

D#09 TEMPORARY HOMELESS ENCAMPMENTS

SUPPLEMENTAL STAFF REPORT

SUMMARY: This Supplemental Staff Report provides responses to issues that were raised at a Planning Commission meeting regarding amendments to the Renton Municipal Code Development Regulations (Title IV). It also includes additional information that staff has identified as being necessary to include in the analysis for amendments.

General Description

Regulations for Temporary Homeless Encampments will be placed into Title IV to provide predictability for encampment applicants, organizations that support homeless encampments, the public, and the City. Many cities in the region have established regulations and the proposed staff recommendation would create similar standards for Renton. There have been a few homeless encampments in the Lake Washington area, including Nickelsville and Tent City. One of them, known as Tent City 4, moves amongst different eastside jurisdictions and could possibly apply for a permit in Renton in the future. The proposed encampment standards were presented at the June 16, 2010 Commission meeting. See Attachment A for the updated proposal code language and regulations.

Planning Commission Issue: Should the location criteria be expanded to allow Temporary Homeless Encampments to locate at more locations than just properties owned by religious organizations, such as a not-for-profit organization or private property where space is available?

Staff Response: The proposed regulation states, "A temporary homeless encampment shall be located at a religious institution. If the religious institution is not actively practicing on the site proposed for a temporary homeless encampment, then the religious institution must comply with all other permit requirements for the underlying zone required for siting a new religious institution and temporary homeless encampment."

The recommendation by staff is consistent with other jurisdictions' regulations and consistent with the protection the State legislature provided religious organizations through State Bill 1956, which grants religious organizations broad authority to host homeless encampments.

Planning Commission Issue: Should the requirement that authorities (such as Child Protective Services) are contacted immediately upon the arrival of a person age 18 or under at an encampment or that such youth be excluded from entrance?

Staff Response: Staff recommends that this initial recommendation not be included in the updated staff recommended code. If such a determination should be made on this specific topic, it can be made by the Hearing Examiner during the application process as a condition of permit approval.

D-09: ATTACHMENT A – Temporary Homeless Encampment Proposed Code Amendments

4-1-170 LAND USE REVIEW FEES:	
A. APPLICATION TYPE:	FEE AMOUNT:
Temporary Use Permits:	
Tier 1	\$75.00
Tier 2	\$150.00
<u>Tier 3: Temporary Homeless Encampment</u>	<u>\$100.00</u>

4-8-070 AUTHORITY AND RESPONSIBILITIES:

H. HEARING EXAMINER:

1. Authority: The Hearing Examiner shall review and act on the following:

- a. Appeals of administrative decisions/determinations (including, but not limited to, parking, sign, street, tree cutting/routine vegetation management standards, and Urban Center Design Overlay District regulations) and ERC decisions, excepting determinations of whether an application is a bulk storage facility which shall be appealable to the City Council,
- b. Appeals relating to RMC [4-5-060](#), Uniform Code for the Abatement of Dangerous Buildings,
- c. Bulk storage special permit and variances from the bulk storage regulations,
- d. Permit to rebuild for nonconforming uses,
- e. Conditional use permit,
- f. Fill and grade permit, special,
- g. Master Plan review (overall plan) and major amendments to an overall Master Plan,
- h. Mobile home parks, preliminary and final,
- i. Planned urban development, preliminary,
- j. Plats, preliminary and final,
- k. Shoreline conditional use permit,
- l. Shoreline variance,
- m. Site plan approvals requiring a public hearing,
- n. Special permits,
- o. Temporary use permits, Tier III Temporary Homeless Encampments,**
- op.** Variances from wireless communication facility development standards, the provisions of the subdivision regulations, and variances associated with a development permit that requires review by the Hearing Examiner, and
- oq.** Building permits submitted in conjunction with any of the above.

4-8-080 PERMIT CLASSIFICATION:

G. LAND USE PERMIT PROCEDURES:

LAND USE PERMITS	PUBLIC NOTICE OF APPLICATION	RECOMMENDATION	OPEN RECORD HEARING	DECISION/ ADOPTION	OPEN RECORD APPEAL	CLOSED RECORD HEARING	JUDICIAL APPEAL
TYPE III							
<u>Temporary Use Permits: Tier III Temporary Homeless Encampments</u>	<u>Yes</u>	<u>Staff</u>	<u>HE</u>	<u>HE</u>		<u>CC</u>	<u>SC</u>

4-9-240 TEMPORARY USE PERMITS:

D. ADDITIONAL CONDITIONS FOR VEHICLE SALES EVENTS, MOBILE FOOD VENDORS, AND TEMPORARY HOMELESS ENCAMPMENTS:

1. Vehicle Sales Events held on property not currently used as an auto dealership: Only properties in the Automall as shown in RMC 4-3-040 or the Employment Area Valley (EAV) land use designation are eligible for a temporary use permit. Additionally, no more than one vehicle sales event shall be allowed per quarter of the year (year beginning January 1st) per property or development as determined by the Community and Economic Development Administrator or designee. The use must be allowed by the zone district. Further, each such event shall only be permitted for a maximum of seven (7) consecutive days per quarter. Such sales are not permissible outside of the Automall and Employment Area Valley and are not eligible for a Temporary Use Permit.

2. Mobile Food Vendors: Vendors shall comply with all standards established by the Seattle-King County Health Department. In addition in the IL, IM, IH, CA, CV and CD zones, no licensed vending unit shall remain at the permitted location between 12:00 a.m. (midnight) and 5:00 a.m. on a daily basis, except for a special event where a unit is allowed at the same location for up to seventy-two (72) hours.

3. Temporary Homeless Encampments:

a. Location Criteria: A temporary homeless encampment shall be located at a religious institution. If the religious institution is not actively practicing on the site proposed for a temporary encampment, then the religious institution must comply with all other permit requirements for the underlying zone required for siting a new religious institution and temporary homeless encampment.

b. Setbacks: The temporary homeless encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.

c. Visual Buffering: A six-foot high sight obscuring fence, vegetative screen or other visual buffering shall be provided between the temporary homeless encampment and any abutting residential property and the right-of-way. The fence shall provide privacy and a visual buffering for encampment residents and neighboring properties in a manner and material approved by the code official. The code official shall consider existing vegetation, fencing,

topographic variations and other site conditions in determining compliance with this requirement.

d. Exterior Lighting: Exterior lighting must be directed downward, away from abutting and adjoining properties, and contained within the temporary homeless encampment.

e. Maximum Residents: The maximum number of residents within a temporary homeless encampment is 100.

f. Additional Parking: Each lot occupied by a temporary homeless encampment must provide or have available parking and vehicular maneuvering area. The temporary homeless encampment and the parking of any vehicles associated with a temporary homeless encampment application shall not displace the host site's parking lot in such a way that the host site no longer meets the minimum or required parking of the principle use as required by code or previous approvals unless an alternative parking plan has been approved.

g. Transit Proximity and Transportation Plan: A transportation plan is required which shall include provision of transit services. The temporary homeless encampment shall be within a half mile of a public transit stop or the sponsor or managing organization 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 temporary homeless encampment.

h. Persons age 18 and under not allowed: The managing agency shall not permit children under the age of eighteen to stay overnight in the temporary 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.

i. Code of Conduct: A code of conduct is required to be enforced by the managing agency. The code shall contain the following as a minimum:

- i. No drugs or alcohol.
- ii. No weapons.
- iii. No violence.
- iv. No open flames.
- v. No loitering in the surrounding neighborhood.
- vi. Quiet hours.

Nothing within this subsection shall prohibit the temporary homeless encampment sponsor or managing organization from imposing and enforcing additional code of conduct conditions not otherwise inconsistent with this section. The managing agency shall enforce the written code of conduct. Failure by the managing agency to take action against a resident who violates the terms of the written code of conduct may result in cancellation of the permit.

j. Compliance with health and safety codes: The temporary homeless encampment shall comply with all applicable standards of the Seattle-King County Health Department, or its successor. The managing agency shall ensure compliance with Washington State and City codes

concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire-resistant materials.

k. Inspections: The temporary homeless encampment shall permit regular inspections by the City, including the Police Department and Fire & Emergency Services, and King County Health Department to check compliance with the standards for temporary homeless encampment.

l. Identification: 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 temporary homeless encampment residents.

m. Log-in and Identification: The temporary homeless encampment managing organization shall maintain a resident log for all who are residing at the temporary homeless encampment. Such log shall be kept onsite at the temporary homeless encampment. Prospective encampment residents shall provide a verifiable form of identification when signing the log.

n. Duration and Frequency: Temporary homeless encampments may be approved for a time period not to exceed 92 days, including setup and dismantling of the encampment. A temporary homeless encampment may be located at the same site no more than once every 12 months. For the purposes of this subsection, the 12 months shall be calculated from the last day of the prior encampment at the site.

o. Public Meeting: Informal Public Meeting Required. The Community & Economic Development Administrator shall require an applicant to conduct an informal public meeting to inform citizens about a proposed temporary homeless encampment prior to submittal of an application. Notice of the informal public meeting shall be provided in the same manner as required for notice of the application, at least 10 days prior to the informal public meeting. Prior to the informal public meeting, the temporary homeless encampment sponsor and managing organization shall meet and confer with the Police Department regarding any proposed security measures. At the informal public meeting, a representative of the temporary homeless encampment sponsor and managing organization shall present in writing and describe the proposed temporary homeless encampment location, timing, site plan, code of conduct, encampment concerns, management security measures, and any input or comment received on the plan, including any comment or input from the Police Department, or comment or input from schools and/or child care services. Copies of the agenda and other materials shall be provided by the applicant at the meeting. The meeting shall be conducted on the subject property whenever feasible.

p. Notification to Schools and Child Care Services: Prior to any application for a temporary homeless encampment permit, the temporary homeless encampment sponsor, or temporary homeless encampment managing organization shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the lot(s) proposed to contain the temporary homeless encampment, and shall meet and confer with the operators of any properly licensed child care service within 600 feet of the boundaries of the lot(s) proposed to contain the temporary homeless encampment. The temporary homeless encampment sponsor and the school administration and/or child care service operator shall make a good faith effort to agree upon

any additional conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a temporary encampment within 600 feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the Hearing Examiner for consideration, for inclusion within the temporary homeless encampment permit. In the event the parties fail to agree on any conditions, either party may provide the Hearing Examiner with a written summary of the parties' discussions, which the Hearing Examiner may consider in evaluating whether the conditions for the temporary homeless encampment permit are met, or the need for additional conditions upon the temporary homeless encampment permit, without violating the legal rights of the temporary homeless encampment sponsor.

g. Review Authority, Appeals, and Permit Revocation: Decision authority is at the Hearing Examiner level with a public hearing, as designee for Community and Economic Development Administrator, and the Appeal Authority is with City Council. If a permit is revoked pursuant to RMC 4-9-24001, applicant may request an appeal before the City Council.

4-11-080 DEFINITIONS H:

HOMELESS ENCAMPMENT: See TEMPORARY HOMELESS ENCAMPMENT.

4-11-200 DEFINITIONS T:

TEMPORARY HOMELESS ENCAMPMENT: A group of homeless persons temporarily residing out of doors on a site with services provided by a sponsor and supervised by a managing organization.

- a. Managing Organization, Temporary Homeless Encampment: A group or organization that has the capacity to organize and manage a temporary homeless encampment. A temporary encampment "managing organization" may be the same entity as the temporary homeless encampment sponsor.**
- b. Sponsor, Temporary Homeless Encampment: A religious institution which:**
 - i. owns the property or has an ownership interest in the property, for which a temporary homeless encampment is to be located, and**
 - ii. that has an agreement with the temporary homeless encampment managing organization to provide basic services and support for the residents of a temporary homeless encampment and liaison with the surrounding community and**
 - iii. joins with the managing organization in an application for a temporary homeless encampment permit.**
 - iv. A "sponsor" may be the same entity as the managing organization.**