

Memorandum

To: Planning Commission

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Date: December 4, 2015

Subject: **LAND-2015-01937 - Redmond Zoning Code Amendment: Temporary Use Regulations for Encampments**

INTRODUCTION/BACKGROUND

On November 18, 2015 the Planning Commission began discussion on a Technical Committee recommended Zoning Code Amendment to update the temporary use regulations for encampments. A few clarifying questions were asked by the Planning Commission and were answered by staff. As described by staff, the proposed code amendment is not intended to intensify or diminish the duration, use, or amount of stays an encampment may have. Rather, the code amendment's intent is to streamline the review of encampment temporary use permits and defray the cost of permitting.

On December 2, 2015, the Planning Commission conducted a public hearing and study session to hear public testimony on this amendment. Public comments were received by members of the community as well as from host organizations. The main questions and comments from the public hearing were integrated into the attached issues matrix. Please let staff know if there are additional questions or any items missing from the issues matrix.

PREPARATION FOR DECEMBER 2 PUBLIC HEARING AND STUDY SESSION

Please review the issues matrix and two attachments and refer back to the Technical Committee Report as needed. Attachment A shows a comparison chart across six different jurisdictions. Attachment B is a comparison chart that was originally drafted by Mercer Island, and used/fact checked by the City of Sammamish as a part of their 2014 encampment code adoption.

REVIEW SCHEDULE

The Commission may complete its review of this package and make a recommendation to the City Council on December 9, 2015. Otherwise, staff anticipates that the Commission would make a recommendation to the City Council on December 16, 2015. Council review and action would follow in early 2016.

ENCLOSURES

Issues Matrix; Attachment A; Attachment B

ATTACHMENT A

Comparable Cities Cost & Stay:

	Woodinville	Kirkland	Bellevue	Sammamish	Issaquah	King County	Redmond
Permit Fee	\$1,817.00	\$218.00	\$247.00	\$1,200.00	\$25.00**	\$2,195.00	\$2,652.53
Length of Stay	60 Days	92 Days	60 Days*	4 Months	X**	122 Days	110 Days
Days In Between Stays	365 Days	365 Days	18 Months	18 Months	X**	365 Days	365 Days
Code Citation	WMC 21.32.120	KMC 127.30	BCC 20.30U.125	SMC 20.05.020	IMC 5.14	KCC 21A.45.060	RZC 21.46.020
Permit Processing Time	2 Months	1 Month	2 Months	2 Months	Unknown	1 Month	45 Days

Average Permit Cost Per Stay: \$1,135.340 (excluding Redmond & Issaquah)

Average Stay Allowance: 91 Days (excluding Redmond & Issaquah)

Average Required Days In Between Stays: 435 Days (excluding Redmond & Issaquah)

Average Potential Processing Time: 48 Days

* Bellevue does offer an opportunity for host organizations to increase the stay to 90 days.

**Issaquah has not adopted any formal ordinance regarding temporary encampments. The “Special Use” permit allows for special events and uses, however there are no prescribed stay limitations.



ATTACHMENT B

Department of Community Development

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Temporary Encampment Comparison Table

This survey was originally conducted by the City of Mercer Island for their code development process. It has been fact checked and updated here for use in this city's own process.

	Mercer Island	Bellevue	Bothell	Issaquah	Kirkland	Redmond	SeaTac
<i>Specific Code Section for Temporary Encampments?</i>	Yes.	Yes.	Yes.	No.	No.	No.	No.
<i>Minimum Time Application must be Submitted Prior to Arrival.</i>	75 days.	None specified.	None specified.	None specified.	None specified.	30 days.	30 days.
<i>Time Limit for Returning.</i>	18 months. One encampment allowed at a time.	18 months.	12 months.	None specified.	365 days.	365 days.	12 months. One encampment allowed at a time.
<i>Length of Stay.</i>	90 days. Additional 5 days may be granted to move on a weekend.	60 days. Consent decree allows for 90 days.	90 days. Additional weekend if 90 th day is a Friday.	90 days.	92 days.	110 days.	90 days.
<i>Encampment Setback from Abutting Properties.</i>	20 feet.	20 feet.	20 feet.	None specified.	20 feet.	Discretionary.	Discretionary.
<i>Sight Obscuring Fence or Screening Required?</i>	Yes.	Yes.	Yes.	Yes.	Yes.	Discretionary.	Yes.
<i>Lighting Regulation?</i>	Yes.	Yes.	Yes.	No.	Yes.	Discretionary.	No.

	Mercer Island	Bellevue	Bothell	Issaquah	Kirkland	Redmond	SeaTac
<i>Maximum Number of Residents at Encampment.</i>	100.	100.	None specified.	100.	100.	100.	100.
<i>Parking Requirements at Site?</i>	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
<i>Proximity to transit Required?</i>	Yes.	Yes.	Yes.	No.	Yes.	Discretionary.	Yes.
<i>Children Prohibited from Staying in Encampment?</i>	Yes. Unless accompanied by parent or guardian.	Yes.	No.	No.	Yes.	Discretionary.	No.
<i>Code of Conduct for Persons in Encampment?</i>	Yes.	Yes.	Yes.	No.	Yes.	Discretionary.	Yes.
<i>Specific Health, Safety and Fire Protections Apply?</i>	Yes.	Yes.	Yes.	Yes.	Yes.	Discretionary.	Yes.
<i>Identification, and Warrant and Sex Offender Checks Required For Persons at Encampment?</i>	Yes.	Yes.	Yes.	No.	Yes.	Discretionary.	Yes.
<i>Inspections Required?</i>	Yes.	No.	No.	Yes.	Yes.	Discretionary.	Yes.
<i>Is Notice Provided to Neighbors Prior to Decision?</i>	Yes.	Yes.	Yes.	No.	Yes.	Yes.	Yes.
<i>Must Notify, and Meet and Confer with Nearby Schools and Daycares?</i>	Yes. 600 feet.	Yes. 600 feet.	Yes. 600 feet.	No.	No.	No.	No.
<i>Can There be Immediate Enforcement of Violations?</i>	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.

	Mercer Island	Bellevue	Bothell	Issaquah	Kirkland	Redmond	SeaTac
<i>Are There Any Penalties for Violating Codes or Agreement?</i>	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
<i>Is there a provision for hold harmless / indemnification for City taxpayers?</i>	Yes.	No.	Yes.	Yes.	No.	No.	No.
<i>Process For People Evicted From Tent City?</i>	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.	No.

Temporary Use Regulations for Encampments (LAND-2015-01937)

Planning Commission Issues Matrix for December 9, 2015

Issue	Discussion Notes	Status
<p>1. Is a 110-day encampment stay too short a duration? (O’Hara)</p>	<p><u>Planning Commission Discussion</u> The Commission asked staff to explore whether or not limiting an encampment stay to 110 days is too short a duration?</p> <p><u>Staff Response/Recommendation</u> Please refer to Attachment A “Comparable Cities – Cost & Stay”. The average allowed stay across six different jurisdictions is 91 days. The city that allows the longest stay is Kirkland with 92 days. The average required days in between stays is 435 days. Bellevue and Sammamish require 18 months in between stays.</p> <p>The City of Redmond in contrast currently allows for a 110-day stay with a 365 day wait in between stays. Increasing the amount of days a stay entails to 120 days (4 months as suggested by public comment) is a viable alternative. Staff does not find an issue with this recommendation.</p> <p><u>Public Comment</u> Testimony was given stating that 110 days is too short a duration for temporary encampment stays. It was suggested the timeframe for stays be at least four months.</p>	<p>Opened 12/2/15</p>
<p>2. Is three stays under an initial temporary use permit enough to service the temporary encampment needs, or should the initial permit cover five stays? (O’Hara)</p>	<p><u>Planning Commission Discussion</u> The Commission asked staff to explore whether the initial encampment temporary use permit could or should be expanded to cover five stays, versus the three stay recommendation in the proposal.</p> <p><u>Staff Response/Recommendation</u> No other cities surveyed allow for more than one encampment (per site) per 365 calendar days. Bellevue and Sammamish both require an 18-month wait in between stays. Both the current and proposed code do not prevent other host sites/organizations to obtain a temporary encampment permit if one encampment is already active. If a more intensive use is proposed, a more robust public outreach component would be necessary as a part of this code amendment to ensure public equitability. This would delay this code amendment, and the current issues this proposal seeks to remedy would remain. Staff recommends keeping the proposed code amendment as-is.</p> <p><u>Public Comment</u> Testimony was given requesting the proposed initial temporary use encampment permit be valid for five</p>	<p>Opened 12/2/15</p>

Temporary Use Regulations for Encampments (LAND-2015-01937)

Planning Commission Issues Matrix for December 9, 2015

Issue	Discussion Notes	Status
	stays versus three stays. This would help spread the cost of the initial permit over five stays versus three.	
3. Is it possible to make the proposed temporary use encampment regulations retroactive? (O'Hara)	<p><u>Planning Commission Discussion</u> The Commission asked staff to explore if the proposed temporary use encampment regulations could be retroactive, such as to January 1, 2015.</p> <p><u>Staff Response/Recommendation</u> This is a legal question that cannot be answered at this time. Staff is following up with this issue with the City Attorney. Generally, city codes are only effective after the date of adoption.</p> <p><u>Public Comment</u></p>	Opened 12/2/15
4. What is the cost of similar permits in other local jurisdictions? (O'Hara)	<p><u>Planning Commission Discussion</u> The Commission asked for a comparison table showing costs of obtaining similar permits for temporary encampments in other local jurisdictions.</p> <p><u>Staff Response/Recommendation</u> Please refer to Attachment A "Comparable Cities – Cost & Stay". The average cost of a temporary use permit (the main method to allow temporary encampments) is \$1,135.34, when excluding Issaquah. Issaquah has not adopted any formal ordinance regarding temporary encampments or any city policy. However, according to a City of Issaquah planning staff member, the Special Use permit (\$25.00) would be the closest comparable as most cities process the application as a temporary use. As presented in the proposed code amendment, the average cost per stay would be \$884.17 (\$2,652.53 ÷ 3 stays). This is below the comparable city average by \$251.17 per permit. The fee schedule is established by the City Council, and is not contained in the Zoning Code.</p> <p><u>Public Comment</u> Testimony was given stating that Redmond's initial fee for encampment temporary use permits is on the high end compared to surrounding jurisdictions. Several people requested Redmond's fee be lowered. Cost, in general, is a concern. Some testified that it costs hosting organizations \$7,000-\$10,000 per stay or roughly \$2,800 per month to host the temporary encampments.</p>	Opened 12/2/15
5. What is the	<u>Planning Commission Discussion</u>	Opened

Temporary Use Regulations for Encampments (LAND-2015-01937)

Planning Commission Issues Matrix for December 9, 2015

Issue	Discussion Notes	Status
<p>timeframe to similar permits in other local jurisdictions? (O'Hara)</p>	<p>The Commission asked staff for a comparison table showing timeframes for processing similar permits for temporary encampments in other local jurisdictions.</p> <p><u>Staff Response/Recommendation</u> Please refer to Attachment A "Comparable Cities – Cost & Stay". From the initial data we have collected, it appears that 45-60 days is the average amount of days it would take to issue a permit in comparable cities. The proposed code amendment lowers the overall processing time of permits to 15 days if spread across three stays assuming there are no appeals or delays regarding the public meeting. The current code and process (assuming one site hosted three stays within five years) would take approximately 135 days of review, meeting, and comment time.</p> <p><u>Public Comment</u> Testimony was given stating the process to obtain a permit takes a while and is somewhat cumbersome.</p>	<p>12/2/15</p>
<p>6. Why are encampments viewed as temporary uses versus a permanent use? (Biethan)</p>	<p><u>Planning Commission Discussion</u> The Commission asked staff the rationale for considering homeless encampments temporary uses verses permanent uses.</p> <p><u>Staff Response/Recommendation</u> Homeless encampments are generally viewed as temporary uses due to the structures that are used to house the residents of the encampments. If the encampments were viewed as a permanent use, then zoning regulations would need to be drafted to establish the encampments as a use. The use would further need to be codified with requirements such as setbacks, landscaping, density, etc;. Furthermore, building codes regarding permanent habitable spaces would be required, as well as infrastructure such as water and sewer.</p> <p><u>Public Comment</u></p>	<p>Opened 12/2/15</p>
<p>7. What do the regulations limit stays to 110 days? (Haverkamp)</p>	<p><u>Planning Commission Discussion</u> The Commission asked staff to provide the history behind limiting temporary encampment stays to 110 days.</p> <p><u>Staff Response/Recommendation</u></p>	<p>Opened 12/2/15</p>

Temporary Use Regulations for Encampments (LAND-2015-01937)

Planning Commission Issues Matrix for December 9, 2015

Issue	Discussion Notes	Status
	<p>When the original code was adopted, 90-days (3 months) was proposed. However, when factoring time issues such as the move-in/move-out/cleanup process, the proposal was increased 110-days. No recommendation. The existing 90-day time period in the Zoning Code was based upon initial input from sponsoring organizations.</p> <p><u>Public Comment</u></p>	
<p>8. Why is there a period of 365 days between encampment stays? (Haverkamp)</p>	<p><u>Planning Commission Discussion</u> The Commission asked staff to provide the history behind requiring a 365 day period between encampment stays.</p> <p><u>Staff Response/Recommendation</u> The 365 day wait in between stays was drafted to match comparable cities.</p> <p><u>Public Comment</u></p>	<p>Opened 12/2/15</p>