

Substitute CB 119656 – Allow Up to 10 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 10 interim use transitional encampments and (2) multiple one-year extensions of interim use encampment permits and conversion to interim uses of encampments authorized as temporary uses. The amendment would also extend the authorization for the interim use encampment permit pathway from March 31, 2020 to March 31, 2022. 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, 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:

[Delete Sections 1 – 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.~~

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~~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:~~

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~~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.~~

~~((4)) 2. 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)) 3. The property is within 1/2 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)) 4. 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)) 5. 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)) 6. 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)) 7. 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.~~

~~***~~

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

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~~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 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. 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. 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

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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))~~ 40-10 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 40-10 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.

[Delete Sections 4 – 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

Substitute CB 119656 – Allow Up to 10 Interim Use Transitional Encampments, Renewals and Conversions to Interim Use Transitional Encampments, and Extend Sunset for Interim Use Encampments to March 31, 2022.

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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 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.))~~

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 This ordinance shall be automatically repealed without subsequent Council action on March 31, (~~2020~~) 2022.

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.

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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

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

7 THEREFORE,

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

9 Section 1. Section 23.42.056 of the Seattle Municipal Code, enacted by Ordinance
10 124747, is amended as follows:

11 **23.42.056 Transitional encampment as an interim use**

12 ***

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

15 ~~1.)~~) A permit for a transitional encampment interim use under this Section
16 23.42.056 may be authorized for up to one year from the date of permit issuance. A permit for a
17 transitional encampment may be renewed ~~((one time for up to one year))~~ for additional one-year
18 terms by the Director as a Type I decision subject to the following:

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

22 ~~((b))~~2. The encampment is in compliance with the requirements of Section
23 23.42.056; and

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

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

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

7 1. Maximum number of encampments. No more than ((three)) 10 transitional
8 encampment interim use encampments shall be permitted and operating at any one time, and
9 each encampment shall not have more than 100 occupants. ((This)) The limit of 10 transitional
10 interim use encampments shall not include transitional encampments ((accessory to a religious
11 facility)) located on property owned or controlled by a religious organization.

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

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

21 **23.76.032 Expiration and renewal of Type I and II Master Use Permits**

22 ***

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

1 1. Except for Major Phased Development permits, the Director shall renew issued
2 Master Use Permits for projects that are in conformance with applicable regulations, including
3 but not limited to land use and environmentally critical areas regulations and SEPA policies in
4 effect at the time renewal is sought. Except as provided in subsections 23.76.032.C.2 and
5 23.76.032.C.3, Master Use Permit renewal is for a period of two years. A Master Use Permit
6 shall not be renewed beyond a period of five years from the original date the permit is approved
7 for issuance. The Director shall not renew issued Master Use Permits for projects that are not in
8 conformance with applicable regulations in effect at the time renewal is sought.

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

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

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

18 ***

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

1 Section 4. Section 8 of Ordinance 124747 is amended as follows:
2 Section 8. This ordinance shall be automatically repealed without subsequent Council action on
3 March 31, (~~2020~~) 2022.

4

Draft Substitute - Clean

1 Section 5. 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)
16