, the impact of the encampment on the surrounding community is negligible, and/or the community is supportive of continuing the encampment.

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

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

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

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

Policy and Procedural Guidelines Not Approved by the Commission

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

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

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

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

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

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

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

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

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

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

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

Attachment 1: King County Ordinance 14922

King County

Signature Report

June 17, 2004

Ordinance 14922

Proposed No. 2004-0248.2

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

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

SECTION 2. Purpose. The commission shall study, identify options and make recommendations to the executive and council on the following issues:
A. A needs assessment for homeless encampments, including an analysis of homeless shelters in King County and the date and time when demand for shelters have exceeded available space;
B. Policy and procedural guidelines for determining the location of future homeless encampments;
C. Options, including an analysis of the potential advantages and disadvantages, for locating homeless encampments on public land in King County; and
D. Options, including an analysis of the potential advantages and disadvantages, for locating homeless encampments on private land in King County.

SECTION 3. Membership - appointment process, requirements.
A. The commission shall consist of twenty-two members, including eighteen voting members and four advisory members. In accordance with K.C.C. 2.28.002, the members shall be appointed by the executive and confirmed by the council by motion.
B. The eighteen members shall consist of the following:
1. Thirteen members who are citizens, each representing one of the thirteen council districts. Of the thirteen citizen members, the executive shall select the appointee representing a council district from a list of names forwarded by the councilmember representing that district to the executive;

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

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

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

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

SECTION 7. Staffing and operations.
A. The commission shall appoint two members to serve as co-chairs of the body.
B. The executive shall provide professional staff support to the commission. The executive shall designate staff persons with the appropriate level of expertise and experience necessary to support the commission.
C. County staff persons in all departments and all branches of government shall be available to answer questions and provide information to the commission.

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

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

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

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

JUDY SCHNEBELE - Council District 1
Judy Schnebele has an active interest in the issues of homelessness and affordable housing. She is past-president of the board of LATCH, the Lutheran Alliance to Create Housing, and has remained active in fund raising and committees for LATCH. She has participated as a community representative on the board for the Easternwood Cooperative, which is affordable cooperative housing. Judy has been a business owner and is currently an independent contractor. She has lived in the Bothell/Woodinville area for 31 years.

SANDRA KORTUM – Council District 2
Sandra Kortum is an Elder at Lake City Christian Church, which has hosted Tent City three times. She believes strongly in the need to provide safe housing for those who are homeless and trying to work and get back on their feet. She has been a resident of the Lake City/Shoreline area since 1990. She has been employed with the Washington State Department of Transportation (WSDOT) for 11 years, and has worked for the past four years with developers, citizens and local agencies (cities) in facilitating solutions to issues where there is no clear answer. She has learned to listen and to utilize the expertise of all the parties involved, in order to find solutions that meet the local agencies' needs, the developer or citizen's finances, and the laws that govern WSDOT.

HOLLY PLACKETT – Council District 3 (CACHE Co-Chair)
Holly Plackett is a former Redmond City Council member where she served as chair of the Parks and Human Services Committee and as a member of the Public Administration and Finance Committee. In 2002 she was elected vice-president of the Council. Previously, she served five years on the Redmond Planning Commission, including one year as chair. She is currently a credit analyst with US Bank.

BOB SANTOS – Council District 4
Bob Santos is a longtime citizen activist who has devoted much of his personal and professional life to advocating for affordable housing for low-income individuals and families. He is the former Northwest Representative for the Secretary of the US Department of Housing and Urban Development (HUD), where he worked to create partnerships across public and private sectors to create affordable and special needs housing projects. He was also responsible for establishing a homeless shelter in the Federal Building in downtown Seattle, creating a precedent for other federal office buildings to open their doors to help the homeless. Santos is currently executive director of Inter*Im Community Development Association, dedicated to promoting and revitalizing the Asian Pacific communities in the Puget Sound area for the benefit of low-moderate income residents and business owners.

AL PATTERSON - Council District 5
Al Patterson is Chaplain for the Tukwila Police and Fire Departments. Prior to becoming a chaplain, he was the Executive Director of Love in the Name of Christ, a non-profit agency that assists the needy in Southwest King County. He also worked 25 years in the aerospace industry as a graphic artist. He has been a Police Department volunteer since 2001 at the Neighborhood Resource Center (NRC). He is a resident of Tukwila and is an ordained minister.

SUSAN G. RYNAS – Council District 6
Susan G. Rynas is a Licensed Mental Health Counselor as well as a passionate advocate for the mentally ill. She and her husband have resided on the Eastside for the past four years and are the parents of two adult daughters. Her interest in homeless issues is subjective and personal, stemming from her life experiences as a family member. She is interested in the varied root causes of homelessness and favors long-term solutions. Susan holds a firm belief that no one should be homeless.

DINI DUCLOS – Council District 7
Dini Duclos is chief executive officer of the Multi-Service Center, a private not for profit community action agency serving low-income individuals and families living in South King County. Dini came to the agency in 1995 and has led the agency to expand its mission to include emergency shelter for homeless families, transitional housing for homeless families and individuals in recovery, and affordable housing for individuals, families and seniors. Today the agency has 180 units of housing and an additional 271 in development stages. Ms. Duclos has served on the Committee to End Homelessness, is board chair for the Federal Way Chamber of Commerce, president-elect of the Statewide Community Action Partnership and a board member of the Housing Development Consortium of Seattle/King County.

PAUL FISCHBURG – Council District 8
Paul Fischburg has been engaged in creating community for over 20 years. He was a founding member and development manager for Puget Ridge Cohousing where he has lived with his family since the project was completed in 1994. Paul was a founder of the Delridge Neighborhoods Development Association (DNDA) and has been the Executive Director since its inception. Since breaking ground on its first project in 1999, DNDA has completed over $12 million in community development projects in the Delridge community, with over $27 million in projects under development. In the summer of 2003, Paul returned from a year-long sabbatical during which he, his wife and daughter experienced community life around the world.

RON SWICORD – Council District 9
Ron Swicord has worked in the high tech industry for over 30 years, serving as general manager, vice president of sales, and operations manager. Currently he is program manager for a Fortune 100 company supporting a field sales organization of over 1,200 people throughout the U.S. Mr. Swicord and his wife have lived in the Puget Sound area for 25 years and have three children. He has been involved as fundraising chairman for local non-profit organizations and has raised over $1

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

HARRIETT WALDEN – Council District 10
Rev. Harriet Walden is an associate pastor with the Joy Cathedral in Seattle, where she is actively involved in leading a social justice ministry that includes advocating for the homeless. She is a founding member of Mothers for Police Accountability and worked with the Seattle Police Department to develop Crisis Intervention Training for police officers. Rev. Walden has lived in Seattle for thirty years and is both a mother and grandmother. She is active with the Church Council of Greater Seattle.

STEVEN PYEATT – Council District 11
Steven Pyeatt has been involved in the computer, networking, and Internet industry for over 25 years, and is currently involved in Web hosting and site development. He is a lifetime area resident, born in Shoreline and currently living in Kirkland. Pyeatt is active in community and charitable causes, including chairing fund raising events for the American Cancer Society. He promotes individuals becoming involved in their communities. He is one of the founders of the Communities for Fair Process and played an active role in advocating for due process with regard to homeless encampments. He advocates a comprehensive system that taps the intelligence and education of the smartest region of the country to develop an innovative model for real solutions to end homelessness.

SHANE DAVIES – Council District 12
Shane Davies is a lifelong resident of King County, living just outside Maple Valley. He is a realtor for Windermere Real Estate and currently manages the Maple Valley office, which he opened in 2000. He also spent six years in the US Naval Reserves. Davies has worked with the Windermere Foundation, which uses its funds to help homeless and low-income families. He also volunteers with a local housing charity, Vine Maple Place. He is a member of the Maple Valley/Black Diamond Chamber of Commerce and Rotary.

ROBERT THOMPSON, MD – Council District 13
Dr. Robert Thompson is a physician whose primary area of practice is family medicine, with a secondary practice in obstetrics/gynecology. He is affiliated with Valley Medical Center in Renton.

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

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

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

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

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

Advisory Members:

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

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

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

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

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

Attachment 3: King County Staff Who Provided Assistance to CACHE

King County Department of Community and Human Services (DCHS)

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

King County Prosecuting Attorney

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

King County Department of Natural Resources and Parks

- Bob Burns, Deputy Director

Attachment 4 -- CACHE Votes by Commissioner

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

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

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

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

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

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

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

Vote number 5: **Any organization sponsoring a homeless encampment must promptly notify the appropriate local government department(s) responsible for land use of the agreement, including cities containing or contiguous to an encampment site.**

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

- **Date encampment will begin**
- **Length of encampment**
- **Maximum number of residents allowed**
- **The host location (planned site of the encampment)**
- **The date(s), time(s), and location(s) of community meeting(s) about the encampment.**

Vote number 7: **Any organization sponsoring a homeless encampment must provide notification to the community within a specified number of days prior to the start of the encampment:**

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

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

2 blocks
1.320 feet (1/4 mile)

Vote number 9: **Any organization sponsoring a homeless encampment must conduct one to two informational meetings for the neighboring community to explain the proposal and respond to questions from local residents about the encampment.**

Vote number 10: **Any organization sponsoring a homeless encampment must comply with limiting the maximum number of residents in any one encampment.**

Maximum of 100 persons
Maximum of 75 persons

Vote number 11: **Any encampment must provide suitable buffers from surrounding properties.**

Vote number 12: **Any encampment must consider impacts to on and off-site parking.**

Vote number 13: **Any encampment must consider impacts to personal and environmental health, and access to human services. Locations must be adequate for carrying out the directives and expectations of Public Health – Seattle and King County.**

Vote number 14: **The duration for each encampment must be compatible with climate-related local limitations.**

Vote number 15: **The duration of an encampment should not exceed three consecutive months, and not exceed six months in any two year period.**

(Note: All the Commissioners agreed that an exception could be made if the site is suitable, the impact of the encampment on the surrounding community is negligible, and/or the community is supportive of continuing the encampment.)

Vote number 16: **King County should identify and specify King County parcels that could potentially be used for homeless encampments. Vote recorded as 11-3 – Roll-call vote not available.**

Vote number 17: **Multiple encampments in unincorporated King County should be spaced no less than 25 miles apart from each other. Vote recorded as 9 yes/6 no/2 abstaining – Role-call vote not available.**

Exhibit 7

King County
Department of Development
and Environmental Services

900 Oakesdale Avenue Southwest
Renton, WA 98055-1219

Temporary Use Permit
Report and Decision

GENERAL INFORMATION:

File: B04M2437

Applicant: Share/Wheel
P.O. Box 2548
Seattle WA 98111
Scott Morrow (206) 448-7889 & (206) 517-9011

Sponsor: St. John Vianney Catholic Church
12600 84th Avenue NE
Kirkland WA 98034
Fr. Kevin Duggan (425) 823-0787

Location: 12600 84th Avenue NE
STR: 30-26-05
Parcel: 302605-9255

Zoning: R-4-SO, R-6-SO & R-8-SO

Activity: A temporary tent shelter encampment of homeless people, commonly known as Tent City 4 or TC4, began occupying land at St. John Vianney Church on Finn Hill November 20, 2004. TC4 is accommodating approximately 60 homeless people currently (a maximum accommodation for 100 homeless people is the subject of this request). TC4 is planning a continuous stay at this location for 93 days. Site improvements include small individual tents for personal shelter plus several larger tents used for material supplies and food storage. Portable restroom and shower facilities have been moved to the

site also. TC4 and sponsor SHARE/WHEEL pledge to abide by a written code of conduct and rules of operation.

Community pledges of support in many forms are part of this request. Linn Mathews is General Coordinator of the Human Services Committee overseeing all committee activities in support of TC4. There are eight committees staffed with volunteers working around the clock every day to make this enterprise work smoothly.

The Security Committee Chaired by Dave Thompson and thirty volunteers provide neighborhood watch support along with TC4 members. The job of this committee is to patrol public streets in an approximate two-block area around SJV & TC4 on a half hourly basis continuously. A subcommittee of seven is on call to assist with transporting unqualified persons from the campsite to connecting Metro Bus stations in the area. To date, one undesirable individual was transported away from the site by a hired security firm. That firm, retained by SJV, is present at the site or in the area seven days a week in two shifts. Shift hours are in the afternoon and evening, 3 or 4 PM to 7 PM and 9 PM to midnight.

Margie Berard supervises Communications. All parties are informed through newsletters and press contacts.

The Meals Committee, staffed with sixty site helpers and thirty area churches, provide a warm evening meal to camp residents. In addition, lunch materials are prepared and provided for those leaving the site each day.

The Transportation Committee of fourteen people give rides for odd hour appointments and weekends when Metro bus service is low. There are regular van schedules between the Kenmore Metro Park & Ride and SJV during evening hours and week ends. Others are on-call for special events and emergencies.

The Supplies Committee help determine camp needs and match needs with available supplies and donations from area churches and supporting organizations. Kathi Rowley and Linda Thompson head this group.

The Laundry Services Committee supervised by Dave Mathews is coordinating with The Overall Laundry Company of Everett to manage the weekly needs of TC4. Mostly this committee transports laundry on Monday to Overall and retrieves clean supplies the same day.

The Shower Committee with Ken Goodwin and eight volunteers moved the portable shower to SJV from Woodinville. This committee made the physical connections to potable water supplies and proper disposal of grey-water.

The Health Committee under Susan Dailey and two volunteers coordinate with other providers in the area of health educational seminars and literature to TC4 residents. They help coordinate a Saturday doctors' medical information service and work with Lake Washington Vo-tech dental services. In addition, men's haircuts and woman's hair treatments are available regularly. Qualified professionals provided flu vaccine, (shots and nasal spray) to those campers who are at greatest risk.

CONCLUSIONS:

1. Arguments in opposition and in favor of this Temporary Use permit are compelling. The problem with those opposing this request is that foundational evidence supporting these arguments is either missing or unsubstantiated.

2. Concerning children safety and the potential threat posed by Tent City 4, as expressed in several letters, no evidence exists in the record suggesting area children or others are facing safety risk from this temporary use. This is true especially with security measures in place designed to protect public safety on adjacent local streets and at nearby schools.

3. The implication of denying Tent City 4 as a method to find answers to homeless problems is unfounded. Evicting Tent City 4's from SJV Church will not help or further the discussion for resolving a large homeless problem in King County. It will cause in this case at least 47 people to be without community support they need to scrape by with the bare essentials of living while attempting to get beyond homelessness. Recommendations of the CACHE Committee, if advanced, will begin to address the plight of the homeless and underprivileged population. That is a longer-term process and does not involve the daily routine of SHARE/WHEEL and Eastside Tent City activities.

4. SHARE/WHEEL and SJV Church created a homeless encampment on church property November 20, 2004 without proper permits. However, assertions that King County has not acted to stop this "illegal act" or that it somehow is a "politically motivated attack" on civil liberties, is simply not true. In fact, a valid Temporary Use Permit application by SHARE/WHEEL and SJV Church to be processed administratively was received by DDES on October 28, 2004. This Temporary Use Permit Report and Decision is the end of that civil administrative decision process. Public notice and community forums provided fair and equal opportunity to the public for expressing comment opinions. When Tent City 4 moved to the property ahead of this decision an immediate complaint was received that day, November 20, 2004. The Department took swift action through its code enforcement authority to notify the applicant of its action. The applicant must be granted an opportunity under the formal Notice and Order process to appeal that ruling and comply with the Temporary Use Permit. That opportunity is no more or less than would be extended to any party found in violation of zoning laws. The Department is using proper administrative processes for resolving these matters.

5. General allegations that homeless people are mentally ill, use drugs and alcohol and would rather choose to live a nomadic life style than work are unsupported with specific studies or facts pertaining to the existing population at Tent City 4. The

code of conduct required for all Tent City 4 residents is designed specifically to avoid the potential problems noted above. An undesirable person was escorted from Tent City 4 or was prevented from entering during the last few days. The hired security force took the person to a nearby public transportation stop and put on a bus bound for Seattle. He was informed he would not be welcome back to Tent City 4. This single incident is an example of a process working properly. There is no reason to fear people living at Tent City 4.

6. Public transportation is not available on Finn Hill after 7:30 PM or on weekends. Eastside Cares, a coalition of many Eastside support service providers has formed eight committees to handle the full range of potential problems associated with living in tents on Finn Hill. This includes providing transportation during hours when public transit is unavailable. This organization, slowly building from community to community, anticipates residents' needs and issues before they become a problem. When a person is identified as undesirable or just needs a ride during the time public transportation is not available, the committee (Transportation) steps up and delivers the necessary ride. If a security issue is involved, the on-site security force takes charge. If local police are the most appropriate solution, Tent City 4 personnel call 911. Rules and procedures are already in place for handling these situations.

7. It is incorrect to assume that Tent City 4 is a homeless population on Finn Hill without resources. As has been note several times above, there are resources on site and within the community specifically designed to work issues and problems.

8. Existing Tent City 4, as first proposed on October 28, 2004, is not materially detrimental or injurious to the public welfare or property owners and people living on Finn Hill. Arguments made opposing this request lack support or substance in part because they fail to consider Judge Scott's November 22, 2004 Temporary Restraining Order including conditions levied on the applicant and TC4. Therefore, they fail to rise to the level of credibility. For these reasons, the subject request seeking a Temporary Use Permit at SJV Church on Fill Hill should be granted for a period of 60 days ending January 19, 2005, unless extended by a new 2005 request or other legislative action.

9. Having met the necessary qualifying requirements of Chapter 21A.44 for issuance of a Temporary Use Permit, as properly conditioned below, including the continuation of the Eastside Care support services, the existing Tent City 4 temporary use can be made legal by this permit.

DECISION:

APPROVE the proposed TUP for up to 60 event days at the SJV Church site from November 20, 2004 to January 19, 2005. The following conditions shall apply:

1. The applicant shall continue providing all of the Eastside Cares services to Tent City 4 residents through the system of committees as described by their General Coordinator.

2. If the applicant intends to continue Tent City 4 beyond January 19, 2005, a new Temporary Use Permit application shall be prepared and submitted immediately.

3. The maximum number of residents shall be determined taking into consideration site conditions, but in no case shall be greater than 100 at any one time.

4. The space must be sufficient to accommodate tents and necessary on-site facilities, sanitary portable toilets in the number required to meet capacity guidelines, hand washing stations by the toilets and by the food area, refuse receptacles, food tent and security tent.

5. The encampment must be within a quarter mile of a bus stop with seven day per week bus service available, or the sponsor must demonstrate ability for residents to obtain access to the nearest public transportation stop. The applicant can meet this burden through a combination of public and private alternatives.

6. The encampment site must provide suitable buffers from surrounding properties:

    A. A minimum 20 foot setback in each direction from the boundary of the lot on which the encampment is located, excluding access, and either:
    B. Established vegetation sufficiently dense to obscure view; or
    C. A six foot high, view-obscuring fabric fence.

7. Children under the age of 18 shall not be permitted to stay overnight in the temporary emergency homeless encampment except under exigent circumstances. If a child under the age of 18, either alone or accompanied by a parent or guardian attempts to stay overnight, SHARE/WHEEL will immediately contact Child Protective Services and endeavor to find alternative shelter for the child and any accompanying parent(s) or guardian(s).

8. SHARE/WHEEL shall keep a log of all people who stay overnight in the encampment, including names and dates. Logs shall be kept for a minimum of six months.

9. SHARE/WHEEL shall take all reasonable and legal steps to obtain verifiable identification, such as a driver's license, government-issued identification card, military identification or passport from prospective and existing temporary emergency homeless encampment residents.

10. SHARE/WHEEL shall use identification to obtain sex offender and warrant checks from the King County Sheriff's Office or relevant local police department. If said warrant and sex offender checks reveal either (a) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (b) the subject of the check is a sex offender, required to register with the County Sheriff of their county of residence pursuant to RCW 9A.44.130, then SHARE/WHEEL will reject the subject of the check for residency to Tent City 4 or eject the subject of the check if that person is already a Tent City 4 resident.

11. SHARE/WHEEL shall immediately contact the King County Sheriff's Office or relevant local city police if the reason for rejection or ejection of an individual from Tent City 4 is an active warrant or a match on the sex offender check, or if, in the opinion of the on-duty Executive Committee member or the on-duty security staff the rejected/ejected person is a potential threat to the community.

12 SHARE/WHEEL shall permit access to the site at all times for the King County Sheriff's Office or relevant city police department. Camp leadership and security shall become familiar with duty officers and shall be free to discuss security issues and concerns with them.

13. SHARE/WHEEL shall maintain and enforce a strict code of conduct, and shall have a system for ensuring that all prospective residents know and have signed this code prior to establishing residency in the encampment:

    A. No alcohol.
    B. No illegal drugs.
    C. No weapons.
    D. Knives over 3 ½ inches shall be turned into SHARE/WHEEL for safekeeping.
    E. No open flames.
    F. No trespassing onto private property.
    G. No loitering in the host neighborhood.
    H. No disturbing neighbors.
    I. No verbal abuse, intimidating remarks, yelling or degrading remarks against members of the sponsoring agency, or neighborhood.
    J. No littering in the encampment or in the host neighborhood.

14. Health, safety, zoning, land use and environmental laws and regulations shall be adhered to.

15. No permanent structures shall be erected on the site of the temporary emergency homeless encampment.

16. The site shall be left in good condition upon completion of stay.

17. Permit inspections of the encampment may be conducted by the Fire District without prior notice. SHARE/WHEEL shall implement all directives of the Fire District within 48 hours.

18. SHARE/WHEEL will permit inspections of its encampments by Public Health-Seattle and King County without prior notice. SHARE/WHEEL will implement all directives of Seattle-King County Department of Public Health (Public Health) within the time specified by Public Health. SHARE/WHEEL will pay particular attention to assuring that Public Health guidelines on food donations, handling, and storage (including proper temperature control) are followed, and have a system for ensuring that encampment residents involved in food donations and storage are made aware of these guidelines. When Public Health asks to address encampment residents and leadership to communicate directives and recommendations, SHARE/WHEEL will organize such an opportunity in the time period specified by Public Health.

19. Permit inspections of the encampment by county staff may be made at reasonable times without prior notice for assessing compliance with the terms of the permit.

20. A regular trash patrol in the immediate vicinity of the permit area shall be provided.

21. King County is not responsible for the actions, inactions or omissions of SHARE/WHEEL, the sponsoring agency or of any resident of the emergency homeless encampment. All residents shall sign a statement at registration acknowledging the residents' willingness to comply with the Code of Conduct, and agreeing not to bring a claim or action against the county for injuries or occurrences happening within or around the emergency encampment, irrespective of fault or negligence.

22. If SHARE/WHEEL and its Executive Committee fail to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of use. If King County learns of uncontrolled violence or acts of undisciplined violence by residents of the encampment and SHARE/WHEEL has not adequately addressed the situation, the permit may be immediately terminated.

23. King County will enforce applicable conditions imposed by Judge Scott's November 23, 2004 Temporary Restraining Order and/or subsequent conditions imposed by the legal system.

Ordered this Day of December, 2004

Stephanie Warden
Director, Department of Development and Environmental Services

TRANSMITTED by US Mail or E-Mail to Parties and Persons of Interest listed in Attachment A.
Note: Signed copies will be sent by US Mail only.

Attachments:

Attachment A - Persons of Interest/Parties
Attachment B - Right to Appeal

Exhibit 8

From: <JLewine@ci.bellevue.wa.us>
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Date: Wed, Feb 9, 2005 5:16 PM
Subject: Homeless Encampment Framework draft

<<Framework Encampment Process & Conditions.doc>>

> Hello King County Planning Directors (& others who've requested
> information on this project):
>
> A Regional Coalition for Housing (ARCH) has prepared the attached
> draft "Framework Encampment Process & Conditions" to help local
> jurisdictions review their permitting process for temporary homeless
> encampments.
>
The first part of this document (A. Permit Process) reviews three processes for permitting encampments: City of Woodinville (TUP with Public Hearing); the proposal that went to King County Council at the end of 2004 (Administrative TUP); and Tukwila (no permit issued). The second part (B. Permit Criteria and Conditions) includes a list of potential review criteria and corresponding conditions, based on the experience and procedures of King County and the cities of Woodinville, Bothell, Shoreline, Burien, and Seattle. The report also includes input received at several meetings of King County Planning Directors held in late 2004 and early 2005.

This King County link http://www.metrokc.gov/mkcc/ has an updated proposal (Updated KC Policies and Procedures for Siting Homeless Encampments dated 2/3/05) and 2 striking amendments from Council members Edwards and Hague, and a staff report dated 2/7/05. Changes to the King County proposal that are being considered include:

* For one year after the adoption of the KC proposal, no county land may be used as a site for a temporary homeless encampment
* Requires a minimum of 30 days between the date of the notice for

the pre-application community meeting and approval of a permit.
* Does not allow location on same site within a 24 month period.
* Specifies that the approval period includes setup and dismantling time.
* Increases distance from public transportation from 1/4 mile to 1/2 mile
* For 2005 residents are limited to 90 and stays limited to 90 days, and starting in 2006 residents are limited to 75 and stays limited to 60 days
* Provides for a sunset of several sections of the ordinance that would prohibit homeless encampments in unincorporated KC after 1/1/2015

> Please feel free to contact Arthur Sullivan
> asullivan@ci.bellevue.wa.us or Janet Lewine jlewine@ci.bellevue.wa.us
> at ARCH with your questions or comments on this information.
>
> Janet Lewine
> ARCH Housing Planner
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> Information on ARCH's 2004 Innovations in American Government Award in
> Affordable Housing now on the ARCH website: www.archhousing.org
>

CC: <ASullivan@ci.bellevue.wa.us>

ARCH Draft 01/25/05
Framework Homeless Encampment Process & Conditions

BACKGROUND: Homeless encampments or "tent cities" have been organized in the Seattle area by the organization SHARE/WHEEL since 1990. The encampments stay at a host site, usually church property, for about three months before moving to the next host site. Court appeals have upheld a 9/27/01 finding by Judge Thomas J. Majhan that tent cities are not necessarily detrimental to the public welfare or injurious to property in the vicinity. Until our region has enough indoor shelter for everyone, judges appear reluctant to convict a homeless person for sleeping outside. Camp supporters contend that encampments are protected by the "Religious Land Use and Institutionalized Persons Act of 2000" (RLUIPA) that protects activity on a church site. Under RLUIPA, SHARE/WHEEL could move a homeless encampment to church property prior to receiving a temporary land use permit. However, Cities are allowed to require a permit for the encampments (2004 Judge Scott for City of Bothell) and are allowed to condition the encampments. In permitting and conditioning encampments, some cities have used existing temporary use permit procedures and used variations of the conditions of the 2002 Seattle Consent Decree between City of Seattle, La Casa de la Raza and SHARE/WHEEL. That consent decree established some of the current characteristics of the camp—90-day stay and 100 person limit chief among them. Jurisdictions have often had to address encampment proposals with very short notice, taking action through an emergency ordinance. This has led to criticism and challenges from encampment opponents who then argue that the camp was sited without a land use permit and sufficient public process. Jurisdictions that have hosted encampments have strongly suggested that other jurisdictions review their existing permitting procedures and put in place a land use process for permitting and conditioning homeless encampments before the need arises.

To that end, this report attempts to present a range of background information for communities looking into what type of process, if any, should be used for reviewing and potentially permitting a homeless encampment.

This Paper is organized in the following sections:

A. PERMIT PROCESS	B. PERMIT CRITERIA AND CONDITIONS
1. Administrative TUP (e.g. KC)	1. General Site Issues
2. TUP with Public Hearing (e.g. Woodinville)	2. Conditions-Limits to Encampment
3. No permit issued (e.g. Tukwila)	3. Conditions- Health & Safety
4. Considerations for encampments on public land	4. Conditions- Conduct & Security
	5. Conditions of Contract

The first part of this document (A. Permit Process) reviews three processes for permitting encampments. The second part (B. Permit Criteria and Conditions) includes a comprehensive list of potential review criteria and corresponding conditions, based on the experience and procedures of King County and the cities of Woodinville, Bothell, Shoreline, Burien, and Seattle. Information on process and conditions in this report references encampment drafts or ordinances from those cities, as listed on the last page of this report. Information in this report was also based on input received at several meetings of King County Planning Directors held in late 2004 and early 2005. In addition to this report, ARCH has prepared several other background reports on homeless encampments that address the following topics:

Chronology of key events for encampments in King County;
Comprehensive summary of conditions adopted by jurisdictions for encampments; and
Summary of key lessons learned by those jurisdictions that have hosted an encampment.

ARCH also has a files with copies of permits, court rulings and ordinances from jurisdictions that have hosted encampments, and 2004-2005 articles written about encampments.

A. PERMIT PROCESS COMMENTS:

> *'Homeless encampments represent a regional social problem that is played out as a local land use problem. Jurisdictions control local land use and processes to allow qualifying uses temporarily that would not qualify on a permanent basis. Land use opposition primarily comes over adjacent uses and environmental impacts, which are measured against the law (local, state and federal). If the law says it is allowable, adjacent uses and environmental factors tend to become considerations by which the use is conditioned. All of this is played out as a prescribed process—due process—a land use precept that has been tested and affirmed by courts over time." (Woodinville Tent City 4 End of Term Report).*

The King County Planning Director's review of homeless encampments began with a review of King County and several cities' process and conditioning of homeless encampments. In general this report provides a broad range of options, recognizing that there is no one right way for process. An initial question is if any permit process is even required. Tukwila in the past has not required any formal permit (see third example) under the interpretation that an encampment is allowed on church property under RLUIPA. On the other hand, as mentioned in the introduction, courts have ruled the cities can require a permit.

Ultimately each community needs to decide on a process that best fits their circumstances. Therefore, this report describes several different processes, and does not recommend a single approach. The King County Planning Director's discussion and review seems to suggest that, assuming a formal process is adopted, the best process combines planning and public meetings prior to a formal application being submitted and an administrative review of an application. A reason for trying to have a public meeting prior to making application is to increase the sense by residents that their input has a better chance of affecting the application and conditions of approval, rather than having a 'public meeting' after the application has been reviewed and conditions proposed. The process that most reflects this approach is described in the first example (1) Administrative TUP (e.g. KC).

The last example in Section A - Permit Process includes some considerations for communities that may find themselves exploring placing an encampment on public land, such as was done by Woodinville. In that circumstance, a community might consider preparing a separate approval process/contract agreement for the use of the property.

Prior to describing individual processes, following are some general observations based on comments from jurisdictions that have hosted a homeless encampment that would potentially apply to any process used by a jurisdiction.

General Considerations on Process:

Challenges. One challenge discussed was how to provide for public input and appeal of an encampment proposal, without having the process co-opted by the regional issue of homelessness.

Codifying. While cities may have interest to review their existing permitting procedures and put in place a land use process for permitting and conditioning homeless encampments before the need arises, there is some question on how to do this without establishing the encampments as an approved or legitimized land use. It is suggested that the Temporary Use Permit criteria should be developed that will fairly rate a homeless encampment.

Partnerships. For encampment permit applications on private land or on public land, a jurisdiction should require SHARE/WHEEL to include a co-applicant, usually a church sponsor and/or land owner. Additionally, the host jurisdiction should develop partnerships between and among government agencies, faith-based organizations and SHARE/WHEEL The Woodinville encampment was served by nearly 30 faith communities and churches. An informal organization EastsideCARES was formed and developed its own processes to identify and serve the daily needs of TC4. http://www.eastsidecares.org

Public Information Program. Woodinville's public information program is managed from the Executive Department, primarily through the Communications Coordinator. Pre-established media relations policies and procedures were enacted. Woodinville established two prime means of public information (1) a dedicated "TentCity4" webpage on the City's public website; and (2) a Citizen Information Line. Additionally, (3) the City's Communications Coordinator become the primary contact for citizen and media inquiries, and (4) the City instituted an e-mail distribution list following the initial Special Meeting, in order to best manage and meet the demand for public information.

In addition to the public hearing, Woodinville provided two opportunities for public comments at each of its regular meetings. Public comment was given at seven of the eleven City Council meetings. The City received over 300 citizen e-mails on the issue. The issuance of a SEPA determination of non-significance for the proposal and the 3 emergency ordinances also afforded a public comment period. Notification of the determination was published in the local newspaper.

For the Temporary Property Use Agreement, Woodinville (1) planned several outreach meetings with business which had become the immediate neighbors of TC4. There was no attendance at the 1st two meetings. (2) The City's Code Enforcement Officer conducted door-to-door outreach and received no complaints. (3) Businesses received a mailing encouraging them to contact the City should they find they have issues with TC4. No contact was made. (5) During the final week of TC4, these businesses received a letter of appreciation from the City Manager.

Fee Waivers King County waived the fees for the encampment's permit, which could have been a few thousand dollars. It was deemed to be for a use having mutual and offsetting benefit to King County and/or the low income. Woodinville did not waive fees or facility rental charges. The sponsoring church was charged a relatively nominal non-profit agency permit fee.

SEPA- If Tent City IV was permitted as a temporary use (allowed on a site for up to 90 consecutive days) {City of Bellevue} would consider temporary use permits exempt from SEPA, pursuant to WAC 197-11-800(6).

1. Administrative Temporary Use Permit (TUP)

This first process described is based on an approach currently under review by King County. It is basically an administrative Temporary Use Permit (TUP) that is processed using specially adopted criteria for homeless encampments. King County's administrative review of a temporary use permit (TUP) application for a homeless encampment does not include a public hearing, but does require a pre-application conference and community meeting prior to permit application. This approach is

modeled after an approach the County currently uses to permit wireless communication towers. This combination of early discussion between the encampment and jurisdiction, early notification of the community, and an administrative review and approval process, was considered a good model for an encampment framework procedure.

Procedure

King County temporary uses permit system: Temporary Use Permit - Refer to King County Code 21A.32

Additional procedure based on "King County Policies and Procedures for Siting Emergency Temporary Homeless Encampments" (Council Draft dated 10/27/04)

Definitions

SHARE/WHEEL (S/W): Seattle Housing and Resource Effort (SHARE) and Women's Housing Equality and Enhancement League (WHEEL), non-profit organizations together responsible for the ongoing operation of numerous emergency shelters including homeless encampments. At this time, SHARE/WHEEL is the only organization that has provided temporary emergency homeless encampments in Seattle and King County but other organizations may assume SHARE/WHEEL'S responsibilities or likewise provide alternative housing.

Sponsoring agency: Church or other organization that joins SHARE/WHEEL in an application for a city or county permit (or relevant process as per the individual jurisdiction) and assumes responsibility for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals, coordination of other needed donations and services, etc.

Host: Owner of site property. In some cases, this may be the same entity as the sponsoring agency.

Temporary Use Permit: Required for all Emergency Temporary Homeless Encampment applications. Conditions specific to the Emergency Temporary Homeless Encampment policies and procedures are in addition to other conditions identified in the normal course of the Temporary Use Permit issuance process.

Special Use Permit: Agreement allowing private use of public land. Required in addition to Policies and Procedures for Siting Emergency Temporary Homeless Encampment when sited on public property. Refer to KC Code 14.30

Procedure

A. Procedure

King County has proposed a new section that specifically addresses homeless encampments. A temporary use permit may be granted for the purpose of providing housing for homeless people if the standards of the section are met.

Pre-application community meeting must be convened by the applicant and any sponsoring agency before submitting an application for a temporary use permit for the purpose of providing housing for homeless people.

There shall be at least one community meeting. The community meeting shall be held on the site itself, or nearby. The purpose of the meeting(s) is to provide community members and immediate neighbors with information regarding the duration and operation of the encampment, to hear concerns that should be considered in the management of the camp or in the review or conditioning of the application, and to answer questions.

Meeting notice- At least 2 weeks before the pre-application community meeting the applicant must provide a meeting notice to the following:

- Mailed to DDES and the Unincorporated Area Council serving the area in which the site is located;
- Mailed or hand-delivered to all property owners within 500 feet of the site or to at least 20 of the nearest property owners, whichever is the greater number.

The community meeting notice must include:

- The date and location of the meeting;
- Name of the applicant, name of the property owner if different from the applicant, and name of the agency sponsoring the encampment, if any;
- Brief description of the proposed encampment including start and end dates, number of people and layout plans if known;
- Contact name and telephone number for additional information; and
- Any other information that DDES requires.

A representative of DDES must attend the meeting. When the applicant applies for the permit, they must include a record of the published meeting notice, a list of meeting attendees and those receiving notice. They are encouraged to note any changes to the conceptual information that was presented to the public at the community meeting.

If the encampment is proposed to be sited on public land, the community meeting shall be co-sponsored by the permitting jurisdiction and representatives of relevant city/county departments will be present to answer questions.

Pre-application notice to local government- S/W and the sponsoring agency shall promptly notify the appropriate local government department(s) responsible for review of the temporary use permit, including cities containing or contiguous to the encampment site. Public Health Seattle KC, Healthcare for the Homeless Program, shall also be promptly notified once a site is identified.

Notice of application- When the application for a temporary permit is filed, DDES must provide notice of the application to property owners within 500 feet of the proposed site and to the local Unincorporated Area Council. In rural or lightly inhabited areas the notice area will be expanded to include at least 20 property owners.

Criteria for Approval– Temporary Use Permit applications for Emergency Temporary Homeless Encampments are reviewed and granted by the Planning Director, when it is demonstrated that the proposal meets certain criteria. See Section B Permit Criteria and Conditions for a listing of criteria and conditions.

Application standards include:

- The application must identify the name of the applicant and any agency that is sponsoring the homeless encampment;
- A written agreement to use the site if the applicant is not the owner of the property;
- The encampment may be approved for up to 90 consecutive days;
- The total population of the homeless encampment is limited to 100 residents at any one time;
- The site for the homeless encampment must be located within one quarter mile of a public transportation stop with service available on weekdays and weekends or the applicant must demonstrate the ability to obtain access to public transportation; and
- The homeless encampment must be setback at least 20 feet from the street and interior lot lines, except for the access road; and
- There must be sufficient established vegetation to obscure the view of the homeless encampment from the lot line or a 6 foot high view-obscuring fence must be provided.

DDES has authority to impose additional conditions on the permit to assure compliance with county policies, ordinances and other applicable laws and regulations.

Department Review -- The TUP application for an Emergency Temporary Homeless Encampment will include an internal review by relevant city departments and the Fire District. This preliminary review provides for the identification of permit conditions to ensure the safe temporary use of the property.

Scope of Permit – The permit shall be issued jointly to S/W and the sponsoring agency.

Indemnification & Hold Harmless- City/ County is not responsible for the actions, inactions or omissions of S/W, the sponsoring agency or of any resident of the emergency homeless encampment. All residents shall sign a statement at registration acknowledging the residents' willingness to comply with the Code of Conduct, and agreeing not to bring a claim or action against the county for injuries or occurrences happening within or around the emergency encampment, irrespective of fault or negligence.

If not Share/Wheel- These polices and procedures shall apply to any organization in addition to S/W that chooses to provide homeless encampments in City/County.

Vacating Condition- The site shall be left in good condition upon completion of stay.

Cause for Termination of Agreement – If S/W and the Executive Committee fail to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of use. If City/County learns of uncontrolled violence or acts of undisciplined violence by residents of the encampment and the Committee has not adequately addressed the situation, this permit may be immediately terminated.

Appeal of Permit A Temporary Use Permit for a homeless encampment is proposed as a TYPE 1 Land Use Decision. Type 1 decisions are made by the director, or his or her designee, ("director") or the department of development and environmental services ("department"). There is no administrative appeal to the King County Hearing Examiner but the decision may be appealed to the court system.

2. Temporary Use Permit (TUP) with Public Hearing

Description (based on Woodinville experience)

Woodinville's review of a temporary use permit application for a homeless encampment allows the Planning Director to forward a TUP application to an independent Hearing Examiner **for a public hearing** if there is, among other potential issues, "significant public interest" regarding the proposal. Although Woodinville's Tent City was sited on public land, there are many lessons to be leaned from the Woodinville experience about process, conditions, and public information that are applicable to both public and private property encampments.

Policies and Procedures for Temporary Shelter / Temporary Emergency Homeless Encampments
Temporary Use Permit for Temporary Shelter and Providing a Public Hearing

City of Woodinville approval for encampment: Temporary Use Permit - Refer to Woodinville Code 21.44.030

Definitions

Temporary Use Permit: Required for all Temporary Shelter applications, whether on private or public land. Conditions specific to the Temporary Shelter policies and procedures are in addition to other conditions identified in the normal course of the Temporary Use Permit issuance process.

Special Use Agreement: Contractual Agreement allowing private use of public land. Special Use Agreement is required in addition to Temporary Use Permit because homeless encampment was located on public property.

A. Procedure

Pre-application notice to local government – Upon selection of proposed encampment site, S/W and the sponsoring agency shall promptly notify the appropriate local government department(s) responsible for review of the permit application, including cities containing or contiguous to the encampment site. Public Health Seattle KC, Healthcare for the Homeless Program, shall also be promptly notified once a site is identified.

Public Hearing for TUP for Temporary Shelter – Upon receiving a Temporary Use Permit (TUP) Application, the Planning Director may forward the TUP application to an independent Hearing Examiner **for a public hearing** if there is, among other potential issues, "significant public interest" regarding the proposal. All public comment and legal noticing required of a public hearing is provided. The public hearing for the Woodinville encampment TUP was held in conjunction to an appeal of the SEPA determination of non-significance. The public hearing was held following internal review of the application by city departments.

Notification of Public Hearing – SHARE/WHEEL in partnership with the sponsoring agency shall hand deliver or mail notification of the public hearing to all residences or businesses within two blocks or 300 feet from any property line of the proposed encampment site. The notification shall contain the following specific information:

- Name of sponsoring agency
- Name of owner of proposed site
- Date encampment will begin
- Length of encampment
- Maximum number of residents allowed
- Planned site of the encampment
- Date, time and location of public hearing about the encampment application
- Contact information including names and phone numbers for both SHARE/WHEEL and the sponsoring agency.
- Name of a contact person for the reviewing jurisdiction.

The purpose of the public hearing(s) is to provide community members with information regarding the encampment, to hear concerns that should be considered in the management of the camp or in the review or conditioning of the application.

Department Review -- The TUP application for a temporary shelter will include an internal review by relevant city departments and the Fire District. This preliminary review provides for the identification of permit conditions to ensure the safe temporary use of the property. The public hearing includes the conditions proposed by department review.

Criteria for Approval– Temporary Use Permit applications for Emergency Temporary Homeless Encampment are reviewed and granted by Hearing Examiner, when it is demonstrated that the proposal meets certain criteria. Woodinville used existing TUP criteria, (listed as 1 through 4 below) to measure the encampment proposal.

Woodinville is looking into establishing more specific criteria that would be used for future applications for a homeless encampment.

1. That the proposal must not be materially detrimental to the public welfare;
2. That the proposal will be compatible with existing land use in the immediate vicinity in terms of noise and hours of operation;
3. That the proposal will provide adequate parking;
4. That the proposal is not otherwise permitted in the zone in which it is proposed.

Agreement between S/W and site host and/or sponsor –

- If sponsoring agency is not the owner of the site property, it must secure an agreement in writing to sponsor the temporary emergency homeless encampment with the property owner who will be host.

Scope of Permit –

- The permit shall be issued jointly to S/W and the sponsoring agency.

If not Share/Wheel

- These policies and procedures shall apply to any organization in addition to S/W that chooses to provide homeless encampments in city/county.

Vacating Condition

- The site shall be left in good condition upon completion of stay.

Cause for Termination of Agreement –

- If S/W and the Executive Committee fail to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of use. If City/County learns of uncontrolled violence or acts of undisciplined violence by residents of the encampment and the Committee has not adequately addressed the situation, this permit may be immediately terminated.

Appeal of Permit

- Final decisions made by the Hearing Examiner are appealable to the City Council. The City Council's decision shall be final unless appealed to Superior Court.

3. No Permit Issued

Description (based on Tukwila experience)

City of Tukwila does not require a permit for encampments on church property

- SHARE/WHEEL encampments have been hosted by City of Tukwila churches on three occasions since 2002. Tukwila does not require a permit for homeless encampments on church sites which it considers to be adjunct to the existing Church use, and therefore does not require a separate permit. Tukwila considers the Church use protected by "Religious Land Use and Institutionalized Persons Act of 2000" (RLUIPA).

  Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) – 42. U.S.C. 2000ccsec2(a)(1): No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless that government demonstrates that imposition of the burden on the person, assembly, or institution- (A) furtherance of a compelling governmental interest; and is the least restrictive means of furthering that compelling government interest.

No change in policy expected

- A fourth SHARE/WHEEL encampment was hosted at a Tukwila church from November 28, 2004 until the end of January 2005. Tukwila continued their procedure of not requiring a permit for encampments on church property. A change in procedure may need to be considered if the city receives an encampment proposal for a non-church property site.

4. Considerations for Encampments on Public Land

General Considerations

Jurisdictions may find themselves exploring placing an encampment on public land, such as was done by Woodinville. In that circumstance, a community should consider preparing a separate approval process/contract agreement for the use of the property.

Process
Proposed King County permit system for County property: Special Use Permit: Refer to King County Code 14.30

King County Council is currently reviewing establishing a process when county owned property is proposed for a homeless encampment. Elements of the proposal include:

Permit or Agreement for encampment on County land Emergency temporary homeless encampments on County property would require the issuance of a special use permit with conditions for such use in conformance with law. If S/W and any sponsoring organizations seek to use county land for an encampment site they shall make an application to the County Real Estate Services Section for a special use permit at least 30 days in advance of the desired date to commence such use. (KC04)

County land located in separate jurisdiction Conditions included in a special use permit for any temporary emergency homeless encampment on county land located in a separate jurisdiction shall make such permit subject of the land use permit process of that jurisdiction as required by law. (KC04)

Community Notification for encampment **on county land outside unincorporated King County** when local jurisdiction does not have a community notification process Shall meet County requirements of Community notification and Community meeting for encampment proposal on private land (Section A).

Process
Based on City of Woodinville approval for City property: Temporary Property Use Agreement

Upon receiving application for the homeless encampment, Woodinville instituted its Temporary Use Permit process consistent with its code. While that process was underway, the City Council used its emergency powers to enact legislation that allowed the encampment to be sited on city property via a contractual agreement called a Temporary Property Use Agreement ('Agreement'). The ordinance required that the City Manager execute an Agreement between SHARE/WHEEL and the local sponsoring church for the use of city property. The Agreement served as a surrogate for a conditional permit until the Temporary Use Permit (TUP) process was complete. At the point the legislation/ordinance was passed and the Agreement signed, the siting of the camp was legal. State statutes give cities broad powers to enact emergency ordinances and this use of those powers was clearly allowed under law.

Emergency Ordinances were enacted by Council to allow the City to move forward in permitting the encampment on the public land site, rather than have SHARE/WHEEL occupy a church site without a permit using a RLUIPA exemption for the relocation. These Ordinances collectively set policy that allowed, under specific terms and conditions, the authorized use of city-owned land for Tent City4 for a limited time.

(1) Ord. No. 369 authorized the temporary use of city property for TC4 to relocate for up to 40 days while a TUP can be processes.
(2) Ord. No 370 amended Ord. No 369, enabled the City to retain contractual control over a proposed use of city property in lieu of regulatory requirements.
(3) Ord. No. 371 amended Ord. No. 369 to re-adjust time for which S/W was to sign the Temporary Property Use Agreement.
(4) Ord. No 372, also amended Ord. No 369 to allow changes to the Temporary Property Use Agreements and to extend the original 40-day limited duration. The SEPA appeal delayed the City's ability to process the TUP application. Ord. No 37s resulted in an Addendum to the Temporary Property Use Agreement.

As required by RCW 36.70A.390 the City Council held a public Hearing on Ord. Nos. 369, 370 and 371 as they constituted an "interim zoning ordinance."

The Temporary Property Use Agreement was executed by the City, S/W and a local sponsor. Ordinance 369 which authorized the City Manager to execute the Temporary Property Use Agreement, further required SHARE/WHEEL;

1. To accept the terms of the Temporary Property Use Agreement
2. To have at least one local church sponsor to serve the encampment
3. To preclude other sites within Woodinville outside the current process (for the City-owned site)
4. To submit a TUP application within 2 days of enactment

5. Not to site in Woodinville any sooner than (date one year out) if a TUP is granted (unless invited by both a sponsor and the City)
6. To notify the City of its next location at least 30 days before the end of the agreement.

The Ordinance and Agreement further required:
1. City Manager's pledge to protect environmentally sensitive areas on the property, ensure health, welfare and safety inspections were conducted
2. S/W's Code of Conduct to be imposed as condition of the Agreement
3. S/W conduct identification and warrant checks to the extent allowed by previous court rulings
4. The City to install temporary utility connections.

Note: Woodinville has been the only city to require S/W to notify the City of its next site at least 30-days before the end of the agreement. This is an effort to provide the next hosting city notification and time to process permitting and a full public process. However, SHARE/WHEEL did not fulfill the requirement of identifying a successor site and getting the next permit process started by the specified date. This issue is also being addressed in proposed State legislation (Public Hearing of The Senate Financial Institutions, Housing and Consumer Committee Jan. 20, 2005).

The camp was sited under a City ordinance and a voluntary Property Use Agreement that enabled land use due process. If at the end of the process a permit was denied, the City was fully prepared to evict the camp. This was not considered an ideal approach by the City, but one which was developed given the circumstances, primarily the short notice provided by the hosts of the encampment, and the potential for the encampment to be located in a less suitable location. The City is looking at ways to modify their TUP permit process to be better prepared for any future application for a homeless encampment.

B. PERMIT CRITERIA AND CONDITIONS

"Land use opposition to homeless encampments primarily comes over adjacent uses and environmental impacts, which are measured against the law (local, state and federal). If the law says it is allowable, adjacent uses and environmental factors tend to become considerations by which the use is conditioned. All of this is played out as a prescribed process—due process—a land use precept that has been tested and affirmed by courts over time." (from Woodinville Tent City 4 End of Term Report).

Background - Cities have considered a wide range of criteria and resulting conditions when permitting encampments. In a separate document, ARCH completed a comprehensive list of conditions used for previous encampments. The purpose of this section is to assist those jurisdictions that elect to put together a more formal process for reviewing homeless encampments to develop a range of specific criteria to review applications, and options for permit conditions that correspond to each criteria. As frequently as possible, more than one potential condition is provided for different criteria. (Note: The city that is the source for each listed criteria and potential condition is indicated at the end of each item and corresponds to documents referenced at the end of the report), It should be noted that the number of potential conditions in this report is not as extensive as those presented in ARCH's other background reports. There are primarily two reasons for this. First, over time, different cities have used similar conditions to address a single issue. Certain conditions have proven to do a better job of addressing a particular issue, and in those circumstances this report does not include the more outdated conditions. Second, some conditions have appeared to be so general and broad that they do not add any real value to administering an encampment, and could even make administering an encampment more difficult. This report attempts to not include such overly general criteria and conditions. Before describing specific criteria and conditions, following are some general observations about using conditions.

General Considerations on Conditions:

Codifying. While cities are encouraged to review their existing permitting procedures and put in place a land use process for permitting and conditioning homeless encampments before the need arises, there is some question on how to do this without establishing the encampments as an approved or legitimized land use. A further challenge is how to develop conditions for a special circumstance like a homeless encampment, without codifying a large section into the zoning code. As an alternative Cities might consider a process that establishes more specific criteria and conditions without adopting the conditions into the code. Examples might include a Planning Director's land use interpretation, or administrative "Policies and Procedures".

Site characteristics Although many conditions are proposed in the following section, it is important to note that specific site characteristics of any encampment proposal will drive different decisions and conditions.

Code of Conduct SHARE/WHEEL's self-imposed "Code of Conduct" has been used as a prime condition of TUP applications for homeless encampments since Seattle's 2002 Consent Decree. The Code prohibits drugs, alcohol, weapons, violence and violations of local laws. It ensures residents' compliance and those found in violation are typically barred from the camp. Most jurisdictions have included the Code of Conduct with the permit approval and the approval includes a condition that the encampment comply with the Code of Conduct. The Code of Conduct is included as an attachment to this document.

Scope of Conditions It should be noted that the City of Woodinville did not guarantee that the camp rules would not be violated, nor did it guarantee that SHARE/WHEEL would manage the camp in the way its critics would have them do it. As with other permitted temporary uses permitted in the City (e.g. groups selling holiday trees) Woodinville did not attempt to examine the books and practices of those organizations applying for the land use. Woodinville's key public safety message was that it would commit to allocate the resources necessary to mange and monitor the site.

1. General Site Issues

A. Parking

Criteria

1. The Proposal will provide adequate parking. (Wo)
2. Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner.

Potential Conditions

1. On-street parking: The availability of on-street parking will be considered in selecting encampment sites if the encampment would displace on-site parking normally utilized by the host or surrounding neighborhood. The sponsoring agency shall endeavor not to displace established parking. (KC04, Se02)
2. On-site parking: The sponsoring agency shall select potential host sites with available on-site parking and access for vehicles associated with the encampment. (KC04, Se02) *Note: KC parking conditions specific to Special Use Permit for County land.*

B. Access to Bus, Public Facilities & Services

Criteria

1. The proposed use is properly located in relation to other land uses, transportation and public facilities and services in the vicinity; and further, that the capacity of the transportation system and other public facilities and services will adequately serve the proposed use without placing an undue burden on such systems, facilities and services. (Bo)

Potential Conditions

1. Encampment must be within a quarter mile of a bus stop with seven day per week bus service available, or the sponsor must demonstrate ability for residents to obtain access to the nearest public transportation stop. (KC04)
2. The City Manager shall consult with TC4 And KC Metro to evaluate the adequacy of bus service to the encampment. (Wo04)

C. **Size of Site**

Criteria

1. That the site is of a sufficient size to accommodate the proposed use; and further that, in the opinion of the city, all yards, open spaces, landscaping, walls and fences, parking, loading, and other necessary features are properly provided to assure the proposed use will be compatible with adjacent uses and the character of the vicinity. (Bo)

Potential Conditions

1. The space must be sufficient to accommodate tents and necessary on-site facilities, sanitary portable toilets in the number required to meet capacity guidelines, hand washing stations by the toilets and by the food area, refuse receptacles, food tent and security tent. (KC04)

D. **Character & Intensity / Buffers**

Criteria

1. The intensity (i.e. the nature, types and hours of human activity) and character of the proposed the use is compatible with the intensity and character of the uses of adjacent property and of property in the vicinity. (Bo)
2. That the proposal will be compatible with existing land use in the immediate vicinity in terms of noise and hours of operation. (Wo)

Potential Conditions

1. The encampment must provide suitable buffers from surrounding properties: (a) A minimum 20' setback in each direction from the boundary of the lot on which the encampment is located, excluding access, and either: (b) Established vegetation sufficiently dense to obscure view; or (c) A six foot high, view-obscuring fabric fence. (KC04, Bo04
2. As above, except (c) an eight-foot high, view-obscuring fabric fence will be established. A fabric fence will be the least preferred alternative but may be also used in combination with alternatives (a) and (b). (Se02)
3. Installation of screening for mitigation of visual appearance to the street and neighboring properties. The screening shall be installed as described in the application, including the driveway fencing, the parking lot fencing, and the 85 feet of fencing between the upper and lower grass areas. The color of the windscreen shall not be black. (Sh03)

E. **Sensitive Areas**

Criteria

1. [The granting of the conditional use permit will not:] Be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located." (Bo)
2. Health, safety, zoning, land use and environmental laws and regulations shall be adhered to. (KC04)

Potential Conditions

1. (Where portions of the property contain environmentally sensitive areas) S/W shall plainly demarcate the boundaries of said sensitive areas with appropriate signage, fencing or other means. S/W and all TC4 residents will respect and refrain from entering the sensitive areas surrounding the TC4 site. Failure to do so shall result in the immediate expulsion of any noncompliant resident. (Wo04)
2. Residents shall not harass, harm pursue, hunt, shoot, wound, kill, trap, capture or collect animals or fish within riparian corridor. (Wo04)
   Note: Prior to establishing TC4 in Woodinville, City maintenance crews mowed grass and placed gravel on the property and sensitive areas were delineated on the site to ensure safe and proper placement of tents. Residents were instructed to remain outside the wetland and stream buffers, unless working on the volunteer habitat restoration project.

2. Limits to Encampment

A. **Encampment Duration**

Criteria

1. That the proposal must not be materially detrimental to the public welfare. (Wo, Bu)

2. The duration of an encampment at any specific location shall not exceed three consecutive months at any one time, and not exceed six months in any two year period. (KC04)

Potential Condition

Duration & Frequency-

1. TC4 shall be limited to one 90-day occupancy of the subject property dating from --- to ---. (Bo04)
2. Since encampments typically move on Sundays due to less traffic, a two-day extension may be granted so that the last day will be on a Sunday. (Sh03)
3. S/W shall remain no longer than its original commitment to sponsor/host as specified in agreement with sponsor/host. (Bo04)
4. As above, Seattle adding: Invitations for longer stays notwithstanding, the maximum duration of a S/W encampment at a site is three consecutive months and an interval of three months must occur before the encampment can return to that site. Over a two year period, the aggregate duration of multiple encampments as a single site cannot exceed six months. (Se02)

Restrictions for additional and/or future encampments within City/County-

1. S/W shall not establish or support in any way any other unpermitted homeless encampments anywhere in the City during period of agreement or any extension thereof. (Wo04)
2. S/W may establish or maintain no more than one encampment at any one time within the limits of the City.(Bo04)
3. S/W may establish or maintain no more than one encampment at any one time within the limits of the City, provided that no sooner than one year from the date this decree (permit) is entered, if a second encampment is needed and S/W has identified funding, S/W may initiate negotiations with the City for the modification of the one encampment limit. Any other encampments are outside this agreement. (Se02)
4. S/W must agree not to operate, sponsor or otherwise support an encampment in the City before _____ (one year) unless invited sooner by the City and one or more church based sponsors. For purposes of this agreement, Church sponsorship means that one or more local faith-based communities will help sustain the successful operation of the TC4 community for the duration of its visit, evidenced by a commitment to ensure contributions of food, counseling, donations, transportation, & other general resident support. (Wo04)

B. **Residents**

Criteria

1. That the proposal must not be materially detrimental to the public welfare. (Wo, Bu)
2. The conditions necessary to mitigate the impacts of the proposed conditional use are capable of reasonable monitoring and reasonable enforcement. (Bo)

Potential Condition

Maximum residents -

1. Maximum residents shall be determined taking into consideration site conditions, but in no case shall be greater than 100 at any one time. (KC04)
2. S/W shall ensure that the number of homeless encampment residents at the Property is limited to ____ (100 or such other number less than 100 based on the application review) at all times. (Wo04)

Minors –

1. Children under the age of 18 shall not be permitted to stay overnight in the encampment except under exigent circumstances. If a child under the age of 18, either alone or accompanied by a parent or guardian attempts to stay overnight, S/W will immediately contact CPS and endeavor to find alternative shelter for the child and any accompanying parent(s) or guardians(s). (KC04, Bo04, Se02)

C. **Permanent Structures**

Criteria

1. [The granting of the conditional use permit will not:] Be injurious to the property or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located. (Bo)

Potential Condition

1. No permanent structures shall be erected on the site of the encampment. (KC04)

3. Health & Safety

A. **Health Regulations**

Criteria

1. Health, safety, zoning, land use and environmental laws and regulations shall be adhered to. (KC)
2. Proposed use will not introduce hazardous conditions at the site that cannot be mitigated so as to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazards. (Bo)
3. The conditions necessary to mitigate the impacts of the proposed conditional use are capable of reasonable monitoring and reasonable enforcement. (Bo)

Potential Conditions

1. S/W shall permit inspection of its encampments by the Seattle & KC Public Health Department inspections without prior notice. S/W shall implement all directives specified by the Health Dept. within the time period specified by the Health Department. (Wo04, Bo04)
2. S/W will permit inspections of its encampments by Public Health-Seattle and King County without prior notice. S/W will implement all directives of Seattle-King County Department of Public Health (Public Health) within the time specified by Public Health . S/W will pay particular attention to assuring that Public Health guidelines on food donations, handling, and storage (including proper temperature control) are followed, and have a system for ensuring that encampment residents involved in food donations and storage are made aware of these guidelines. When Public Health asks to address encampment residents and leadership to communicate directives and recommendations, S/W will organize such an opportunity in the time period specified by Public Health. (KC04)
3. The shelter shall permit inspections by City, Health and Fire Department inspectors at reasonable times without prior notice for compliance with the conditions of this permit. (Sh03)
4. The site shall have access to facilities with hot water for sanitation purposes. Sanitation facilities and scheduled maintenance shall be approved by the Building Official. (Bu02)

B. <u>Fire Safety</u>

Criteria

1. Health, safety, zoning, land use and environmental laws and regulations shall be adhered to. (KC)
2. Proposed use will not introduce hazardous conditions at the site that cannot be mitigated so as to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazards. (Bo)
3. The conditions necessary to mitigate the impacts of the proposed conditional use are capable of reasonable monitoring and reasonable enforcement. (Bo)

Potential Condition

<u>Non-combustible material-</u>

1. All tents must be made of fire resistant materials and labeled as such. (Sh04)
2. Tent membranes shall be of either non-combustible material or flame retardant conforming to UBC Standard 31-1 (Bu02)

<u>Fire Inspections/Safety</u> –

3. Permit inspections of the encampment may be conducted by the Fire District without prior notice. S/W shall implement all directives of the Fire District within 48 hours. (KC04, Wo04, Bo04, Sh03, Se02)

Note: Additional fire conditions, such as required by City of Burien, can typically be addressed as a result of the Fire Inspection.

C. <u>Code Inspections</u>

Criteria

1. The granting of the proposed conditional use permit is consistent and compatible with the goals and policies of the comprehensive plan, and any code, ordinance, regulation or standard in effect to implement the plan. (Bo)
2. Health, safety, zoning, land use and environmental laws and regulations shall be adhered to. (KC04)
3. The conditions necessary to mitigate the impacts of the proposed conditional use are capable of reasonable monitoring and reasonable enforcement. (Bo)

Potential Condition

1. Permit inspection of the encampment by county staff (City inspectors) may be made at reasonable times without prior notice for assessing compliance with the terms of the permit. (KC04, Sh03, Se02, Bo04, Wo04)

D. <u>Drinking Water & Solid Waste</u>

Criteria

1. Health, safety, zoning, land use and environmental laws and regulations shall be adhered to. (KC)
2. Proposed use will not introduce hazardous conditions at the site that cannot be mitigated so as to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazards. (Bo)

Potential Condition

1. TC4 will comply with Washington State and City regulations concerning drinking water connections and solid waste disposal. (Wo04)
2. If a direct connection to public water is desired, as distinct from a water tank which is filled off-site, the Sponsor shall ensure that such a connection meets Washington State and City codes and regulations, including but not limited to incorporation of proper backflow prevention. Permittee shall comply with the City solid waste disposal regulations. Bo02,

E. <u>Trash</u>

Criteria

1. That the proposal must not be materially detrimental to the public welfare. (Wo, Bu)
3. Health, safety, zoning, land use and environmental laws and regulations shall be adhered to. (KC)

Potential Condition

1. A regular trash patrol in the immediate vicinity of the permit area shall be provided. (KC04)
2. Code of conduct to be amended to prohibit littering at the encampment site and in the neighborhood surrounding the encampment site. The current Code of Conduct shall be amended to require a trash patrol every other day in the neighborhood surrounding the church site. (Bo04)

4. Conduct & Security

A. Police Access & Notification

Criteria

1. Health, safety, zoning, land use and environmental laws and regulations shall be adhered to. (KC)
2. Proposed use will not introduce hazardous conditions at the site that cannot be mitigated so as to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazards. (Bo)
3. The conditions necessary to mitigate the impacts of the proposed conditional use are capable of reasonable monitoring and reasonable enforcement. (Bo)

Potential Condition

Police Access -

1. S/W shall permit access to site at all times for the King County Sheriff's Office or relevant city police department. Camp leadership and security shall become familiar with duty officers and shall be free to discuss security concerns with them. (KC04)
2. As above, adding: All officers have been directed to familiarize themselves with the camp arrangement and logistics. (Wo04)

Notify Police if individual is rejected or ejected

3. S/W shall immediately contact the KC Sheriff's Office or relevant local city police if the reason for rejection or ejection of an individual from TC4 is an active warrant or a match on the sex offender check, or if, in the opinion of the on-duty Executive Committee member or the on-duty security staff the rejected/ejected person is a potential threat to the community. (KC04, Wo04, Bo04)

Entry-

4. Only a single point of entrance is allowed. Security personnel shall monitor this entrance point at all times. A working telephone shall be available to security personnel at all times. (Sho3, Bu02)

B. Identification / Contact Information

Criteria

1. That the proposal must not be materially detrimental to the public welfare. (Wo, Bu)
3. Proposed use will not introduce hazardous conditions at the site that cannot be mitigated so as to protect adjacent properties, the vicinity, and the public health, safety & welfare of the community from such hazards. (Bo)

Potential Condition

Contacts-

1. S/W and the sponsor shall designate contact persons for service of all notices provided for in this decree. City shall designate contact persons for the service of all notices provided for in this decree. Both parties are under a continuing obligation to update the designation of their respective contact persons as necessary. (Se02)
2. Same as 1, but add: S/W shall notify the City and Sponsor of the names of Executive Committee members on a weekly basis. (Bo04)
3. S/W will appoint a TC4Executive Committee member to serve "on-duty" at all times to serve as a point of contact for City Woodinville Police and will orient City Police as to how the security tent operates. The names of the on-duty Executive Committee members will be posted daily in the security tent. Non-emergency contacts of police, call (number) and request an officer to be dispatched. For emergencies, dial 9-1-1. (Wo04)

Log of Residents -

5. S/W shall keep a log of all people who stay overnight in the encampment, including names and dates. Logs shall be kept for a minimum of six months. (KC04) *Note: This is a condition of the health department to be able to trace communicable diseases.*

Identification -

6. S/W shall take all reasonable and legal steps to obtain verifiable ID, such as a driver's license, government-issued identification card, military identification or passport from prospective and existing encampment residents. (KC04, Wo04, Bo04)

Warrant & Registration checks –

7. S/W will use identification to obtain sex offender and warrant checks from the KC Sheriff's Office or relevant local police department. (KC04, Wo04)
8. Said identification shall be used by host Church or S/W to obtain a warrant and sex offender check from the KC Sheriff's Office as long as the anonymity of the requesting party is maintained. (Bo04)

Upon failing check –

9. If said warrant and sex offender checks reveal either (a) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (b) the subject of the check is a sex offender, required to register with the County Sheriff or their county of residence pursuant to RCW 9A.44.130, then S/W will reject the subject of the check for residency to Tent City 4 or eject the subject of the check if that person is already a Tent City 4 resident. (KC04, Wo04, Bo04)

Note: In addressing the issue of background checks, the courts have upheld that a person's identity is constitutionally protected.

C. **Code of Conduct**

Criteria

1. That the proposal must not be materially detrimental to the public welfare. (Wo, Bu)
2. Proposed use will not introduce hazardous conditions at the site that cannot be mitigated so as to protect adjacent properties, the vicinity, and the public health, safety & welfare of the community from such hazards. (Bo)

Potential Condition

Code of Conduct -

1. The rules and regulations for Tent City will be followed. (Sho3)
2. S/W and its residents shall at all times relevant to this Agreement strictly adhere to and comply with the TC4 "Code of Conduct", attached hereto as Exhibit __ and incorporated herein by this reference as if set forth in full. (Wo04,KC04, Se02, Bo04)

Note: The Code of Conduct is included as an attachment to this document.

Self-police and self-manage -

3. S/W shall self-police and self-manage its residents and flatly prohibit alcohol, drugs, weapons, fighting, abuse of any kind, littering or disturbing neighbors while located on the property. (Wo04)

Enforcement of the Code of Conduct –

4. If S/W and its Executive Committee fail to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of use. If King County/City learns of uncontrolled violence or acts of undisciplined violence by residents of the encampment and S/W has not adequately addressed the situation, the permit may be immediately terminated. (KC04)
5. For the protection of the S/W community, the host and the host neighborhood, S/W will diligently enforce its code of conduct. SW will take the following enforcement actions: (1) Upon notice by City to S/W, or if S/W learns of a potential violation of provisions 1 - 7 of the Code of Conduct as set forth, S/W will investigate and, if sustained, require the responsible resident(s) to leave immediately. If the complaint of violation was made by City, the host or a host community member, S/W will inform City, the host or the host neighborhood member(s) of the results of its investigation and any action taken. (2) Upon notice by City to S/W, or if S/W learns of a potential violation of provisions 8 – 12 of the Code of Conduct as set forth above, S/W will investigate and, if sustained, notify the responsible resident(s) of the violation and issue them a warning. That warning will notify the responsible resident(s) that they are on probation and that a repeated violation of the Code of Conduct during the period that the encampment remains at the host site will cause S/W to require them to leave the encampment immediately. W/W will inform City, the host or the host neighborhood member(s) of the results of its investigation and any action taken. (3) If S/W fails to expel residents who violate the Code of Conduct as required in section (1) and (2) above, [S/W will be subject to the Dispute Resolution and Sanctions provision of this agreement/permit set forth. (Se02. Bo04)] *or alternative language,* [it may result in immediate termination of the permit.]

Agreement to Code of Conduct -

6. All Tent City residents must sign an agreement to abide by the Code of Conduct and failure to do shall result in the noncompliant resident's immediate and permanent expulsion from the Property. (KC04, Wo04)
7. S/W shall encourage residents to participate in city volunteer programs to provide donated community service and volunteer labor to offset city host costs and ensure a successful encampment. The City Volunteer Coordinator shall make a list of volunteer opportunities and dates available to the residents. (Wo04)

5. Conditions of Contract

A. **Notices in Writing**

1. All notices, requests, demands and other communications called for or contemplated by this Agreement shall be in writing and mailed or delivered to contact addresses (given), (Wo04)

B. **Dispute Resolutions and Sanctions / Notice of Default and Enforcement**

1. The parties agree to submit any dispute between them about compliance with conditions _____ to dispute resolution before initiating further judicial proceedings or enforcement. Upon reasonable belief that these conditions have been breached, the party aggrieved will notify all other parties in writing (with email or facsimile acceptable if receipt is confirmed) of the breach. Within two (2) business days of receipt of notice, the recipient shall cure the breach or request a dispute resolution meeting which shall be held within the next five (5) working days, or at a time mutually agreeable to all parties. If the dispute is not resolved at that meeting, the parties shall

present their disagreement to a trained mediator. The parties will jointly agree to a mediator. If mediation fails to bring resolution, one or more of the parties may initiate action in Superior Court to enforce the terms of this preliminary injunction. (Wo04, Bo04, Se02)

Imminent threat –

2. Notwithstanding the above (dispute resolutions and sanctions / Notice of Default and Enforcement), if the alleged breach presents an imminent threat to the public health or safety, the City, after oral or written notice to S/W, may seek immediate judicial intervention. (Bo04, Wo04, Se02)

C. Contract Termination

1. If S/W and the Executive Committee fail to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of use. If City / County learns of uncontrolled violence or acts of undisciplined violence by residents of the encampment and the Committee has not adequately addressed the situation, this permit may be immediately terminated. (KC04)

D. Vacating Condition

1. S/W upon vacating shall return property to the City in approximately the same condition prior to S/W's use. (Wo04)
2. The site shall be left in good condition upon completion of stay. (KC04)

E. Indemnification / Liability Insurance ***(Applicable to agreements for locating encampments on public land)***

Indemnification

1. King County is not responsible for the actions, inactions or omissions of S/W, the sponsoring agency or of any resident of the emergency homeless encampment. All residents shall sign a statement at registration acknowledging the residents' willingness to comply with the Code of Conduct, and agreeing not to bring a claim or action against the county for injuries or occurrences happening within or around the emergency encampment, irrespective of fault or negligence. (KC04)
2. S/W shall require all of its employees, volunteers, residents of the encampment including visitors and guests thereof to sign waivers in favor of the City before entering the Property. Such waiver shall be on a form approved by the City. The waivers shall be collected, store din a secure manner for a minimum of 3 years and released to the City upon notification of receipt of claim or legal action from an individual. Waiver language is shown attachment D. (Wo04).
3. The Church sponsor shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits of any nature, including attorney fees, arising out of or in connection with the conduct of the Church sponsor's business, or from activities or operations or the Church sponsor's in or about the Property, except only such injury or damage as shall have been occasioned by the negligence of the City. (waiver language continues) (Wo04)

Liability Insurance

4. The Church sponsor will procure and maintain in full force, throughout the duration of this agreement, comprehensive general liability Insurance with a minimum coverage of $1,000,000.00 per occurrence/aggregate for personal injury and property damage. Canceling said policy shall result in revocation of the Permit. Certificates of coverage as required above shall be delivered to the City within 5 business days of issuance of the Permit. (Bo04)
5. As above, adding: Insurers to have a current A.M. Best rating of not less than A:VII. (Wo04)

DOCUMENTS COMPARED

The following documents are referenced in this report:

KC04 **King County Policies and Procedures for Siting Emergency Temporary Homeless Encampments- Council Draft 10/27/04** Draft as submitted to Council along with amendments to Ordinance 12196 Sec. 9 which identifies the temporary use permit process for homeless encampments, including conditions. Carole Antoncich, Coordinator, KC Homeless Housing Programs, (206) 296-8644, carole.antoncich@metrokc.gov

Wo04 **Woodinville Temporary Property Use Agreement for City-owned site 8/25/04**
Aug. 25, 2004 Temporary Property Use Agreement, Attachment C to Ord. 372, which amends Ord. 369 declaring an emergency. Marie Stakes MarieS@ci.woodinville.wa.us 425 877-2267

Woodinville Tent City 4 End of Term Report 12/13/2004 Submitted to the City Council by Pete Rose, City Manager. Public Information contact: Marie Stakes MarieS@ci.woodinville.wa.us 425 877-2267

Bo04 **Bothell Special Conditional Use Permit Findings Conclusion and Decision for St. Brendan Catholic Church-final 7/19/04** Joyce Goedeke, Public Information Officer, City of Bothell 425 486-3256 Joyce.Goedeke@ci.bothell.wa.us

Sh03 **Shoreline Decision on Application for Temporary Use Permit for Shoreline Free Methodist Church site 4/20/03**
April 2003 Administrative Order #301138-A Decision on application for TUP. Tim Stewart 206 546-1700, tstewart@ci.shoreline.wa.us, Kimberly Lehmberg, 206 546-3542, klehmberg@ci.shoreline.wa.us

Bu02 **Burien TUP for Highline United Methodist Church site 11/1/02**
Nov. 1 2004 Temporary Use Permit Application between S/W, Highline United Methodist Church, and Burien Temporary Use Permit and special conditions. Scott Greenberg, Planning Director; Susan Coles 206 248-55110 SusanC@ci.burien.wa.us

Se02 **Seattle Consent Decree for El Centro de la Raza site, Private land within City of Seattle – Proposed 3/01/02**
March 01, 2002 Proposed Consent Decree between S/W , El Centro de la Raza, and the City of Seattle and Seattle conditions on encampments. Alan Painter, 206 684-0263 alan.painter@seattle.gov

Other ARCH Documents related to Homeless Encampments

Summary of Local Conditions and Process matrix
Options for Permit Conditions and Process
Homeless Encampments: Ten Lessons Learned
Homeless Encampments: Location Chronology

Attachment:
SHARE/WHEEL Code of Conduct

SHARE/WHEEL
TENT CITY4

CODE OF CONDUCT PERMIT CONDITIONS

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

In addition, City of Bothell required the code of conduct be amended to prohibit littering at the encampment site and to require a trash patrol every other day in the neighborhood surrounding the encampment site.

SHARE/WHEEL
TENT CITY4

CODE OF CONDUCT

WE, THE PEOPLE OF SHARE/WHEEL,
IN ORDER TO KEEP A MORE HARMONIOUS COMMUNITY,
ASK THAT YOU OBSERVE THE FOLLOWING CODE OF CONDUCT:

SHARE/WHEEL'S TENT CITY IS A DRUG AND ALCOHOL FREE ZONE. THOSE CAUGHT DRINKING OR USING DURGS WILL BE ASKED TO LEAVE. SOBRIETY IS REQUIRED.

NO WEAPONS ARE ALLOWED.
KNIVES OVER 3-1/2 INCHES MUST BE CHECKED IN.

ANY VIOLENCE WILL NOT BE TOLERATED.
PLEASE ATTEMPT TO RESOLVE ANY CONFLICT
IN A CREATIVE AND PEACEFUL MANNER.

DEGRADING ETHNIC, RACIST, SEXIST, OR HOMOPHOBIC
REMARKS ARE NOT ACCEPTABLE.
NO PHYSICAL PUNISHMENT, VERBAL ABUSE OR INTIMIDATION
WILL BE TOLERATED.

WE ARE A COMMUNITY.
PLEASE RESPECT THE RIGHTS AND PRIVACY OF YOUR FELLOW CITIZENS.

NO MEN IN THE WOMEN'S TENTS.
NO WOMENT IN THE MENS'S TENTS.
NO OPEN FLAMES.
NO LOITERING OR DISTRUBING NEIGHBORS.
NO TRESPASSING.

ATTNEDANCE OF AT LEAST ONE OF THE SEVERAL COMMUNITY MEETINGS
HELD THROUGH THE WEEK IS REQUIRED.
DAYS AND TIMES WILL BE POSTED SO THAT YOU MAY WORK IT INTO YOUR SCHEDULE.

IF THESE RULES ARE NOT RESPECTED AND ENFORCED,
TENT CITY4 MAY BE PERMANENTLY CLOSED.

Churches Speak in Support as Council Sets Standards for Homeless Encampments on Private Land

This week at Council
What happened at Council

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Backed by community churches throughout King County, the County Council on Monday adopted standards and procedures for the issuance of temporary use permits for temporary homeless encampments on private land in unincorporated King County.

The Church Council of Greater Seattle and the Catholic Archdiocese of Seattle were joined by other local clergy in their support for the ordinance. Representatives from Kirkland Congregational Church and St. John Mary Vianney Catholic Church – two congregations that hosted Tent City 4 in the past year – testified that camp residents were good neighbors and posed no problems.

"This has been a long road to passage," said Councilmember Carolyn Edmonds, sponsor of the ordinance. "Over the past year I have met with church leaders, neighborhood residents, social service providers, and the homeless. We have worked to ensure that churches in our community can continue their mission of ministering to the poor. At the same time we have worked to guarantee that communities that have these encampments as a neighbor are able to ask questions and voice their concerns. This legislation meets those goals. It establishes the public process for issuing permits, ensures that those who live near a proposed encampment have a voice before the decision is made, and provides churches the ability to continue to assist those seeking the safety and community these encampments provide."

The ordinance will guide site selection, assure basic public health and safety in the operation of encampments, minimize impacts on neighbors, and make sure the immediate neighborhood is notified and has an opportunity for input and dialogue prior to the start of each encampment. The recommendations of the Citizen's Advisory Commission on Homeless Encampments, appointed by the Council last summer, provided the basis for the ordinance which:

- Amends the King County Code to allow groups seeking a temporary use permit for an encampment to apply for a Type 1 land use permit decision. Decisions on Type 1 permits are made by the director of the Department of Development and Environmental Services (DDES).

Upcoming Meetings
Agendas

Hot Topics

Districting Plan
See the final plan for 9 Council districts in 2006

New Citizens Guide to 2005 Metropolitan King County Council [243K, .pdf]

Learn about the 2005 County Comprehensive Plan Update

Read the Critical Area package Web site includes final ordinance text and answers to Frequently Asked Questions

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King County Annexation Initiative

Citizens Advisory Commission on Homeless Encampments

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Where Your Property Dollar Goes

Read the final report of the Council's first Citizens' Election Oversight Committee [158 pages, 335K, pdf]

Commission on Governance

RTID - the Regional Transportation Investment District

Auditor's Office Highlights of Accomplishments 2005

Regional Agenda Read about the Council's regional responsibilities (pdf 338KB, 42 pages)

• Requires the host organization to give two weeks' notice to all homes and businesses within 500 feet of the encampment before the anticipated start of an encampment. The public notice must include the name of the host organization, the number of people allowed in the encampment, and dates, times and locations of any community meetings to discuss the encampment.

• Requires a community meeting be held at least 10 days prior to the start of an encampment.

The ordinance also provides that:

• The encampment may stay on the site for no more than 92 days—including setup and dismantling of the facility.

• No more than 100 people may reside at an encampment.

• The host and managing agency will be responsible for ensuring that all public health regulations are met, including toilet and shower facilities, food preparation, garbage removal and public safety.

• The encampment must be within a half-mile of a bus stop. During hours when public transportation is not available, the host organization will make transportation available to those who are turned away or ordered to leave the encampment

"This legislation is not an endorsement of tent cities as a solution to homelessness. It is an attempt to balance the legal rights of churches with the concerns raised by people who share their communities with the encampments," said Edmonds. "However, I believe that with the leadership, commitment, and partnerships forged by social service providers, faith-based organizations and local cities, homelessness can be solved. Achieving that goal will require all of us to work together to create a more efficient and integrated system."

The Council also adopted a motion declaring a one-year moratorium on the use of county-owned land for emergency homeless encampments.

Elliott Bay Water Taxi Back for the Season

KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 4, 2005

Ordinance 15170

Proposed No. 2004-0519.2 **Sponsors** Edmonds and Phillips

AN ORDINANCE relating to zoning; creating a temporary use permit for homeless encampments; amending Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020, Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100 and Ordinance 10870, Section 549, as amended, and K.C.C. 21A.32.120, adding a new section to K.C.C. chapter 21A.32 and adding a new chapter to K.C.C. Title 21A.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. **Findings:**

A. Homelessness is recognized as a significant problem in King County and elsewhere in the nation.

B. Some estimates conclude that eight thousand King County residents are homeless on any given night.

17 C. King County finds it unacceptable that people are dying on the streets of our
18 communities because there are insufficient safe alternative locations for habitation by
19 homeless persons.

20 D. The citizens' advisory commission on homeless encampments ("CACHE")
21 was established by the metropolitan King County council in June 2004 to study the issues
22 of homeless encampments, including whether there is a need for homeless encampments,
23 whether these homeless encampments shall be sited on public or private land, or both,
24 and identifying procedural guidelines for siting and permitting future homeless
25 encampments.

26 E. The final report of the CACHE found that homeless encampments are not
27 ideal but found that there is a need for the homeless encampments until more permanent
28 housing is available across King County.

29 F. Homeless encampments serve as an interim survival mechanism while King
30 County continues its important work as a member of the regional Committee to End
31 Homelessness in King County seeking permanent housing alternatives and supportive
32 services through a final plan and recommendations due in early 2005.

33 G. The establishment of homeless encampments has generated concerns about
34 the adequacy of notice to affected communities before their establishment. These
35 concerns can be alleviated by requiring submittal of necessary permits at least thirty days
36 in advance of the desired date to commence the use.

37 H. Managers, sponsors and hosts for homeless encampments are willing to
38 assume responsibility for homeless encampment residents' compliance with written codes
39 of conduct.

40 I. Managers, sponsors and hosts for homeless encampments have developed
41 codes of conduct that prohibit the use of drugs and alcohol inside the homeless
42 encampment, prohibit weapons, violence or open flames inside the homeless
43 encampment and require homeless encampment residents to act respectfully toward each
44 other and their neighborhood at all times.

45 J. Managers, sponsors and hosts for homeless encampments must abide by and
46 incorporate all code and permit conditions and requirements with regard to community
47 notification, maximum occupancy, environmental health and safety rules, buffers and
48 boundaries, length of stay, resident identification, inspections by relevant public health,
49 public safety and other appropriate regulatory agencies.

50 K. It is the intent of the county to encourage the managing agency to disperse
51 homeless encampment sites geographically and to move the homeless encampment to
52 other properties within ninety days, so that no one community or area of the county is
53 unduly impacted.

54 L. Homeless juveniles and families with children are considered as the highest
55 priority for placement within shelters or transitional housing. Homeless adult persons
56 without children have the lowest priority for placement. Homeless encampments,
57 therefore, are often a last measure to assure safe haven for adult homeless persons.

58 M. Seattle Housing and Resource Effort ("SHARE") and the Women's Housing,
59 Equality and Enhancement League ("WHEEL") are nonprofit organizations that advocate
60 and provide services for homeless persons and that have established Tent City 4 in King
61 County to provide a safe community for up to one hundred homeless persons every night.

N. SHARE/WHEEL has successfully worked with churches and nonprofit groups to provide support services and assistance to residents of Tent City 4, and the site moves every ninety days.

O. Tent City 4 is self-governing, complies with all health, fire and public safety regulations, and the residents live by a strict code of conduct providing a drug-free, alcohol-free and respectful environment.

P. The King County Code currently does not specifically authorize or prohibit the use of tents as shelter within a tent encampment for homeless persons on private property. The King County Zoning Code (K.C.C. Title 21A) prohibits uses not specifically permitted unless those uses qualify for a temporary land use permit

Q. Since need and crime impacts of encampments are of concern to the community, an annual report on occupancy rates and crime incidence rates should be provided to the council.

R. The provisions of this ordinance are generally based upon standards contained within the consent decree between the city of Seattle and SHARE/WHEEL and El Centro de la Raza and the CACHE recommendations.

S. Numerous discussions with representatives of various faith-based organizations have indicated a general consensus that the consent-decree and the CACHE recommendations provide a reasonable model on which to pattern provisions relating to homeless encampments.

T. The provisions represent generally applicable standards necessary to assure the creation in all cases of a safe homeless encampment with minimal impact to neighboring communities. In particular cases, it may be possible to fashion less restrictive conditions

85 that would be adequate to assure the creation of a safe homeless encampment with
86 minimal impacts to neighboring communities based on an individualized inquiry into
87 particular circumstances. Variations from the general applicable standards in this
88 ordinance should be reviewed as a Type 2 land use decision to allow adequate
89 opportunity for an individual inquiry to evaluate the impacts of any proposed variations
90 from the general standards established in this ordinance.

91 U. The provisions of this ordinance establish land use permitting requirements
92 for homeless encampments in unincorporated King County. Although these provisions
93 apply to both public and private land, this ordinance is not intended to create any right to
94 establish a homeless encampment on public land. The siting of homeless encampments
95 on land owned by King County shall continue to be subject to the county's discretionary
96 authority, as limited by applicable law.

97 V. This ordinance is not intended to be a permanent solution to homelessness.

98 W. A sunset date of December 31, 2014, for authority to establish homeless
99 encampments would be consistent with the goal of the Ten Year Plan to End
100 Homelessness developed by the Committee to End Homelessness in King County and
101 will be incorporated into the enabling legislation.

102 SECTION 2. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are
103 each hereby amended to read as follows:

104 **Classifications of land use decision processes.**

105 A. Land use permit decisions are classified into four types, based on who makes
106 the decision, whether public notice is required, whether a public hearing is required before

a decision is made and whether administrative appeals are provided. The types of land use decisions are listed in subsection E. of this section.

1. Type 1 decisions are made by the director, or his or her designee, ("director") of the department of development and environmental services ("department"). Type 1 decisions are non appealable administrative decisions.

2. Type 2 decisions are made by the director. Type 2 decisions are discretionary decisions that are subject to administrative appeal.

3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner following an open record hearing. Type 3 decisions may be appealed to the county council, based on the record established by the hearing examiner.

4. Type 4 decisions are quasi-judicial decisions made by the council based on the record established by the hearing examiner.

B. Except as provided in K.C.C. 20.44.120A.7 and 25.32.080 or unless otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest-numbered land use decision type applicable to the project application.

C. Certain development proposals are subject to additional procedural requirements beyond the standard procedures established in this chapter.

D. Land use permits that are categorically exempt from review under SEPA do not require a threshold determination (determination of nonsignificance ((~~(~~)[~~"DNS"((~~)))] or determination of significance ((~~(~~)[~~"DS"((~~)))]). For all other projects, the SEPA review procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

130 E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under sections 6 through 14 of this ordinance; ((~~B~~))building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, ((~~or~~)) a site development permit for the entire site circumstances.
TYPE 2[1]	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under section 15 of this ordinance; shoreline substantial development permit[2]; building permit, site

		development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B; preliminary determinations under K.C.C. 20.20.030.B; sensitive areas exceptions and decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special.
TYPE 3[1]	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 4[1, 3]	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.

record)

[1] See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA appeals and appeals of Type 3 and 4 decisions to the council.

[2] When an application for a shoreline permit is combined with other permits requiring Type 3 or 4 land use decisions under K.C.C. 25.32.080, the examiner, not the director, makes the decision. A shoreline permit, including a shoreline variance or conditional use, is appealable to the state Shorelines Hearings Board and not to the hearing examiner.

[3] Approvals that are consistent with the Comprehensive Plan may be considered by the council at any time. Zone reclassifications that are not consistent with the Comprehensive Plan require a site-specific land use map amendment and the council's hearing and consideration shall be scheduled with the amendment to the Comprehensive Plan under K.C.C. 20.18.040 and 20.18.060.

F. The definitions in section 7 of this ordinance apply to this section.

SECTION 3. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100 are each hereby amended to read as follows:

Permit issuance.

A. The department shall issue its recommendation to the hearing examiner on a Type 3 or Type 4 land use decision within one hundred fifty days from the date the applicant is notified by the department pursuant to this chapter that the application is complete. The time periods for action by the hearing examiner on a Type 3 or Type 4 land use decision shall be governed by the hearing examiner's rules.

B.1. Except as otherwise provided in subsection B.2 of this section, the department shall issue its final decision on a Type 1 or Type 2 land use decision within

153 one hundred twenty days from the date the applicant is notified by the department
154 pursuant to this chapter that the application is complete.
155 2. The following shorter time periods apply to the type of land use permit indicated:

156 New residential building permits	90 days
157 Residential remodels	40 days
158 Residential appurtenances, such as decks and garages	15 days, or 40 days
159	residential
160	appurtenances that
161	require substantial
162	review.
163 Clearing and grading	90 days
164 Health Department review	40 days
165 (for projects pending a final department	
166 review or permit or review and permit).	
167 Type 1 temporary use permit for a homeless encampment:	30 days.
168 Type 2 temporary use permit for a homeless encampment:	40 days

169 SECTION 4. Ordinance 10870, Section 549, as amended, and K.C.C.
170 21A.32.120 are each hereby amended to read as follows:
171 **Temporary use permits – duration and frequency.** Except as otherwise
172 provided in this chapter or in K.C.C. chapter 21A.-- (created under section 5 of this
173 ordinance), ((~~T~~))temporary use permits shall be limited in duration and frequency as
174 follows:

175 A. The temporary use permit shall be effective for no more than one hundred
176 eighty days from the date of the first event;
177 B The temporary use shall not exceed a total of sixty days. ((~~, provided that~~)).
178 ((~~t~~))This requirement applies only to the days that the event or events actually take place.
179 For a winery in the A or RA zones, the temporary use shall not exceed a total of two
180 events per month and all parking for the events must be accommodated on site;
181 C. The temporary use permit shall specify a date upon which the use shall be
182 terminated and removed; and
183 D. A temporary use permit shall not be granted for the same temporary use on a
184 property more than once per calendar year, though a temporary use permit may be
185 granted for multiple events during the approval period.
186 SECTION 5. Sections 6 through 15 of this ordinance should constitute a new
187 chapter in K.C.C. Title 21A entitled "Homeless Encampments."
188 NEW SECTION. SECTION 6. **Purpose.** It is the purpose of this chapter to
189 ensure the maintenance of a safe environment within the homeless encampments and to
190 address the potential impacts to neighborhoods by establishment of such homeless
191 encampments
192 NEW SECTION. SECTION 7. **Definitions.** The definitions in this section apply
193 throughout this chapter and to K.C.C. 20.20.020 unless the context clearly requires
194 otherwise.
195 A. "Homeless encampment" means a group of homeless persons temporarily
196 residing out of doors on a site with a host and services provided by a sponsor and
197 supervised by a managing agency.

198 B. "Host" means the owner of the site property that has an agreement with the
199 managing agency to allow the use of property for a homeless encampment. A "host" may
200 be the same entity as the sponsor or the managing agency.
201 C. "Managing agency" means an organization that has the capacity to organize
202 and manage a homeless encampment. A "managing agency" may be the same entity as
203 the host or the sponsor.
204 D. "Public health" means the Seattle-King County department of public health.
205 E. "Sponsor" means a local church or other local, community-based organization
206 that has an agreement with the managing agency to provide basic services and support for
207 the residents of a homeless encampment and liaison with the surrounding community and
208 joins with the managing agency in an application for a county permit. A "sponsor" may
209 be the same entity as the host or the managing agency.
210 NEW SECTION. SECTION 8. **Approval required.** A homeless encampment
211 may be permitted as a temporary use in accordance with K.C.C. chapter 21A.32 only in
212 compliance with this chapter.
213 NEW SECTION. SECTION 9. **Use and sponsorship agreements.** The
214 following written agreements shall be provided by the applicant:
215 A. If the applicant is not the sponsor, an agreement to provide or coordinate basic
216 services and support for the homeless encampment residents and to join with the
217 applicant in all applications for relevant permits; and
218 B. If the applicant is not the host, an agreement granting permission to locate the
219 homeless encampment at the proposed location and to join with the applicant in all
220 applications for relevant permits.

221 NEW SECTION. SECTION 10. **Application submittal and content.**

222 A. An application for a homeless encampment shall be submitted to the department at
223 least thirty days in advance of the desired date to commence the use for a type 1 permit or forty
224 days in advance of the desired date to commence the use for a type 2 permit.

225 B. In addition to contents otherwise required for such applications, the application shall
226 include:

227 1. A copy of a written code of conduct adopted by the host or entered into
228 between the host and managing agency addressing the issues identified in the example code
229 of conduct, Attachment A to this ordinance. The written code of conduct must require
230 homeless encampment residents to abide by specific standards of conduct to promote
231 health and safety within the homeless encampment and within the adjoining
232 neighborhoods. Nothing in this subsection is intended to preclude the host and the
233 managing agency from agreeing, in the written code of conduct, to additional terms or
234 standards of conduct stricter than the example code of conduct;

235 2. The name of the managing agency and the sponsor; and

236 3. The host signature.

237 NEW SECTION. SECTION 11. **Homeless encampment standards.** A
238 homeless encampment is subject to the following standards:

239 A. The maximum number of residents at a homeless encampment site shall be determined
240 taking into consideration site conditions, but in no case shall be greater than one hundred at any
241 one time;

242 B. The duration of a homeless encampment at any specific location shall not
243 exceed ninety-two days at any one time, including setup and dismantling of the homeless
244 encampment;
245 C. A homeless encampment may be located at the same site no more than once
246 every twelve months;
247 D. The host and managing agency will assure all applicable public health
248 regulations, including but not limited to the following, will be met:
249 1. Sanitary portable toilets;
250 2. Hand washing stations by the toilets;
251 3. Food preparation or service tents;
252 4. Security tents; and
253 5. Refuse receptacles;
254 E. The homeless encampment shall be within a half mile of a public
255 transportation stop or the sponsor or host must demonstrate the ability for residents to
256 obtain access to the nearest public transportation stop through sponsor or host provided
257 van or car pools. During hours when public transportation is not available, the sponsor or
258 host shall also make transportation available to anyone who is rejected from or ordered to
259 leave the homeless encampment;
260 F. The homeless encampment site must be buffered from surrounding properties
261 with:
262 1. A minimum twenty-foot setback in each direction from the boundary of the
263 lot on which the homeless encampment is located, excluding access;
264 2. Established vegetation sufficiently dense to obscure view; or

3. A six foot high, view-obscuring fence;

G. No permanent structures shall be erected on the homeless encampment site;

H. A regular trash patrol in the immediate vicinity of the homeless encampment site shall be provided;

I. Public health guidelines on food donations and food handling and storage, including proper temperature control, shall be followed and homeless encampment residents involved in food donations and storage shall be made aware of these guidelines;

J. The managing agency shall not permit children under the age of eighteen to stay overnight in the homeless encampment except under exigent circumstances. If a child under the age of eighteen, either alone or accompanied by a parent or guardian, attempts to stay overnight, the managing agency will immediately contact child protective services and endeavor to find alternative shelter for the child and any accompanying parent or guardian;

K. The managing agency shall keep a log of all people who stay overnight in the homeless encampment, including names and dates;

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

M. The managing agency shall enforce the written code of conduct;

N. The site property is owned or leased by the sponsor or an affiliated entity; and

O. The host shall provide a transportation plan as part of the permit process.

286 NEW SECTION. SECTION 12. **Parking impacts.** On-site parking spaces of the
287 host use shall not be displaced unless sufficient parking remains available for the host's
288 use to compensate for the loss of on-site parking spaces.

289 NEW SECTION. SECTION 13. **Community notice and informational**
290 **meeting.** The managing agency, in partnership with the sponsor, shall:

291 A. At least fourteen days before the anticipated start date of the homeless
292 encampment, provide notification to all residences and businesses within five hundred
293 feet of the boundary of the proposed homeless encampment site, but the area shall be
294 expanded as necessary to provide notices to at least twenty different residences or
295 businesses, as well as any unincorporated area council, if applicable, and any homeowner
296 association representing residents receiving notice. The notice shall contain the
297 following specific information:

298 1. Name of sponsor;

299 2. Name of host if different from the sponsor;

300 3. Date the homeless encampment will begin;

301 4. Length of stay;

302 5. Maximum number of residents allowed;

303 6. Planned location of the homeless encampment;

304 7. Dates, times and locations of community informational meetings about the
305 homeless encampment;

306 8. Contact information including names and phone numbers for the managing
307 agency and the sponsor; and

308 9. A county contact person or agency; and

309 B. Conduct at least one community informational meeting held on the host site,
310 or nearby, at least ten days before the anticipated start date of the homeless encampment.
311 The purpose of the meeting is to provide those residences and businesses that are entitled
312 to notice under this section with information regarding the proposed duration and
313 operation of the homeless encampment, conditions that will be placed on the operation of
314 the homeless encampment and requirements of the written code of conduct, and to
315 answer questions regarding the homeless encampment.

316 NEW SECTION. SECTION 14. **Compliance with permit conditions and**
317 **written code of conduct.**

318 A. In order to assess compliance with the terms of the permit, inspections may be
319 conducted at reasonable times without prior notice by the fire district, public health or
320 department staff. The managing agency shall implement all directives of the fire district
321 within forty-eight hours. Public health and department directives shall be implemented
322 within the time specified by the respective agencies.

323 B. Failure by the managing agency to take action against a resident who violates
324 the terms of the written code of conduct may result in cancellation of the permit.

325 NEW SECTION. SECTION 15. **Option to modify standards.** An applicant for
326 a homeless encampment may apply for a temporary use permit that applies standards that
327 differ from those established by sections 9 through 14 of this ordinance. In addition to all
328 other permit application requirements, the applicant shall submit a description of the
329 requirements to be modified and shall demonstrate how the modification will result in a
330 safe homeless encampment under the specific circumstances of the application. The
331 department shall review the proposed modifications and shall either deny or approve the

application, with conditions if necessary, to ensure a safe homeless encampment with minimal impacts to the host neighborhood. The hearing examiner shall expedite the hearing on an appeal of the department's decision under this section.

SECTION 16. Sections 5 through 15 of this ordinance expire January 1, 2015.

SECTION 17. Section 18 of this ordinance takes effect January 1, 2015.

NEW SECTION. SECTION 18. There is hereby added to K.C.C. chapter 21A.32 a new section to read as follows:

Homeless encampments – prohibited. A homeless encampment is a prohibited use and shall not be approved through a temporary use permit. If the King County Ten Year Plan to End Homelessness has not been fully implemented and there is still a need for

342 homeless encampments, the county council may through legislative action extend sections

343 5 through 16 of this ordinance.

344

Ordinance 15170 was introduced on 11/8/2004 and passed as amended by the Metropolitan King County Council on 5/2/2005, by the following vote:

Yes: 8 - Mr. Phillips, Ms. Edmonds, Ms. Lambert, Mr. Pelz, Mr. Ferguson, Mr. Gossett, Ms. Patterson and Mr. Constantine
No: 4 - Mr. von Reichbauer, Mr. Dunn, Mr. Hammond and Ms. Hague
Excused: 1 - Mr. Irons

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

_____

ATTEST:

_____

APPROVED this _____ day of _____, _____.

_____

Attachments A. Example Code of Conduct

RODNEY T. HARMON, P.S.
Attorney at Law

P.O. Box 1066
Bothell, WA 98041
Tel: (425) 402-7800
Fax: (425) 402-4099
rodharmon@msn.com

EXHIBIT 10
CASE# MAY 18, 2005

Date: May 13, 2005
To: Bothell Planning Commission
From: Rodney T. Harmon
Re: Proposed Revisions to TACAC Recommendations

Enclosed with this memorandum are proposed revisions to the Transitory Accommodations Code Amendments recommenced by Temporary Accommodations Citizens Advisory Committee. Three revisions are proposed with the following intended effects:

1) The standard to be applied when imposing conditions is more clearly stated.
2) The definition of good faith is revised to be more consistent with existing law and to recognize that people can in good faith disagree about what concerns are legitimate.
3) The indemnification provision is eliminated because it is inconsistent with the other indemnification provisions found in the Bothell Municipal Code.

1) The standard to be applied when imposing conditions should be more clearly stated. From Community Development Director Wiselogle's testimony at the May 4, 2005 public hearing, it is apparent that the TACAC's intended standard for the imposition of permit conditions is the avoidance of impacts which are materially detrimental to the community. While this standard is indicated in the definition of "Transitory Accommodations" in proposed BMC 12.16.160(3), it is nowhere clearly expressed that this is the objective standard that the community development director, and potentially the hearing examiner, must use when imposing conditions. The best place to make this clear is in the provision defining the community development director's authority, i.e. in the last sentence of proposed BMC 12.16.160(3). The proposed revision makes this sentence read:

> The community development director shall therefore have the authority to approve, approve with conditions, or deny a permit for a transitory accommodation proposal, after consideration of the performance criteria set forth herein <u>and where necessary to avoid impacts which are materially detrimental to the community</u>.

The proposed revision of this section also eliminates unnecessary and misleading language from the definition of "Transitory Accommodations," namely:

> provided the community development director determines on a case by case basis.

This language is misleading because it fails to take into account that it is the hearing examiner who will make the determination if the community development director's decision is appealed. The language is unnecessary because <u>every</u> permit application has to be evaluated on a case-by-case basis. And it is elsewhere stated in TACAC's proposed amendments that the community development director is to make the determination in the first instance, and the hearing examiner if the community development director's decision is appealed. By clearly stating an over-arching principle at the beginning, it is clear to everyone what standard the discretionary conditions may be imposed. The Hearing Examiner in particular, having been removed from the drafting of this ordinance, needs clearly expressed objective standards and the proposed revision attempts to give that to him. The intent here is to clarify, not to change, TACAC's proposal.

There are two references to the police department in TACAC's proposal. In both cases, discretion is given to the community development director <u>or</u> the police department to require security-related conditions. There is nothing in TACAC's proposal which defines the objective standard by which the police may impose conditions. There is more than one way to address this, but a simple way is to make it clear that it is the community development director who is imposing the security conditions but in consultation with the police department. This comports with reality anyway. I don't think anyone fears that the community development director would not heed the police chief on a security matter. I doubt the police want to get into the permit-granting business. And the proposed revision makes clear that the conditions imposed by the community development director are to be those necessary to avoid materially detrimental impacts on the community.

None of the proposed revisions just described are intended to change the substance of what TACAC intended. They are only intended to make that intention clearer. The commission should keep in mind that courts will interpret this ordinance based on the objective meaning of the language used, not on the subjective intent of the drafters. The commission is drafting legislation, and it should make sure the legislation speaks clearly and plainly. These proposed revisions are intended to further that goal.

2) The definition of good faith should be revised to be more consistent with existing law and to recognize that people can in good faith disagree about what concerns are legitimate.

Though well-intentioned, TACAC's definition of good faith negotiations does not comport with the common meaning of good faith or with the use of that term in existing law. TACAC's proposal, in relevant part, is as follows:

> In evaluating the application against the performance criteria set forth herein, the director shall consider the topic(s) of the unsuccessful negotiations and the extent to which the parties demonstrated good faith in their discussions. "Good faith" in this context shall mean a recognition of the legitimacy of, and a willingness to accommodate, each party's needs, desires and concerns.

There are two flaws to this proposed language.

First, the proposed definition of good faith requires each party to recognize any concern expressed by the other party as legitimate, and to accommodate that concern, no matter how preposterous the concern is. As currently written, even a concern based on flagrant racism would have to be acknowledged as legitimate and accommodated. Surely the Citizens Committee did not intend such a result. Further, the proposed definition fails to deal with the reality that in the dispute resolution context people frequently have illegitimate concerns and that the process of negotiation often leads people to conclude that their own concerns are illegitimate.

Second, the proposal requires the director, when granting the permit, to decide who was acting in good faith in the negotiations. This is a very difficult determination to make and, frankly, one the director should probably not be making. "Good faith" is, in a word, honesty. One who acts in good faith acts with a pure heart. Why on earth would we want the community development director to the City want to make land use decisions based upon those judgments?

TACAC had a good idea when it recommended a mechanism for neighbors to collaboratively reach a negotiated plan to mitigate the impacts of a temporary use near a school. Agreements reached voluntarily by neighbors are better for the common good. They are more likely to keep the peace and they avoid the bitterness of resentment.

TACAC undercuts its good idea of a negotiation, however, by its artificial and inaccurate definition of good faith. It encourages posturing in the event of a failed negotiation. And it will probably lead to two different records of what occurred during the negotiation. I recommend to the commission, instead, a consideration of three legislative bodies' attempts to define good faith:

> State of Washington Uniform Commercial Code.
> RCW 62A.1-201(43). Definitions
> "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.
>
> City of Bothell. Commute Trip Reduction (CTR)

BMC 14.06.010. Definitions
(27) "Good faith effort" means an employer that has met the minimum requirements identified in RCW 70.94.531 and this chapter, and is working collaboratively with the city of Bothell to continue its existing CTR program or is developing and implementing program modifications likely to result in improvements to its CTR program over an agreed upon length of time.

New Hampshire. Public Employees Labor Relations
RSA 273-A:3(I). Obligation to Bargain.
It is the obligation of the public employer and the employee organization certified by the board as the exclusive representative of the bargaining unit to negotiate in good faith. "Good faith" negotiation involves meeting at reasonable times and places in an effort to reach agreement on the terms of employment, and to cooperate in mediation and fact-finding required by this chapter, but the obligation to negotiate in good faith shall not compel either party to agree to a proposal or to make a concession.

The three principles expressed by these enactments are honesty in fact, collaboration, and meeting at reasonable times and places in an effort to reach agreement. Those principles can be expressed in the following language, which I recommend that the commission substitute for TACAC's language:

"Good faith" in this context shall mean honesty in fact and good faith negotiation involves meeting at reasonable times and places in a collaborative effort to reach agreement, but the obligation to negotiate in good faith shall not compel either party to agree to a proposal or to make a concession.

4) **The indemnification provision is eliminated because it is inconsistent with the other indemnification provisions found in the Bothell Municipal Code.** From my review of the Bothell Municipal Code, there is no general indemnification provision that applies to all permits issued by the City. The only two indemnification provisions I could locate are the following:

BMC 5.50.300. Cable Television Franchise. **Indemnity and hold harmless.**
No franchise shall be granted pursuant to this chapter unless it contains language requiring the franchisee to indemnify, defend, and hold harmless the city from any and all liabilities, fees, costs and damages, except gross negligence and/or willful misconduct of the city, caused by reason of the construction, operation, maintenance, repair and alteration of a franchisee's facilities or any other actions of a franchisee in the city of Bothell. The indemnification language required by this section shall

specifically provide that a franchisee will indemnify, defend, and hold harmless the city from claims against the city: (1) by the franchisee's employees; (2) based upon the city's ownership or control of the public rights-of-way; and (3) based upon the city's inspection or lack of inspection of the franchisee's facilities. In addition, each franchise granted pursuant to this chapter shall contain language requiring the franchisee to assume the risk of damage to its facilities by city activities, except in the case of gross negligence or willful or malicious action on the part of the city.

17.24.115 Public Utility Right-of-Way Placement Permit. Hold harmless/indemnity.

A. Anyone accepting permits under the terms of this chapter shall agree to release, covenant not to bring suit, and agree to indemnify, defend and hold harmless the city, its officers, employees, agents, and representatives from any and all claims, costs, judgments, awards or liability to any person, including claims by the public utility's own employees for which the public utility might otherwise be immune under RCW Title 51, for injury or death of any person or damage to property caused by or arising out of the acts or omissions of the public utility, its agents, servants, officers, or employees in the performance of any permit granted under this chapter, and any rights granted hereunder. Inspection or acceptance by the city of any work performed by a public utility during or at the time of completion of construction shall not be grounds for avoidance by the public utility of any of its obligations under this agreement. Such indemnification obligation shall extend to claims which are not reduced to a suit and any claims which may be compromised prior to the culmination of any litigation or the institution of any litigation. It shall be further specifically and expressly understood that the indemnification provision provided herein constitutes the public utility's waiver of immunity under RCW Title 51, solely for the purposes of this indemnification, and it shall further provide that this waiver has been mutually negotiated by the parties. Such indemnity agreement is required until the facilities or any other appurtenances are removed from the public right-of-way, or, until the city furnishes a written release of the requirement to the public utility.

B. In addition, the city may require that anyone accepting such a permit provide the city with additional indemnification, such as an indemnification from a parent company, and/or the city may require that the permittee provide proof of insurance acceptable to the city which covers potential exposure to the city.

C. The indemnification provided for herein does not apply to injuries to persons or damage to property caused by or resulting from the sole negligence of the city, its agents or employees.

It might make sense to require indemnification on account of a use that is like a cable television franchise or a public utility right-of-way. However, a temporary accommodation is not like these permits. It is not a public utility and the function performed is private and not quasi-governmental. If the City is to set a policy for requiring indemnification from permit applicants, then it should set a policy and enact an ordinance of general application. That would require a careful consideration of whether such a requirement is really needed.

If the City determines that such a requirement is needed, it should settle on one standard. In the two instances in which indemnification is now required, the standards employed differ. A cable television franchisee's indemnification of the City does not include gross negligence or willful misconduct. A public utility right-of-way permittee's indemnification of the city does include gross negligence and willful misconduct, but does not include injuries caused by the City's sole negligence. The indemnification proposed by TACAC would require the applicant to indemnify acts by the City which are grossly negligent, which amount to willful misconduct, and which are the sole cause of injury. Why should a temporary accommodation permit applicant be singled out for such all-encompassing indeminification? Why should anyone have to indemnify the City for its gross negligence or willful misconduct, or injury caused soley by the City's negligence?

It is respectfully suggested that the indemnification language be omitted from this proposed ordinance but that the Planning Commission take up separately the task of determining whether there is a need for an ordinance of general application requiring indemnification from permit applicants, and, if so, under what circumstances should it be required and for which permits.

End

Proposed Revisions to
Proposed Transitory Accommodations Code Amendments
TACAC Consensus Recommendation

Note - Proposed new language shown in underline.

12.06.160 Temporary uses.

A. Use Table.

Temporary Uses	Zoning Classification										
	R1 R2	R3 R4 R5 R6	R8a R8d	R11	R15	R-AC	OP	NB	CB	GC	LI
Amusement rides, carnivals or circuses								P	P	P	
Christmas tree lots							P	P	P	P	
Community festivals and street fairs								P	P	P	
Construction sheds or trailers (1)	P	P	P	P	P	P	P	P	P	P	P
Fireworks stands								P	P	P	
Parking lot and sidewalk sales								P	P	P	
Personal wireless service facilities(2)	P	P	P	P	P	P	P	P	P	P	P
Seasonal sales of flowers or produce								P	P	P	
Transitory Accommodations(3)	P	P	P	P	P	P	P	P	P	P	P
Yard and garage sales	P	P	P	P	P	P					

P: Permitted Use C: Conditional Use
Numbers in parentheses reference use-specific development and operating conditions under B below.

B. Development and Operating Conditions.

1. Construction sheds and trailers are permitted on the subject property or on adjacent property with permission of the owner for the duration of the construction activity; provided, that such sheds and trailers are located in conformance with all required setbacks and no residential or other use shall be made of such sheds or trailers which is unrelated to the construction activity.

2. Temporary PWS facilities as defined in BMC 12.11.020 are permitted solely for the purposes of evaluating the technical feasibility of locating a permanent PWS facility upon the subject property and providing emergency services during natural disasters or other emergencies which may threaten the public health, safety and welfare.

The placement and use of temporary PWS facilities shall conform to required setbacks as specified in Chapter 12.11 BMC and shall be maintained in a good and safe condition, and shall comply with all federal, state and local rules and regulations.

A temporary PWS facility may be used to evaluate the technical feasibility of a particular site for no more than three days. No person may extend the three-day period through trivial or de minimis movements of a temporary PWS facility. Temporary PWS facilities may be used to provide emergency communications services during natural disasters or other emergencies, as determined by the director, which may threaten the public health, safety and welfare. (Ord. 1876 § 2, 2002; Ord. 1815 § 1, 2000; Ord. 1733 §§ 4 (Exh. C), 6, 1998; Ord. 1629 § 1, 1996).

Note - The proposed transitory accommodations regulations have been divided into three parts:

1. *An introduction, which defines transitory accommodations, notes the range of intensity of impacts such uses can have, and recognizing this, assigns to the community development director discretionary authority to approve, approve with conditions, or deny transitory accommodation permits.*

2. *Process regulations (sub-section a), prescribing the procedures applicable to transitory accommodations applications.*

3. *Performance criteria (sub-sections b - f), against which the director would evaluate all transitory accommodations applications to determine what impacts such uses would have, whether those impacts would be adequately mitigated, and by what means. Staff has attempted to group like concerns under five categories of performance criteria - site; duration; health and safety; conduct and security; and other criteria.*

3. "Transitory Accommodations" shall mean tents, sheds, huts, cabins, trailers or other enclosures which are not permanently attached to the ground, may be easily erected and dismantled, and are intended for temporary occupancy, usually for recreational or humanitarian purposes. Transitory accommodations are permitted provided ~~the community development director determines on a case by case basis~~ that such use possesses no characteristics which would adversely impact the community in any way, or that any potentially adverse characteristics can be adequately minimized and/or mitigated so as not to be materially detrimental to the community. Transitory accommodations can vary widely in their characteristics, which include but are not limited to size of site, surrounding land uses, duration, number of occupants, noise generation,

and light and glare emanation. Accordingly, certain types of transitory accommodations may require the imposition of extensive conditions to mitigate potential adverse impacts to the community, while others may not: in some cases, adequate mitigation of impacts may not be feasible, and a proposed transitory accommodation consequently may not be allowed. The community development director shall therefore have the authority to approve, approve with conditions, or deny a permit for a transitory accommodation proposal, after consideration of the performance criteria set forth herein and where necessary to avoid impacts which are materially detrimental to the community.

a. Process

i. A transitory accommodation permit shall be required prior to the commencement of such a use, unless the community development director determines, after consideration of the performance criteria set forth in this section, that the proposed transitory accommodation possesses no characteristics which might adversely impact the community.

ii. A transitory accommodation permit is a Type II action and shall be processed accordingly, as set forth in BMC Title 11, Administration of Development Regulations, except that a pre-application conference and transportation concurrency review shall not be required. The permit fee shall be established by resolution of the city council.

iii. Advance discussions with nearby schools.

(1) Prior to applying for a transitory accommodation permit, the proponent 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 transitory accommodations site, and shall seek comments from said administration.

(2) Where no comments are received, or where the administration of said school(s) is supportive of the proposal, the proponent shall submit an affidavit to this effect with the application.

(3) Where the administration of said school(s) registers objections or concerns regarding the proposed transitory accommodations, the proponent shall attempt to resolve such objections or concerns via a negotiated mitigation plan between the proponent and the school(s). Such a plan shall be submitted

with the application and shall be incorporated in the conditions of the permit. Where the negotiations do not result in a mutually agreed upon mitigation plan within 30 days of receipt by the school administration of the initial notice from the proponent, but the parties desire to continue to pursue resolution of the issues, the parties may request mediation services from or through the City. In the event the parties cannot reach agreement after a good faith effort of at least 30 days from receipt by the school administration of the initial notice from the proponent, the proponent may submit an application but shall provide a record of the negotiations between the parties, including but not limited to copies of all correspondence and meeting notes. ~~In evaluating the application against the performance criteria set forth herein, the director shall consider the topic(s) of the unsuccessful negotiations and the extent to which the parties demonstrated good faith in their discussions. "Good faith" in this context shall mean a recognition of the legitimacy of, and a willingness to accommodate, each party's needs, desires and concerns.~~ "Good faith" in this context shall mean honesty in fact and good faith negotiation involves meeting at reasonable times and places in a collaborative effort to reach agreement, but the obligation to negotiate in good faith shall not compel either party to agree to a proposal or to make a concession.

iv. The decision of the community development director may be appealed. Such appeals shall be heard and decided by the hearing examiner in accordance with the procedures set forth in BMC 11.12.010.

v. Emergencies. The community development director may waive these requirements when a natural or man-made disaster necessitates the immediate establishment of transitory accommodations.

vi. Failure to comply. If a transitory accommodation permit has been issued, and the community development director determines that the applicant has violated any condition of that permit, the director shall issue a notice of violation and require compliance in accordance with the procedures set forth in BMC Chapter 11.20, Enforcement. Failure to correct the violation after a reasonable time for compliance shall result in revocation of the permit. In such an event all activities associated with the accommodation shall cease immediately and the site shall immediately be vacated and restored to its pre-accommodation condition.

b. Site performance criteria.

i. Size. The site shall be of sufficient land area to support the activities of the transitory accommodation without overcrowding of occupants, intruding into required setbacks or critical areas, destroying vegetation, eroding soils or otherwise overtaxing the land. Where deemed necessary by the community development director, the applicant shall provide a site plan indicating the location of the proposed transitory accommodation on the host property; its area in square feet; and the proposed distribution of, and allocation of space for, anticipated activities including but not limited to sleeping, eating, socializing, and bathing and other personal functions.

ii. Setbacks from property line. All activities of the transitory accommodation shall be set back from adjacent properties a sufficient distance so as not to impinge upon or otherwise unduly influence activities on said adjacent properties. Where deemed necessary by the community development director, the applicant shall provide a site plan indicating buildings and uses on properties surrounding the proposed transitory accommodation, and the distance the proposed accommodation would be set back from surrounding property lines. A transitory accommodation be set back no less than 20 feet from the exterior boundary lines of adjacent properties unless the owners of such properties consent in writing to a reduction or waiver of such setback.

iii. Screening of activities. Where deemed necessary by the community development director, activities of the transitory accommodation shall be obscured from view from adjacent properties, by a minimum six foot high temporary fence, an existing fence, existing dense vegetation, an existing topographic difference, distance from exterior property lines, or other means, to the maximum extent feasible.

iv. Parking. Adequate parking for the transitory accommodation shall be provided so as not to reduce parking utilized by existing surrounding uses. Where deemed necessary by the community development director, the applicant shall provide a proposed parking plan consisting of the following:

(1) The amount and location of available on-site parking;

(2) The availability of on-street parking;

(3) Whether the proposed use would displace established on-street parking; and

(4) Whether the sponsoring agency proposes to utilize other mechanisms that might alleviate the need for additional parking, such as the provision of shuttle buses for the use of occupants of the transitory accommodations, or the provision of shared parking agreements with adjacent uses.

v. Access to public transportation. Where occupants of a proposed transitory accommodation are anticipated to require the use of public transportation, said accommodation shall be located no farther than one-half mile from a regular public transportation route.

vi. Critical areas. All proposed transitory accommodations shall comply with the City's critical areas regulations as set forth in BMC Chapter 14.04. Where deemed necessary by the community development director, the applicant shall provide a site plan indicating the presence and extent of any critical areas.

vii. Restoration of site. Upon cessation of the temporary accommodation, the site shall be restored, as near as possible, to its original condition. Where deemed necessary by the community development director, the applicant shall re-plant areas in which vegetation had been removed or destroyed.

c. Duration performance criteria.

i. Length of time. The proposed transitory accommodations shall be in operation the minimal length of time necessary to achieve the recreational, humanitarian or other objective(s) of the sponsoring organization. Where deemed necessary by the community development director, the applicant shall provide a narrative explaining the objective(s) the applicant seeks to achieve, and the amount of time the applicant believes necessary to achieve that objective. However, under no circumstances shall a proposed transitory accommodation be allowed in one location for more than 90 days, either consecutively or cumulatively, during any 12-month period, except that where the 90th day falls on a Friday, an additional two days shall be allowed to dismantle and remove the accommodation over the immediately following weekend.

ii. Recurring transitory accommodations. A transitory accommodation permit may allow a recurring accommodation, on an annual, bi-annual or less frequent schedule, provided that prior to

commencement of each accommodation, the applicant shall notify the community development director; the director shall issue and the applicant shall distribute a notice of application, in accordance with BMC 11.06.004; and the director shall determine whether circumstances have changed which might warrant revising permit conditions or revoking the permit.

d. Health and safety performance criteria. Transitory accommodations shall be operated in such a manner as to ensure the health and safety of occupants of the subject and surrounding properties. Accordingly, all transitory accommodations shall comply with the following:

   i. Health regulations. All applicable city, county and state regulations pertaining to public health shall be met.

   ii. Fire safety. Inspections of the accommodation by the City for fire safety purposes may be conducted at any time and without prior notice. Adequate access, as determined by the Fire Marshal, shall be maintained within and around the accommodation at all times to ensure that emergency vehicles can ingress/egress the site.

   iii. Building code inspections. Inspections of the accommodation by the City to ensure the public health and safety with regard to structures may be conducted at any time and without prior notice.

   iv. Drinking water and solid waste. An adequate supply of potable water shall be available on-site at all times. Adequate toilet facilities shall be provided on-site, as determined by the public works director. All city, county and state regulations pertaining to drinking water connections and solid waste disposal shall be met.

   v. Trash. Adequate facilities for dealing with trash shall be provided on-site. A regular trash patrol or other method of regular maintenance in the immediate vicinity of the site shall be provided.

e. Conduct and security performance criteria.

   i. Noise. Any transitory accommodation shall comply with City noise regulations as set forth in BMC Chapter 8.26. Where deemed necessary by the community development director, the applicant shall provide a plan to mitigate potential noise impacts.

   ii. Light and glare. Any transitory accommodation shall comply with City light and glare regulations as set forth in BMC Chapter 8.64. Where deemed necessary by the community development director,

the applicant shall provide a plan to mitigate potential light and glare impacts.

iii. Security. Any transitory accommodation shall comply with City regulations regarding lawful behavior as set forth in BMC Title 9, Criminal Code. Any transitory accommodation shall provide all required legal access to public areas of the site by the City of Bothell Police Department and any other relevant law enforcement agency at all times. Additionally, where deemed necessary by the community development director ~~or~~in consultation with the police chief, the applicant shall provide for the following:

(a) The applicant shall take all reasonable and legal 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 camp residents.

(b) The applicant will use such identification to obtain warrant and sex offender checks from the King or Snohomish County Sheriff's office or other relevant authority. The anonymity of the requesting party shall be maintained.

(c) If said check reveals that the subject of the check is a sex offender, required to register with the City, County or State authorities pursuant to RCW 9A.44.130, then the applicant shall immediately reject the subject of the check for residency in the transitory accommodation or eject the subject of the check if that person is currently a resident of the accommodation, and shall immediately notify the Bothell Police Department of such rejection or ejection.

(d) If said check reveals that the subject of the check has an existing or outstanding warrant, then the applicant may select either of the following alternative actions:

(1) Immediately reject or eject the subject of the check and immediately notify the Bothell Police Department of such rejection or ejection; or

(2) Request the Bothell Police Department to confer with the agency or court of jurisdiction from which the warrant originated to determine whether or not said agency or court desires the warrant to be served. If the originating agency or court desires the warrant to be served, the Bothell Police

Department shall do so immediately. If the originating agency or court declines warrant service, due to the minor nature of the offense for which the warrant was issued or for other reasons, the subject may enter or remain in the transitory accommodation, provided that the applicant actively assist the subject in resolving the warrant.

(e) The applicant shall keep a log of all individuals who stay overnight in the transitory accommodation, including names and dates. Logs shall be kept for a minimum of six months.

(f) The applicant shall provide on-site security, as approved by the community development director in consultation with the City of Bothell Police Department.

iv. Codes of conduct. If the occupants of a transitory accommodation have a written code of conduct, said code shall be incorporated into the conditions of approval.

f. Other performance criteria.

~~i. Indemnification. The applicant shall defend, indemnify, and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits of any nature, including attorney fees, arising out of or in connection with the operation of the transitory accommodation.~~

ii. Liability insurance. Where deemed necessary by the community development director, the applicant shall procure and maintain in full force, through the duration of the transitory accommodation, comprehensive general liability insurance with a minimum coverage of $1,000,000 per occurrence / aggregate for personal injury and property damage.

iii. Other criteria. Where deemed necessary, the community development director may identify other performance criteria; require the applicant to describe the potential impacts of the proposed transitory accommodation with respect to those criteria; and determine if measures are warranted to minimize or otherwise mitigate such impacts.

EXHIBIT 11
CASE# May 18, 2005

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)
PO – PERMITTED subject to planned unit development only. (See Part 20.30D)
A – ADMINISTRATIVE CONDITIONAL USE (see Part 20.30E)
S – Permitted only as a subsidiary 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.

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

KEY

P – PERMITTED USE
C – CONDITIONAL USE (see Part 20.20B or Part 20.20C)
PD – PERMITTED subject to planned unit development only. (See Part 20.20 D)
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.*

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 Section B.1 above.

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.

****

(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:

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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 _____

EXHIBIT 12
CASE # May 18, 2005

From: Jan Short
To: Bill Wiselogle; CityStaff.MASTER_PO.MASTER_DOMAIN@ci.bothell.wa.us
Date: 5/18/2005 10:18:06 AM
Subject: Re: Fwd: Recommendations of the Citizen Advisory Committee

I am forwarding this email to Bill Wiselogle due to this issue being a Planning commission issue.

>>> CityStaff 05/18 8:17 AM >>>

>>> "Sandra Lyons" <sjlyons4@gte.net> 05/17 4:59 PM >>>
Attn: City Clerk
To: Bothell Planning Commission:

As a longtime resident of Bothell and a concerned citizen, I have been closely following the city government proceedings to deal with the Transitory Accomadations issue. I have read the recommendations of the Citizen Advisory Committee which is now before the Planning Commission. I would like to go on record as being in support of these recommendations as presented to the Planning Commission.

The Citizen Advisory Committee spent many long, often contentious hours discussing how our community will respond to the placement of temporary accomodations such as any future tent cities. The final recommendation embodies a spirit of compromise which is frequently needed when strong emotional issues require government action. It is my understanding that although the decisions made may not be 100% satisfactory to all members, the general consensus is that it is a recommendation which they feel the community can live with. Therefore, I support these recommendations.

The issues of homelessness and poverty will continue to be present in our community, and just because we live in a small suburban city, we cannot assume that our lives will not be touched by them. I do not wish to be a part of a community which refuses to look at or respond to the needs of the less fortunate, whether it is because of fear of the unknown or purely callousness. For this reason I hope govenment boards like the planning commission will not pass zoning rules so restrictive that community resources like our churches or our schools cannot respond to the needs of the less fortunate. Although tent cities are not a permanent solution to homelessness, they do provide an intermediate measure of relief while community discussions continue for a more permanent solution. The bottom line is that these problems are not just "Seattle" ones. Homelessness and hunger are also found on the eastside of the greater Seattle area, and all our east-side communites will need to respond and contribute to these solutions. My hope is that my community of Bothell will take a pro-active view of this and will respond with "heart" and not just with a standard "not in my backyard" refrain. We are better community than that.

Respectively yours,

Sandra J. Lyons
18731 129th Ct. NE
Bothell, WA 98011

BOTHELL UNITED METHODIST CHURCH
18515 92nd Ave. N.E.
Bothell, Washington 98011
Phone: (425)486-7132 - Fax (425)486-0303
May 18, 2005

EXHIBIT 13
CASE# MAY 18, 2005

I am Greg Jackson, Senior Pastor, of Bothell United Methodist Church, a congregation of 700 members, located next to Bothell High School.

Our church has been in ministry in Bothell since 1885. We have an old panoramic photograph of old Bothell from 1900, and the Methodist and Lutheran churches are at the heart of downtown.

For 120 years, the United Methodist Church has been worshipping here and serving the community. We do so because of fundamental rights guaranteed to us and our calling.

The ministry of all Christians consists of privilege and obligation. The privilege is a relationship with God that is deeply spiritual. The obligation is to respond to God's call to holy living in the world. We take seriously Jesus' words that showing compassion to the needy, hungry, and homeless is part of our mission and calling.

Our congregation is involved in local ministry through support of Hopelink, donating thousands of dollars a year. We recently hosted the Cropwalk to help fight hunger. Last year, we took on the responsibility of providing Saturday dinners to Tent City 4 at St. Brendens. We donated over $2000 and eighty people helped prepare the meals. Individuals and families served the meals, learning that homeless people are just like you and me, except they're homeless and in immediate need.

You have before you the Final Report and Recommendations of the Transitory Accommodations Citizen's Advisory Committee. I urge you to adopt the report as is. I think that we can live with it.

I speak *against* any recurring proposal to implement buffers between churches and schools. Such buffers are unnecessary. If Bothell United Methodist Church sought to host a Tent City we would of course seek to be good neighbors, and work closely with the community, high school, and neighborhood.

But our response is grounded by our privilege and obligation to be in ministry. We believe this is also a constitutionally protected right, a fundamental right to provide hospitality for the homeless on church property. In support of such rights, I want to share a legal memorandum by Mark Rising of Haskell Fetterman law firm in Seattle. It was also presented to the King County Council by Dr. Sanford Brown, Executive Director of the Greater Seattle Council of Churches.

Once again, I urge you to support the report in its present form without the inclusion of buffers.

Thank you for your time.

Gregory K. Jackson

Gregory K. Jackson, Senior Pastor
Floyd Green, Sr., Pastor Emeritus

David P. Wright, Associate Pastor

MEMORANDUM

To: Dr. Sandy Brown, Church Council of Greater Seattle

From: Mark F. Rising

Date: March 2, 2005

RE: Legal Issues Relating To Christian Religious Communities Hosting Tent City

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I. Background Facts

1. Christian Teachings On Caring For The Homeless.

From the earliest days of the Christian church, providing a sanctuary for the homeless and dispossessed has been an important means by which Christian churches have expressed their belief in the redemptive power of Jesus Christ.
Providing sanctuary for the homeless and dispossessed has not been an option or a "fringe concern" of most Christian churches; it has been a central tenant of the practice of their religion as disciples of Jesus.

Most Christian churches believe that Jesus made it very clear how they are to respond to pleas for help from the poor, homeless or dispossessed. The following passage from the 25th chapter of the Gospel of St. Matthew quotes Jesus at length on the subject:

> "When the Son of Man comes in his glory, and all the angels with him, he will sit on his throne in heavenly glory. All the nations will be gathered before him, and he will separate the people one from another as a shepherd separates the sheep from the goats. He will put the sheep on his right and the goats on his left.
>
> "Then the King will say to those on his right, 'Come, you who are blessed by my Father; take your inheritance, the kingdom prepared

> for you since the creation of the world. For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in, I needed clothes and you clothed me, I was sick and you looked after me, I was in prison and you came to visit me.'
>
> "Then the righteous will answer him, 'Lord, when did we see you hungry and feed you, or thirsty and give you something to drink? When did we see you a stranger and invite you in, or needing clothes and clothe you? When did we see you sick or in prison and go to visit you?'
>
> "The King will reply, 'I tell you the truth, whatever you did for one of the least of these brothers of mine, you did for me.'
>
> "Then he will say to those on his left, 'Depart from me, you who are cursed, into the eternal fire prepared for the devil and his angels. For I was hungry and you gave me nothing to eat, I was thirsty and you gave me nothing to drink, I was a stranger and you did not invite me in, I needed clothes and you did not clothe me, I was sick and in prison and you did not look after me.'
>
> "They also will answer, 'Lord, when did we see you hungry or thirsty or a stranger or needing clothes or sick or in prison, and did not help you?'
>
> "He will reply, 'I tell you the truth, whatever you did not do for one of the least of these, you did not do for me.'
>
> "Then they will go away to eternal punishment, but the righteous to eternal life."

Matthew 25:31-46; New International Version, Grand Rapids: Zondervan Bible Publishers (1985). Numerous other passages of Christian Scripture confirm the belief that the right expression of the Christian faith requires undertaking concrete actions to shelter and provide for the homeless and dispossessed. St. James, for example, wrote:

> What good is it, my brothers, if a man claims to have faith but has no deeds? Can such faith save him? Suppose a brother or sister is without clothes and daily food. If one or you says to him, "Go, I wish you well; keep warm and well fed," but does nothing about his

> physical needs, what good is it? In the same way, faith by itself, if it's not accompanied by action, is dead.

James 2: 14-17; *Id.* Likewise, St. John wrote:

> If anyone has material possessions and sees his brother in need but has no pity on him, how can the love of God be in him? Dear children, let us not love with words or tongue but with actions and in truth.

1 John 3: 17-18; *Id.* Most Christian churches believe that the above-quoted passages from Christian Scripture, as well as other passages from Scripture, demand that Christians take concrete actions to minister to the poor and homeless.

2. Tent City.

In the Fall of 1999 a number of homeless people that had been living on the streets of downtown Seattle sought refuge from WTO protests. They stayed in the parking lot of Crown Hill United Methodist Church for a six week period. The group became known as "Tent City." Subsequently, the group divided and stayed in the parking lots of various churches in Seattle, Tukwila and Renton. In the Spring of 2004, King County offered to allow a group of Tent City residents to move to the County's "Brickyard" site in Bothell. Prior to County's offer, no Tent City group had encamped on the Eastside. When litigation was threatened by a neighborhood group, St. Brendan's Catholic Church invited the group to camp on its property. The group has since been hosted by St. John Vianney Catholic Church, and is currently being hosted by Kirkland Congregational Church/United Church of Christ.

Tent City is a group of self-regulating homeless men and women that need temporary shelter. They are organized by SHARE/WHEEL, a nonprofit corporation

comprised of Seattle Housing and Resource Effort ("SHARE") and the Women's Housing Equality and Enhancement League ("WHEEL"). They encamp as a group to increase their safety. Many are employed full time but cannot earn enough money per hour to pay rent. There are a number of married persons in the group who note that local shelters cannot accommodate married couples. No one at Tent City has an automobile.

Participants in Tent City provide 24 hour security for the encampment. Everyone entering or leaving Tent City must pass guards and sign a log. No alcohol or drugs are allowed in Tent City and anyone disturbing the peace is immediately evicted and placed on a "Do Not Admit" list. Garbage is collected daily. Adequate portable restrooms and hand washing facilities are delivered to each Tent City site. The portable restrooms are pumped three times per week. No open flames are allowed. Tent City representatives promise neighbors that if Tent City is loud or otherwise disturbs the peace in any way, Tent City will immediately move.

Camp grounds are recreational facilities. Tent City is not a "camp ground." It is a sanctuary for homeless people who otherwise would have been relegated to the isolated, dangerous activity of trying to find a dry place beneath a bridge or in an alley to lay their heads at night. The congregations hosting Tent City organize to prepare and serve meals to the Tent City residents, as well as provide the residents with necessary supplies to help them live with dignity. Assistance with transportation and employment are also often offered by the congregations. For these congregations, hosting Tent City constitutes a genuine and deep felt practice of their Christian faith.

II. LEGAL ANALYSIS

1. Ministering To The Homeless Constitutes A Permitted "Accessory Use" Of Church Property.

Each of the churches that have hosted Tent City already have building permits that entitle the congregation to use the property as a "church." Although different jurisdictions may have slightly different descriptions of the "uses" permitted on church property, applicable land use codes always allow uses "accessory" to worship, missionary and prayer services.

The Supreme Court of Ohio has held that, for a church, a homeless shelter is accessory use. In *Henley v. City of Youngstown Board of Zoning Appeals*, 90 Ohio St.3d 142, 735 N.E.2d 433 (2000), the Ohio Supreme Court held:

> The court of appeals concluded, and we agree, that "social programs of a church, such as the ones in this case, *are accessory uses in that they are customarily incidental to the principal use*." (Emphasis added.) The character of uses and structures that courts have deemed accessory to religious uses has varied widely. See, generally, Annotation, What Constitutes Accessory or Incidental Use of Religious or Educational Property Within Zoning Ordinance (1982), 11 A.L.R. 4th 1084, 1086, citing 2 Anderson, American Law of Zoning 2d, Section 12.26. Several courts have specifically permitted residential accommodations in church buildings as accessory uses. See, *e.g., St. John's Evangelical Lutheran Church v. Hoboken* (1983), 195 N.J. Super. 414, 479 A.2d 935 (shelter for homeless); *Beit Havurah v. Norfolk Zoning Bd. Of Appeals* (1979), 177 Conn. 440, 418 A.2d 82 (unrestricted overnight accommodations in synagogue). Most recently, the Twelfth District Court of Appeals determined that a home for unwed pregnant teenage girls, which included prenatal care, life skills training, and a spiritual education, was an integral part of a church's missionary purposes. *Solid Rock Ministries Internatl. v. Monroe Bd. of Zoning Appeals* (June 5, 2000), Butler App. No. CA99-10-170, unreported, 2000 WL 744584. Based on the foregoing, we agree with the court of appeals that Beatitude House would be "customarily incidental" to the principal use of the diocesan property as

> a Catholic church and would satisfy Article I's definition of "Accessory Use or Building."

As is discussed more fully below, courts across the nation have recognized the activities of feeding the hungry and sheltering the homeless as core religious activities. As such, they are activities that are accessory to the principal uses of the property for which a permit has already been issued and thus constitute "permitted uses" of church property.

2. <u>The Washington State Constitution Bars Government Restrictions On The Exercise Of Religious Duties On Church Property Unless A Compelling Governmental Interest Demands Intervention.</u>

Article 1, Section 11 of the Washington State Constitution ensures "[a]bsolute freedom of conscience in all matters of religious sentiment, belief, and worship" to "every individual" and guarantees that "no one shall be molested or disturbed in person or property on account of religion." This guarantee of free exercise – significantly stronger than the corresponding provision in the federal Constitution – "is 'of vital importance.'" *First Covenant Church of Seattle v. City of Seattle*, 120 Wn.2d 203, 226, 840 P.2d 174, 186-87 (Wash. 1992).

> If the "coercive effect of [an] enactment" operates against a party "in the practice of his religion", it unduly burdens the free exercise of religion. A facially neutral, even-handedly enforced statute that does not directly burden free exercise may, nonetheless, violate Article 1, section 11, if it indirectly burdens the exercise of religion.
>
> State action is constitutional under the free exercise clause of article 1 if the action results in no infringement of a citizen's right or if a compelling state interest justifies any burden on the free exercise of religion.

Id. at 226, 840 P.2d at 187 (citations omitted; alterations and omissions in the original); *see also Munns v. Martin*, 130 Wn.2d 192, 200, 930 P.2d 318, 321 (Wash. 1997); *City of Sumner v. First Baptist Church*, 97 Wn.2d 1, 5, 639 P.2d 1358, 1361 (Wash. 1982).

"A 'compelling interest' is one that has a 'clear justification . . . in the necessities of national or community life', that prevents a 'clear and present, grave and immediate' danger to public health, peace and welfare." *First Covenant*, 120 Wn.2d at 226-27, 840 P.2d at 187 (citations omitted; emphasis added). The interest must be "paramount." *Sherber v. Verner*, 374 U.S. 398, 406 (1963). The test also focuses on the means used to accomplish the asserted interest: "The State also must demonstrate that the means chosen to achieve its compelling interest are necessary and the least restrictive available." *First Covenant*, 120 Wn.2d at 227, 840 P.2d at 187. The least restrictive means element is virtually impossible to satisfy when reasonable alternatives exist that would advance the government's interests without sacrificing the religious exercise at issue.

3. The Free Exercise Clause Of The First Amendment To The United States Constitution Bars Government From Interfering With A Church's Ministry To The Homeless Unless A Compelling Governmental Interest Demands Intervention.

Like the Washington Constitution, the United States Constitution proscribes governmental action that infringes on the ability of churches to exercise the mandates of their faith. The First Amendment both guarantees the right of free exercise of religion and provides that government may not establish or otherwise control religion. *See* U.S. Const. Amend I.

The same compelling governmental interest test applied by the Washington courts also applies under the First Amendment where, as in most land use matters, individualized exemptions to otherwise generally applicable rules are allowed in the discretion of government officials. In the case of *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, (1993), the United States Supreme Court held:

> As we noted in *Smith,* in circumstances in which individualized exemptions from a general requirement are available, the government "may not refuse to extend that system to cases of 'religious hardship' without compelling reason."

508 U.S. at 537. Thus, the Free Exercise clause of the First Amendment prohibits enforcement of zoning regulations that place a substantial burden on the exercise of religion unless the land use authority demonstrates that the regulations are necessary to further a compelling governmental interest (*i.e.*, prevention of a clear, present, grave and immediate danger to public health, peace and welfare) and that the least restrictive means necessary to further that governmental interest are employed.

Published holdings of five separate courts hold that the free exercise clause of the First Amendment supports entry of an injunction barring zoning code enforcement actions against churches for providing food or sanctuary to the homeless. Those courts include the United States Court of Appeals for the Second Circuit, which upheld a United States District Court injunction against the City of New York from interfering with homeless people camping on church grounds, *see Fifth Ave. Presbyterian Church v. City Of New York*, 293 F.3d 570 (2nd Cir. 2002), two United States District Courts, *see Stuart Circle Parish v. Board of Zoning Appeals of the City of Richmond, Virginia,* 946 F. Supp. 1225 (E.D. Va. 1996) (Paine, J.) and *Western Presbyterian Church v.*

Board of Zoning Adjustment of the District of Columbia, 862 F.Supp. 538 (D.C. 1994) (Sporkin, J.), and two are state courts, *see The Jesus Center v. Farmington Hills Zoning Board of Appeals,* 215 Mich.App. 54, 544 N.W.2d 698 (1996) and *St. John's Evangelical Lutheran Church v. City of Hoboken,* 195 N.J.Super. 414, 479 A.2d 935 (1983). These cases show that the a land use authority cannot prosecute a Christian church for providing sanctuary to homeless people in the exercise of its religious mandates unless the authority demonstrates that its enforcement action furthers a compelling governmental interest and that it has accommodated the church's religious exercise by using the least restrictive means of furthering that compelling governmental interest.

In the case *Stuart Circle Parish v. Board of Zoning Appeals of the City of Richmond, Virginia,* 946 F.Supp. 1225 (E.D. Va. 1996), the City of Richmond, Virginia's Zoning Administrator found that a partnership of six churches of different Christian denominations that ministered to the poor and homeless violated a section of the Richmond City Zoning Ordinance. The ordinance limited feeding and housing programs for the homeless within churches to no more than 30 individuals for up to seven days between the months of October and April. The churches brought a federal court lawsuit against the Zoning Administrator, seeking an injunction prohibiting the City from attempting to enforce its zoning ordinance against the churches' homeless ministry. The United States District Court granted the churches' motion for a temporary restraining order against the City, finding that the City's determination that the churches' conduct violated the zoning code constituted a clear violation of the churches' right to practice their religion.

The Court noted:

> Testimony by one witness showed that the feeding of the urban poor in Richmond is an extension of their morning worship, which has been an ongoing tradition for many years. Indeed, caring for the poor has been central to the Methodist faith and was a formal teaching of John Wesley, the founder of Methodism. Another witness testified that one of the most important facets of her religion is sharing in the Eucharist, which is the equivalent of sharing in a meal with God and the congregation. Sharing a meal with the homeless is a natural extension of this practice. Finally, a witness, who qualified as an expert in Christian theology, testified that feeding the poor is central to the Christian teachings of all denominations comprising Stuart Circle Parish. The witness pointed to passages in the Bible in both the Old and New Testament, including the Sermon on the Mount and the sharing of the loaves and fishes, demonstrating the centrality of this teaching. Some of these passages show that, for the plaintiffs, the feeding of those less fortunate constitutes methods of obtaining a blessing and the means to redemption ... .
>
> * * *
>
> Clearly, then, plaintiffs have given strong evidence that the Meal Ministry is motivated by their religious belief and that their participation in the Meal Ministry constitutes the free exercise of religion.

Id. at 1236-37 (underlining added). The Court went on to hold that the City of Richmond failed to meet its burden under the compelling governmental interest test, finding that the City's conclusory assertions regarding governmental interests were insufficient:

> Defendants failed to show that there was a compelling state interest in restricting the conduct of the Meal Ministry in its present format and to its present extent. Indeed, they showed only that several complaints had been made over a period of a few days about noise, unruly behavior and urination on private property. No showing was made that the behavior complained of was by the Meal Ministry participants, nor could such a showing be made, according to the testimony of one witness. Defendants also failed to show that such

> unruly and disturbing behavior occurred on a regular basis or even on more than one occasion. Preventing a singular occurrence of noise, unruly behavior and unsightly conduct simply would not constitute a compelling state interest where, as here, a substantial burden on the free exercise of religion has been shown. There has been no allegation in this case that the Meal Ministry jeopardizes the public safety, nor that the program has caused acts or threats of violence against neighbors. There has not even been a showing that the program causes traffic jams.
>
> * * *
>
> Absent as showing of compelling state interest, it is not possible to accurately assess whether the Code sections constitute the least restrictive means of achieving that compelling state interest. For example, nothing explains why seasonal limitations are relevant to the achievement of the public safety, health and welfare concerns or the compatibility of land use which the City asserts as justification for the zoning Code. Nor has the numerical limitation been related to those concerns.
>
> Thus, the Court finds that plaintiffs have raised serious, substantial questions respecting whether the Code is the least restrictive means of burdening the free exercise of religion.

Id. at 1229-30. The Court rejected the City's arguments that the federal court should abstain in hearing the case and that the churches should be required to wait for an enforcement action by the City or apply for a conditional use permit, finding that the threatened infringement of the churches' constitutional right to free exercise of religion required immediate entry of an injunction against the City of Richmond. *Id.* at 1229-33, 1240 fn. 4.

In the case of *Western Presbyterian Church v. Board of Zoning Adjustment of the District of Columbia,* 862 F.Supp. 538 (D.C.D. 1994), Western Presbyterian Church sued the District of Columbia Zoning Administrator in federal court after the Administrator found that the City's zoning code prohibited the church's homeless

feeding program. United States District Judge Stanley Sporkin found "particularly troubling" the District of Columbia's failure to consider and address the church's free exercise of religion claim. 862 F.Supp. at 543. On the church's motion for summary judgment, Judge Sporkin granted an injunction against the District of Columbia taking any enforcement action against the church:

> The plaintiffs have made a more than adequate showing that their feeding program at the Virginia Avenue location is motivated by sincere religious belief.
>
> * * *
>
> If a law or governmental action is found to substantially burden the free exercise of religion, the government must demonstrate that it has a compelling governmental interest in such a burden *and* that the interest could not be protected by a less restrictive means. The District of Columbia concedes that "it has no compelling governmental interest in prohibiting Western Presbyterian from conducting its feeding program at 2401 Virginia Avenue, N.W., so long as appropriate controls are in place." Instead, the defendants take the position that the Court should dismiss the complaint because the zoning regulations do not substantially burden the plaintiffs' free exercise of their religion. Accordingly, the issue left for the Court to decide is whether the District of Columbia zoning regulations, as interpreted by the zoning administrator and the BZA and applied to the Church's program to feed the homeless at the Virginia Avenue site, substantially burden the plaintiffs' free exercise of religion in violation of the First Amendment... .
>
> * * *
>
> Once the zoning authorities of a city permit the construction of a church in a particular locality, the city must refrain, absent extraordinary circumstances, from in any way regulating what religious functions the church may conduct. Zoning boards have no role to play in telling a religious organization how it may practice its religion.
>
> * * *

> The plaintiffs here seek protection for a form of worship their religion mandates. It is a form of worship akin to prayer. If the zoning regulations cannot be applied to ban prayer in a church, they cannot be used to exclude this type of religious activity. The Church may use its building for prayer and other religious services as a matter of right and should be able, as a matter of right, to use the building to minister to the needy. To regulate religious conduct through zoning laws, as done in this case, is a substantial burden on the free exercise of religion.

Id. at 544, 545, 546, 547 (footnote omitted). Judge Sporkin permanently enjoined the District of Columbia from using zoning regulations or ordinances to prevent the church from administering its program to feed the homeless on the church's premises "so long as the feeding program is conducted in an orderly manner and does not constitute a nuisance." *Id.* at 547.

In *The Jesus Center v. Farmington Hills Zoning Board of Appeals,* 215 Mich.App. 54, 544 N.W.2d 698 (1996), the Zoning Board refused to allow a church to run a homeless shelter on its property. The trial court reversed the Zoning Board, finding that the municipality could not prevent the church from "its religious activity of housing the homeless." 215 Mich.App. at 60. On appeal, the Court accepted the Zoning Board's factual findings that shelter recipients were trespassing on neighbors' property, urinating in public and creating a nuisance to residents of the surrounding area. *Id.* at 61. Nevertheless, the Court upheld the trial court's decision, holding that a summary closure of the shelter violated the church's free exercise rights and that the "least restrictive means" test under the First Amendment and the Religious Freedom

Restoration Act ("RFRA")[1] required that the government work with the church to address compelling governmental interests:

> Beginning with its application to the Zoning Board, at the Board hearing, and throughout the court proceedings that followed, The Jesus Center has contended that its provision of shelter services flows from its religious beliefs and is an exercise of those beliefs. We are not at liberty to question this position. "Determining that certain activities are in furtherance of an organization's religious mission ... is ... a means by which a religious community defines itself." *Corp. of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos, 483 U.S. 327, 342; 107 S. Ct. 2862; 97 L.Ed.2d 273 (1987)* (Brennan, J., concurring). It is not the job of the courts to second guess "what activities are sufficiently 'religious'" to qualify for "free exercise" protection. *Coehn v. City of Des Plains, 8 F.3d 484, 490* (CA 7, 1993).
>
> However, we note that The Jesus Center's argument that its shelter program is an expression of its faith is certainly not unique or otherwise difficult to believe. The Bible, which The Jesus Center professes to follow, is replete with passages teaching that the God of the Bible is especially concerned about the poor, that believers must also love the poor, and that this love should result in concrete actions to deal with the needs of the poor. Many of these biblical provisions, found in the Old Testament, are adhered to by Jews and Christians alike. In fact, "the concept of acts of charity as an essential part of religious worship is a central tenet of all major religions." *Western Presbyterian Church v. Bd of Zoning Adjustment of the Dist of Columbia, 862 F.Supp. 538, 554* (D DC, 1994). The specific act of charity at issue here, providing shelter of sanctuary to the needy, has been part of the Christian religious tradition since the days of the Roman Empire. See *Greentree at Murray Hill Condominium v. Good Shepherd Episcopal Church, 146 Misc. 2d 500, 504-505; 550 N.Y.S.2d 981 (1989).* The Zoning Board does not argue that the Jesus Center is providing shelter services for anything but a religious purpose.

* * *

[1] Although RFRA was held unconstitutional in *City of Boerne v. Flores*, 521 U.S. 507 (1997), the "least restrictive means" requirement is an element of settled interpretation of the Free Exercise Clause of the First Amendment. *See Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 537 (1993).

The relocation of the shelter program would certainly create an economic burden for The Jesus Center, requiring the lease or purchase of another facility. Further, in contrast to secular organizations providing shelter services, The Jesus Center's program flows out of and is a witness to the love of God for the poor. By serving the homeless at the same location where The Jesus Center adherents worship their God, this witness is greatly facilitated.

* * *

Societal needs change over time and the ways in which churches respond to those needs are "a means by which a religious community defines itself." *Amos, supra.* It is substantially burdensome to limit a church to activities and programs that are commonly practiced by other churches rather than allowing it to follow its faith even in unique and novel ways.

* * *

We assume for purposes of our analysis that the Zoning Board's action was in furtherance of a "compelling governmental interest" under the RFRA.

Nonetheless, we conclude that the Zoning Board did not protect this interest using "the least restrictive means" available. On this issue, we again find guidance in *Western Presbyterian Church*, where the Court noted that "the Church recognizes its responsibility to the community and had represented that it will take all reasonable steps to assure the program will not result in harm to its congregation and neighbors." 862 F.Supp. 546. Similarly, The Jesus Center has exhibited a willingness and an ability to work with city officials as evidenced by the settlement of a related case involving fire and building code violations. With respect to the neighborhood concerns addressed in this case, The Jesus Center has throughout the proceedings been willing to work with city officials to develop guidelines for its operations of the shelter to mitigate community concerns. Under the "least restrictive means" requirement of the RFRA, the City must at least initially attempt to address community concerns in this fashion. *Id.*

The Zoning Board's decision to apply the Ordinance to completely prohibit the shelter service program went too far under RFRA analysis. The circuit court properly reversed that decision and

> remanded the case to the City so that, working with The Jesus Center, guidelines might be developed to regulate the shelter program.

Id. at 63-65, 66, 67-68 (footnotes omitted; underlining added).

The case of *St. John's Evangelical Lutheran Church v. City of Hoboken,* 195 N.J.Super. 414, 479 A.2d 935 (1983) likewise involved a city seeking to close a homeless shelter run on church property. Noting the centuries old tradition of church sanctuary for the homeless, the Court granted a preliminary injunction prohibiting the city from closing the shelter:

> The primary issue, not previously determined in this State, is whether a municipality may through its zoning laws constitutionally prohibit a church from operating a shelter for the homeless on its premises. My ruling is that the municipality may not.
>
> * * *
>
> The facts set forth by Rev. Felske strongly support the plaintiff's position that using the church as a sanctuary for the poor is a religious use "customarily incident" to the "principal uses."
>
> The use of religious places as sanctuaries predates even the Christian Church. ... It is probable that the church sanctuary came into existence from the time of Constantine, A.D. 303. The code of Theodosius, A.D. 392, enacted a law concerning the asylum and church. A later law, about 450, extended the limits to the precincts including the houses of the bishops and clergy, the cloisters, courts and cemeteries. About 680 the King of Wessex in his code of laws provided for sanctuary. Many subsequent acts were passed in England regulating the subject.
>
> * * *
>
> In view of the centuries old church tradition of sanctuary for those in need of shelter and aid, St. John's and its parishioners in sheltering the homeless are engaging in the free exercise of religion. Hoboken cannot constitutionally use its zoning authority to prohibit that free exercise.

* * *

> The harm here is obvious, imminent and severe. If the shelter is closed its occupants will be left without food or shelter. Government alone is not presently able to cope with this grave social problem. *See* Statement of Governor Thomas H. Kean, Task Force On the Homeless delivered Oct. 24, 1983. St. John's represents the only bulwark these homeless people have. To tear that bulwark away would be a travesty of justice and compassion. Any inconvenience to the City of Hoboken and its other residents pales into insignificance when contrasted with what the occupants of the shelter would have to face if turned out into the city streets in winter weather.
>
> Plaintiffs have a strong case factually and legally. Irreparable harm will occur if a preliminary injunction is not issued. The equities, when balanced, are clearly in favor of the plaintiffs. Hence, a preliminary injunction will issue restraining the defendants from closing the shelter pending final hearing or further order of this court.

195 N.J. Super. at 417, 418, 420-21 (underlining added). The Court then addressed the constitutional requirement that compelling government interests in health and safety be addressed in a manner that does not force the church to turn away the homeless:

> A second matter at issue involves health and safety requirements. Plaintiffs [the church] agree that the shelter must comply with appropriate health and safety laws and regulations, including reasonable occupancy requirements. The requirements should be appropriate to a shelter for the homeless. The church should not have to meet health and safety requirements imposed upon a commercial establishment such as a hotel. Moreover, <u>the laws and regulations should be interpreted in a reasonable and common sense manner bearing in mind that overly strict enforcement might force the shelter to close, leaving its occupants in a far worse state than remaining in a crowded shelter.</u>

Id. at 421 (underlining added).

In *Fifth Ave. Presbyterian Church v. City Of New York*, 293 F.3d 570 (2nd Cir.2002), the Second Circuit upheld a preliminary injunction preventing the City of

New York from dispersing homeless individuals sleeping by invitation on the Church's landings and steps. Persons taking advantage of the Church's invitation to sleep on its outdoor property were given a list of rules, which included instructions to clean up after themselves and a prohibition on begging, loud music, disruptive behavior, and foul language. *Id.* at 572. The Court held that "absent a demonstration that a neutral law of general applicability justifies the City's actions, the City must assert a compelling interest in preventing the homeless from sleeping on Church property that would suffice to overcome the Church's free exercise rights, and that the means it has adopted to fulfill that interest are narrowly tailored." *Id.* at 575, relying upon *Church of Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 546 (1993) and *Wisconsin v. Yoder*, 406 U.S. 205, 214-15 (1972). The Court held that New York had failed to meet the constitutional test.

4. RLUIPA Bars Government Restrictions On The Exercise Of Religious Duties On Church Property Unless A Compelling Governmental Interest Demands Intervention.

After finding substantial evidence of widespread discrimination against religious uses of land, Congress unanimously passed the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"). RLUIPA bars enforcement of any local land use law or regulation that fails the "compelling state interest" test:

> No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution –
>
> > (A) is in furtherance of a compelling governmental interest; and

> (B) is the least restrictive means of furthering that compelling government interest.

42 U.S.C. 2000cc § 2(a)(1).

RLUIPA specifically permits aggrieved churches to challenge enforcement actions that burden the free exercise of religion. *See id.*, § 4(a). As under the constitutional standard, once a church produces evidence demonstrating a burden on the exercise of religion, it is the government's burden to justify its actions under the compelling governmental interest test. *See id.*, § 2(a)(1)(A)-(B); § 4(b); § 8(2). RLUIPA is to "be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this Act and the Constitution." *Id.*, § 5(g) (emphasis added). Anyone who successfully asserts a RLUIPA claim is entitled to an award of attorney's fees. *See id.*, § 4(d); 42 U.S.C. § 1988(b).

The Act broadly defines the term "land use regulation" to mean any "zoning . . . law, or the application of such a law, that limits or restricts a claimant's use ... of land." *Id.*, § 8(5). RLUIPA defines "religious exercise" to include "any exercise of religion, whether or not compelled by, or central to, a system of religious belief." *Id.*,§7(A). While the Act does not define "substantial burden," courts have repeatedly interpreted the term in similar contexts. Among other things, "a substantial burden on the free exercise of religion . . . is one that forces adherents of a religion to refrain from religiously motivated conduct . . . ". *Mack v. O'Leary*, 80 F.3d 1175, 1179 (7th Cir. 1996), *certiorari granted, judgment vacated on other grounds*, 522 U.S. 801 (1997); *see also Brown-El v. Harris*, 26 F.3d 68, 70 (8th Cir. 1994) (government action that forces

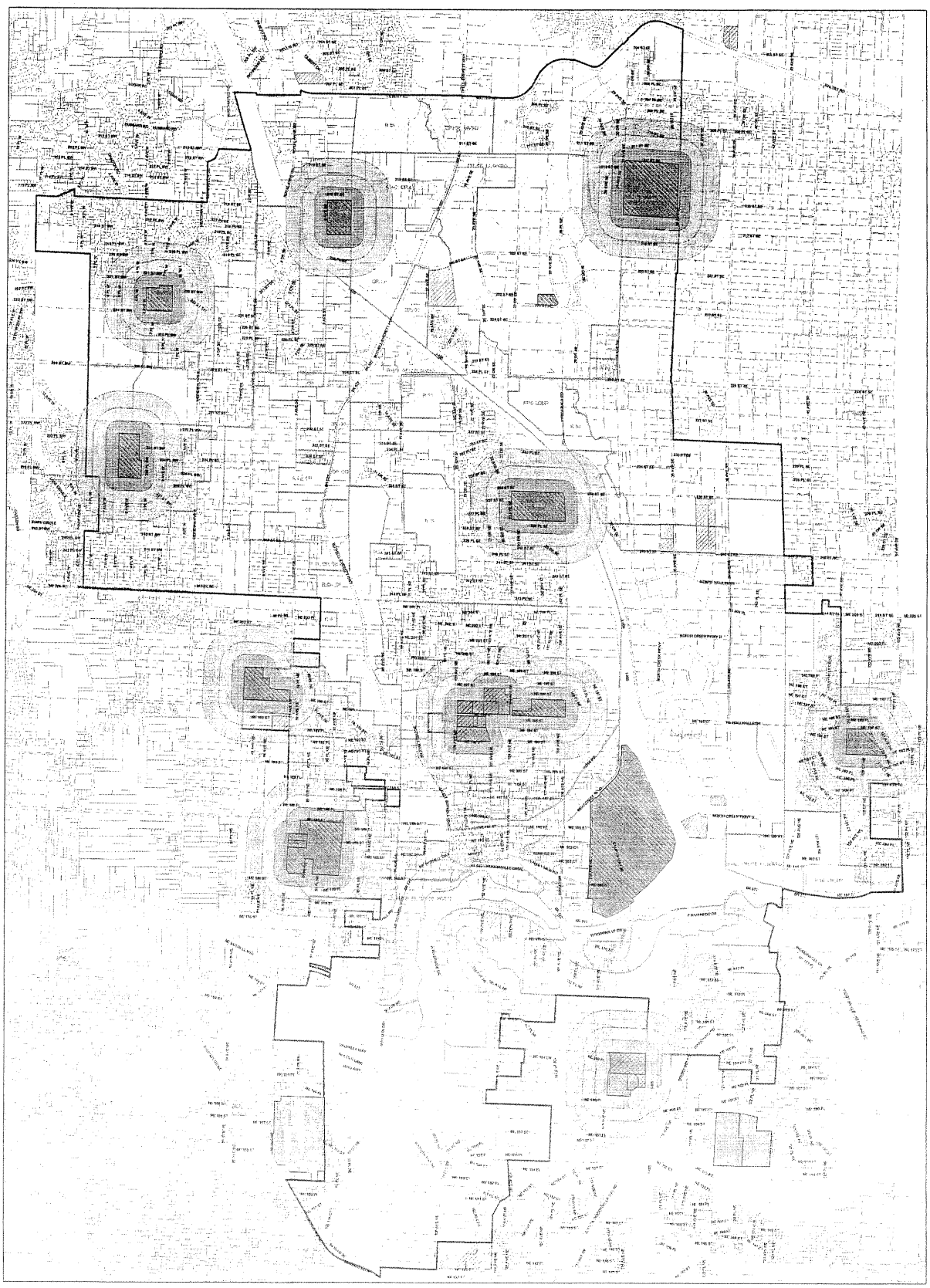
religious adherents "to refrain from religiously motivated conduct" substantially burdens religious exercise); *Werner v. McCotter*, 49 F.2d 1476, 1480 (10th Cir. 1995) (action that "significantly inhibit[s] or constrain[s] conduct or expression that manifests some central tenet of a [person's] individual beliefs" substantially burdens religious exercise).

Section 5(e) of RLUIPA makes it clear that Congress intended land use authorities to be flexible in accommodating churches' free exercise of religion. That section states:

> A government may avoid the preemptive force of any provision of this Act by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

Id. §5(e). Thus, the Act specifically provides that a land use regulator may comply with RLUIPA and accommodate a church's exercising the mandates of its religion by recognizing higher standards of regulation in connection with homeless ministries.

Buffer Examples from Public & Private Schools



Legend

- Churches
- Public and Private Schools
- Other Schools
- 300 Foot School Buffer
- 600 Foot School Buffer
- 1000 Foot School Buffer
- Zoning
- Parcels
- City limits

N
W E
S

0 750 1,500 3,000
Scale in Feet

FOR INFORMATION ONLY - NOT AN OFFICIALLY ADOPTED MAP

The areas designated as critical areas and the boundaries of said areas as displayed on the maps herein have been approximated solely from review of past studies, aerial photos, and limited field observations. On-site verification of the existence and boundaries of the displayed critical areas has not occurred for all. These maps depicting critical maps and the boundaries of said areas are not officially adopted maps, but are provided solely for the purpose of alerting owners and prospective owners that a critical area may in fact exist upon properties in the approximated areas depicted. Additional critical areas that have not been mapped may in fact exist and not be depicted on these maps.

The City of Bothell delivers this data (map) in AS-IS condition. The public inspection and copying of this data (map) is required by RCW Chapter 42.17. GIS data (maps) are, however, produced by the City of Bothell for internal purposes. No representation or guarantee is made concerning the accuracy, currency, or completeness of the information provided.

City of Bothell
Prepared by GIS Services

Map Printed: June 30, 2005

EXHIBIT 15

Exhibit 16
May 18, 2005

FACILITY USAGE/INDEMNITY AGREEMENT

PARISH: ST. BRENDAN

PARISH is understood to include the Arch/Diocese of SEATTLE

FACILITY USER: SHARE / WHEEL

DATES OF FACILITY USAGE: MAY 17, 2004 TO AUGUST 14, 2004

TYPE OF FACILITY USAGE: VACANT TWO ACRES NORTH OF NE 195TH STREET

The above named FACILITY USER agrees to defend, protect, indemnify and hold harmless the above named PARISH against and from all claims arising from the negligence or fault of the above named FACILITY USER or any of its agents, family members, officers, volunteers, helpers, partners, organizational members or associates which arise out of the above identified FACILITY USAGE at the above named PARISH.

FACILITY USER agrees to provide a certificate of insurance to the PARISH, which provides evidence of general liability coverage of not less than five hundred thousand dollars ($500,000) per occurrence. FACILITY USER also agrees to have the PARISH named as an "Additional Insured" on its general liability policy for the DATE(S) OF FACILITY USAGE in relationship to the TYPE OF FACILITY USAGE for claims which arise out of FACILITY USER'S operations or are brought against the PARISH by FACILITY USERS' employees, agents, partners, family members, students, customers, function attendees, guests, invitees, organizational members or associates. FACILATY USER also agrees to ensure that its liability insurance policy will be primary in the event of a covered claim or cause of action against PARISH.

If and only if FACILITY USER fails to comply with the above (second) paragraph, then the above named FACILITY USER agrees to protect, defend, hold harmless and fully indemnify the above named PARISH for any claim or cause of action whatsoever arising out of or related to the usage which takes place during the above identified DATE(S) OF FACILITY USAGE that is brought against the PARISH by the above named FACILITY USER or its employees, agents, partners, family members, students, customers, functions attendees, guests, invitees, organizational members or associates, even if such claim arises from the alleged negligence of the PARISH, its employees or agents, or the negligence of any other individual or organization. If any sentence or paragraph of this agreement is held invalid, it is agreed that the balance thereof, shall continue in full legal force and effect.

SIGNED BY: [signature]
(Must be an official agent of FACILITY USER)

NAME (Please print): Scott Morrow

DATE: 5/17/04

Density Accomodation

EXHIBIT #17
CASE# June 1, 2005

assisted units, many of them for the elderly. Snohomish County has a waiting list for publicly assisted housing countywide of 3,000 families, some of whom have been on the waiting list for five years.

Bothell has responded through its Comprehensive Plan and implementing development regulations to the demand for special needs housing, particularly senior housing. Amendments to the Plan and Code in the mid-1990's removed any density limits for senior housing in multi-family and commercial zones and assigned a Specialized Senior Housing Overlay (SSHO) to the single family-zoned area around the Northshore Senior Center. The market has responded quickly to the SSHO, and as of the end of 2004 four large senior housing developments were in operation or under construction in the overlay area. Another senior housing development was constructed on commercially-zoned property across the street from the SSHO. A wide range of services is available in each of these developments to meet the variety of needs of their senior residents.

Homelessness

Although it is difficult to assess the extent of homelessness, the 2004 One Night Count of Homelessness estimated that 13,800 persons in King County are in need of permanent housing on any night. About half are estimated to be households with children, and thirty percent of homeless are estimated to be under age 18. Eastside emergency shelters have the capacity to serve one family, on average, for every 13 families that are turned away. Shelters report growing homelessness of families, including working families. Approximately 25% of the homeless served by Eastside shelters are employed.

Housing Types

Table HO-3 lists the amounts and percentages of types of housing for the City of Bothell and compares them to the percentages of types of housing in King and Snohomish Counties, the State of Washington, and the U.S. Table HO-4 shows Bothell multi-family housing by units in structure for 1990 & 2000, while Figure HO-3 shows housing units broken down by owner- versus renter-occupied units for Bothell, King County and the Eastside for 1980, 1990 and 2000.

Table HO-3
HOUSING TYPES BY JURISDICTION

- Extremely low income – below 30 percent of median income;
- Very low income – between 31 and 50 percent of median income;
- Low income – between 51 and 80 percent of median income;
- Moderate income – between 81 and 95 percent of median income;
- Middle income – between 96 and 120 percent of median income.

Table HO-7 lists Bothell housing that serves low income and special needs residents and the homeless.

Table HO-7: Bothell Affordable Housing Inventory

Project Name	Affordable Housing Type	Owner	# Units / Beds
Section 8 Tenant Based Vouchers KCHA	Vouchers to families/individuals below 50% median income.	Private, scattered-site	55 units
Habitat- Bothell	Family ownership housing	Habitat of EKC	10 units
Heritage Park Apartments	Family rental housing, 1 – 2 bedroom.	Privately owned and managed HUD assisted	36 affordable units 77 total units
Alpine Ridge	Family rental housing, 2 – 3 bedroom	Privately owned and managed HUD assisted	19 affordable units
Easternwood Family Housing	Family rental housing, 1 – 3 bedroom	LATCH Privately managed, non-profit (Lutheran Alliance to Create Housing)	18 units
Riverside Landing	Senior rental	Shelter Resources	50 affordable 1-2 bedroom units
Northlake House	Senior rental	KCHA	38 1-bedroom units
Northwood	Senior rental	KCHA	34 1-bedroom units
Foster Care Home	Special needs Housing	Friends of Youth	4 beds
Arbor House	Special needs transitional housing for pregnant/ young mothers	Friends of Youth	Serves 14 residents and their babies
Transitional Living Campus	Special needs transitional housing for pregnant/ young mothers	Friends of Youth	Serves 5 residents and their babies
Seton House	Special needs transitional housing for pregnant/ young mothers	Catholic Community Services	Serves 8 residents and their babies

Source: 2002 ARCH

HO-P7 Ensure that infill development is compatible and in scale with surrounding existing development.

HO-P8 Encourage the preservation of existing housing stock.

HO-P9 Support the development of affordable housing in accordance with the strategies set forth in these Housing policies.

HO-P10 Support development of government-assisted housing and disperse such housing throughout the community.

HO-P11 The City recognizes its responsibility to provide its fair share of special needs housing, and shall participate in local and regional efforts to determine what constitutes equitable distribution of this type of housing, consistent with the requirements of the Federal Fair Housing Act as amended (42 USC 3602 *et seq*) and the State of Washington Laws Against Discrimination (RCW 49.60.222-225). Special needs housing is affordable housing for persons that require special assistance or supportive care to subsist or achieve independent living, including but not limited to persons that are frail, elderly, developmentally disabled, chronically mentally ill, physically handicapped, homeless, persons participating substance abuse programs, persons with AIDS, and youth at risk.

HO-P12 Support the efforts of public and private non-profit agencies which develop assisted housing and/or housing-related human services, such as services which enable residents to remain in their homes

HO-P13 Require that property owners or developers who displace low-income tenants due to demolition, substantial rehabilitation, change of use, or other reasons provide re-location assistance to such tenants. Low-income tenants would include tenants whose combined total income per dwelling unit is at or below 50 percent of the median income, adjusted for family size, in accordance with the Growth Management Act.

HO-P14 Encourage individual homeowners to reinvest in their homes by providing information, technical assistance and referrals to other appropriate agencies.

HO-P15 The City, through its Landmark Preservation Board, shall promote the protection, preservation and rehabilitation of historically significant housing. The City shall assist owners of such housing in applying for appropriate assistance programs.

HO-P16 Manufactured housing which meets the Uniform Building Code should be permitted in any zoning district in the City where single family dwellings are allowed.

HO-P17 Promote the retention of existing mobile/manufactured home parks throughout the City as a source of affordable detached single-family housing, both for rental and ownership, through assignment of a special mobile/manufactured home park land use designation (see Land Use Element).

HO-P18 Group homes, foster care facilities and other residential care facilities which accommodate special needs individuals should be permitted in any zoning district in the City which allows residential development. These facilities will be subject to the same standards and regulations imposed upon non-specialized residences.

HO-P21 Work with other jurisdictions and health and social service organizations to develop a coordinated, regional approach to homelessness.

HO-P22 Work with regional agencies to address the City's housing needs, be it planning or leveraging regional and national housing resources.

HO-P23 Work with other jurisdictions or entities to develop a coordinated, regional approach to meeting housing needs.

HO-P24 Establish processes for measuring the effectiveness of regulations in meeting the housing needs of City residents and update policies as warranted.

HO-P25 Promote an appropriate supply and mix of housing to meet the needs of people who work and desire to live in Bothell, especially near existing and planned transportation and employment centers.

HO-P26 Bothell will strive to meet State, King County and Snohomish County housing targets and affordable housing targets through a combination of policies, regulations and programs. Affordable housing targets reflect the countywide income mix of all households.

HO-P27 Adopt and regularly update a Housing Strategy Plan that identifies specific housing strategies that will be considered in order to address the City's housing needs and goals.

Actions

HO-A1 Through the subarea planning process, evaluate the current mix of residential zoning classifications for consistency with the proposed residential plan designations, and propose deletions, additions or modifications of residential zones where warranted, in compliance with the goals of the Growth Management Act. . Develop standards for mixed-use zoning (combining residential and commercial uses) where appropriate in the City.

HO-A2 In cooperation with other jurisdictions in the region, implement a coordinated monitoring program for the purpose of evaluating progress towards achieving local, countywide and multi-county housing goals. The City shall prepare data detailing the total number of new units constructed, the types of units, the densities at which the units were developed, the remaining capacity for residential growth, and any other information which may be useful in evaluating housing availability, particularly for moderate income households and below, and special needs populations. The data will be submitted to King and Snohomish Counties for preparation of annual growth monitoring reports.

HO-A3 Ensure compliance with residential subdivision, siting and building design regulations, consistent with HO-P3.

HO-A4 Program into the City's Capital Facilities Plan regular infrastructure maintenance for the City's residential neighborhoods.

HO-A5 Coordinate with the King and Snohomish County Housing Authorities, King and Snohomish County planning departments, human service agencies and other appropriate agencies regarding affordable housing and housing for special populations.

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Frequently Asked Questions

FAQs for the **Collaborative Initiative to Help End Chronic Homelessness**
more...

WHAT IS THE INTERAGENCY COUNCIL ON HOMELESSNESS? WHAT ARE ITS MISSION AND STRUCTURE?

Congress established the Interagency Council on Homelessness in 1987 with the passage of the Stewart B. McKinney Homeless Assistance Act. The Council is responsible for providing Federal leadership for activities to assist homeless families and individuals.

The major activities of the Council include:

1. planning and coordinating the Federal government's activities and programs to assist homeless people, and making or recommending policy changes to improve such assistance;
2. monitoring and evaluating assistance to homeless persons provided by all levels of government and the private sector;
3. ensuring that technical assistance is provided to help community and other organizations effectively assist homeless persons; and
4. disseminating information on Federal resources available to assist the homeless population.

The actions needed to carry out the policies and priorities established by the Council are developed by a policy-level working group and various task forces with the assistance of Council staff. The policy group provides a forum for coordinating policies and programs, developing special initiatives, and preparing recommendations for consideration by the full Council.