



Legislation Details (With Text)

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Enactment date: 12/10/2014 **Enactment #:** 17950

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

Sponsors: Rod Dembowski

Indexes: Permits, Zoning

Code sections: 21A.45 - ., 21A.45.050 - ., 21A.45.060 - .

Attachments: 1. Ordinance 17950.pdf, 2. 2014-0424 legislative review form.pdf, 3. 2014-0424 4th transmittal letter - 4th Homeless Encampment renewal ord.docx, 4. 2014-0424 Fiscal Note - Homeless Encampment.xls, 5. 2014-0424 Regulatory Note homeless encampments.doc, 6. Advertising homeless encamp.docx.doc, 7. Commerce Ack Letter 7-14.pdf, 8. Commerce-Notice-60-Day Homeless Encamp.doc, 9. Staff Report Proposed Ordinance 2014-0424 Encampments.docx, 10. Attachment 1 Proposed Ordinance 2014-0424.doc, 11. Attachment 2 Encampment reg current v proposed.docx, 12. Attachment 3 Interim Survival Mechanisms.pdf, 13. Attachment 5 Fiscal Note.xls, 14. Attachment 4 Transmittal Letter.docx, 15. Hearing Notice publish Seattle Times 10/8/14, 16. Staff Report Proposed Ordinance 2014-0424 Encampments.docx, 17. Attachment 3 Encampment findings comparison 2004-2014.docx, 18. Affidavit of Publishing - Seattle Times 10-8-14.pdf, 19. Public comment - Kirlin-Hackett 10-13-14.docx, 20. Supplemental added by CM Dembowski.pdf, 21. Supplement emailed by Mr. Preston.pdf, 22. 2014-0424 Staff Report Proposed Ordinance 2014-0424 Encampments.docx, 23. 2014-0424 Attachment 2 - Encampment reg current v proposed.docx, 24. 2014-0424 Attachment 3 - Amendment 1 (11-3-14).docx, 25. 2014-0424 Attachment 4 - Amendment 2(11-6-14).docx, 26. 2014-0424 Attachment 5 - Amendment 3 (11-6-14).docx, 27. 2014-0424 Attachment 6 - Amendment 4 (11-6-14).docx, 28. 2014-0424 Attachment 7 - Amendment 5 (11-6-14).docx, 29. 2014-0424 Attachment 8 - Amendment 6 (11-3-14).docx, 30. 2014-0424 Attachment 9 - Amendment T-1 (11-3-14).docx, 31. 2014-0424 Attachment 10 - Executive Letter.docx, 32. Attachment 11 - Fiscal Note.xls, 33. 2014-0424 REVISED Staff Report Encampments for 11-03-14.docx, 34. correspondence from David Preston dated 11-5-14.pdf, 35. Handout - Rev. Kirlin-Hackett letter (11-3-14).pdf, 36. Handout-Karen Morris Letter (11-3-14).pdf, 37. Handout - Attachment to Rev. Kirlin-Hackett Letter (11-3-14).pdf, 38. Karen Morris Testimony.pdf, 39. correspondence from Karen Morris dated November 5, 2014.pdf, 40. David Preston comments 10-23-14.pdf, 41. Preston 10-17-14 email regarding documents.docx, 42. 2014-0424 testimony of K. Studders 11-10-14.pdf, 43. 2014-0424 - 17950 homeless encampments.doc, 44. 17950 Notice of Adoption SeattleTimes 12-24-14.doc, 45. 17950 Amendment package - 12-8-14.pdf, 46. 17950 adoption notice - seattle times 12-24-14.pdf, 47. 17950 - 2014-0424 GMS-Plan-Dev-Reg-Review-Commerce-Notice-Adopted KC.doc, 48. Amdt 1 - 2014-0424.docx, 49. Amdt 2 - 2014-0424.docx, 50. Amdt 3 - 2014-0424.docx, 51. Amdt 6 - 2014-0424.docx, 52. Amdt T-1 - 2014-0424.docx

| Date | Ver. | Action By | Action | Result |
|------------|------|----------------------------------|-------------------|--------|
| 12/8/2014 | 2 | Metropolitan King County Council | Hearing Held | |
| 12/8/2014 | 2 | Metropolitan King County Council | Passed as Amended | Pass |
| 11/10/2014 | 2 | Metropolitan King County Council | Hearing Held | |

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|------------|---|----------------------------------|--------------------------------|------|
| 11/10/2014 | 2 | Metropolitan King County Council | Deferred | |
| 11/3/2014 | 1 | Committee of the Whole | Recommended Do Pass Substitute | Pass |
| 10/13/2014 | 1 | Committee of the Whole | Deferred | |
| 10/6/2014 | 1 | Committee of the Whole | Deferred | |
| 9/29/2014 | 1 | Metropolitan King County Council | Introduced and Referred | |

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

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. Every day large numbers of individuals and families in our community go unsheltered. At this time our community simply does not have the capacity to meet the need.
- B. King County finds it unacceptable that people are dying on the streets of our communities because there are insufficient safe alternative locations for habitation by homeless persons.
- C. On a specific recent night, January 24, 2014, more than three thousand one hundred twenty-three individuals were living outside and another six thousand one hundred seventy-one individuals were in shelters or transitional housing in King County, according to the One Night Count conducted by the Seattle/King County Coalition for the Homeless.
- D. Formed in 2005, the Committee to End Homelessness is dedicated to making homelessness rare, brief, and one time in King County. The Committee to End Homelessness - King County 2013 Annual Report states that thirty six thousand people have move from homelessness to permanent housing since 2005.
- E. The Committee to End Homelessness adopted a final plan and recommendations in 2005 titled King County Ten Year Plan to End Homelessness. The plan found that homeless encampments are not ideal but

found that there is a need for homeless encampments until more permanent housing is available across King County.

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

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

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

I. King County finds that the provisions outlined in this ordinance represent the standards necessary to assure the creation of a safe homeless encampment with minimal impact to neighboring communities. In some cases, however, applicants might wish to apply for a temporary use permit with modified conditions. In those cases, K.C.C. 21A.45.100 would allow an applicant to submit an application for review that includes a description of the requirements that are proposed to be modified, along with a demonstration of how the modified requirements would result in a safe homeless encampment with minimal impact to neighboring communities under the specific circumstances of the application.

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

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

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

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

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

3. The host signature;

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

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

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

A homeless encampment is subject to the following standards:

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

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

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

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

1. Sanitary portable toilets;
2. Hand washing stations by the toilets;
3. Food preparation or service tents;
4. Security tents; ~~((and))~~
5. Refuse receptacles; and

6. Disposal of all garbage and debris before vacating the encampment site at the end of the permit period;

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

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

1. A minimum twenty-foot setback in each direction from the boundary of the lot on which the homeless encampment is located, excluding access;
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, including using services such as the King County 2-1-1- crisis clinic. If a child under the age of eighteen, either alone or accompanied by a parent or guardian, appears to be in danger, the managing agency shall immediately contact child protective services;

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; and

P. Managing agencies shall obtain criminal checks of prior convictions for sex offenses and outstanding warrants for violent offenses from the King County sheriff's office for all homeless encampment residents. For homeless encampment residents initially moving onto the site with the homeless encampment, the criminal checks must be completed at least seven days prior to the homeless encampment moving onto the site. For residents moving into the homeless encampment during the permit period, the criminal checks must be completed on or before the date that the new resident moves on site. The managing agency shall be responsible for verifying that the criminal checks occur and for permanently retaining information from the criminal checks. If an encampment resident or prospective encampment resident is a convicted sex offender or has an

outstanding warrant for a violent offense, the managing agency shall prohibit the resident from residing at the encampment and shall immediately contact the sheriff's office with the information.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Ownership, including a description of the conditions under which land owned by funds other than the general fund could be used;
2. Current use, including restrictions on use imposed by covenant, funding source or other constraint;
3. Property size, topography and environmental conditions;
4. Proximity to transit, jobs and supportive services; and
5. Proximity to potential sponsors.

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

D. Each report required in this section shall be filed in the form of a paper and an electronic copy with the clerk of the council, who shall retain the paper copy and forward an electronic copy to

all councilmembers.