

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,

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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

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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.))~~

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 This ordinance shall be automatically repealed without subsequent Council action on March 31, ~~(2020)~~ 2022.

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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.

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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:

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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.

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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:

3

Section 8. This ordinance shall be automatically repealed without subsequent Council action on March

4

31, (~~2020~~) 2022.

5

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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