



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 9, 2014

Ordinance 17950

Proposed No. 2014-0424.3

Sponsors Dembowski

1 AN ORDINANCE relating to zoning; continuing a
2 temporary use permit for homeless encampments and
3 requiring reports on related issues; amending Ordinance
4 15170, Section 10, and K.C.C. 21A.45.050, Ordinance
5 15170, Section 11 and K.C.C. 21A.45.060, Ordinance
6 15170, Section 16, and Ordinance 15170, Section 17, and
7 adding a new section to K.C.C. chapter 21A.45.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 SECTION 1. Findings:

10 A. Homelessness is recognized as a significant problem in King County and
11 elsewhere in the nation. Every day large numbers of individuals and families in our
12 community go unsheltered. At this time our community simply does not have the
13 capacity to meet the need.

14 B. King County finds it unacceptable that people are dying on the streets of our
15 communities because there are insufficient safe alternative locations for habitation by
16 homeless persons.

17 C. On a specific recent night, January 24, 2014, more than three thousand one
18 hundred twenty-three individuals were living outside and another six thousand one
19 hundred seventy-one individuals were in shelters or transitional housing in King County,

20 according to the One Night Count conducted by the Seattle/King County Coalition for the
21 Homeless.

22 D. Formed in 2005, the Committee to End Homelessness is dedicated to making
23 homelessness rare, brief, and one time in King County. The Committee to End
24 Homelessness - King County 2013 Annual Report states that thirty six thousand people
25 have move from homelessness to permanent housing since 2005.

26 E. The Committee to End Homelessness adopted a final plan and
27 recommendations in 2005 titled King County Ten Year Plan to End Homelessness. The
28 plan found that homeless encampments are not ideal but found that there is a need for
29 homeless encampments until more permanent housing is available across King County.

30 F. Homeless encampments serve as an interim survival mechanism while King
31 County continues its important work as a member of the regional Committee to End
32 Homelessness. In 2005, Ordinance 15170 relating to zoning, created a temporary use
33 permit for homeless encampments. These provisions expire January 1, 2015.

34 G. In 2014, the Committee to End Homelessness continues to support this
35 philosophy and recommends support for interim survival mechanisms, such as organized
36 encampments and safe parking programs that bring people out of the elements and create
37 pathways to housing.

38 H. King County finds that there continues to be a need for homeless
39 encampments and the temporary use permits that allow them.

40 I. King County finds that the provisions outlined in this ordinance represent the
41 standards necessary to assure the creation of a safe homeless encampment with minimal
42 impact to neighboring communities. In some cases, however, applicants might wish to

43 apply for a temporary use permit with modified conditions. In those cases, K.C.C.
44 21A.45.100 would allow an applicant to submit an application for review that includes a
45 description of the requirements that are proposed to be modified, along with a
46 demonstration of how the modified requirements would result in a safe homeless
47 encampment with minimal impact to neighboring communities under the specific
48 circumstances of the application.

49 SECTION 2. Ordinance 15170, Section 10, and K.C.C. 21A.45.050 are each
50 hereby amended to read as follows:

51 A. An application for a homeless encampment shall be submitted to the
52 department at least thirty days in advance of the desired date to commence the use for a
53 type 1 permit or forty days in advance of the desired date to commence the use for a type
54 2 permit.

55 B. In addition to contents otherwise required for such applications, the
56 application shall include:

57 1. A copy of a written code of conduct adopted by the host or entered into
58 between the host and managing agency addressing the issues identified in the example
59 code of conduct, Attachment A to Ordinance 15170. The written code of conduct must
60 require homeless encampment residents to abide by specific standards of conduct to
61 promote health and safety within the homeless encampment and within the adjoining
62 neighborhoods. The written code of conduct must prohibit the managing agency from
63 preventing homeless encampment residents from calling 9-1-1 and from retaliating
64 against homeless encampment residents who have called 9-1-1. Nothing in this
65 subsection is intended to preclude the host and the managing agency from agreeing, in

66 the written code of conduct, to additional terms or standards of conduct stricter than the
67 example code of conduct;

68 2. The name of the managing agency and the sponsor including the name and
69 telephone number of the person available to immediately respond to an onsite problem;
70 ~~((and))~~

71 3. The host signature;

72 4. The name of the onsite camp manager, or designee, who is available to
73 immediately respond to an onsite problem and whose telephone number is posted at the
74 encampment entrance and visible from one hundred feet outside the encampment; and

75 5. The plan through which the managing agency and the sponsor will dispose of
76 garbage and debris prior to vacating the encampment site at the end of the permit period.

77 SECTION 3. Ordinance 15170, Section 11, and K.C.C. 21A.45.060 are each
78 hereby amended to read as follows:

79 A homeless encampment is subject to the following standards:

80 A. The maximum number of residents at a homeless encampment site shall be
81 determined taking into consideration site conditions, but in no case shall be greater than
82 one hundred at any one time;

83 B. The duration of a homeless encampment at any specific location shall not
84 exceed ~~((ninety-two))~~ one hundred twenty-two days at any one time, including setup and
85 dismantling of the homeless encampment;

86 C. A homeless encampment may be located at the same site no more than once
87 every twelve months;

88 D. The host and managing agency will assure all applicable public health
89 regulations, including but not limited to the following, will be met:

- 90 1. Sanitary portable toilets;
- 91 2. Hand washing stations by the toilets;
- 92 3. Food preparation or service tents;
- 93 4. Security tents; ~~((and))~~
- 94 5. Refuse receptacles; and
- 95 6. Disposal of all garbage and debris before vacating the encampment site at the
96 end of the permit period;

97 E. The homeless encampment shall be within a half mile of a public
98 transportation stop or the sponsor or host must demonstrate the ability for residents to
99 obtain access to the nearest public transportation stop through sponsor or host provided
100 van or car pools. During hours when public transportation is not available, the sponsor or
101 host shall also make transportation available to anyone who is rejected from or ordered to
102 leave the homeless encampment;

103 F. The homeless encampment site must be buffered from surrounding properties
104 with:

- 105 1. A minimum twenty-foot setback in each direction from the boundary of the
106 lot on which the homeless encampment is located, excluding access;
- 107 2. Established vegetation sufficiently dense to obscure view; or
- 108 3. A six foot high, view-obscuring fence;

109 G. No permanent structures shall be erected on the homeless encampment site;

110 H. A regular trash patrol in the immediate vicinity of the homeless encampment
111 site shall be provided;

112 I. Public health guidelines on food donations and food handling and storage,
113 including proper temperature control, shall be followed and homeless encampment
114 residents involved in food donations and storage shall be made aware of these guidelines;

115 J. The managing agency shall not permit children under the age of eighteen to
116 stay overnight in the homeless encampment except under exigent circumstances. If a
117 child under the age of eighteen, either alone or accompanied by a parent or guardian,
118 attempts to stay overnight, the managing agency will ~~((immediately contact child~~
119 ~~protective services and))~~ endeavor to find alternative shelter for the child and any
120 accompanying parent or guardian, including using services such as the King County 2-1-
121 1- crisis clinic. If a child under the age of eighteen, either alone or accompanied by a
122 parent or guardian, appears to be in danger, the managing agency shall immediately
123 contact child protective services;

124 K. The managing agency shall keep a log of all people who stay overnight in the
125 homeless encampment, including names and dates;

126 L. The managing agency shall take all reasonable and legal steps to obtain
127 verifiable identification, such as a driver's license, government-issued identification card,
128 military identification or passport from prospective and homeless encampment residents;

129 M. The managing agency shall enforce the written code of conduct;

130 N. The site property is owned or leased by the sponsor or an affiliated entity;

131 ~~((and))~~

132 O. The host shall provide a transportation plan as part of the permit process; and

133 P. Managing agencies shall obtain criminal checks of prior convictions for sex
134 offenses and outstanding warrants for violent offenses from the King County sheriff's
135 office for all homeless encampment residents. For homeless encampment residents
136 initially moving onto the site with the homeless encampment, the criminal checks must
137 be completed at least seven days prior to the homeless encampment moving onto the site.
138 For residents moving into the homeless encampment during the permit period, the
139 criminal checks must be completed on or before the date that the new resident moves on
140 site. The managing agency shall be responsible for verifying that the criminal checks
141 occur and for permanently retaining information from the criminal checks. If an
142 encampment resident or prospective encampment resident is a convicted sex offender or
143 has an outstanding warrant for a violent offense, the managing agency shall prohibit the
144 resident from residing at the encampment and shall immediately contact the sheriff's
145 office with the information.

146 NEW SECTION. SECTION 4. There is hereby added to K.C.C chapter 21A.45
147 a new section to read as follows:

148 If a violation of K.C.C. 21A.45.090 is determined to have occurred, the
149 department may issue a notice of violation to the managing agency and the sponsor.
150 Within six days of the notice issuance, the managing agency or the sponsor shall
151 demonstrate to the department that the violation has been cured. If the violation is not
152 cured within this time period as determined by the department, the department may issue
153 a notice and order as allowed by K.C.C. Title 23 requiring the residents to vacate the
154 encampment site. By accepting the permit, and as a condition of the permit, the

155 managing agency and the sponsor are presumed to agree to vacate the encampment site
156 within seventeen days if a notice and order is issued and not appealed.

157 SECTION 5. Section 4 of this ordinance expires January 1, 2025.

158 SECTION 6. Ordinance 15170, Section 16, is hereby amended to read as follows:

159 Ordinance 15170, Sections 5 through 15, as amended, expire January 1, ((2015))
160 2025.

161 SECTION 7. Ordinance 15170, Section 17, is hereby amended to read as follows:

162 Ordinance 15170, Section 18, as amended, takes effect January 1, ((2015)) 2025.

163 SECTION 8. A. The executive shall submit a report to the council by June 4,
164 2015, analyzing the potential of micro-housing communities to provide low-cost housing
165 for those who are homeless. The report shall include:

166 1. A description of the types of housing structures, central facilities, amount of
167 land needed, construction and annual operating costs, zoning and code issues, number of
168 residents, supportive services provided, rental costs, intake method, operational
169 experiences, resident outcomes and governance structure for Quixote Village in Olympia,
170 Washington, Community First in Austin, Texas, Opportunity Village in Eugene, Oregon,
171 and other similar projects in other locations;

172 2. An estimate of the potential capital and annual operating costs and amount of
173 land needed to construct and operate one or more micro-housing communities at varying
174 sizes for twenty-five, fifty or one hundred formerly homeless residents in King County;

175 3. The action steps that would be needed to move toward development of one or
176 more micro-housing communities for formerly homeless residents; and

177 4. Possible coordination opportunities with the Committee to End Homelessness,
178 the city of Seattle or other jurisdictions, or any combination thereof.

179 B. The executive shall submit a report to the council by September 10, 2015,
180 identifying county-owned properties that could be used for temporary homeless
181 encampments or micro-housing communities. For each property identified, the report
182 should include an analysis of the following factors:

183 1. Ownership, including a description of the conditions under which land owned
184 by funds other than the general fund could be used;

185 2. Current use, including restrictions on use imposed by covenant, funding
186 source or other constraint;

187 3. Property size, topography and environmental conditions;

188 4. Proximity to transit, jobs and supportive services; and

189 5. Proximity to potential sponsors.

190 C. The executive shall submit a report prepared in consultation with the King
191 County sheriff, to the council by June 4, 2015, analyzing the implementation of
192 regulations to require criminal background checks for encampment residents with prior
193 convictions for sex offenses. The report shall include an analysis of the requirements
194 currently in state law regarding notice of the residence of persons with prior convictions
195 for sex offenses, and any gaps in those provisions for which additional notice
196 requirements for temporary homeless encampments might improve the efficacy of the sex
197 offender reporting system.

198 D. Each report required in this section shall be filed in the form of a paper and an

199 electronic copy with the clerk of the council, who shall retain the paper copy and forward
200 an electronic copy to all councilmembers.
201

Ordinance 17950 was introduced on 9/29/2014 and passed as amended by the Metropolitan King County Council on 12/8/2014, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski and Mr. Upthegrove
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY WASHINGTON



Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 10th day of December, 2014.



Dow Constantine, County Executive

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CLERK
KING COUNTY COUNCIL

Attachments: None