



SEATTLE CITY COUNCIL

Select Committee on Homelessness Strategies and Investments

Agenda

Monday, February 10, 2020

3:00 PM

Special Meeting (meeting may begin after City Council)

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

Andrew J. Lewis, Chair

Lisa Herbold, Vice-Chair

M. Lorena González, Member

Debora Juarez, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8807; Andrew.Lewis@seattle.gov

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Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

(20 minutes)

D. Items of Business

1. [CB 119656](#) **AN ORDINANCE relating to land use and zoning; providing that transitional encampments for homeless individuals are allowed on any property owned or controlled by a religious organization without approval of a permit under the Seattle Land Use Code, to permit transitional encampments for homeless individuals as an interim use on all publicly owned or private property within the City of Seattle, and providing for renewal of temporary use permits for transitional encampments as a Type I decision of the Director of the Seattle Department of Construction and Inspections; amending Sections 23.40.002, 23.42.054, 23.42.056, 23.76.004, 23.76.006, 23.76.032, and 23.84A.038 of the Seattle Municipal Code; and amending Ordinance 124747.**

*Supporting
Documents:*

[Summary and Fiscal Note](#)

[Pedersen Substitute](#)

[Sawant Substitute](#)

[Mosqueda Amendment 1](#)

[Sawant Amendment 1](#)

[Lewis Amendment 1](#)

[Morales Proposed Amendment to Amendment 1 \(added; 2/19/20\)](#)

[Lewis Amendment 2](#)

[Pedersen Amendment 1](#)

[Lewis Amendment 3](#)

[Pedersen Amendment 2](#)

Briefing, Discussion, and Possible Vote

Presenter: Ketil Freeman, Council Central Staff

E. Adjournment



Legislation Text

File #: CB 119656, **Version:** 3

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use and zoning; providing that transitional encampments for homeless individuals are allowed on any property owned or controlled by a religious organization without approval of a permit under the Seattle Land Use Code, to permit transitional encampments for homeless individuals as an interim use on all publicly owned or private property within the City of Seattle, and providing for renewal of temporary use permits for transitional encampments as a Type I decision of the Director of the Seattle Department of Construction and Inspections; amending Sections 23.40.002, 23.42.054, 23.42.056, 23.76.004, 23.76.006, 23.76.032, and 23.84A.038 of the Seattle Municipal Code; and amending Ordinance 124747.

WHEREAS, Seattle has been in a State of Civil Emergency on homelessness since 2015; and

WHEREAS, the 2019 Point in Time Count found there are 11,199 homeless people in King County including 5,228 sleeping unsheltered on the streets; and

WHEREAS, tiny house villages have proven to be an effective place for homeless individuals and families to find the safety, privacy, and human dignity necessary to get back on their feet and transition to affordable housing; and

WHEREAS, tiny houses provide the security of a sturdy wood structure, a place to store personal belongings, insulation, and electricity; and

WHEREAS, tiny house villages have operated with a self-management model where residents democratically run their communities; residents have reported this model has helped them overcome the isolation and alienation of homelessness, and residents have become more successful transitioning into permanent housing; and

WHEREAS, in 2018 residents of tiny house villages successfully transitioned to permanent housing at higher

rates than residents of shelters, with 56 percent obtaining permanent housing or transitional housing; and

WHEREAS, between 2016 and 2018, approximately 500 people transitioned to permanent housing from Seattle's tiny house villages; and

WHEREAS, through the 2020 Adopted Budget the Council appropriated approximately \$2,015,000 to fund operations and siting for two additional tiny house villages or enhanced shelter and approved Statement of Legislative Intent HOM-4-A-2, which requests cost estimate and siting information for tiny house villages; and

WHEREAS, the Council intends to consider in the future whether to increase or remove the limit on the maximum number of interim use transitional encampments based on changes in the population of unsheltered persons, available siting opportunities, funding availability, and the success of tiny house villages in exits to permanent housing; and

WHEREAS, Ordinance 124747, which established "Transitional Encampments as an interim use" in Seattle's land use code in 2015, created the legal framework for Seattle's tiny house villages, but allowed no more than three tiny house villages at any one time, and will sunset on March 31, 2020 if there is no further legislative action; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.40.002 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.40.002 Conformity with regulations required

A. The establishment or change of use of any structures, buildings or premises, or any part thereof, requires approval according to the procedures ((set forth)) in Chapter 23.76((, Procedures for Master Use Permits and Council Land Use Decisions,)) except:

1. ((establishment)) Establishment of an urban farm or community garden that does not include

major marijuana activity as defined in Section 23.84A.025((;)) and that is permitted outright under the provisions of this Title 23 applicable to the lot;

2. ((as)) As permitted in subsections 23.47A.004.E and 23.47A.004.F;

3. ((keeping)) Keeping of animals as permitted under Section 23.42.052;

4. ((reinstatement)) Reinstatement of a use interrupted by a temporary use authorized pursuant to Section 23.42.040; ((and))

5. Establishment of a transitional encampment use on property owned or controlled by a religious organization; and

6. ((for uses)) Uses located entirely within public rights-of-way.

* * *

Section 2. Section 23.42.054 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

23.42.054 Transitional encampments ((accessory to religious facilities or to other principal uses)) located on property owned or controlled by a religious organization

A. Transitional encampment ((accessory)) use on property owned or controlled by a religious organization. A transitional encampment is allowed ((as an accessory use)) on a site in any zone, if the ((established principal use of the site is as a religious facility or the principal use is on)) property is owned or controlled by a religious organization, subject to the provisions of subsection 23.42.054.B. ((A religious facility)) If the site includes property developed with legally-established parking that is accessory to ((the)) a religious facility((. Parking accessory to a religious facility or located on property owned or controlled by a religious organization that is)) or other use established on the property, then any parking displaced by the encampment does not need to be replaced.

* * *

Section 3. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance 124747, is amended

as follows:

23.42.056 Transitional encampment as an interim use

A Type I Master Use Permit may be issued for a transitional encampment interim use according to the requirements of this Section 23.42.056.

A. The Director, in consultation with the Human Services Director, shall adopt a rule according to Section 23.88.010 that includes but is not limited to establishing:

1. Community outreach requirements that include:

a. Community outreach standards that the encampment operator shall comply with before filing a transitional encampment interim use permit application, whether for a new transitional encampment or relocation of an existing transitional encampment. At a minimum, outreach standards shall contain a requirement that the encampment operator convene at least one public meeting in the neighborhood where the transitional encampment interim use is proposed to be established, at least 14 days prior to applying for a permit;

b. A requirement that the proposed encampment operator establish a Community Advisory Committee that would provide advisory input on proposed encampment operations including identifying methods for handling community complaints or concerns as it relates to the facility or facility clients. The committee shall include one individual identified by each stakeholder group in the geographic area where the proposed encampment would be located as best suited to represent their interests. The committee shall consist of no fewer than five and no more than ~~((seven))~~ ten members. Encampment operator representatives shall attend committee meetings to answer questions and shall provide regular reports to the committee concerning encampment operations. City staff may attend the meetings; and

2. Operations standards that the encampment operator is required to implement while an encampment is operating.

B. Location. The transitional encampment interim use ~~((shall))~~ may be located on property within any

zone ~~((meeting))~~ subject to the following requirements:

1. ~~((The property is:~~

a. ~~Zoned Industrial, Downtown, SM, NC2, NC3, C1, or C2; except if the property is in a residential zone as defined in Section 23.84A.048 or is in a special review district established by Chapter 23.66;~~

~~or~~

b. ~~Within a Major Institution Overlay district.~~

2. ~~The property is at least 25 feet from any residentially-zoned lot.~~

3. ~~A property may be less than 25 feet from a residentially-zoned lot and used as an encampment site if:~~

a. ~~All encampment facilities, improvements, activities, and uses are located at least 25 feet from any residentially-zoned lot. Access to the encampment site may be located within the 25-foot setback area; and~~

b. ~~Screening is))~~ Screening shall be installed and maintained along each encampment boundary, ((except)) including boundaries fronting on an opened public street. The screening shall consist of existing or installed vegetation that is sufficiently dense to obscure viewing the encampment site, or a 6-foot high view-obscuring fence or wall.

2. Except for encampments established prior to February 18, 2020, all encampment facilities, improvements, activities, and uses shall be set back from abutting lot lines, as follows:

a. 10 feet from any side or rear lot line that abuts a lot in a single-family zone; and

b. 5 feet from any side or rear lot line that abuts a lot in any zone other than single family; except that no setback is required when an abutting lot, which is not in a single-family zone, does not have an established use.

~~((4))~~ 3. The property is owned or controlled by ~~((the City of Seattle,))~~ a private party, ~~((or))~~ an Educational Major Institution, The City of Seattle, or another public entity.

5)) 4. The property is within ½ mile of a transit stop. This distance shall be the walking distance

measured from the nearest transit stop to the lot line of the lot containing the encampment site.

~~((6. The property is, as measured by a straight line, at least 1 mile from any other legally-established transitional encampment interim use including encampments accessory to a religious facility or accessory to other principal uses on property owned or controlled by a religious organization. This subsection 23.42.056.A.6 shall not apply to encampments on sites owned or controlled by religious organizations, or to any legally-established transitional encampment interim use that provides shelter for fewer than ten persons.))~~

((7)) 5. The property is 5,000 square feet or larger and provides a minimum of 100 square feet of land area for each occupant that is permitted to occupy the encampment site.

((8)) 6. The property does not contain a wetland, wetland buffer, known and potential landslide designations, steep slope, steep slope buffer, or fish and wildlife habitat conservation area defined and regulated by Chapter 25.09(~~(, Regulations for Environmentally Critical Areas,))~~) unless all encampment facilities, improvements, activities, and uses are located outside any critical area and required buffer as provided for in Chapter 25.09.

((9)) 7. The encampment site is not used by an existing legally-permitted use for code or permit-required purposes including but not limited to parking or setbacks.

((10)) 8. The property is not an unopened public ~~((right of way))~~ right-of-way; or designated as a park, playground, viewpoint, or multi-use trail by the City or King County.

9. The property is, as measured by a straight line, at least 1 mile from any other legally-established transitional encampment interim use including encampments accessory to a religious facility or accessory to other principal uses on property owned or controlled by a religious organization. This subsection 23.42.056.B.9 shall not apply:

a. To encampments on sites owned or controlled by religious organizations, or

b. To any legally-established transitional encampment interim use that provides shelter

for fewer than ten persons, or

c. When at least one transitional encampment is established in each Council District.

* * *

D. Additional requirements. The transitional encampment interim use shall meet the following requirements:

1. The requirements for transitional encampment accessory uses in subsections 23.42.054.B and 23.42.054.C.

2. The operator of a transitional encampment interim use who receives funding from the City of Seattle shall provide case management and security as established in a management plan approved by the Director of the City of Seattle Human Services Department.

3. The operator of a transitional encampment interim use who receives funding from the City of Seattle Human Services Department or the King County Regional Homelessness Authority shall comply with performance standards in the contract or contracts administered by those agencies for the encampment.

~~((2))~~4. The operator of a transitional encampment interim use located on City-owned or - controlled property shall obtain prior to permit issuance and maintain in full force and effect, at its own expense, liability insurance naming the City as an additional insured in an amount sufficient to protect the City as determined by the City Risk Manager from:

a. All potential claims and risks of loss from perils in connection with any activity that may arise from or be related to the operator's activity upon or the use or occupation of the City-owned or - controlled property allowed by the permit; and

b. All potential claims and risks in connection with activities performed by the operator by virtue of the permission granted by the permit.

~~((3))~~5. The operator of a transitional encampment interim use located on City-owned or - controlled property shall, on a form approved by the Director, agree to defend, indemnify, and hold harmless (~~the~~) The City of Seattle, its officials, officers, employees, and agents from and against:

a. Any liability, claims, actions, suits, loss, costs, expense judgments, attorneys' fees, or damages of every kind and description resulting directly or indirectly from any act or omission of the operator of a transitional encampment interim use located on City-owned or -controlled property, its subcontractors, anyone directly or indirectly employed by them, and anyone for whose acts or omissions they may be liable, arising out of the operator's use or occupancy of the City-owned or -controlled property; and

b. All loss by the failure of the operator of a transitional encampment interim use located on City-owned or -controlled property to perform all requirements or obligations under the transitional encampment interim use permit, or federal, state, or City codes or rules.

~~((4))~~6. A transitional encampment interim use located on City-owned or -controlled property shall allow service providers to access the site according to the approved operations plan required by subsection 23.42.056.B.1.

E. ~~((Duration))~~ Permit term and renewal ~~((timing))~~. ~~((The transitional encampment interim use shall meet the following requirements:~~

~~1.))~~ A permit for a transitional encampment interim use under this Section 23.42.056 may be authorized for up to one year from the date of permit issuance. A permit for a transitional encampment may be renewed ~~((one time for up to one year))~~ for additional one-year terms by the Director as a Type I decision subject to the following:

~~((a))~~1. The operator shall provide notice of a request to extend the use in a manner determined by a Director's Rule. The notice shall be given to the Citizen's Advisory Committee and persons who provided the operator with an address for notice;

~~((b))~~2. The encampment is in compliance with the requirements of Section 23.42.056; and

~~((e))~~3. The operator shall provide with the permit renewal application an Encampment Operations Plan that shall be in effect during the permit renewal period and consistent with subsection 23.42.056.A.

~~((2. At least 12 months shall elapse before an encampment use may be located on any portion of a property where a transitional encampment interim use was previously located.))~~

F. Limit on the number of encampments~~((:))~~

1. Maximum number of encampments. No more than ~~((three))~~ 40 transitional encampment interim use encampments shall be permitted and operating at any one time, and each encampment shall not have more than 100 occupants. ~~((This))~~ The limit of 40 transitional interim use encampments shall not include transitional encampments ~~((accessory to a religious facility))~~ located on property owned or controlled by a religious organization.

2. Existing encampments established by and operating under temporary use permits.

Encampments presently operating under temporary use permits issued pursuant to subsections 23.42.040.B and 23.42.040.C may apply for an interim use permit pursuant to this Section 23.42.056, subject to the limits established by subsection 23.42.056.F.1. The term for operating any encampments obtaining interim use permits in lieu of temporary use permits shall begin on the date the interim use permit is issued regardless of how long the encampment has been established by a prior temporary use permit.

Section 4. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.76.004 Land use decision framework

A. Land use decisions are classified into five categories. Procedures for the five different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are generally categorized by type in Table A for 23.76.004.

B. Type I and II decisions are made by the Director and are consolidated in Master Use Permits. Type I decisions are decisions made by the Director that are not appealable to the Hearing Examiner. Type II decisions are discretionary decisions made by the Director that are subject to an administrative open record appeal

hearing to the Hearing Examiner; provided that Type II decisions enumerated in subsections 23.76.006.C.2.c, 23.76.006.C.2.d, 23.76.006.C.2.f, and 23.76.006.C.2.g, and SEPA decisions integrated with them as set forth in subsection 23.76.006.C.2.m, shall be made by the Council when associated with a Council land use decision and are not subject to administrative appeal. Type III decisions are made by the Hearing Examiner after conducting an open record hearing and not subject to administrative appeal. Type I, II, or III decisions may be subject to land use interpretation pursuant to Section 23.88.020.

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**Table A
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Director's and Hearing Examiner's Decision Requiring Master Use Permits
TYPE I
Director's Decision
(Administrative review through land use interpretation as allowed

by Sect ion 23.8 8.02 (0 ²)	
*	Application of development standards for decisions
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary use construction ((and transitional encampments))
*	Intermittent uses
*	Uses on vacant or underused lots pursuant to Section
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except on historic and cultural preservation
*	Temporary uses for relocation of police and fire station
*	Exemptions from right-of-way improvement requirements
*	Special accommodation
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development plan
*	Determination of whether an amendment to a proper minor
*	Streamlined design review decisions pursuant to Section departures are requested, and design review decision if no development standard departures are requested
*	Shoreline special use approvals that are not part of a
*	Adjustments to major institution boundaries pursuant
*	Determination that a project is consistent with a plan
*	Decision to approve, condition, or deny, based on SI be consistent with a planned action ordinance
*	Decision to increase the maximum height for residential subsection 23.49.008.H
*	Decision to increase the maximum allowable FAR in 23.49.011.A.2.n
*	Minor revisions to an issued and unexpired MUP that
*	Building height increase for minor communication use

*	Other Type I decisions that are identified as such in
	* * *

Section 5. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.76.006 Master Use Permits required

A. Type I, II, and III decisions are components of Master Use Permits. Master Use Permits are required for all projects requiring one or more of these decisions.

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;

2. Establishment or change of use for uses permitted outright, uses allowed under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less, transitional encampment interim use, temporary uses for four weeks or less not otherwise permitted in the zone, and renewals of temporary uses for up to six months, except temporary uses and facilities for light rail transit facility construction ((and transitional encampments));

3. The following street use approvals:

a. Curb cut for access to parking, whether associated with a development proposal or not;

b. Concept approval of street improvements associated with a development proposal, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving;

c. Structural building overhangs associated with a development proposal;

d. Areaways associated with a development proposal;

4. Lot boundary adjustments;

5. Modification of the following features bonused under Title 24:

- a. Plazas;
- b. Shopping plazas;
- c. Arcades;
- d. Shopping arcades; and
- e. Voluntary building setbacks;

6. Determinations of Significance (determination that an Environmental Impact Statement is required) for Master Use Permits and for building, demolition, grading, and other construction permits (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;

7. Discretionary exceptions for certain business signs authorized by subsection 23.55.042.D;

8. Waiver or modification of required right-of-way improvements;

9. Special accommodation pursuant to Section 23.44.015;

10. Reasonable accommodation;

11. Minor amendment to Major Phased Development Permit;

12. Streamlined design review decisions pursuant to Section 23.41.018 if no development standard departures are requested pursuant to Section 23.41.012, and design review decisions in an MPC zone if no development standard departures are requested pursuant to Section 23.41.012;

13. Shoreline special use approvals that are not part of a shoreline substantial development permit;

14. Determination that a project is consistent with a planned action ordinance, except as provided in subsection 23.76.006.C;

15. Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance;

16. Determination of requirements according to subsections 23.58B.025.A.3.a,

23.58B.025.A.3.b, 23.58B.025.A.3.c, 23.58C.030.A.2.a, 23.58C.030.A.2.b, and 23.58C.030.A.2.c;

17. Decision to increase the maximum height of a structure in the DOC2 500/300-550 zone according to subsection 23.49.008.F;

18. Decision to increase the maximum FAR of a structure in the DOC2 500/300-550 zone according to subsection 23.49.011.A.2.n;

19. Minor revisions to an issued and unexpired MUP that was subject to design review, pursuant to subsection 23.41.008.G;

20. Building height departures for minor communication facilities in downtown zones, pursuant to Section 23.57.013; and

21. Other Type I decisions.

* * *

Section 6. Subsection 23.76.032.C of the Seattle Municipal Code, which section was last amended by Ordinance 125558, is amended as follows:

23.76.032 Expiration and renewal of Type I and II Master Use Permits

C. Master Use Permit (~~(Renewal)~~) renewal

1. Except for Major Phased Development permits, the Director shall renew issued Master Use Permits for projects that are in conformance with applicable regulations, including but not limited to land use and environmentally critical areas regulations and SEPA policies in effect at the time renewal is sought. Except as provided in subsections 23.76.032.C.2 and 23.76.032.C.3, Master Use Permit renewal is for a period of two years. A Master Use Permit shall not be renewed beyond a period of five years from the original date the permit is approved for issuance. The Director shall not renew issued Master Use Permits for projects that are not in conformance with applicable regulations in effect at the time renewal is sought.

2. If an application for a building permit is submitted before the end of the two year term of renewal, and is subsequently issued, the Master Use Permit shall be extended for the life of the building permit.

3. The Director may renew a Master Use Permit for the temporary relocation of police and fire stations issued pursuant to Section 23.42.040 for a period not to exceed 12 months.

4. The Director may renew a Master Use Permit for a transitional encampment interim use issued according to ~~((Section))~~ subsection 23.42.056.E ~~((one time for up to one year))~~ for additional one-year terms.

Section 7. Section 23.84A.038 of the Seattle Municipal Code, last amended by Ordinance 125854, is amended as follows:

23.84A.038 "T"

* * *

"Transitional ~~((E))~~encampment" means a use having tents, modular structures, or a similar shelter, including vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly-used facilities that are separate from the sleeping shelters.

* * *

Section 8. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 9. Section 8 of Ordinance 124747 is repealed:

~~((Section 8. This ordinance shall be automatically repealed without subsequent Council action on March 31, 2020.))~~

Section 10. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by

Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2020, and signed by
me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Legislative	Ketil Freeman/4-8178	N/A

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title:

AN ORDINANCE relating to land use and zoning; providing that transitional encampments for homeless individuals are allowed on any property owned or controlled by a religious organization without approval of a permit under the Seattle Land Use Code, to permit transitional encampments for homeless individuals as an interim use on all publicly owned or private property within the City of Seattle, and providing for renewal of temporary use permits for transitional encampments as a Type I decision of the Director of the Seattle Department of Construction and Inspections; amending Sections 23.40.002, 23.42.054, 23.42.056, 23.76.004, 23.76.006, 23.76.032, and 23.84A.038 of the Seattle Municipal Code; and amending Ordinance 124747.

Summary and background of the Legislation:

A transitional encampment is defined in the Land Use Code (Seattle Municipal Code, Title 23) as a use intended for temporary sleeping and shelter. Encampments may be authorized as a use accessory to a religious institution, as a temporary use, or as an interim use. There are currently nine encampments operating in the city, which receive City funds for operation. While operating costs vary depending on the services provided by the operator, the average expenditure by the City per encampment is approximately \$390,000. Of the approved appropriations in the 2019 Adopted Budget, approximately \$4.8 million is allocated for transitional encampments.

In 2015, the City Council passed Ordinance No. 124747, which added Section 23.42.056 to the Land Use Code to permit transitional encampments for homeless individuals to locate as an interim use on sites owned or operated by the City of Seattle or private owners for a period of up to one year, and within the following zones: Industrial zones, Downtown zones, except for Downtown zones defined as residential, Seattle Mixed zones, Commercial 2 (C2), Commercial 1 (C1), Neighborhood Commercial 3 (NC3) and Neighborhood Commercial 2 (NC2) zones. Section 23.42.056 includes the following requirements:

- Creates a “Type 1” Master Use Permit (non-appealable and not subject to public notice) that would have a one-year term (compared with the existing 4-week limit on Type 1);
- Requires encampment operators to have prior experience managing or operating shelters, low income housing, or homeless encampments;
- Establishes a maximum limit of no more than three encampments would be permitted and operating at any one time;
- Requires a minimum of 12 months after a transitional encampment interim use permit has expired before a new transitional encampment could be established at the same site;

- Allows a maximum of 100 occupants and requires 100 square feet of land per occupant (already established in the Code for encampments on sites owned or controlled by religious organizations);
- Requires a plan to address site management, maintenance and security;
- Requires compliance with the same health, safety, and inspection requirements that have been established for encampments on sites owned or controlled by religious organizations;
- Establishes parking requirements for encampments if they are not located on sites owned or controlled by religious organizations (1 space for each 2 staff members on-site at peak staffing times); various exceptions to parking requirements in the existing Code would apply;
- Requires that encampment use must be located at least 25 feet from any residentially zoned lot – sites may be closer than 25 feet to residentially zoned lots if encampment boundary is set back at least 25 feet and landscaping, fencing or similar buffer is added;
- Requires that sites with interim use encampments must be 5,000 square feet or larger; must be located within one-half mile of a transit stop; and must be located at least one mile from any other legally established transitional encampment interim use;
- Requires that encampment use must be located outside of wetland, wetland buffer, steep slope, steep slope buffer, and fish and wildlife habitat conservation areas regulated by the City’s regulations for Environmentally Critical Areas or the Seattle Shoreline Master Program;
- Requires that an encampment use cannot displace or occupy an area that is used to meet required provisions for an existing permitted use, such as area for required parking or setbacks;
- Establishes community outreach requirements to give neighbors advance notice of encampments, together with specific operations standards to be implemented by operators of each encampment; and
- Requires that the operator allow service providers such as social workers to access the site when a City-owned property.

The current proposal would retain many of the requirements in Ordinance 124747, while making the following changes:

- Exempt encampments on property owned or controlled by a religious organization from land use permitting requirements;
- Remove the current requirement that encampments on property owned or controlled by a religious organization be accessory to an existing principal use on that property;
- Permit transitional encampments on sites owned or controlled by the City of Seattle, including sites owned by other public entities such as King County or the State of Washington if the site is controlled by the City, such as through a lease;
- Remove the requirement that transitional encampments be located at least one mile from any other legally-established transitional encampment use;
- Continue to permit transitional encampments on sites owned by private owners;
- Continue the time limit for an interim use permit for a period of up to one year, but within all zones, including residential zones;

- Allow unlimited renewals of the one-year permit for additional one-year terms, subject to compliance with all applicable regulations, particularly in Sections 23.42.054 and 23.42.056, and remove the requirement that encampments move to a new site after a maximum of two years at any one location;
- Remove the requirement that encampments must be located at least 25 feet from any residentially zoned lot or, if a site is closer than 25 feet to residentially zoned lots, that the encampment boundary be set back at least 25 feet, since the proposal would allow transitional encampments to locate in residential zones;
- Require screening (fence or wall) for all lot boundaries;
- Changes the limit of three encampments City-wide to a maximum of forty encampments;
- Remove the sunset date of March 31, 2020 for interim use encampment regulations; and
- For encampments established by the 6-month temporary use process, which is an appealable “Type II” Master Use Permit, allows conversion of the 6-month permit to an interim use as a non-appealable Type I permit.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No. Any potential future costs to the City would be contingent on non-regulatory policy choices related to funding potential encampments. Those choices are not compelled by this legislation.

Is there financial cost or other impacts of *not* implementing the legislation?

No.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

Yes, the Seattle Department of Construction and Inspections, which administers Title 23 of the Seattle Municipal Code.

b. Is a public hearing required for this legislation?

Yes.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes.

e. Does this legislation affect a piece of property?

This legislation is non-project and does not effect a specific piece of property.

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

None identified.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

Not applicable

List attachments/exhibits below:

Substitute CB 119656 – Allow Up to 15 Interim Use Transitional Encampments, Renewals and Conversions to Interim Use Transitional Encampments, and Extend Sunset for Interim Use Encampments to March 31, 2022.
Sponsor: Pedersen

This substitute would maintain most current substantive and procedural development standards for siting transitional encampments but allow: (1) up to 15 interim use transitional encampments, (2) multiple one-year extensions of interim use encampment permits, and (3) conversion to interim uses of encampments authorized as temporary uses or as accessory to religious institutions. The amendment would also extend the authorization for the interim use encampment permit pathway from March 31, 2020 to March 31, 2022.

A clean copy of the substitute is attached for ease of reference. Where this substitute would delete whole sections or subsections from the bill those deletions are noted. The effect of those deletions would be to remove proposed amendments in the bill and maintain current development standards in the Seattle Municipal Code. Changes are shown in [track changes](#).

..title

AN ORDINANCE relating to land use and zoning; providing that transitional encampments for homeless individuals are allowed on any property owned or controlled by a religious organization without approval of a permit under the Seattle Land Use Code, to permit transitional encampments for homeless individuals as an interim use on all publicly owned or private property within the City of Seattle, and providing for renewal of temporary use permits for transitional encampments as a Type I decision of the Director of the Seattle Department of Construction and Inspections; amending Sections 23.40.002, 23.42.054, 23.42.056, 23.76.004, 23.76.006, 23.76.032, and 23.84A.038 of the Seattle Municipal Code; and amending Ordinance 124747.

..body

WHEREAS, Seattle has been in a State of Civil Emergency on homelessness since 2015; and
WHEREAS, the 2019 Point in Time Count found there are 11,199 homeless people in King County including 5,228 sleeping unsheltered on the streets; and
WHEREAS, tiny house villages have proven to be an effective place for homeless individuals and families to find the safety, privacy, and human dignity necessary to get back on their feet and transition to affordable housing; and
WHEREAS, tiny houses provide the security of a sturdy wood structure, a place to store personal belongings, insulation, and electricity; and
WHEREAS, tiny house villages have operated with a self-management model where residents democratically run their communities; residents have reported this model has helped them overcome the isolation and alienation of homelessness, and residents have become more successful transitioning into permanent housing; and
WHEREAS, in 2018 residents of tiny house villages successfully transitioned to permanent housing at higher rates than residents of shelters, with 56 percent obtaining permanent housing or transitional housing; and
WHEREAS, between 2016 and 2018, approximately 500 people transitioned to permanent housing from Seattle’s tiny house villages; and
WHEREAS, through the 2020 Adopted Budget the Council appropriated approximately \$2,015,000 to fund operations and siting for two additional tiny house villages and approved Statement of Legislative Intent HOM-4-A-2, which requests cost estimate and siting information for tiny house villages; and
WHEREAS, the Council intends to consider in the future whether to increase or remove the limit on the maximum number of interim use transitional encampments based on changes in the population of unsheltered persons, available siting opportunities, funding availability, and the success of tiny house villages in exits to permanent housing; and
WHEREAS, Ordinance 124747, which established “Transitional Encampments as an interim use” in Seattle’s land use code in 2015, created the legal framework for Seattle’s tiny house villages, but allowed no more than three tiny house villages at any one time, and will sunset on March 31, 2020 if there is no further legislative action; NOW, THEREFORE,

Substitute CB 119656 – Allow Up to 15 Interim Use Transitional Encampments, Renewals and Conversions to Interim Use Transitional Encampments, and Extend Sunset for Interim Use Encampments to March 31, 2022.
Sponsor: Pedersen

This substitute would maintain most current substantive and procedural development standards for siting transitional encampments but allow: (1) up to 15 interim use transitional encampments, (2) multiple one-year extensions of interim use encampment permits, and (3) conversion to interim uses of encampments authorized as temporary uses or as accessory to religious institutions. The amendment would also extend the authorization for the interim use encampment permit pathway from March 31, 2020 to March 31, 2022.

A clean copy of the substitute is attached for ease of reference. Where this substitute would delete whole sections or subsections from the bill those deletions are noted. The effect of those deletions would be to remove proposed amendments in the bill and maintain current development standards in the Seattle Municipal Code. Changes are shown in [track changes](#).

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

[Delete Section 1 and 2]

Section 31. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance 124747, is amended as follows:

23.42.056 Transitional encampment as an interim use

A Type I Master Use Permit may be issued for a transitional encampment interim use according to the requirements of this Section 23.42.056.

[Delete Proposed Amendments to Seattle Municipal Code Subsections 23.42.056 A – D]

E. ~~((Duration))~~ Permit term and renewal ~~((timing))~~. ~~((The transitional encampment interim use shall meet the following requirements:~~

4-)) A permit for a transitional encampment interim use under this Section 23.42.056 may be authorized for up to one year from the date of permit issuance. A permit for a transitional encampment may be renewed ~~((one time for up to one year))~~ for additional one-year terms by the Director as a Type I decision subject to the following:

~~((a))~~ 1. The operator shall provide notice of a request to extend the use in a manner determined by a Director's Rule. The notice shall be given to the Citizen's Advisory Committee and persons who provided the operator with an address for notice;

~~((b))~~ 2. The encampment is in compliance with the requirements of Section 23.42.056; and

~~((e))~~ 3. The operator shall provide with the permit renewal application an Encampment Operations Plan that shall be in effect during the permit renewal period and consistent with subsection 23.42.056.A.

~~((2. At least 12 months shall elapse before an encampment use may be located on any portion of a property where a transitional encampment interim use was previously located.))~~

F. Limit on the number of encampments~~((:))~~

1. Maximum number of encampments. No more than ~~((three))~~ 40-15 transitional encampment interim use encampments shall be permitted and operating at any one time, and each encampment shall not have more than 100 occupants. ~~((This))~~ The limit of 40-15 transitional interim use encampments shall not include transitional encampments ~~((accessory to a religious facility))~~ located on property owned or controlled by a religious organization.

2. Existing encampments established by and operating under temporary use permits. Encampments presently operating under temporary use permits issued pursuant to subsections

Substitute CB 119656 – Allow Up to 15 Interim Use Transitional Encampments, Renewals and Conversions to Interim Use Transitional Encampments, and Extend Sunset for Interim Use Encampments to March 31, 2022.
Sponsor: Pedersen

This substitute would maintain most current substantive and procedural development standards for siting transitional encampments but allow: (1) up to 15 interim use transitional encampments, (2) multiple one-year extensions of interim use encampment permits, and (3) conversion to interim uses of encampments authorized as temporary uses or as accessory to religious institutions. The amendment would also extend the authorization for the interim use encampment permit pathway from March 31, 2020 to March 31, 2022.

A clean copy of the substitute is attached for ease of reference. Where this substitute would delete whole sections or subsections from the bill those deletions are noted. The effect of those deletions would be to remove proposed amendments in the bill and maintain current development standards in the Seattle Municipal Code. Changes are shown in [track changes](#).

23.42.040.B and 23.42.040.C may apply for an interim use permit pursuant to this Section 23.42.056, subject to the limits established by subsection 23.42.056.F.1. The term for operating any encampments obtaining interim use permits in lieu of temporary use permits shall begin on the date the interim use permit is issued regardless of how long the encampment has been established by a prior temporary use permit.

[Delete Sections 4 and 5]

Section ~~62~~. Subsection 23.76.032.C of the Seattle Municipal Code, which section was last amended by Ordinance 125558, is amended as follows:

23.76.032 Expiration and renewal of Type I and II Master Use Permits

C. Master Use Permit (~~(Renewal)~~) renewal

1. Except for Major Phased Development permits, the Director shall renew issued Master Use Permits for projects that are in conformance with applicable regulations, including but not limited to land use and environmentally critical areas regulations and SEPA policies in effect at the time renewal is sought. Except as provided in subsections 23.76.032.C.2 and 23.76.032.C.3, Master Use Permit renewal is for a period of two years. A Master Use Permit shall not be renewed beyond a period of five years from the original date the permit is approved for issuance. The Director shall not renew issued Master Use Permits for projects that are not in conformance with applicable regulations in effect at the time renewal is sought.

2. If an application for a building permit is submitted before the end of the two year term of renewal, and is subsequently issued, the Master Use Permit shall be extended for the life of the building permit.

3. The Director may renew a Master Use Permit for the temporary relocation of police and fire stations issued pursuant to Section 23.42.040 for a period not to exceed 12 months.

4. The Director may renew a Master Use Permit for a transitional encampment interim use issued according to (~~(Section)~~) subsection 23.42.056.E (~~(one time for up to one year)~~) for additional one-year terms.

[Delete Section 7]

Section ~~83~~. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section ~~94~~. Section 8 of Ordinance 124747 is ~~repealed~~amended as follows:
~~((Section 8. This ordinance shall be automatically repealed without subsequent Council action on March 31, 2020.))~~

Substitute CB 119656 – Allow Up to 15 Interim Use Transitional Encampments, Renewals and Conversions to Interim Use Transitional Encampments, and Extend Sunset for Interim Use Encampments to March 31, 2022.
Sponsor: Pedersen

This substitute would maintain most current substantive and procedural development standards for siting transitional encampments but allow: (1) up to 15 interim use transitional encampments, (2) multiple one-year extensions of interim use encampment permits, and (3) conversion to interim uses of encampments authorized as temporary uses or as accessory to religious institutions. The amendment would also extend the authorization for the interim use encampment permit pathway from March 31, 2020 to March 31, 2022.

A clean copy of the substitute is attached for ease of reference. Where this substitute would delete whole sections or subsections from the bill those deletions are noted. The effect of those deletions would be to remove proposed amendments in the bill and maintain current development standards in the Seattle Municipal Code. Changes are shown in [track changes](#).

Section 8. This ordinance shall be automatically repealed without subsequent Council action on March 31, ~~(2020)~~ 2022.

Substitute CB 119656 – Allow Up to 15 Interim Use Transitional Encampments, Renewals and Conversions to Interim Use Transitional Encampments, and Extend Sunset for Interim Use Encampments to March 31, 2022.
Sponsor: Pedersen

This substitute would maintain most current substantive and procedural development standards for siting transitional encampments but allow: (1) up to 15 interim use transitional encampments, (2) multiple one-year extensions of interim use encampment permits, and (3) conversion to interim uses of encampments authorized as temporary uses or as accessory to religious institutions. The amendment would also extend the authorization for the interim use encampment permit pathway from March 31, 2020 to March 31, 2022.

A clean copy of the substitute is attached for ease of reference. Where this substitute would delete whole sections or subsections from the bill those deletions are noted. The effect of those deletions would be to remove proposed amendments in the bill and maintain current development standards in the Seattle Municipal Code. Changes are shown in [track changes](#).

Section ~~105~~. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, ~~2019~~2020, and signed by me in open session in authentication of its passage this ____ day of _____, ~~2019~~2020.

President _____ of the City Council

Approved by me this _____ day of _____, ~~2019~~2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, ~~2019~~2020.

Monica Martinez Simmons, City Clerk

(Seal)

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; providing that transitional encampments for homeless individuals are allowed on any property owned or controlled by a religious organization without approval of a permit under the Seattle Land Use Code, to permit transitional encampments for homeless individuals as an interim use on all publicly owned or private property within the City of Seattle, and providing for renewal of temporary use permits for transitional encampments as a Type I decision of the Director of the Seattle Department of Construction and Inspections; amending Sections 23.40.002, 23.42.054, 23.42.056, 23.76.004, 23.76.006, 23.76.032, and 23.84A.038 of the Seattle Municipal Code; and amending Ordinance 124747.

..body

WHEREAS, Seattle has been in a State of Civil Emergency on homelessness since 2015; and

WHEREAS, the 2019 Point in Time Count found there are 11,199 homeless people in King County including 5,228 sleeping unsheltered on the streets; and

WHEREAS, tiny house villages have proven to be an effective place for homeless individuals and families to find the safety, privacy, and human dignity necessary to get back on their feet and transition to affordable housing; and

WHEREAS, tiny houses provide the security of a sturdy wood structure, a place to store personal belongings, insulation, and electricity; and

WHEREAS, tiny house villages have operated with a self-management model where residents democratically run their communities; residents have reported this model has helped them overcome the isolation and alienation of homelessness, and residents have become more successful transitioning into permanent housing; and

WHEREAS, in 2018 residents of tiny house villages successfully transitioned to permanent housing at higher rates than residents of shelters, with 56 percent obtaining permanent housing or transitional housing; and

1 WHEREAS, between 2016 and 2018, approximately 500 people transitioned to permanent housing from
2 Seattle’s tiny house villages; and

3 WHEREAS, through the 2020 Adopted Budget the Council appropriated approximately \$2,015,000 to
4 fund operations and siting for two additional tiny house villages and approved Statement of
5 Legislative Intent HOM-4-A-2, which requests cost estimate and siting information for tiny house
6 villages; and

7 WHEREAS, the Council intends to consider in the future whether to increase or remove the limit on the
8 maximum number of interim use transitional encampments based on changes in the population of
9 unsheltered persons, available siting opportunities, funding availability, and the success of tiny
10 house villages in exits to permanent housing; and

11 WHEREAS, Ordinance 124747, which established “Transitional Encampments as an interim use” in
12 Seattle’s land use code in 2015, created the legal framework for Seattle’s tiny house villages, but
13 allowed no more than three tiny house villages at any one time, and will sunset on March 31,
14 2020 if there is no further legislative action; NOW, THEREFORE,

15 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

16 Section 1. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance 124747, is
17 amended as follows:

18 **23.42.056 Transitional encampment as an interim use**

19 A Type I Master Use Permit may be issued for a transitional encampment interim use according to the
20 requirements of this Section 23.42.056.

21 ***

22 E. ~~((Duration))~~ Permit term and renewal ~~((timing))~~. ~~((The transitional encampment interim use~~
23 ~~shall meet the following requirements:~~

24 4-) A permit for a transitional encampment interim use under this Section 23.42.056 may
25 be authorized for up to one year from the date of permit issuance. A permit for a transitional encampment

1 may be renewed (~~((one time for up to one year))~~) for additional one-year terms by the Director as a Type I
2 decision subject to the following:

3 ((a))1. The operator shall provide notice of a request to extend the use in a manner
4 determined by a Director's Rule. The notice shall be given to the Citizen's Advisory Committee and
5 persons who provided the operator with an address for notice;

6 ((b))2. The encampment is in compliance with the requirements of Section 23.42.056;
7 and

8 ((c))3. The operator shall provide with the permit renewal application an Encampment
9 Operations Plan that shall be in effect during the permit renewal period and consistent with subsection
10 23.42.056.A.

11 ~~((2. At least 12 months shall elapse before an encampment use may be located on any
12 portion of a property where a transitional encampment interim use was previously located.))~~

13 F. Limit on the number of encampments((-))

14 1. Maximum number of encampments. No more than ~~((three))~~ 15 transitional
15 encampment interim use encampments shall be permitted and operating at any one time, and each
16 encampment shall not have more than 100 occupants. ~~((This))~~ The limit of 15 transitional interim use
17 encampments shall not include transitional encampments ((accessory to a religious facility)) located on
18 property owned or controlled by a religious organization.

19 2. Existing encampments established by and operating under temporary use permits.
20 Encampments presently operating under temporary use permits issued pursuant to subsections
21 23.42.040.B and 23.42.040.C may apply for an interim use permit pursuant to this Section 23.42.056,
22 subject to the limits established by subsection 23.42.056.F.1. The term for operating any encampments
23 obtaining interim use permits in lieu of temporary use permits shall begin on the date the interim use
24 permit is issued regardless of how long the encampment has been established by a prior temporary use
25 permit.

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Section 2. Subsection 23.76.032.C of the Seattle Municipal Code, which section was last amended by Ordinance 125558, is amended as follows:

23.76.032 Expiration and renewal of Type I and II Master Use Permits

C. Master Use Permit (~~(Renewal)~~) renewal

1. Except for Major Phased Development permits, the Director shall renew issued Master Use Permits for projects that are in conformance with applicable regulations, including but not limited to land use and environmentally critical areas regulations and SEPA policies in effect at the time renewal is sought. Except as provided in subsections 23.76.032.C.2 and 23.76.032.C.3, Master Use Permit renewal is for a period of two years. A Master Use Permit shall not be renewed beyond a period of five years from the original date the permit is approved for issuance. The Director shall not renew issued Master Use Permits for projects that are not in conformance with applicable regulations in effect at the time renewal is sought.

2. If an application for a building permit is submitted before the end of the two year term of renewal, and is subsequently issued, the Master Use Permit shall be extended for the life of the building permit.

3. The Director may renew a Master Use Permit for the temporary relocation of police and fire stations issued pursuant to Section 23.42.040 for a period not to exceed 12 months.

4. The Director may renew a Master Use Permit for a transitional encampment interim use issued according to (~~(Section)~~) subsection 23.42.056.E (~~(one-time for up to one-year)~~) for additional one-year terms.

Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

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Section 4. Section 8 of Ordinance 124747 is amended as follows:

Section 8. This ordinance shall be automatically repealed without subsequent Council action on March 31, (~~2020~~) 2022.

1 Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor,
2 but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as
3 provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2020, and
5 signed by me in open session in authentication of its passage this _____ day of
6 _____, 2020.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2020.

10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this _____ day of _____, 2020.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)
16
17

This substitute would clarify an amendment made by the Select Committee on Homelessness Strategies and Investments related to dispersion between encampments and geographic distribution among Council Districts (see p.4) and update the signature year for the Council President, Mayor and Clerk to 2020 (see p.11).

A clean copy of the substitute is attached for ease of reference. Changes are shown in [track changes](#).

..title

AN ORDINANCE relating to land use and zoning; providing that transitional encampments for homeless individuals are allowed on any property owned or controlled by a religious organization without approval of a permit under the Seattle Land Use Code, to permit transitional encampments for homeless individuals as an interim use on all publicly owned or private property within the City of Seattle, and providing for renewal of temporary use permits for transitional encampments as a Type I decision of the Director of the Seattle Department of Construction and Inspections; amending Sections 23.40.002, 23.42.054, 23.42.056, 23.76.004, 23.76.006, 23.76.032, and 23.84A.038 of the Seattle Municipal Code; and amending Ordinance 124747.

..body

WHEREAS, Seattle has been in a State of Civil Emergency on homelessness since 2015; and

WHEREAS, the 2019 Point in Time Count found there are 11,199 homeless people in King County including 5,228 sleeping unsheltered on the streets; and

WHEREAS, tiny house villages have proven to be an effective place for homeless individuals and families to find the safety, privacy, and human dignity necessary to get back on their feet and transition to affordable housing; and

WHEREAS, tiny houses provide the security of a sturdy wood structure, a place to store personal belongings, insulation, and electricity; and

WHEREAS, tiny house villages have operated with a self-management model where residents democratically run their communities; residents have reported this model has helped them overcome the isolation and alienation of homelessness, and residents have become more successful transitioning into permanent housing; and

WHEREAS, in 2018 residents of tiny house villages successfully transitioned to permanent housing at higher rates than residents of shelters, with 56 percent obtaining permanent housing or transitional housing; and

WHEREAS, between 2016 and 2018, approximately 500 people transitioned to permanent housing from Seattle’s tiny house villages; and

WHEREAS, through the 2020 Adopted Budget the Council appropriated approximately \$2,015,000 to fund operations and siting for two additional tiny house villages and approved Statement of Legislative Intent HOM-4-A-2, which requests cost estimate and siting information for tiny house villages; and

WHEREAS, the Council intends to consider in the future whether to increase or remove the limit on the maximum number of interim use transitional encampments based on changes in the population of unsheltered persons, available siting opportunities, funding availability, and the success of tiny house villages in exits to permanent housing; and

WHEREAS, Ordinance 124747, which established “Transitional Encampments as an interim use” in Seattle’s land use code in 2015, created the legal framework for Seattle’s tiny house villages, but allowed no more than three tiny house villages at any one time, and will sunset on March 31, 2020 if there is no further legislative action; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.40.002 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.40.002 Conformity with regulations required

This substitute would clarify an amendment made by the Select Committee on Homelessness Strategies and Investments related to dispersion between encampments and geographic distribution among Council Districts (see p.4) and update the signature year for the Council President, Mayor and Clerk to 2020 (see p.11).

A clean copy of the substitute is attached for ease of reference. Changes are shown in track changes.

A. The establishment or change of use of any structures, buildings or premises, or any part thereof, requires approval according to the procedures (~~(set forth)~~) in Chapter 23.76(~~(, Procedures for Master Use Permits and Council Land Use Decisions,)~~) except:

1. (~~(establishment)~~) Establishment of an urban farm or community garden that does not include major marijuana activity as defined in Section 23.84A.025(~~(,)~~) and that is permitted outright under the provisions of this Title 23 applicable to the lot;
2. (~~(as)~~) As permitted in subsections 23.47A.004.E and 23.47A.004.F;
3. (~~(keeping)~~) Keeping of animals as permitted under Section 23.42.052;
4. (~~(reinstatement)~~) Reinstatement of a use interrupted by a temporary use authorized pursuant to Section 23.42.040; (~~(and)~~)
5. Establishment of a transitional encampment use on property owned or controlled by a religious organization; and
6. (~~(for uses)~~) Uses located entirely within public rights-of-way.

* * *

Section 2. Section 23.42.054 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

23.42.054 Transitional encampments (~~(accessory to religious facilities or to other principal uses)~~) located on property owned or controlled by a religious organization

A. Transitional encampment (~~(accessory)~~) use on property owned or controlled by a religious organization. A transitional encampment is allowed (~~(as an accessory use)~~) on a site in any zone, if the (~~(established principal use of the site is as a religious facility or the principal use is on)~~) property is owned or controlled by a religious organization, subject to the provisions of subsection 23.42.054.B. (~~(A religious facility)~~) If the site includes property developed with legally-established parking that is accessory to (~~(the)~~) a religious facility(~~(. Parking accessory to a religious facility or located on property owned or controlled by a religious organization that is)~~) or other use established on the property, then any parking displaced by the encampment does not need to be replaced.

* * *

Section 3. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance 124747, is amended as follows:

23.42.056 Transitional encampment as an interim use

A Type I Master Use Permit may be issued for a transitional encampment interim use according to the requirements of this Section 23.42.056.

A. The Director, in consultation with the Human Services Director, shall adopt a rule according to Section 23.88.010 that includes but is not limited to establishing:

1. Community outreach requirements that include:
 - a. Community outreach standards that the encampment operator shall comply with before filing a transitional encampment interim use permit application, whether for a new transitional encampment or relocation of an existing transitional encampment. At a minimum, outreach standards shall contain a requirement that the encampment operator convene at least one public meeting in the neighborhood where the transitional encampment interim use is proposed to be established, at least 14 days prior to applying for a permit;
 - b. A requirement that the proposed encampment operator establish a Community Advisory Committee that would provide advisory input on proposed encampment operations including identifying methods for handling community complaints or concerns as it relates to the facility or facility

Sponsor: Sawant

This substitute would clarify an amendment made by the Select Committee on Homelessness Strategies and Investments related to dispersion between encampments and geographic distribution among Council Districts (see p.4) and update the signature year for the Council President, Mayor and Clerk to 2020 (see p.11).

A clean copy of the substitute is attached for ease of reference. Changes are shown in track changes.

clients. The committee shall include one individual identified by each stakeholder group in the geographic area where the proposed encampment would be located as best suited to represent their interests. The committee shall consist of no fewer than five and no more than ((seven)) ten members. Encampment operator representatives shall attend committee meetings to answer questions and shall provide regular reports to the committee concerning encampment operations. City staff may attend the meetings; and

2. Operations standards that the encampment operator is required to implement while an encampment is operating.

B. Location. The transitional encampment interim use ((shall)) may be located on property within any zone ((meeting)) subject to the following requirements:

1. ((The property is:

a. ~~Zoned Industrial, Downtown, SM, NC2, NC3, C1, or C2; except if the property is in a residential zone as defined in Section 23.84A.048 or is in a special review district established by Chapter 23.66; or~~

b. ~~Within a Major Institution Overlay district.~~

2. ~~The property is at least 25 feet from any residentially zoned lot.~~

3. ~~A property may be less than 25 feet from a residentially zoned lot and used as an encampment site if:~~

a. ~~All encampment facilities, improvements, activities, and uses are located at least 25 feet from any residentially zoned lot. Access to the encampment site may be located within the 25 foot setback area; and~~

b. ~~Screening is~~) Screening shall be installed and maintained along each encampment boundary, ((except)) including boundaries fronting on an opened public street. The screening shall consist of existing or installed vegetation that is sufficiently dense to obscure viewing the encampment site, or a 6-foot high view-obscuring fence or wall.

2. All encampment facilities, improvements, activities, and uses shall be set back from abutting lot lines, as follows:

a. 10 feet from any side or rear lot line that abuts a lot in a single-family zone;
and

b. 5 feet from any side or rear lot line that abuts a lot in any zone other than single family; except that no setback is required when an abutting lot, which is not in a single-family zone, does not have an established use.

((4)) 3. The property is owned or controlled by ((the City of Seattle,)) a private party, ((or)) an Educational Major Institution, The City of Seattle, or another public entity.

5)) 4. The property is within ½ mile of a transit stop. This distance shall be the walking distance measured from the nearest transit stop to the lot line of the lot containing the encampment site.

((6. The property is, as measured by a straight line, at least 1 mile from any other legally established transitional encampment interim use including encampments accessory to a religious facility or accessory to other principal uses on property owned or controlled by a religious organization. This subsection 23.42.056.A.6 shall not apply to encampments on sites owned or controlled by religious organizations, or to any legally established transitional encampment interim use that provides shelter for fewer than ten persons.))

((7)) 5. The property is 5,000 square feet or larger and provides a minimum of 100 square feet of land area for each occupant that is permitted to occupy the encampment site.

This substitute would clarify an amendment made by the Select Committee on Homelessness Strategies and Investments related to dispersion between encampments and geographic distribution among Council Districts (see p.4) and update the signature year for the Council President, Mayor and Clerk to 2020 (see p.11).

A clean copy of the substitute is attached for ease of reference. Changes are shown in track changes.

~~((8))~~ 6. The property does not contain a wetland, wetland buffer, known and potential landslide designations, steep slope, steep slope buffer, or fish and wildlife habitat conservation area defined and regulated by Chapter 25.09(~~(, Regulations for Environmentally Critical Areas,))~~) unless all encampment facilities, improvements, activities, and uses are located outside any critical area and required buffer as provided for in Chapter 25.09.

~~((9))~~ 7. The encampment site is not used by an existing legally-permitted use for code or permit-required purposes including but not limited to parking or setbacks.

~~((10))~~ 8. The property is not an unopened public (~~(right of way))~~ right-of-way; or designated as a park, playground, viewpoint, or multi-use trail by the City or King County.

9. The property is, as measured by a straight line, at least 1 mile from any other legally-established transitional encampment interim use including encampments accessory to a religious facility or accessory to other principal uses on property owned or controlled by a religious organization. This subsection 23.42.056.B.9 shall not apply:

a. To encampments on sites owned or controlled by religious organizations, or
b. To any legally-established transitional encampment interim use that provides shelter for fewer than ten persons, or

c. When at least one transitional encampment is established in each Council District.

~~8. Except as provided by subsection 23.42.056.B.9, the property is, as measured by a straight line, at least 1 mile from any other legally established transitional encampment interim use including encampments accessory to a religious facility or accessory to other principal uses on property owned or controlled by a religious organization. This subsection 23.42.056.B.8 shall not apply to encampments on sites owned or controlled by religious organizations, or to any legally established transitional encampment interim use that provides shelter for fewer than ten persons.~~

~~9. When at least one transitional encampment interim use has been established in a Council District, a new transitional encampment interim use shall not be established in that same Council District until each Council District has the same number of existing transitional encampments interim use. The requirements of subsection 23.42.056.B.8 shall not apply when one or more interim use encampments are established and operating in each Council District. For the purposes of this subsection 23.42.056.B.9 a transitional encampment interim use is existing if a permit for the encampment has been issued and has not expired.~~

* * *

D. Additional requirements. The transitional encampment interim use shall meet the following requirements:

1. The requirements for transitional encampment accessory uses in subsections 23.42.054.B and 23.42.054.C.

2. The operator of a transitional encampment interim use who receives funding from the City of Seattle Human Services Department or the King County Regional Homelessness Authority shall comply with performance standards in the contract or contracts administered by those agencies for the encampment.

~~((2))~~ 3. The operator of a transitional encampment interim use located on City-owned or controlled property shall obtain prior to permit issuance and maintain in full force and effect, at its own

This substitute would clarify an amendment made by the Select Committee on Homelessness Strategies and Investments related to dispersion between encampments and geographic distribution among Council Districts (see p.4) and update the signature year for the Council President, Mayor and Clerk to 2020 (see p.11).

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expense, liability insurance naming the City as an additional insured in an amount sufficient to protect the City as determined by the City Risk Manager from:

a. All potential claims and risks of loss from perils in connection with any activity that may arise from or be related to the operator's activity upon or the use or occupation of the City-owned or -controlled property allowed by the permit; and

b. All potential claims and risks in connection with activities performed by the operator by virtue of the permission granted by the permit.

~~((3))~~4. The operator of a transitional encampment interim use located on City-owned or -controlled property shall, on a form approved by the Director, agree to defend, indemnify, and hold harmless ~~((the))~~ The City of Seattle, its officials, officers, employees, and agents from and against:

a. Any liability, claims, actions, suits, loss, costs, expense judgments, attorneys' fees, or damages of every kind and description resulting directly or indirectly from any act or omission of the operator of a transitional encampment interim use located on City-owned or -controlled property, its subcontractors, anyone directly or indirectly employed by them, and anyone for whose acts or omissions they may be liable, arising out of the operator's use or occupancy of the City-owned or -controlled property; and

b. All loss by the failure of the operator of a transitional encampment interim use located on City-owned or -controlled property to perform all requirements or obligations under the transitional encampment interim use permit, or federal, state, or City codes or rules.

~~((4))~~5. A transitional encampment interim use located on City-owned or -controlled property shall allow service providers to access the site according to the approved operations plan required by subsection 23.42.056.B.1.

E. ~~((Duration))~~ Permit term and renewal ~~((timing))~~. ~~((The transitional encampment interim use shall meet the following requirements:~~

~~1-))~~ A permit for a transitional encampment interim use under this Section 23.42.056 may be authorized for up to one year from the date of permit issuance. A permit for a transitional encampment may be renewed ~~((one time for up to one year))~~ for additional one-year terms by the Director as a Type I decision subject to the following:

~~((a))~~1. The operator shall provide notice of a request to extend the use in a manner determined by a Director's Rule. The notice shall be given to the Citizen's Advisory Committee and persons who provided the operator with an address for notice;

~~((b))~~2. The encampment is in compliance with the requirements of Section 23.42.056; and

~~((e))~~3. The operator shall provide with the permit renewal application an Encampment Operations Plan that shall be in effect during the permit renewal period and consistent with subsection 23.42.056.A.

~~((2. At least 12 months shall elapse before an encampment use may be located on any portion of a property where a transitional encampment interim use was previously located.))~~

F. Limit on the number of encampments~~((:))~~

1. Maximum number of encampments. No more than ~~((three))~~ 40 transitional encampment interim use encampments shall be permitted and operating at any one time, and each encampment shall not have more than 100 occupants. ~~((This))~~ The limit of 40 transitional interim use encampments shall not include transitional encampments ~~((accessory to a religious facility))~~ located on property owned or controlled by a religious organization.

Sponsor: Sawant

This substitute would clarify an amendment made by the Select Committee on Homelessness Strategies and Investments related to dispersion between encampments and geographic distribution among Council Districts (see p.4) and update the signature year for the Council President, Mayor and Clerk to 2020 (see p.11).

A clean copy of the substitute is attached for ease of reference. Changes are shown in [track changes](#).

2. Existing encampments established by and operating under temporary use permits. Encampments presently operating under temporary use permits issued pursuant to subsections 23.42.040.B and 23.42.040.C may apply for an interim use permit pursuant to this Section 23.42.056, subject to the limits established by subsection 23.42.056.F.1. The term for operating any encampments obtaining interim use permits in lieu of temporary use permits shall begin on the date the interim use permit is issued regardless of how long the encampment has been established by a prior temporary use permit.

Section 4. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.76.004 Land use decision framework

A. Land use decisions are classified into five categories. Procedures for the five different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are generally categorized by type in Table A for 23.76.004.

B. Type I and II decisions are made by the Director and are consolidated in Master Use Permits. Type I decisions are decisions made by the Director that are not appealable to the Hearing Examiner. Type II decisions are discretionary decisions made by the Director that are subject to an administrative open record appeal hearing to the Hearing Examiner; provided that Type II decisions enumerated in subsections 23.76.006.C.2.c, 23.76.006.C.2.d, 23.76.006.C.2.f, and 23.76.006.C.2.g, and SEPA decisions integrated with them as set forth in subsection 23.76.006.C.2.m, shall be made by the Council when associated with a Council land use decision and are not subject to administrative appeal. Type III decisions are made by the Hearing Examiner after conducting an open record hearing and not subject to administrative appeal. Type I, II, or III decisions may be subject to land use interpretation pursuant to Section 23.88.020.

* * *

Table A for 23.76.004 LAND USE DECISION FRAMEWORK ¹	
Director's and Hearing Examiner's Decisions Requiring Master Use Permits TYPE I Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020 ²)	
*	Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction ((and transitional encampments))
*	Intermittent uses
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use

Substitute CB 119656 – Clarify Development Standards for Dispersion and Geographic Distribution and Update Council President, Mayor and Clerk Signature Dates

Sponsor: Sawant

This substitute would clarify an amendment made by the Select Committee on Homelessness Strategies and Investments related to dispersion between encampments and geographic distribution among Council Districts (see p.4) and update the signature year for the Council President, Mayor and Clerk to 2020 (see p.11).

A clean copy of the substitute is attached for ease of reference. Changes are shown in [track changes](#).

* Certain street uses
* Lot boundary adjustments
* Modifications of features bonused under Title 24
* Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
* Temporary uses for relocation of police and fire stations
* Exemptions from right-of-way improvement requirements
* Special accommodation
* Reasonable accommodation
* Minor amendment to a Major Phased Development permit
* Determination of whether an amendment to a property use and development agreement is major or minor
* Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
* Shoreline special use approvals that are not part of a shoreline substantial development permit
* Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
* Determination that a project is consistent with a planned action ordinance
* Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
* Decision to increase the maximum height for residential uses in the DOC2 zone according to subsection 23.49.008.H
* Decision to increase the maximum allowable FAR in the DOC2 zone according to subsection 23.49.011.A.2.n
* Minor revisions to an issued and unexpired MUP that was subject to design review
* Building height increase for minor communication utilities in downtown zones
* Other Type I decisions that are identified as such in the Land Use Code
* * *

Section 5. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.76.006 Master Use Permits required

A. Type I, II, and III decisions are components of Master Use Permits. Master Use Permits are required for all projects requiring one or more of these decisions.

This substitute would clarify an amendment made by the Select Committee on Homelessness Strategies and Investments related to dispersion between encampments and geographic distribution among Council Districts (see p.4) and update the signature year for the Council President, Mayor and Clerk to 2020 (see p.11).

A clean copy of the substitute is attached for ease of reference. Changes are shown in [track changes](#).

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;
2. Establishment or change of use for uses permitted outright, uses allowed under Section 23.42.038, temporary relocation of police and fire stations for 24 months or less, transitional encampment interim use, temporary uses for four weeks or less not otherwise permitted in the zone, and renewals of temporary uses for up to six months, except temporary uses and facilities for light rail transit facility construction (~~and transitional encampments~~);
3. The following street use approvals:
 - a. Curb cut for access to parking, whether associated with a development proposal or not;
 - b. Concept approval of street improvements associated with a development proposal, such as additional on-street parking, street landscaping, curbs and gutters, street drainage, sidewalks, and paving;
 - c. Structural building overhangs associated with a development proposal;
 - d. Areaways associated with a development proposal;
4. Lot boundary adjustments;
5. Modification of the following features bonused under Title 24:
 - a. Plazas;
 - b. Shopping plazas;
 - c. Arcades;
 - d. Shopping arcades; and
 - e. Voluntary building setbacks;
6. Determinations of Significance (determination that an Environmental Impact Statement is required) for Master Use Permits and for building, demolition, grading, and other construction permits (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;
7. Discretionary exceptions for certain business signs authorized by subsection 23.55.042.D;
8. Waiver or modification of required right-of-way improvements;
9. Special accommodation pursuant to Section 23.44.015;
10. Reasonable accommodation;
11. Minor amendment to Major Phased Development Permit;
12. Streamlined design review decisions pursuant to Section 23.41.018 if no development standard departures are requested pursuant to Section 23.41.012, and design review decisions in an MPC zone if no development standard departures are requested pursuant to Section 23.41.012;
13. Shoreline special use approvals that are not part of a shoreline substantial development permit;
14. Determination that a project is consistent with a planned action ordinance, except as provided in subsection 23.76.006.C;
15. Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance;
16. Determination of requirements according to subsections 23.58B.025.A.3.a, 23.58B.025.A.3.b, 23.58B.025.A.3.c, 23.58C.030.A.2.a, 23.58C.030.A.2.b, and 23.58C.030.A.2.c;

This substitute would clarify an amendment made by the Select Committee on Homelessness Strategies and Investments related to dispersion between encampments and geographic distribution among Council Districts (see p.4) and update the signature year for the Council President, Mayor and Clerk to 2020 (see p.11).

A clean copy of the substitute is attached for ease of reference. Changes are shown in [track changes](#).

17. Decision to increase the maximum height of a structure in the DOC2 500/300-550 zone according to subsection 23.49.008.F;
18. Decision to increase the maximum FAR of a structure in the DOC2 500/300-550 zone according to subsection 23.49.011.A.2.n;
19. Minor revisions to an issued and unexpired MUP that was subject to design review, pursuant to subsection 23.41.008.G;
20. Building height departures for minor communication facilities in downtown zones, pursuant to Section 23.57.013; and
21. Other Type I decisions.

* * *

Section 6. Subsection 23.76.032.C of the Seattle Municipal Code, which section was last amended by Ordinance 125558, is amended as follows:

23.76.032 Expiration and renewal of Type I and II Master Use Permits

C. Master Use Permit (~~(Renewal)~~) renewal

1. Except for Major Phased Development permits, the Director shall renew issued Master Use Permits for projects that are in conformance with applicable regulations, including but not limited to land use and environmentally critical areas regulations and SEPA policies in effect at the time renewal is sought. Except as provided in subsections 23.76.032.C.2 and 23.76.032.C.3, Master Use Permit renewal is for a period of two years. A Master Use Permit shall not be renewed beyond a period of five years from the original date the permit is approved for issuance. The Director shall not renew issued Master Use Permits for projects that are not in conformance with applicable regulations in effect at the time renewal is sought.

2. If an application for a building permit is submitted before the end of the two year term of renewal, and is subsequently issued, the Master Use Permit shall be extended for the life of the building permit.

3. The Director may renew a Master Use Permit for the temporary relocation of police and fire stations issued pursuant to Section 23.42.040 for a period not to exceed 12 months.

4. The Director may renew a Master Use Permit for a transitional encampment interim use issued according to (~~(Section)~~) subsection 23.42.056.E (~~(one time for up to one year)~~) for additional one-year terms.

Section 7. Section 23.84A.038 of the Seattle Municipal Code, last amended by Ordinance 125854, is amended as follows:

23.84A.038 "T"

* * *

"Transitional (~~(E)~~)encampment" means a use having tents or a similar shelter, including vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly-used facilities that are separate from the sleeping shelters.

* * *

Section 8. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 9. Section 8 of Ordinance 124747 is repealed:

Substitute CB 119656 – Clarify Development Standards for Dispersion and Geographic Distribution and Update Council President, Mayor and Clerk Signature Dates

Sponsor: Sawant

This substitute would clarify an amendment made by the Select Committee on Homelessness Strategies and Investments related to dispersion between encampments and geographic distribution among Council Districts (see p.4) and update the signature year for the Council President, Mayor and Clerk to 2020 (see p.11).

A clean copy of the substitute is attached for ease of reference. Changes are shown in [track changes](#).

~~((Section 8. This ordinance shall be automatically repealed without subsequent Council action on March 31, 2020.))~~

Substitute CB 119656 – Clarify Development Standards for Dispersion and Geographic Distribution and Update Council President, Mayor and Clerk Signature Dates

Sponsor: Sawant

This substitute would clarify an amendment made by the Select Committee on Homelessness Strategies and Investments related to dispersion between encampments and geographic distribution among Council Districts (see p.4) and update the signature year for the Council President, Mayor and Clerk to 2020 (see p.11).

A clean copy of the substitute is attached for ease of reference. Changes are shown in track changes.

Section 10. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 20192020, and signed by me in open session in authentication of its passage this _____ day of _____, 20192020.

President _____ of the City Council

Approved by me this _____ day of _____, 20192020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 20192020.

Monica Martinez Simmons, City Clerk

(Seal)

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; providing that transitional encampments for homeless individuals are allowed on any property owned or controlled by a religious organization without approval of a permit under the Seattle Land Use Code, to permit transitional encampments for homeless individuals as an interim use on all publicly owned or private property within the City of Seattle, and providing for renewal of temporary use permits for transitional encampments as a Type I decision of the Director of the Seattle Department of Construction and Inspections; amending Sections 23.40.002, 23.42.054, 23.42.056, 23.76.004, 23.76.006, 23.76.032, and 23.84A.038 of the Seattle Municipal Code; and amending Ordinance 124747.

..body

WHEREAS, Seattle has been in a State of Civil Emergency on homelessness since 2015; and

WHEREAS, the 2019 Point in Time Count found there are 11,199 homeless people in King

County including 5,228 sleeping unsheltered on the streets; and

WHEREAS, tiny house villages have proven to be an effective place for homeless individuals

and families to find the safety, privacy, and human dignity necessary to get back on their

feet and transition to affordable housing; and

WHEREAS, tiny houses provide the security of a sturdy wood structure, a place to store personal

belongings, insulation, and electricity; and

WHEREAS, tiny house villages have operated with a self-management model where residents

democratically run their communities; residents have reported this model has helped

them overcome the isolation and alienation of homelessness, and residents have become

more successful transitioning into permanent housing; and

WHEREAS, in 2018 residents of tiny house villages successfully transitioned to permanent

housing at higher rates than residents of shelters, with 56 percent obtaining permanent

housing or transitional housing; and

1 WHEREAS, between 2016 and 2018, approximately 500 people transitioned to permanent
2 housing from Seattle’s tiny house villages; and

3 WHEREAS, through the 2020 Adopted Budget the Council appropriated approximately
4 \$2,015,000 to fund operations and siting for two additional tiny house villages and
5 approved Statement of Legislative Intent HOM-4-A-2, which requests cost estimate and
6 siting information for tiny house villages; and

7 WHEREAS, the Council intends to consider in the future whether to increase or remove the limit
8 on the maximum number of interim use transitional encampments based on changes in
9 the population of unsheltered persons, available siting opportunities, funding availability,
10 and the success of tiny house villages in exits to permanent housing; and

11 WHEREAS, Ordinance 124747, which established “Transitional Encampments as an interim
12 use” in Seattle’s land use code in 2015, created the legal framework for Seattle’s tiny
13 house villages, but allowed no more than three tiny house villages at any one time, and
14 will sunset on March 31, 2020 if there is no further legislative action; NOW,

15 THEREFORE,

16 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

17 Section 1. Section 23.40.002 of the Seattle Municipal Code, last amended by Ordinance
18 125272, is amended as follows:

19 **23.40.002 Conformity with regulations required**

20 A. The establishment or change of use of any structures, buildings or premises, or any
21 part thereof, requires approval according to the procedures ~~((set forth))~~ in Chapter 23.76(
22 ~~Procedures for Master Use Permits and Council Land Use Decisions,))~~ except:

1 or other use established on the property, then any parking displaced by the encampment does not
2 need to be replaced.

3 * * *

4 Section 3. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance
5 124747, is amended as follows:

6 **23.42.056 Transitional encampment as an interim use**

7 A Type I Master Use Permit may be issued for a transitional encampment interim use according
8 to the requirements of this Section 23.42.056.

9 A. The Director, in consultation with the Human Services Director, shall adopt a rule
10 according to Section 23.88.010 that includes but is not limited to establishing:

11 1. Community outreach requirements that include:

12 a. Community outreach standards that the encampment operator shall
13 comply with before filing a transitional encampment interim use permit application, whether for
14 a new transitional encampment or relocation of an existing transitional encampment. At a
15 minimum, outreach standards shall contain a requirement that the encampment operator convene
16 at least one public meeting in the neighborhood where the transitional encampment interim use is
17 proposed to be established, at least 14 days prior to applying for a permit;

18 b. A requirement that the proposed encampment operator establish a
19 Community Advisory Committee that would provide advisory input on proposed encampment
20 operations including identifying methods for handling community complaints or concerns as it
21 relates to the facility or facility clients. The committee shall include one individual identified by
22 each stakeholder group in the geographic area where the proposed encampment would be located
23 as best suited to represent their interests. The committee shall consist of no fewer than five and

1 no more than ~~((seven))~~ ten members. Encampment operator representatives shall attend
2 committee meetings to answer questions and shall provide regular reports to the committee
3 concerning encampment operations. City staff may attend the meetings; and

4 2. Operations standards that the encampment operator is required to implement
5 while an encampment is operating.

6 B. Location. The transitional encampment interim use ~~((shall))~~ may be located on
7 property within any zone ~~((meeting))~~ subject to the following requirements:

8 1. ~~((The property is:~~

9 a. ~~Zoned Industrial, Downtown, SM, NC2, NC3, C1, or C2; except if the~~
10 ~~property is in a residential zone as defined in Section 23.84A.048 or is in a special review district~~
11 ~~established by Chapter 23.66; or~~

12 b. ~~Within a Major Institution Overlay district.~~

13 2. ~~The property is at least 25 feet from any residentially zoned lot.~~

14 3. ~~A property may be less than 25 feet from a residentially zoned lot and used as~~
15 ~~an encampment site if:~~

16 a. ~~All encampment facilities, improvements, activities, and uses are located at~~
17 ~~least 25 feet from any residentially zoned lot. Access to the encampment site may be located~~
18 ~~within the 25-foot setback area; and~~

19 b. ~~Screening is))~~ Screening shall be installed and maintained along each
20 encampment boundary, ~~((except))~~ including boundaries fronting on an opened public street. The
21 screening shall consist of existing or installed vegetation that is sufficiently dense to obscure
22 viewing the encampment site, or a 6-foot high view-obscuring fence or wall.

1 2. All encampment facilities, improvements, activities, and uses shall be set back
2 from abutting lot lines, as follows:

3 a. 10 feet from any side or rear lot line that abuts a lot in a single-family
4 zone; and

5 b. 5 feet from any side or rear lot line that abuts a lot in any zone other
6 than single family; except that no setback is required when an abutting lot, which is not in a
7 single-family zone, does not have an established use.

8 ((4)) 3. The property is owned or controlled by ((the City of Seattle,)) a private
9 party, ((or)) an Educational Major Institution, The City of Seattle, or another public entity.

10 5)) 4. The property is within ½ mile of a transit stop. This distance shall be the
11 walking distance measured from the nearest transit stop to the lot line of the lot containing the
12 encampment site.

13 ((6. The property is, as measured by a straight line, at least 1 mile from any other
14 ~~legally established transitional encampment interim use including encampments accessory to a~~
15 ~~religious facility or accessory to other principal uses on property owned or controlled by a~~
16 ~~religious organization. This subsection 23.42.056.A.6 shall not apply to encampments on sites~~
17 ~~owned or controlled by religious organizations, or to any legally established transitional~~
18 ~~encampment interim use that provides shelter for fewer than ten persons.))~~

19 ((7)) 5. The property is 5,000 square feet or larger and provides a minimum of
20 100 square feet of land area for each occupant that is permitted to occupy the encampment site.

21 ((8)) 6. The property does not contain a wetland, wetland buffer, known and
22 potential landslide designations, steep slope, steep slope buffer, or fish and wildlife habitat
23 conservation area defined and regulated by Chapter 25.09((, Regulations for Environmentally

1 ~~Critical Areas,~~) unless all encampment facilities, improvements, activities, and uses are located
2 outside any critical area and required buffer as provided for in Chapter 25.09.

3 ((9)) 7. The encampment site is not used by an existing legally-permitted use for
4 code or permit-required purposes including but not limited to parking or setbacks.

5 ((40)) 8. The property is not an unopened public ~~((right-of-way))~~ right-of-way; or
6 designated as a park, playground, viewpoint, or multi-use trail by the City or King County.

7 9. The property is, as measured by a straight line, at least 1 mile from any other
8 legally-established transitional encampment interim use including encampments accessory to a
9 religious facility or accessory to other principal uses on property owned or controlled by a
10 religious organization. This subsection 23.42.056.B.9 shall not apply:

11 a. To encampments on sites owned or controlled by religious
12 organizations, or

13 b. To any legally-established transitional encampment interim use that
14 provides shelter for fewer than ten persons, or

15 c. When at least one transitional encampment is established in each
16 Council District.

17 * * *

18 D. Additional requirements. The transitional encampment interim use shall meet the
19 following requirements:

20 1. The requirements for transitional encampment accessory uses in subsections
21 23.42.054.B and 23.42.054.C.

22 2. The operator of a transitional encampment interim use who receives funding
23 from the City of Seattle Human Services Department or the King County Regional

1 Homelessness Authority shall comply with performance standards in the contract or contracts
2 administered by those agencies for the encampment.

3 ((2))3. The operator of a transitional encampment interim use located on City-
4 owned or -controlled property shall obtain prior to permit issuance and maintain in full force and
5 effect, at its own expense, liability insurance naming the City as an additional insured in an
6 amount sufficient to protect the City as determined by the City Risk Manager from:

7 a. All potential claims and risks of loss from perils in connection with any
8 activity that may arise from or be related to the operator's activity upon or the use or occupation
9 of the City-owned or -controlled property allowed by the permit; and

10 b. All potential claims and risks in connection with activities performed by
11 the operator by virtue of the permission granted by the permit.

12 ((3))4. The operator of a transitional encampment interim use located on City-
13 owned or -controlled property shall, on a form approved by the Director, agree to defend,
14 indemnify, and hold harmless ((the)) The City of Seattle, its officials, officers, employees, and
15 agents from and against:

16 a. Any liability, claims, actions, suits, loss, costs, expense judgments,
17 attorneys' fees, or damages of every kind and description resulting directly or indirectly from any
18 act or omission of the operator of a transitional encampment interim use located on City-owned
19 or -controlled property, its subcontractors, anyone directly or indirectly employed by them, and
20 anyone for whose acts or omissions they may be liable, arising out of the operator's use or
21 occupancy of the City-owned or -controlled property; and

22 b. All loss by the failure of the operator of a transitional encampment
23 interim use located on City-owned or -controlled property to perform all requirements or

1 obligations under the transitional encampment interim use permit, or federal, state, or City codes
2 or rules.

3 ~~((4))~~5. A transitional encampment interim use located on City-owned or -
4 controlled property shall allow service providers to access the site according to the approved
5 operations plan required by subsection 23.42.056.B.1.

6 E. ~~((Duration))~~ Permit term and renewal ~~((timing))~~. ~~((The transitional encampment~~
7 ~~interim use shall meet the following requirements:~~

8 ~~1.)~~) A permit for a transitional encampment interim use under this Section
9 23.42.056 may be authorized for up to one year from the date of permit issuance. A permit for a
10 transitional encampment may be renewed ~~((one time for up to one year))~~ for additional one-year
11 terms by the Director as a Type I decision subject to the following:

12 ~~((a))~~1. The operator shall provide notice of a request to extend the use in a manner
13 determined by a Director's Rule. The notice shall be given to the Citizen's Advisory Committee
14 and persons who provided the operator with an address for notice;

15 ~~((b))~~2. The encampment is in compliance with the requirements of Section
16 23.42.056; and

17 ~~((e))~~3. The operator shall provide with the permit renewal application an
18 Encampment Operations Plan that shall be in effect during the permit renewal period and
19 consistent with subsection 23.42.056.A.

20 ~~((2. At least 12 months shall elapse before an encampment use may be located on~~
21 ~~any portion of a property where a transitional encampment interim use was previously located.))~~

22 F. Limit on the number of encampments~~((-~~)

1 1. Maximum number of encampments. No more than ~~((three))~~ 40 transitional
2 encampment interim use encampments shall be permitted and operating at any one time, and
3 each encampment shall not have more than 100 occupants. ~~((This))~~ The limit of 40 transitional
4 interim use encampments shall not include transitional encampments ~~((accessory to a religious~~
5 ~~facility))~~ located on property owned or controlled by a religious organization.

6 2. Existing encampments established by and operating under temporary use
7 permits. Encampments presently operating under temporary use permits issued pursuant to
8 subsections 23.42.040.B and 23.42.040.C may apply for an interim use permit pursuant to this
9 Section 23.42.056, subject to the limits established by subsection 23.42.056.F.1. The term for
10 operating any encampments obtaining interim use permits in lieu of temporary use permits shall
11 begin on the date the interim use permit is issued regardless of how long the encampment has
12 been established by a prior temporary use permit.

13 Section 4. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance
14 125603, is amended as follows:

15 **23.76.004 Land use decision framework**

16 A. Land use decisions are classified into five categories. Procedures for the five different
17 categories are distinguished according to who makes the decision, the type and amount of public
18 notice required, and whether appeal opportunities are provided. Land use decisions are generally
19 categorized by type in Table A for 23.76.004.

20 B. Type I and II decisions are made by the Director and are consolidated in Master Use
21 Permits. Type I decisions are decisions made by the Director that are not appealable to the
22 Hearing Examiner. Type II decisions are discretionary decisions made by the Director that are
23 subject to an administrative open record appeal hearing to the Hearing Examiner; provided that

1 Type II decisions enumerated in subsections 23.76.006.C.2.c, 23.76.006.C.2.d, 23.76.006.C.2.f,
 2 and 23.76.006.C.2.g, and SEPA decisions integrated with them as set forth in subsection
 3 23.76.006.C.2.m, shall be made by the Council when associated with a Council land use decision
 4 and are not subject to administrative appeal. Type III decisions are made by the Hearing
 5 Examiner after conducting an open record hearing and not subject to administrative appeal. Type
 6 I, II, or III decisions may be subject to land use interpretation pursuant to Section 23.88.020.

7 * * *

Table A for 23.76.004 LAND USE DECISION FRAMEWORK ¹	
Director's and Hearing Examiner's Decisions Requiring Master Use Permits TYPE I Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020 ²)	
*	Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction ((and transitional encampments))
*	Intermittent uses
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24

* Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
* Temporary uses for relocation of police and fire stations
* Exemptions from right-of-way improvement requirements
* Special accommodation
* Reasonable accommodation
* Minor amendment to a Major Phased Development permit
* Determination of whether an amendment to a property use and development agreement is major or minor
* Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
* Shoreline special use approvals that are not part of a shoreline substantial development permit
* Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
* Determination that a project is consistent with a planned action ordinance
* Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
* Decision to increase the maximum height for residential uses in the DOC2 zone according to subsection 23.49.008.H
* Decision to increase the maximum allowable FAR in the DOC2 zone according to subsection 23.49.011.A.2.n
* Minor revisions to an issued and unexpired MUP that was subject to design review
* Building height increase for minor communication utilities in downtown zones
* Other Type I decisions that are identified as such in the Land Use Code
* * *

1 Section 5. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance
2 125603, is amended as follows:

3 **23.76.006 Master Use Permits required**

4 A. Type I, II, and III decisions are components of Master Use Permits. Master Use
5 Permits are required for all projects requiring one or more of these decisions.

6 B. The following decisions are Type I:

7 1. Determination that a proposal complies with development standards;

8 2. Establishment or change of use for uses permitted outright, uses allowed under
9 Section 23.42.038, temporary relocation of police and fire stations for 24 months or less,
10 transitional encampment interim use, temporary uses for four weeks or less not otherwise
11 permitted in the zone, and renewals of temporary uses for up to six months, except temporary
12 uses and facilities for light rail transit facility construction (~~and transitional encampments~~);

13 3. The following street use approvals:

14 a. Curb cut for access to parking, whether associated with a development
15 proposal or not;

16 b. Concept approval of street improvements associated with a
17 development proposal, such as additional on-street parking, street landscaping, curbs and gutters,
18 street drainage, sidewalks, and paving;

19 c. Structural building overhangs associated with a development proposal;

20 d. Areaways associated with a development proposal;

21 4. Lot boundary adjustments;

22 5. Modification of the following features bonused under Title 24:

23 a. Plazas;

- 1 b. Shopping plazas;
- 2 c. Arcades;
- 3 d. Shopping arcades; and
- 4 e. Voluntary building setbacks;
- 5 6. Determinations of Significance (determination that an Environmental Impact
- 6 Statement is required) for Master Use Permits and for building, demolition, grading, and other
- 7 construction permits (supplemental procedures for environmental review are established in
- 8 Chapter 25.05, Environmental Policies and Procedures), except for Determinations of
- 9 Significance based solely on historic and cultural preservation;
- 10 7. Discretionary exceptions for certain business signs authorized by subsection
- 11 23.55.042.D;
- 12 8. Waiver or modification of required right-of-way improvements;
- 13 9. Special accommodation pursuant to Section 23.44.015;
- 14 10. Reasonable accommodation;
- 15 11. Minor amendment to Major Phased Development Permit;
- 16 12. Streamlined design review decisions pursuant to Section 23.41.018 if no
- 17 development standard departures are requested pursuant to Section 23.41.012, and design review
- 18 decisions in an MPC zone if no development standard departures are requested pursuant to
- 19 Section 23.41.012;
- 20 13. Shoreline special use approvals that are not part of a shoreline substantial
- 21 development permit;
- 22 14. Determination that a project is consistent with a planned action ordinance,
- 23 except as provided in subsection 23.76.006.C;

1 15. Decision to approve, condition, or deny, based on SEPA policies, a permit for
2 a project determined to be consistent with a planned action ordinance;

3 16. Determination of requirements according to subsections 23.58B.025.A.3.a,
4 23.58B.025.A.3.b, 23.58B.025.A.3.c, 23.58C.030.A.2.a, 23.58C.030.A.2.b, and
5 23.58C.030.A.2.c;

6 17. Decision to increase the maximum height of a structure in the DOC2 500/300-
7 550 zone according to subsection 23.49.008.F;

8 18. Decision to increase the maximum FAR of a structure in the DOC2 500/300-
9 550 zone according to subsection 23.49.011.A.2.n;

10 19. Minor revisions to an issued and unexpired MUP that was subject to design
11 review, pursuant to subsection 23.41.008.G;

12 20. Building height departures for minor communication facilities in downtown
13 zones, pursuant to Section 23.57.013; and

14 21. Other Type I decisions.

15 * * *

16 Section 6. Subsection 23.76.032.C of the Seattle Municipal Code, which section was last
17 amended by Ordinance 125558, is amended as follows:

18 **23.76.032 Expiration and renewal of Type I and II Master Use Permits**

19 C. Master Use Permit (~~(Renewal)~~) renewal

20 1. Except for Major Phased Development permits, the Director shall renew issued
21 Master Use Permits for projects that are in conformance with applicable regulations, including
22 but not limited to land use and environmentally critical areas regulations and SEPA policies in
23 effect at the time renewal is sought. Except as provided in subsections 23.76.032.C.2 and

1 23.76.032.C.3, Master Use Permit renewal is for a period of two years. A Master Use Permit
2 shall not be renewed beyond a period of five years from the original date the permit is approved
3 for issuance. The Director shall not renew issued Master Use Permits for projects that are not in
4 conformance with applicable regulations in effect at the time renewal is sought.

5 2. If an application for a building permit is submitted before the end of the two
6 year term of renewal, and is subsequently issued, the Master Use Permit shall be extended for the
7 life of the building permit.

8 3. The Director may renew a Master Use Permit for the temporary relocation of
9 police and fire stations issued pursuant to Section 23.42.040 for a period not to exceed 12
10 months.

11 4. The Director may renew a Master Use Permit for a transitional encampment
12 interim use issued according to ~~((Section))~~ subsection 23.42.056.E ~~((one time for up to one~~
13 ~~year))~~ for additional one-year terms.

14 Section 7. Section 23.84A.038 of the Seattle Municipal Code, last amended by
15 Ordinance 125854, is amended as follows:

16 **23.84A.038 "T"**

17 * * *

18 "Transitional ~~((E))~~encampment" means a use having tents or a similar shelter, including
19 vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may
20 have common food preparation, shower, or other commonly-used facilities that are separate from
21 the sleeping shelters.

22 * * *

1 Section 8. The provisions of this ordinance are declared to be separate and severable. The
2 invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance,
3 or the invalidity of its application to any person or circumstance, shall not affect the validity of
4 the remainder of this ordinance or the validity of its application to other persons or
5 circumstances.

6 Section 9. Section 8 of Ordinance 124747 is repealed:

7 ~~((Section 8. This ordinance shall be automatically repealed without subsequent~~
8 ~~Council action on March 31, 2020.))~~

1 Section 10. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2020,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2020.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2020.
10 _____
11 Jenny A. Durkan, Mayor

12 Filed by me this _____ day of _____, 2020.
13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)

This amendment modifies a recital to reflect that appropriations subject to a Council proviso in the 2020 Budget for homelessness could be expended on tiny house villages, enhanced shelter, or both. Changes are shown in track changes.

WHEREAS, Seattle has been in a State of Civil Emergency on homelessness since 2015; and
WHEREAS, the 2019 Point in Time Count found there are 11,199 homeless people in King County including 5,228 sleeping unsheltered on the streets; and
WHEREAS, tiny house villages have proven to be an effective place for homeless individuals and families to find the safety, privacy, and human dignity necessary to get back on their feet and transition to affordable housing; and
WHEREAS, tiny houses provide the security of a sturdy wood structure, a place to store personal belongings, insulation, and electricity; and
WHEREAS, tiny house villages have operated with a self-management model where residents democratically run their communities; residents have reported this model has helped them overcome the isolation and alienation of homelessness, and residents have become more successful transitioning into permanent housing; and
WHEREAS, in 2018 residents of tiny house villages successfully transitioned to permanent housing at higher rates than residents of shelters, with 56 percent obtaining permanent housing or transitional housing; and
WHEREAS, between 2016 and 2018, approximately 500 people transitioned to permanent housing from Seattle’s tiny house villages; and
WHEREAS, through the 2020 Adopted Budget the Council appropriated approximately \$2,015,000 to fund operations and siting for two additional tiny house villages or enhanced shelters and approved Statement of Legislative Intent HOM-4-A-2, which requests cost estimate and siting information for tiny house villages; and
WHEREAS, the Council intends to consider in the future whether to increase or remove the limit on the maximum number of interim use transitional encampments based on changes in the population of unsheltered persons, available siting opportunities, funding availability, and the success of tiny house villages in exits to permanent housing; and
WHEREAS, Ordinance 124747, which established “Transitional Encampments as an interim use” in Seattle’s land use code in 2015, created the legal framework for Seattle’s tiny house villages, but allowed no more than three tiny house villages at any one time, and will sunset on March 31, 2020 if there is no further legislative action; NOW, THEREFORE,

This amendment would exempt existing transitional encampments that have structures or other improvements in setback areas from new setback requirements. Changes are shown in [track changes](#).

Amend Section 3 as follows:

Section 3. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance 124747, is amended as follows:

23.42.056 Transitional encampment as an interim use

A Type I Master Use Permit may be issued for a transitional encampment interim use according to the requirements of this Section 23.42.056.

B. Location. The transitional encampment interim use (~~shall~~) may be located on property within any zone (~~(meeting)~~) subject to the following requirements:

1. (~~The property is:~~

a. ~~Zoned Industrial, Downtown, SM, NC2, NC3, C1, or C2; except if the property is in a residential zone as defined in Section 23.84A.048 or is in a special review district established by Chapter 23.66; or~~

b. ~~Within a Major Institution Overlay district.~~

2. ~~The property is at least 25 feet from any residentially zoned lot.~~

3. ~~A property may be less than 25 feet from a residentially zoned lot and used as an encampment site if:~~

a. ~~All encampment facilities, improvements, activities, and uses are located at least 25 feet from any residentially zoned lot. Access to the encampment site may be located within the 25 foot setback area; and~~

b. ~~Screening is~~) Screening shall be installed and maintained along each encampment boundary, (~~except~~) including boundaries fronting on an opened public street. The screening shall consist of existing or installed vegetation that is sufficiently dense to obscure viewing the encampment site, or a 6-foot high view-obscuring fence or wall.

2. Except for encampments established prior to February 18, 2020, All encampment facilities, improvements, activities, and uses shall be set back from abutting lot lines, as follows:

a. 10 feet from any side or rear lot line that abuts a lot in a single-family zone;
and

b. 5 feet from any side or rear lot line that abuts a lot in any zone other than single family; except that no setback is required when an abutting lot, which is not in a single-family zone, does not have an established use.

This amendment would require that encampment operators who receive City funding provide case management and security in accordance with an approved encampment management plan. Changes are shown in track changes.

Amend Section 3 as follows:

Section 3. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance 124747, is amended as follows:

23.42.056 Transitional encampment as an interim use

A Type I Master Use Permit may be issued for a transitional encampment interim use according to the requirements of this Section 23.42.056.

* * *

D. Additional requirements. The transitional encampment interim use shall meet the following requirements:

1. The requirements for transitional encampment accessory uses in subsections 23.42.054.B and 23.42.054.C.

2. The operator of a transitional encampment interim use who receives funding from the City of Seattle shall provide case management and security as established in a management plan approved by the Director of the City of Seattle Human Services Department.

23. The operator of a transitional encampment interim use who receives funding from the City of Seattle Human Services Department or the King County Regional Homelessness Authority shall comply with performance standards in the contract or contracts administered by those agencies for the encampment.

~~((2))~~34. The operator of a transitional encampment interim use located on City-owned or -controlled property shall obtain prior to permit issuance and maintain in full force and effect, at its own expense, liability insurance naming the City as an additional insured in an amount sufficient to protect the City as determined by the City Risk Manager from:

a. All potential claims and risks of loss from perils in connection with any activity that may arise from or be related to the operator's activity upon or the use or occupation of the City-owned or -controlled property allowed by the permit; and

b. All potential claims and risks in connection with activities performed by the operator by virtue of the permission granted by the permit.

~~((3))~~45. The operator of a transitional encampment interim use located on City-owned or -controlled property shall, on a form approved by the Director, agree to defend, indemnify, and hold harmless ~~((the))~~ The City of Seattle, its officials, officers, employees, and agents from and against:

a. Any liability, claims, actions, suits, loss, costs, expense judgments, attorneys' fees, or damages of every kind and description resulting directly or indirectly from any act or omission of the operator of a transitional encampment interim use located on City-owned or -controlled property, its

Amendment 1 to CB 119656 – Interim Uses: Case Management and Security – Encampment Receiving Funds From the City

Sponsor: Lewis

This amendment would require that encampment operators who receive City funding provide case management and security in accordance with an approved encampment management plan. Changes are shown in track changes.

subcontractors, anyone directly or indirectly employed by them, and anyone for whose acts or omissions they may be liable, arising out of the operator's use or occupancy of the City-owned or -controlled property; and

b. All loss by the failure of the operator of a transitional encampment interim use located on City-owned or -controlled property to perform all requirements or obligations under the transitional encampment interim use permit, or federal, state, or City codes or rules.

~~((4))~~56. A transitional encampment interim use located on City-owned or -controlled property shall allow service providers to access the site according to the approved operations plan required by subsection 23.42.056.B.1.

Amendment to Lewis Amendment 1 to CB 119656

Interim Uses: Case Management ~~and Security~~ – Encampment Receiving Funds From the City

Sponsor: Morales

This amendment would amend the Lewis-1 amendment by removing the requirement that encampment operators who receive City funding provide security; the requirement that that encampment operators who receive City funding provide case management in accordance with an approved encampment management plan would remain. Changes are shown in [track changes](#) ~~track changes~~.

Amend Section 3 as follows:

Section 3. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance 124747, is amended as follows:

23.42.056 Transitional encampment as an interim use

A Type I Master Use Permit may be issued for a transitional encampment interim use according to the requirements of this Section 23.42.056.

* * *

D. Additional requirements. The transitional encampment interim use shall meet the following requirements:

1. The requirements for transitional encampment accessory uses in subsections 23.42.054.B and 23.42.054.C.

2. The operator of a transitional encampment interim use who receives funding from the City of Seattle shall provide case management ~~and security~~ as established in a management plan approved by the Director of the City of Seattle Human Services Department.

This amendment would require that encampment operators who do not receive City funding provide case management and security in accordance with All Home standards. Changes are shown in [track changes](#).

Amend Section 3 as follows:

Section 3. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance 124747, is amended as follows:

23.42.056 Transitional encampment as an interim use

A Type I Master Use Permit may be issued for a transitional encampment interim use according to the requirements of this Section 23.42.056.

* * *

D. Additional requirements. The transitional encampment interim use shall meet the following requirements:

1. The requirements for transitional encampment accessory uses in subsections 23.42.054.B and 23.42.054.C.

2. Encampment operators who do not receive funding from the City of Seattle shall provide case management and security that is consistent with best practices established in the *Seattle / King County Continuum of Care Community Standards*.

23. The operator of a transitional encampment interim use who receives funding from the City of Seattle Human Services Department or the King County Regional Homelessness Authority shall comply with performance standards in the contract or contracts administered by those agencies for the encampment.

~~((2))~~34. The operator of a transitional encampment interim use located on City-owned or -controlled property shall obtain prior to permit issuance and maintain in full force and effect, at its own expense, liability insurance naming the City as an additional insured in an amount sufficient to protect the City as determined by the City Risk Manager from:

a. All potential claims and risks of loss from perils in connection with any activity that may arise from or be related to the operator's activity upon or the use or occupation of the City-owned or -controlled property allowed by the permit; and

b. All potential claims and risks in connection with activities performed by the operator by virtue of the permission granted by the permit.

~~((3))~~45. The operator of a transitional encampment interim use located on City-owned or -controlled property shall, on a form approved by the Director, agree to defend, indemnify, and hold harmless ~~((the))~~ The City of Seattle, its officials, officers, employees, and agents from and against:

a. Any liability, claims, actions, suits, loss, costs, expense judgments, attorneys' fees, or damages of every kind and description resulting directly or indirectly from any act or omission of the operator of a transitional encampment interim use located on City-owned or -controlled property, its subcontractors, anyone directly or indirectly employed by them, and anyone for whose acts or omissions

Amendment 2 to CB 119656 – Interim Uses: Case Management and Security – Encampment Not Receiving Funds from the City

Sponsor: Lewis

This amendment would require that encampment operators who do not receive City funding provide case management and security in accordance with All Home standards. Changes are shown in [track changes](#).

they may be liable, arising out of the operator's use or occupancy of the City-owned or -controlled property; and

b. All loss by the failure of the operator of a transitional encampment interim use located on City-owned or -controlled property to perform all requirements or obligations under the transitional encampment interim use permit, or federal, state, or City codes or rules.

~~((4))~~56. A transitional encampment interim use located on City-owned or -controlled property shall allow service providers to access the site according to the approved operations plan required by subsection 23.42.056.B.1.

This amendment would add two requirements for transitional encampments authorized as interim uses: (1) sleeping areas in interim use transitional encampments must have a solid structure to reflect the concept of a “Tiny House Village,” recreational vehicles would not be allowed as shelter; and (2) encampment operators must provide case management and security approved by the Director of the Human Services Department. Changes are shown in [track changes](#).

Amend Section 3 as follows:

Section 3. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance 124747, is amended as follows:

23.42.056 Transitional encampment as an interim use

A Type I Master Use Permit may be issued for a transitional encampment interim use according to the requirements of this Section 23.42.056.

* * *

D. Additional requirements. The transitional encampment interim use shall meet the following requirements:

1. The requirements for transitional encampment accessory uses in subsections 23.42.054.B and 23.42.054.C.

2. After the effective date of the ordinance introduced as Council Bill 119656, all sleeping areas in a new transitional encampment interim use shall be constructed of durable materials with four walls, a roof, and a door. Sleeping areas shall not include recreational vehicles but may include other owner-occupied vehicles.

3. The operator of a transitional encampment interim use shall provide ongoing, professional case management for encampment residents and, as deemed sufficient by the Director of the Human Services Department, on-site security.

24. The operator of a transitional encampment interim use who receives funding from the City of Seattle Human Services Department or the King County Regional Homelessness Authority shall comply with performance standards in the contract or contracts administered by those agencies for the encampment.

~~((2))~~35. The operator of a transitional encampment interim use located on City-owned or -controlled property shall obtain prior to permit issuance and maintain in full force and effect, at its own expense, liability insurance naming the City as an additional insured in an amount sufficient to protect the City as determined by the City Risk Manager from:

a. All potential claims and risks of loss from perils in connection with any activity that may arise from or be related to the operator's activity upon or the use or occupation of the City-owned or -controlled property allowed by the permit; and

b. All potential claims and risks in connection with activities performed by the operator by virtue of the permission granted by the permit.

This amendment would add two requirements for transitional encampments authorized as interim uses: (1) sleeping areas in interim use transitional encampments must have a solid structure to reflect the concept of a “Tiny House Village,” recreational vehicles would not be allowed as shelter; and (2) encampment operators must provide case management and security approved by the Director of the Human Services Department. Changes are shown in [track changes](#).

~~((3))~~⁴⁶. The operator of a transitional encampment interim use located on City-owned or -controlled property shall, on a form approved by the Director, agree to defend, indemnify, and hold harmless ~~((the))~~ The City of Seattle, its officials, officers, employees, and agents from and against:

a. Any liability, claims, actions, suits, loss, costs, expense judgments, attorneys' fees, or damages of every kind and description resulting directly or indirectly from any act or omission of the operator of a transitional encampment interim use located on City-owned or -controlled property, its subcontractors, anyone directly or indirectly employed by them, and anyone for whose acts or omissions they may be liable, arising out of the operator's use or occupancy of the City-owned or -controlled property; and

b. All loss by the failure of the operator of a transitional encampment interim use located on City-owned or -controlled property to perform all requirements or obligations under the transitional encampment interim use permit, or federal, state, or City codes or rules.

~~((4))~~⁵⁷. A transitional encampment interim use located on City-owned or -controlled property shall allow service providers to access the site according to the approved operations plan required by subsection 23.42.056.B.1.

This amendment would modify the definition of transitional encampment to clarify that encampments can include modular structures. Changes are shown in [track changes](#).

Amend Section 7 as follows:

Section 7. Section 23.84A.038 of the Seattle Municipal Code, last amended by Ordinance 125854, is amended as follows:

23.84A.038 "T"

* * *

"Transitional (~~E~~)ncampment" means a use having tents, [modular structures](#), or a similar shelter, including vehicles used for shelter, that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly-used facilities that are separate from the sleeping shelters.

* * *

Amendment 2 to CB 119656 – Maintain the Sunset for Interim Use Encampments and Extend to March 31, 2023.
Sponsor: Pedersen

This amendment would maintain the sunset for authorization of interim use transitional encampments and extend the sunset date to March 31, 2023. Future extension would be informed by policy guidance to be established by the regional homelessness authority. Changes are shown in [track changes](#).

Amend Section 9 as follows:

Section 9. Section 8 of Ordinance 124747 is ~~repealed~~amended as follows:

~~((Section 8. This ordinance shall be automatically repealed without subsequent Council action on March 31, 2020.))~~

Section 8. This ordinance shall be automatically repealed without subsequent Council action on March 31, ~~((2020))~~ 2023. The Council intends to consider future extensions based on policy guidance to be established by the King County Regional Homelessness Authority.