



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 3, 2005

Ordinance 15170

Proposed No. 2004-0519.2

Sponsors Edmonds and Phillips

1 AN ORDINANCE relating to zoning; creating a temporary
 2 use permit for homeless encampments; amending
 3 Ordinance 12196, Section 9, as amended, and K.C.C.
 4 20.20.020, Ordinance 12196, Section 17, as amended, and
 5 K.C.C. 20.20.100 and Ordinance 10870, Section 549, as
 6 amended, and K.C.C. 21A.32.120, adding a new section to
 7 K.C.C. chapter 21A.32 and adding a new chapter to K.C.C.
 8 Title 21A.

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10

11 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

12 **SECTION 1. Findings:**

13 A. Homelessness is recognized as a significant problem in King County and
14 elsewhere in the nation.

15 B. Some estimates conclude that eight thousand King County residents are
16 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.

62 N. SHARE/WHEEL has successfully worked with churches and nonprofit groups
63 to provide support services and assistance to residents of Tent City 4, and the site moves
64 every ninety days.

65 O. Tent City 4 is self-governing, complies with all health, fire and public safety
66 regulations, and the residents live by a strict code of conduct providing a drug-free,
67 alcohol-free and respectful environment.

68 P. The King County Code currently does not specifically authorize or prohibit the
69 use of tents as shelter within a tent encampment for homeless persons on private
70 property. The King County Zoning Code (K.C.C. Title 21A) prohibits uses not
71 specifically permitted unless those uses qualify for a temporary land use permit

72 Q. Since need and crime impacts of encampments are of concern to the
73 community, an annual report on occupancy rates and crime incidence rates should be
74 provided to the council.

75 R. The provisions of this ordinance are generally based upon standards contained
76 within the consent decree between the city of Seattle and SHARE/WHEEL and El Centro
77 de la Raza and the CACHE recommendations.

78 S. Numerous discussions with representatives of various faith-based
79 organizations have indicated a general consensus that the consent-decree and the CACHE
80 recommendations provide a reasonable model on which to pattern provisions relating to
81 homeless encampments.

82 T. The provisions represent generally applicable standards necessary to assure the
83 creation in all cases of a safe homeless encampment with minimal impact to neighboring
84 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

107 a decision is made and whether administrative appeals are provided. The types of land use
108 decisions are listed in subsection E₂ of this section.

109 1. Type 1 decisions are made by the director, or his or her designee, ("director")
110 of the department of development and environmental services ("department"). Type 1
111 decisions are non appealable administrative decisions.

112 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary
113 decisions that are subject to administrative appeal.

114 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner
115 following an open record hearing. Type 3 decisions may be appealed to the county council,
116 based on the record established by the hearing examiner.

117 4. Type 4 decisions are quasi-judicial decisions made by the council based on the
118 record established by the hearing examiner.

119 B. Except as provided in K.C.C. 20.44.120A.7 and 25.32.080 or unless otherwise
120 agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit
121 applications that would require more than one type of land use decision process may be
122 processed and decided together, including any administrative appeals, using the highest-
123 numbered land use decision type applicable to the project application.

124 C. Certain development proposals are subject to additional procedural requirements
125 beyond the standard procedures established in this chapter.

126 D. Land use permits that are categorically exempt from review under SEPA do not
127 require a threshold determination (determination of nonsignificance ((~~o~~)["DNS"(~~o~~)]) or
128 determination of significance ((~~o~~)["DS"(~~o~~)])). For all other projects, the SEPA review
129 procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	<p><u>Temporary use permit for a homeless encampment under sections 6 through 14 of this ordinance;</u></p> <p>((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.</p>
TYPE 2 ¹	(Decision by director appealable to hearing examiner, no further administrative appeal)	<p>Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; <u>temporary use permit for a homeless encampment under section 15 of this ordinance</u>; shoreline substantial development permit²; building permit, site</p>

		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)

131 ¹ See K.C.C. 20.44.120_C_ for provisions governing procedural and substantive SEPA
132 appeals and appeals of Type 3 and 4 decisions to the council.

133 ² When an application for a shoreline permit is combined with other permits requiring
134 Type 3 or 4 land use decisions under K.C.C. 25.32.080, the examiner, not the director,
135 makes the decision. A shoreline permit, including a shoreline variance or conditional
136 use, is appealable to the state Shorelines Hearings Board and not to the hearing examiner.

137 ³ Approvals that are consistent with the Comprehensive Plan may be considered by the
138 council at any time. Zone reclassifications that are not consistent with the
139 Comprehensive Plan require a site-specific land use map amendment and the council's
140 hearing and consideration shall be scheduled with the amendment to the Comprehensive
141 Plan under K.C.C. 20.18.040 and 20.18.060.

142 F. The definitions in section 7 of this ordinance apply to this section.

143 SECTION 3. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100 are
144 each hereby amended to read as follows:

145 **Permit issuance.**

146 A. The department shall issue its recommendation to the hearing examiner on a
147 Type 3 or Type 4 land use decision within one hundred fifty days from the date the
148 applicant is notified by the department pursuant to this chapter that the application is
149 complete. The time periods for action by the hearing examiner on a Type 3 or Type 4
150 land use decision shall be governed by the hearing examiner's rules.

151 B.1. Except as otherwise provided in subsection B.2 of this section, the
152 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), ((F))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

- 265 3. A six foot high, view-obscuring fence;
- 266 G. No permanent structures shall be erected on the homeless encampment site;
- 267 H. A regular trash patrol in the immediate vicinity of the homeless encampment
268 site shall be provided;
- 269 I. Public health guidelines on food donations and food handling and storage,
270 including proper temperature control, shall be followed and homeless encampment
271 residents involved in food donations and storage shall be made aware of these guidelines;
- 272 J. The managing agency shall not permit children under the age of eighteen to
273 stay overnight in the homeless encampment except under exigent circumstances. If a
274 child under the age of eighteen, either alone or accompanied by a parent or guardian,
275 attempts to stay overnight, the managing agency will immediately contact child
276 protective services and endeavor to find alternative shelter for the child and any
277 accompanying parent or guardian;
- 278 K. The managing agency shall keep a log of all people who stay overnight in the
279 homeless encampment, including names and dates;
- 280 L. The managing agency shall take all reasonable and legal steps to obtain
281 verifiable identification, such as a driver's license, government-issued identification card,
282 military identification or passport from prospective and homeless encampment residents;
- 283 M. The managing agency shall enforce the written code of conduct;
- 284 N. The site property is owned or leased by the sponsor or an affiliated entity; and
- 285 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

332 application, with conditions if necessary, to ensure a safe homeless encampment with
333 minimal impacts to the host neighborhood. The hearing examiner shall expedite the
334 hearing on an appeal of the department's decision under this section.

335 SECTION 16. Sections 5 through 15 of this ordinance expire January 1, 2015.

336 SECTION 17. Section 18 of this ordinance takes effect January 1, 2015.

337 NEW SECTION. SECTION 18. There is hereby added to K.C.C. chapter
338 21A.32 a new section to read as follows:

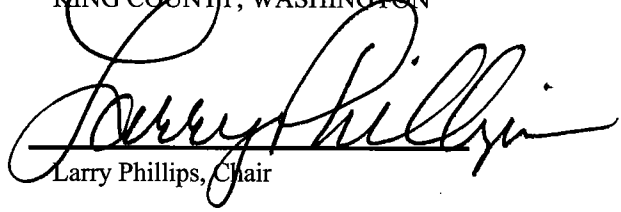
339 **Homeless encampments – prohibited.** A homeless encampment is a prohibited
340 use and shall not be approved through a temporary use permit. If the King County Ten
341 Year Plan to End Homelessness has not been fully implemented and there is still a need for

342 homeless encampments, the county council may through legislative action extend sections
343 5 through 16 of this ordinance.
344

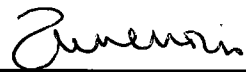
Ordinance 15170 was introduced on 11/8/2004 and passed as amended by the Metropolitan King County Council on 5/2/2005, by the following vote:

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

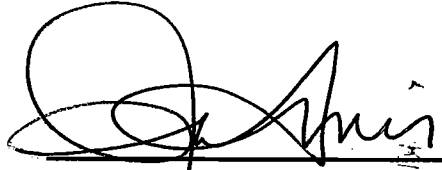
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Phillips, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 10 day of May, 2005.


Ron Sims, County Executive

Attachments A. Example Code of Conduct

RECEIVED
2005 MAY 11 PM 1:42
KING COUNTY CLERK
KING COUNTY COUNCIL

ORDINANCE 2004-0519
ATTACHMENT A

15170

Example Code of Conduct.

The managing agency will implement and enforce at all times at every site, its code of conduct as part of this agreement. The code of conduct requires that all residents abide by the following:

1. No drugs are permitted.
2. No alcohol is permitted.
3. No weapons are permitted.
4. All knives over 3 and one-half inches must be turned into the managing agency 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 the managing agency and encampment residents is permitted.
12. No littering on the encampment site or in the host neighborhood is permitted.
13. A trash patrol in the host neighborhood is required every other day.