

**REDMOND PLANNING COMMISSION
MINUTES**

December 2, 2015

COMMISSIONERS PRESENT: Chairman O'Hara, Vice Chairman Biethan,
Commissioners Haverkamp, Captain, and Miller

STAFF PRESENT: Kim Dietz, Senior Planner; Roger Dane, Senior
Planner; Cathy Beam, Principal Planner, David Lee
and Ben Sticka, Redmond Planning Department

RECORDING SECRETARY: Lady of Letters, Inc.

CALL TO ORDER:

The meeting was called to order at 7:00 p.m. by Chairman O'Hara.

APPROVAL OF THE AGENDA:

There were no changes to the agenda.

ITEMS FROM THE AUDIENCE:

There were no items from the audience.

APPROVAL OF MEETING MINUTES:

MOTION by Commissioner Biethan to approve the Meeting Minutes from the November 18, 2015 meeting MOTION seconded by Commissioner Captain. MOTION approved (5-0).

**Public Hearing, Comprehensive Plan and Zoning Code Amendments for Old Town
Historic Core Overlay and Gilman Street, presented by Kim Dietz, Senior Planner**

There were no public comments on the amendments. Chairman O'Hara proposed that the public hearing be continued to February 17, 2015 as staff required more time to follow up on stakeholder comments.

MOTION by Commissioner Miller to continue the public hearing to February 17, 2015 for the purpose of allowing additional time for staff follow up on stakeholder comments. MOTION seconded by Commissioner Biethan. MOTION approved (5-0).

Commissioner Biethan asked Ms. Dietz for a summary of what staff will be pursuing between now and the February meeting. Ms. Dietz reported that staff will continue to review stakeholder comments, and at the February meeting, staff will propose bringing items in phases separately to the Commission. Commissioner Miller asked if consultant work was currently being utilized for follow up on recommended amendments for the Leary Way cross section and Ms. Dietz replied that three consultants are being considered and staff anticipates proposals will be received. Commissioner Miller asked if working with a consultant would help develop a flexible standard

for assessing the pedestrian right-of-way and Ms. Dietz replied that, yes, a performance based standard was being considered as the Commission had previously supported.

Report Approval, Amendment to Zoning Code Regarding 2015 Landslide Hazards Map and Streams Classifications Map Update, presented by Cathy Beam and Roger Dane.

MOTION by Commissioner Miller to approve the Planning Commission report recommending updates to the Landslide Hazards and Streams Classification Maps. MOTION seconded by Commissioner Haverkamp. MOTION approved (5-0).

Public Hearing and Study Session, Amendment to Zoning Code Regarding Temporary Use Regulations for Encampments, presented by Cathy Beam, David Lee and Ben Sticka.

Mr. David Lee reported that the recommended Code amendment had been brought to the Commission because of concerns around cost and the frequency of applying for the permits required for temporary encampments. Currently, a temporary use permit is required which costs \$2,652.53 for each occurrence. The amendment would package three stays within five years into one permit with one review cycle and one payment. Since 2006 there have been eight encampments held at St. Jude's Parish and Redwood Family Church. The permit administrative process triggers a 14 day comment period followed by a 21 day notice for a mandatory public meeting. These permits are exempt from the State Environmental Policy Act (SEPA).

When the mandatory public meeting has occurred and when any issues have been resolved, an approval is issued with various conditions. A 14 day appeal period then begins. Currently a minimum of 45 days is required to complete the process for one encampment and the permit is valid for 110 days within a 365 day period. The proposal fundamentally keeps the administrative review the same. A courtesy reminder mailing would be sent to neighbors prior to each subsequent stay. Revocability of the permit if non-compliance occurs has been added.

Chairman O'Hara asked if the basic change would be reducing the number of application processes and Mr. Lee replied that this was correct. Commissioner Haverkamp repeated the change for clarification, and Mr. Lee confirmed again and added that a new caveat would include the mailing of notices to the neighborhood before each stay. Commissioner Miller asked if over a five year period there would be one neighborhood meeting, two comment periods and one appeal period, and Mr. Lee replied that this was correct.

In the public hearing, Mr. Roger Franz, 1413 3rd Ave, #108, Seattle, WA, 98101, was the first to speak to the Commission. He expressed concern that a fee would be charged for groups to exercise their religious freedom and that, in his interpretation, religious freedom would be limited to 110 days per year. He believed the practice might be unconstitutional both federally and at a state level. He said land use code was being used to regulate religious freedom, a violation of the religious land use and institutionalized persons act. Mr. Franz stated that the ordinance was unlawful and unconstitutional.

Commissioner Miller asked Mr. Franz if he believed that previous encampments hosted by churches within the City of Redmond were also unconstitutionally constrained and Mr. Franz

replied yes. Commissioner Miller asked Mr. Franz how the provision of housing for homeless would be a religious statement. Mr. Franz quoted from the Bible and stated that he believed it was a matter of religion to help the poor and shelter the homeless and that the ordinance is a religious issue. Commissioner Miller asked Mr. Franz if hypothetically, Microsoft were to host a homeless encampment, it should be subject to the same religious requirements. Mr. Franz replied that he did not have an answer to that, but that did not believe Microsoft would host an encampment.

Commissioner Biethan expressed appreciation for all public comments, but explained that the issue in front of the Planning Commission was a permitting issue. The position Mr. Franz brought up was appreciated but the issue at this meeting was to remove barriers to the process. The discussion brought by Mr. Franz is a different discussion but it was appreciated.

Ms. Paula Matthyse, 4123 McKinley St., Carnation, WA, 98101 was next to speak. She stated that she represented the Board of Directors of Camp Unity Eastside which has hosted encampments in Redmond numerous times. Ms. Matthyse thanked the City of Redmond for partnering with Camp Unity to provide a safe place for more than 60 people experiencing homelessness. Camp Unity members seek safety, human connection and the creation of community. Camp Unity leaders look forward to continued conversations around helping people experiencing homelessness to be safe and move towards stability. In response to the statement by Mr. Franz that the ordinance is unconstitutional, Ms. Matthyse noted that there was a State Supreme Court ruling from December, 1997 that spoke to the issue in regard to religious freedom.

Ms. Matthyse asked the Commission to consider that an allowed stay of 110 days once per year was very limiting. Camp Unity members sign contracts and attend public meetings to engage in dialogue in order to be contributing members of the greater community. Limiting the ability to stay in the City of Redmond, in addition to County and other City ordinances, is causing the organization to be pushed out of the area. The message being received is that Camp Unity functions need to be invisible. Ms. Matthyse explained a typical scenario in which a person experiences health issues, loses income, needs a place to stay and possibly has dependents as well, and how resulting community resilience is impacted. When financial capital is expended, social capital is also expended. Without social capital there is no human connection.

The United Way uses community navigators to work with people in transition to permanent and stable housing. Ms. Matthyse asked that the Commission review the situation as a public health and safety issue for everyone. Ms. Matthyse hoped that the Commission and City would continue to work with Camp Unity in order to continue conversations. Commissioner Miller asked Ms. Matthyse if she was in favor or opposed to the proposed amendment, and Ms. Matthyse replied that the cost alone for the permit has been a barrier but allowing camps to stay in place 110 days once per year is an even greater barrier. Ms. Matthyse believed there was more work to be done and said the change still was not satisfactory. After 110 days, transportation, a new living situation, and the stress associated with the change are compounded by hosting limitations. Commissioner Miller asked for verification that Ms. Matthyse was opposed and Ms. Matthyse confirmed that the biggest concern for Camp Unity was the limit of 110 days per year.

Mr. Gary Smith, 5011 East Lake Sammamish Parkway NE, Redmond, WA, 98052 was next to speak to the Commission. He identified as a parishioner at St. Jude Catholic Church and said he was active in supporting Camp Unity and Tent City 4 with meals. Mr. Smith was generally supportive of the direction of the proposal but had two recommendations to improve the proposal. Mr. Smith suggested changing the three stays to five, as dividing three into \$2,652 is \$884 per stay, the cost of the permit. Other cities charge either nothing or in one instance \$250 for a 90 day stay. The City of Redmond charges over three times what other cities are charging. Mr. Smith also suggested that an effective date of 1/1/15 be added. A permit was paid for after the first of 2015, and Mr. Smith believed that permit should be viable for five years and five stays.

Mr. Smith reported that the St. Jude Pastor, Father Johnson, asked Mr. Smith to express concerns around the permit cost. The parish community pays \$7-10,000 to host an encampment for 90 days with water, electricity, garbage and other services. Mr. Smith stated that he actively participated in the Homeless Task Force in Redmond and is invested in the process. Mr. Smith asked that if the amendment moves forward, the number of stays should change to five and an effective date of 1/1/15 should be added so as to not penalize groups that purchased permits this year. Mr. Smith stated that the amendment makes the situation better than it was, but it could be improved further.

Ms. Patricia Smith, 5011 East Lake Sammamish Parkway NE, Redmond, WA, 98052, was next to speak in the public hearing. She reported that the proposal could be improved with a longer stay restriction as moving every three months is very difficult for people holding part-time employment or going to school and needing to arrange new transportation. St. Jude's has experienced difficulty helping the two encampment communities because there are limited properties with sufficient electric and water capabilities. In the winter months firewood is needed. Access to public transportation service locations also must be considered for commutes to work or school. Ms. Smith asked that the Commission be aware that there are currently two homeless camps seeking encampments in the City of Redmond. Ms. Smith reported several individual situations that she had witnessed. The community should be more aware of the homeless in Redmond, particularly those with children that cannot reside in a tent city.

Commissioner Miller asked Ms. Smith what her preference would be for encampments philosophically. Ms. Smith replied that less moving was better and four month maximum stays would be sufficient. Stays of up to five months would present new problems to the hosts, such as pest control. Commissioner Miller asked for clarification that one stay of four months would be preferable over shorter stays with more frequency, keeping in mind the amendment must apply to the potential impact and not only the current situation. Ms. Smith replied that consideration for more options in between should be considered.

Commissioner Biethan praised the work that went into the Homelessness Task Force Report, but did not see references to tent encampments within the report and asked if there had been discussion regarding this. Mr. Smith replied that the fee cost and mechanism was discussed and the task force decided that temporary use permits issued for other situation such as Christmas tree lots would be affected also. The Planning Department did not have further details while the

report was being compiled. Mr. Smith reported that there were also stakeholders with very strong opinions and the issue could not be addressed completely during the report compilation.

Ms. Liz Fenn, 6203 158th Court NE, Redmond, WA, 98052, a parishioner at St. Jude and actively working with homeless in Seattle, next spoke to the Commission. She reported that new people arrive daily indicating the end of homelessness is not on the horizon. Ms. Fenn asked why the City would not do everything possible in order to help the faith communities host safe encampments. Ms. Fenn stated that the permit process is very long and expensive. She said while the effort to address the issue is good, something different that would aid faith communities more is required.

Mr. Allen Bolen, a resident at Camp Unity Eastside in Woodinville, next spoke in the public hearing. He reported that working with the City of Redmond has been very good. Homelessness is increasing and the possibility of a third encampment or third host is very real. The amendment should be the beginning of addressing the situation and not the final solution. Mr. Bolen reported that not being focused on the idea of change limits the discussion. The City of Kirkland is an example of functioning with a limited fee, a quick permit process and more flexible lengths of stays. Mr. Bolen did not believe that the changing needs of more than one encampment in Redmond would be addressed by the amendment. Mr. Bolen stated that there is an encampment on the fringe of the Eastside and this is a testament to how difficult it can be to arrange sites. The amendment keeps the limitation in place while more sites are needed.

Commissioner Miller asked staff to clarify that the amendment does not place a cap on the potential number of different encampments that could occur in a year. Mr. David Lee replied that this was correct. The detail is in the report, but did not appear on the slide being displayed at the meeting.

Ms. Chris Yager, 19708 32nd Avenue, Bothell, WA, was next to speak to the Commission. He is on the Board of Directors for Camp Unity Eastside and has worked with tent cities for approximately six years. Camp Unity Eastside is not attached to any other organization but is a non-profit with a Board of Directors. Ms. Yager reported that some questions were answered during earlier discussion. A concern around allowing or encouraging other entities to host has come up, but the reality is that Camp Unity Eastside is receiving fewer and not more offers to host encampments. Ms. Yager asked if hypothetically an organization such as Microsoft could host an encampment and staff replied yes. Ms. Beam confirmed that any sponsor within the City of Redmond may host and does not need to be a religious community.

Ms. Yager asked, if Microsoft hypothetically did sponsor an encampment, there would be the 365 day wait before staying in Redmond. Ms. Beam replied that this would be only at that location, and would not limit stays at another location. Ms. Yager asked for clarification that the amendment indicated one stay every 365 days in the City of Redmond, and did not specify one camp or another, and Ms. Beam replied in the affirmative. Ms. Yager stated that homelessness was increasing and the faith communities are running out of money. Camp Unity conducts fundraising for expenses such as portable toilets and garbage services which amounts to approximately \$2,800 per month, and this comes only from donations. Ms. Yager asked if the City might consider helping with those costs in order to encourage more sponsors.

Ms. Elizabeth Hinkofer, 22618 12th Place West, Bothell, WA, 98021, was next to speak in the public hearing. She is a member of Greater Seattle Care, an organization that provides support to homeless encampments. Ms. Hinkofer agreed with the suggested amendments but also said whenever a barrier can be removed to hosting an encampment that is a positive step. Ms. Hinkofer reported on some very expensive details required during the permitting process such as site surveys and mailings. The \$2,652 Redmond fee would have been a deal breaker for the potential hosting of an encampment by the church she attends due to lack of funds. Additional costs are inevitable. There are benefits for the City and the sponsor in hosting safe and organized encampments, as law-abiding groups in the camps are encouraged to take care of the property and the surrounding neighborhood. Hinkofer again asked that the suggestions be taken and to consider removing more barriers. Chairman O'Hara closed the oral portion of the public hearing while the written portion remained open. Commissioner Biethan agreed that the public process should not be closed yet.

In the study session, Commissioner Biethan asked if an issues matrix could be compiled and said that the issue should not close at the meeting tonight. Chairman O'Hara confirmed this and wanted the duration of stays be a discussion issue as well as increasing the number of stays allowed over five years. Two other issues were the retroactive effective date for permits issued in 2015 and the cost. Commissioner Biethan asked to know what other jurisdictions require. Commissioner Haverkamp asked specifically about fees and length of stay in surrounding communities. Commissioner Captain asked for information regarding the length of time to obtain a permit in other communities.

Commissioner Miller agreed and indicated that a large group of people with a voice that needs to be heard but that were not heard from at this meeting were neighbors. Commissioner Miller completely supported the encampment concept and believed a code should be fair in cost and length of stay. But, he said balances also need to be established around what will work for the City of Redmond and what capacity is present to expand to other potential hosts. Commissioner Miller stated that the issue is a religious statement for those approaching the issue from that standpoint, but there are other perspectives as well, including basic human ethics, and this issue should be handled correctly.

Commissioner Miller stated that the importance of length of stay versus frequency of stays should be examined further and a matrix with other communities would be extremely useful to form a level playing field throughout the region. Commissioner Biethan reported that being on the less restrictive side of an area bell curve would not be undesirable. A question for staff would be why the permits are for temporary use only as opposed to full-time, as the anticipation of a concentrated use of property may not have been envisioned when a property was purchased. Commissioner Biethan expressed that while property rights are extremely important, the issue at hand outweighs property rights and the issues brought forward this evening should be examined further.

Ms. Beam asked Chairman O'Hara if staff should add a discussion around temporary use versus regular site plan on the issues matrix. Chairman O'Hara replied that such a discussion would be helpful. Commissioner Haverkamp asked for a historical review regarding the 110 day maximum

stay requirement and the reasoning behind this. Ms. Fani reported that if the written public session remained open, a closing date would need to be assigned. Chairman O'Hara stated that the written public session should remain open until the Commission next visited the issue on December 9, 2015. Chairman O'Hara thanked everyone who commented this evening.

REPORTS/SCHEDULING/TOPICS FOR NEXT MEETING(S):

Ms. Fani reported that the agenda for the next meeting on December 9, 2015 includes a study session on the encampment topic as well as a study sessions regarding development of the Overlake and Marymoor infrastructure plans, and development of the City's first Cultural Resource Management Plan.

ADJOURNMENT:

MOTION by Chairman O'Hara to adjourn. MOTION seconded by Commissioner Biethan. The meeting adjourned at approximately 8:00 p.m.

Minutes Approved On:

Planning Commission Chair
