



TECHNICAL COMMITTEE REPORT

To: Planning Commission

From: Technical Committee

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File Numbers: LAND-2015-01937 and SEPA-2015-01938

Project Name: Redmond Zoning Code Amendment: Temporary Use Regulations for Encampments

Reasons the Proposal should be Adopted: The Technical Committee recommends approving the amendment because it improves efficiencies and provides clarity for “encampment” as a temporary use as indicated in Redmond Zoning Code (RZC 21.46) Temporary Uses while also taking into account feedback received from residents who live near the locations of past temporary encampments.

I. APPLICANT PROPOSAL

A. APPLICANT

City of Redmond

B. BACKGROUND AND REASON FOR PROPOSAL

The City of Redmond Zoning Code, Section 21.46 Temporary Uses outlines both short-term temporary uses and long-term temporary uses. It also contains regulations specific to encampments.

The recommended amendment and the discussion below involve several terms that are defined in the Zoning Code:

A temporary encampment is a group of persons temporarily residing out of doors for other than recreational purposes with services provided by a temporary encampment sponsor and supervised by a temporary encampment managing organization.

A temporary encampment managing organization is an organization that has the capacity to organize and manage a temporary encampment. A “managing agency” may be the same entity as the temporary encampment sponsor.

A temporary encampment sponsor is a local group or organization that has an agreement with the temporary encampment managing organization to provide basic services and support for the residents of a temporary encampment and liaison with the surrounding community and joins with the managing agency in an application for a temporary use permit. A “sponsor” may be the same entity as the managing organization

To date, eight temporary encampments have been granted permits in Redmond. These encampments have been located at St. Jude’s Catholic Church on 166th Avenue NE and Red-Wood Family Church on Redmond-Woodinville Road. The proposed Zoning Code amendment was brought about by growing concerns by encampment sponsors and managing agencies. Of central concern was the cost and time associated with issuing encampment temporary use permits.

Currently, a temporary encampment is limited to 110 days within any 365-day period at one location. Each stay requires a separate permit and administrative review by staff. The administrative review is currently processed as a Type I permit. A Type I process is an administrative review and decision (in this case) by the Planning Director. These applications are categorically exempt from review under the State Environmental Policy Act (SEPA). Appeals of Type I decisions are made to the Hearing Examiner in an open record hearing. Appeal decisions of the Hearing Examiner may be appealed to the City Council in a closed record appeal proceeding. There is a 14 calendar day comment period when a notice of application is issued, and a 14 calendar day appeal period after a decision has been rendered. Encampment temporary use permits also require a public neighborhood meeting, which requires 21-days notice to surrounding property owners prior to the meeting. In all, an encampment temporary use permit may take up to a minimum of 45 days to issue per permit.

The Technical Committee has considered this issue and recommends that an encampment temporary use permit should be allowed over a period of five years to allow flexibility based upon the proposed use provided certain criteria are met. The rest of this report describes the analysis for this recommendation and alternatives to this recommendation.

II. RECOMMENDATION

The Technical Committee recommends approval of the proposed amendment to the Redmond Zoning Code as shown in Exhibit A.

III. PRIMARY ISSUES CONSIDERED AND ALTERNATIVES

The primary issues considered for this amendment were timeliness, efficiencies, and neighborhood considerations based on existing Zoning Code language and previously approved temporary uses determined to be “encampments”. The proposed code amendments intend to reflect true value and cost recovery, by both the City and host organizations, while balancing neighborhood considerations.

IV. SUPPORTING ANALYSIS

A. EXISTING CONDITION, PROPOSAL, ALTERNATIVES AND FACTORS CONSIDERED

Existing condition. RZC.21.46 governs temporary uses, including encampment temporary uses. As mentioned in section I.B. of this report, currently a temporary encampment is limited to 110 days within any 365-day time period at one location. Each stay requires a separate permit and administrative review by staff. Additionally, each application requires a separate permit fee as well as a Notice of Application (per Type I permit requirements) and a neighborhood meeting.

Proposal. Staff recommends encampment temporary use permits be valid for a five year period based upon specific criteria. These recommended criteria (Exhibit A) include limiting the stay to just one time per 365 days and adherence to regulations/conditions placed upon the encampment by the City.

The proposed code amendment would limit the administrative review of the stays to just the initial application, which includes noticing and meeting requirements as outlined in section I.B. of this report. This means subsequent stays within the initial five year period would not be subject to noticing and public meeting requirements, provided that the site plan and conditions associated with the permit remain unchanged from that initially approved. Also, there would be no processing fees for subsequent stays after the initial encampment temporary use permit is issued. Recently, camp sponsors and managing organizations have been paying fees under protest, which came in the form of e-mails or letters from the applicant enumerating their displeasure with the fees and process. Additionally, each subsequent stay would still require a mailed courtesy reminder notice that an approved encampment stay will commence within a stated date range. Currently, the City must review, notice, and hold a neighborhood meeting for each and every stay (Section I.B. of this report).

The proposed code amendment would also reaffirm the revocability of the issued permit if the encampment is found to be non-compliant with RZC 21.46 or conditions placed upon the permit. This is important because if there are any issues the encampment sponsor/managing organizations fail to implement, they must

apply for a new permit and go through the initial encampment temporary use permit process again.

As described below, staff considered this issue from the standpoint of encampment sponsors/agencies and residents who live near the locations of past temporary encampments. Specifically, staff considered, what is an appropriate approach to address both the concerns from representatives of encampment sponsors and managing agencies regarding the time and cost associated with these permits and the anticipated interest from neighbors to have adequate gaps between the times that an encampment is in place in any given location?

Alternatives.

1. The City could choose to not incorporate the proposed amendment into the Zoning Code. This approach would maintain the City's current permit process for encampments and would involve continuing to hold a neighborhood meeting prior to each encampment at a host site. Staff does not recommend this alternative since it would also involve the process of applying for, reviewing and deciding on an encampment temporary use permit that would be the same as previously reviewed and approved and it would not address the concerns expressed about time and cost.
2. The City could choose to modify such aspects of the proposed Zoning Code amendment such as length of stays, amount of stays, duration of time between each stay, noticing requirements, and/or meeting requirements for each stay. Staff considered these issues and believes that the proposal is a balanced approach. It would provide relief for the financial and permit process implications of applying for an encampment temporary use permit, while addressing neighborhood considerations, such as how often an encampment might be located in a given location and providing notice for awareness while not re-evaluating an approved site plan and conditions if all conditions of approval were met.

B. COMPLIANCE WITH CRITERIA FOR CODE AMENDMENTS

Redmond Comprehensive Plan Policies PI-16 directs the City to take several considerations into account as part of the decision on proposed amendments to the Comprehensive Plan. Items 1 through 6 apply to all proposed amendments. The following is an analysis of how this proposal complies with the requirements for amendments.

1. Consistency with Growth Management Act (GMA), State of Washington Department of Commerce Procedural Criteria, VISION 2040 or its successor, and the King County Countywide Planning Policies.

The proposed amendments are consistent with the Growth Management Act, Department of Commerce Procedural Criteria, Vision 2040 and King County Countywide Planning Policies. The proposed amendments seek to further specify and

streamline existing code language for temporary encampments while taking into account feedback from residents who live near the locations of past temporary encampments.

2. Consistency with the Redmond Comprehensive Plan.

The proposed amendments are consistent with the following policies:

- LU-15 – Support equitable delivery of and access to human services by allowing these uses in suitable locations and encouraging their creation through incentives or bonuses and other innovative measures
- LU-28 – Promote attractive, friendly, safe, quiet and diverse residential neighborhoods throughout the city, including low and moderate density single-family to high-density residential neighborhoods.
- LU-30 – Allow some compatible nonresidential uses in Residential zones, such as appropriately scaled schools, religious facilities, home occupations, parks, open spaces, senior centers and daycare centers. Maintain standards in the Redmond Zoning Code for locating and designing these uses in a manner that respects the character and scale of the neighborhood.
- HO-29 – Craft regulations and procedures to provide a high degree of certainty and predictability to applicants and the community at large to minimize unnecessary time delays in the review of residential permit applications, while still maintaining opportunities for public involvement and review.
- PI-19 – Prepare and maintain development regulations that implement Redmond’s Comprehensive Plan and include all significant development requirements. Ensure that the development regulations are clearly written, avoid duplicative or inconsistent requirements, and can be efficiently and effectively carried out.
- PI-20 – Ensure that Redmond’s development review process provides applicants and the community a high degree of certainty and clarity in timelines and standards, and results in timely and predictable decision making on development applications.

3. Potential general impacts to the natural environment, such as impacts to critical areas and other natural resources, including whether development will be directed away from environmentally critical areas and other natural resources.

The proposal is unlikely to have any adverse impacts on the natural environment because the proposed code amendment does not allow for any more intensive use than what is already allowed. Additionally, the encampments are typically located in parking areas or open space outside of critical areas.

4. Potential general impacts to the capacity of public facilities and services. For land use related amendments, whether public facilities and services can be provided cost-effectively and adequately at the proposed density/intensity.

The proposal is unlikely to have any significant impacts to the capacity of public facilities and services. The proposed code amendment does not allow for any more intensive use than what is already allowed. The proposed code amendment could potentially increase cost-effectiveness of issuing encampment temporary use permits through staff time devoted to reviewing/issuing these permits.

5. Potential general economic impacts, such as impacts for business, residents, property owners, or City Government.

The proposal is not anticipated to have any significant economic impact on business, residents, property owners, or City Government. The proposed code amendment does not propose reduction in fees, however it does propose a change in the frequency of fees paid.

6. For issues that have been considered within the last four annual updates, whether there has been a change in circumstances that makes the proposed amendment appropriate or whether the amendment is needed to remedy a mistake.

The issue addressed in this proposal has not been considered in the last four annual updates.

V. AUTHORITY AND ENVIRONMENTAL, PUBLIC AND AGENCY REVIEW

A. Amendment Process

Redmond Zoning Code (RZC) 21.76 requires that amendments to the Zoning Code and Comprehensive Plan be reviewed under the Type VI process. Under this process, the Planning Commission conducts a study session(s), an open record hearing(s) on the proposed amendment, and makes a recommendation to the City Council. The City Council is the decision-making body for this process.

B. Subject Matter Jurisdiction

The Redmond Planning Commission and the Redmond City Council have subject matter jurisdiction to hear and decide whether to adopt the proposed amendment.

C. Washington State Environmental Policy Act (SEPA)

A SEPA checklist was prepared and a Determination of Non-Significance was issued for this non-project action on October 15, 2015 (see Exhibit B).

D. 60-Day State Agency Review

State agencies were sent 60-day notice of this proposed amendment on October 15, 2015.

E. Public Involvement

The public has opportunities to comment on the proposed amendment through the Planning Commission review process and public hearing which will be held on December 2, 2015. Public notice of the hearing was published in the Seattle Times on

November 6, 2015 (see Exhibit C). Notice of the Planning Commission hearing was posted in City Hall and the Redmond Library. Notice of the hearing is given on the Planning Commission agendas and extended agendas. Notice was also provided to representatives for the temporary encampment sponsors and managing agencies who have requested a change to address their concerns.

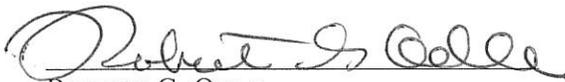
F. Appeals

RZC 21.76 identifies Zoning Code and Comprehensive Plan Amendments as a Type VI permit. Final action is by the City Council. The action of the City Council on a Type VI proposal may be appealed by filing a petition with the Growth Management Hearing Board pursuant to the requirements of the Board.

VI. LIST OF EXHIBITS

- Exhibit A: Recommended Zoning Code Amendments
- Exhibit B: Public Hearing Notice
- Exhibit C: SEPA Threshold Determination

Conclusion in Support of Recommendation: The Technical Committee has found the proposal to be in compliance with the Redmond Zoning Code, Redmond Comprehensive Plan, Redmond Municipal Code, and State Environmental Policy Act (SEPA).



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