Planning Commission Report

To:	City Council
From:	Planning Commission
Staff Contacts:	Rob Odle, Planning Director, 425-556-2417, rodle@redmond.gov Cathy Beam, AICP, Principal Planner, 425-556-2429, cbeam@redmond.gov David Lee, Senior Planner, 425-556-2462, dlee@redmond.gov Ben Sticka, Planner, 425-556-2470, bsticka@redmond.gov
Date:	January 13, 2016
File Numbers:	LAND-2015-01937
Planning Commission Recommendation:	Approval
Title:	Redmond Zoning Code Amendment: Temporary Use Regulations for Encampments
Recommended Action:	Adopt the proposed amendment to Temporary Use Regulations for Encampments (RZC 21.46) as recommended by the Planning Commission as shown in Exhibit A.
Summary:	The recommended Zoning Code update would: allow five encampment stays under one initial permit; require no additional fees for those subsequent stays, allow encampments to stay up to six months with six months between stays, require subsequent stays to send a courtesy reminder to residents of approved encampment; and reaffirm the revocability of the issued permit. The Planning Commission also proposes that permit fees should be lowered to $200/stay ($1000.00 permit fee).
Reasons the Proposal Should be Adopted:	The recommended Zoning Code update should be adopted to reduce the financial and logistical burdens of the host and sponsor organization of the temporary encampment. The proposed code amendment would also increase review efficiencies for the City.

Recommended Findings of Fact

1. Public Hearing and Notice

a. Public Hearing Date

The City of Redmond Planning Commission held a public hearing on the proposed amendment on December 2, 2015. Eight individuals provided testimony on the proposed amendment. The testimony received included the following questions/comments:

- Could the City consider extending the 110 day time period?
- Could the fee for the permit be reduced?
- Could the number of stays under an initial permit be increased from three to five?

The City of Redmond Planning Commission held a second study session on the proposed amendment on December 9, 2015. Six individuals provided comment under *Items From the Audience* on the proposed amendment. Written comments are in included in Exhibit E. The comments received at the meeting were consistent with the questions/comments received during the Commission's public hearing on December 2, 2015.

b. Notice

Notice of the public hearing was published in the Seattle Times. Public notices were posted in City Hall and at the Redmond Library. Notice was also provided by including the hearing in Planning Commission agendas and extended agendas mailed to various members of the public and various agencies. The Technical Committee's recommendation was also sent to the following organizations: Tent City Four, Camp Unity, St. Jude's Parish and the Redwood Family Church. Additionally, a hearing notification was posted on the City's web site.

Recommended Conclusions

1. Key Issues Discussed by the Planning Commission

The Planning Commission's Issues Matrix can be found in **Exhibit B**. A summary of the Planning Commission's discussion is provided below. **Exhibit C** contains the Planning Commission's meeting minutes from December 2, 2015. Because the December 9, 2015 meeting was not a public hearing, there is a meeting summary but not meeting minutes. The video of the December 9, 2015 meeting is available to further detail the Planning Commission's reasoning. The overall sentiment of the Planning Commission appeared to be supportive of host organizations and those residing in temporary encampments.

PERMIT DURATION

The Commission discussed permit timelines, as this issue was raised during the public testimony. Specifically, the Commission asked staff to explore whether limiting an encampment stay to 110 days is too short a duration?

Staff presented research on local surrounding jurisdictions that have encampment regulations. The research showed that the average allowed stay across six different jurisdictions is 91 days. Kirkland allows the longest stay at 92 days. The average required days in between stays is 435 days. Bellevue and Sammamish require 18 months between stays. Please refer to Exhibit D "Comparable Cities – Cost & Stay".

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 to 120 days (4 months as suggested by public comment) is a viable alternative.

The Planning Commission expressed concerns about the financial and other impacts of shorter stays on encampment residents and sponsors as described by those who testified. Planning Commission recommended that temporary encampments should be permitted to stay at a host site for six months or the maximum time allowed that is consistent with the Zoning Code's definition of short term temporary uses.

PERMIT NUMBERS OF STAYS

The Planning Commission discussed the number of stays allowed per permit. This issue was raised during the public testimony at the hearing. Specifically, the Commission discussed whether the initial encampment temporary use permit should be expanded to cover five stays, versus the three stays recommended in the Technical Committee recommendation.

Staff analyzed local comparable jurisdictions. No other cities surveyed allowed for more than one encampment (per site) per 365 calendar days. Bellevue and Sammamish both require an 18-month wait in between stays. Neither the current or proposed code would prevent other host sites/organizations from obtaining a temporary encampment permit if one encampment is already active. Staff advised that if a more intensive use is proposed, a more robust public outreach component should be utilized to ensure that the public have adequate opportunities to comment.

Planning Commission recommended that temporary encampments be allowed (5) five stays over (5) years under a single permit application in response to concerns about permit cost expressed during public testimony.

PERMIT RETROACTIVE

The Commission discussed the idea of making a permit retroactive, as this issue was raised during the public testimony. Specifically, the Commission asked whether the initial encampment temporary use permit could or should be retroactive, such as to January 1, 2015. Staff clarified that generally, city codes are only effective after the date of adoption. The Commission was satisfied with this response and closed the issue.

PERMIT SIMILARITIES AND DIFFERENCES WITH LOCAL JURISDICTIONS

The Commission spent some time discussing the idea of fee differences with other communities, as this issue was raised during the public testimony. Specifically, the Commission asked for a comparison table showing costs of obtaining similar permits for temporary encampments in other local jurisdictions. (Details can be found in Exhibit D).

Staff found that the average cost of a temporary use permit (the main method used to allow temporary encampments by the comparative jurisdictions) is $1,135.34, excluding Issaquah. As presented in the Technical Committee recommended 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. If the permit were to cover 5 stays the cost would equate to $530.51 per stay. Staff commented that the fee schedule is established by the City Council, and is not contained in the Zoning Code. During previous Planning Commission meetings regarding this subject, staff had discussed that the current fee was set to ensure full cost recovery of time and materials incurred by the City in reviewing and issuing a temporary encampment permit.

The Planning Commission recommended that the permit fee for temporary encampments should be lowered to $1,000.00 ($200.00/stay).

PERMIT TYPE

The Planning Commission spent some time discussing the idea of proper permit types. Specifically, the Commission asked staff the rationale for considering homeless encampments temporary uses verses permanent uses. The Planning Commission also inquired about the difference between short-term temporary uses and long-term temporary uses.

Staff explained that homeless encampments are generally viewed as temporary uses due to their limited length of stay and due to the temporary nature of 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.

Staff also responded to the question regarding the difference between short-term temporary uses and long-term temporary uses. Staff explained that a short term temporary use is any use whose activity does not extend beyond a six month duration. A long-term temporary use is a use whose activity extends beyond six months, but for no longer than two years. The Commission was satisfied with this response and closed the issue.

PERMIT TIME PERIODS

The Commission spent some time discussing the time period between encampments. Specifically, the Commission asked staff to provide the history behind requiring a 365 day period between encampment stays.

Staff explained that the 365 day wait in between stays was drafted to match comparable cities and to provide the neighborhood surrounding potential host sites a break between encampments.

Planning Commission recommended a six month break between stays in order to reduce the number of times an encampment would need to relocate.

2. Recommended Conclusions of the Technical Committee

The recommended conclusions in the Technical Committee Report (***Exhibit D***) should be adopted as conclusions.

3. Planning Commission Recommendation

Commissioner Biethan made a MOTION to recommend approval of the Technical Committee's proposed updates to the Redmond Zoning Code regarding temporary use regulations for encampments with the following modifications:

1. Temporary encampments should be permitted to stay at a host site for six months or the maximum time allowed that is consistent with the zoning code's definition of short term temporary uses; and
2. Require a six months break in between stays; and
3. Allow (5) five stays over (5) five years under a single permit application; and

The motion was seconded by Commissioner Captain. The Planning Commission approved the motion by a vote of 4-0 at its December 9, 2015 meeting. The Commission also recommended that the City Council lower the permit cost to $1,000 which equates to $200.00 per stay.

List of Attachments

Exhibit A: **Recommended Zoning Code Amendments**

Exhibit B: **Planning Commission Final Issues Matrix**

Exhibit C: **Planning Commission Meeting Minutes for December 2, 2015 meetings.**

Exhibit D: **Technical Committee Report with Exhibits**

Exhibit E: **Planning Commission Hearing Written Public Comments**

_____ _____
Robert G. Odle, Planning Director Date

_____ _____
Robert O'Hara, Planning Commission Chairperson Date

Approved for Council Agenda _____ _____
John Marchione, Mayor Date

EXHIBIT A

ARTICLE II CITYWIDE REGULATIONS

RZC 21.46 TEMPORARY USES

21.46.010 Purpose

The following provisions authorizing and regulating certain temporary uses are intended to permit temporary uses and structures when consistent with the Zoning Code and when safe and compatible with the general vicinity and adjacent uses.

Effective on: 4/16/2011

21.46.020 Scope

A. A short-term temporary use permit shall be required for any temporary use of no more than six months in duration. The six months need not run consecutively. The six months may occur at any time within a calendar year as long as each day of operation is designated and approved. A day of operation shall mean any or part of any day in which the business is conducted. Applications for a short-term temporary use permit (six months or less) shall follow the procedures for a Type I review pursuant to RZC 21.76.050.F or as modified herein. Short-term temporary use permits shall not be renewed, and any temporary use that will extend beyond six months shall be conducted only after approval of a long-term temporary use permit.

B. An encampment temporary use permit shall be valid for a five year period based on the following criteria:

1. **Once approved, the encampment may occur at the host site for a maximum of five visits within a five year period if the site plan and conditions that were originally approved remain unchanged;**
2. **The encampment shall comply with the provisions outlined in this chapter;**
3. **All conditions of approval were fulfilled during the previous stay;**
4. **A temporary encampment stay shall be limited to a maximum of 180 days within any 365-day time period at one location; and**
5. **There shall be a minimum of 180 days between the end of the 180-day stay and the next approved encampment.**

C. A long-term temporary use permit shall be required for any temporary use longer than six months in duration. A long-term temporary use permit shall be valid for a maximum of two years from the date the permit is issued or the end of the permit activity, whichever comes first. Applications for a long-term temporary use permit (longer than six months) shall follow the procedures for a Type V review pursuant to RZC 21.76.050.J.

D. A long-term temporary use permit may be renewed, provided that:

1. The permit renewal must be applied for in advance of the expiration of the original term;
2. The permit renewal shall follow the procedures for a Type V review pursuant to RZC 21.76.050.J;
3. The applicant shall pay a renewal fee equal to that prescribed by Council resolution for a new long-term temporary use permit; and
4. The application for renewal meets the decision criteria outlined in RZC 21.46.030.A;
5. The renewal may be conditioned upon the construction or installation of such improvements that are necessary to serve the temporary use and to mitigate impacts of the temporary use, taking into account the duration of the use.
6. A long-term temporary use permit may be renewed for one or more additional two-year renewal terms if the conditions of this subsection are met at the time of such renewal.

E. Upon expiration of the initial term of a short- or long-term temporary use permit or upon the expiration of any renewal term of a long-term temporary use permit, either:

1. The temporary use shall immediately cease, and the property on which the use was located shall be restored as nearly as practicable to the state it was in prior to commencement of the temporary use; or
2. If the applicant has applied for and received all permits necessary to make such temporary use permanent, the temporary use may continue until any necessary construction under such permits is completed and the use meets all requirements for a permanent use of the property as long as the applicant diligently pursues completion of the improvements and compliance with the requirements.

F. The following types of temporary uses, activities and associated structures may be authorized, subject to specific limitations noted herein and as noted in RZC 21.46.030, *Decision Criteria*, and as may be established by the Administrator:

1. Outdoor art and craft shows and exhibits;
2. Retail sales such as Christmas trees, seasonal retail sale of agricultural or horticultural products, firewood, seafood, etc.;

3. Mobile services such as veterinary services for purposes of giving shots;
4. Vending cart. No mechanical, audio or noise-making devices, nor loud shouting or yelling will be permitted to attract attention;
5. Group retail sales, such as swap meets, flea markets, parking lot sales, Saturday Market, auctions, etc.;
6. Temporary encampments that comply with the conditions outlined in this chapter;
7. Temporary parking lots used during construction or site development;
8. The Administrator may authorize additional temporary uses not listed in this subsection, when it is found that the proposed uses are in compliance with the provisions pursuant to this chapter.

G. **Exemptions.** The following activities and structures are exempt from requirements to obtain temporary use approval:

1. Portable units or modular structures when used to provide temporary classrooms at schools, provided that adequate sewer and water service is available.
2. Manufactured homes, portable units, modular structures, travel trailers when used as a dwelling while a residential building on the same lot is being constructed or when a damaged residential building is being repaired, when adequate sewer and water is available.
3. Manufactured homes when used for housing elderly or disabled relatives of the occupant of an existing residence, when such relatives require constant supervision and care, and when adequate sewer and water is available.
4. Manufactured homes, portable units, modular structures, or travel trailers when used to support construction or site development.
5. Guests of Redmond residents in recreational vehicles when in compliance with RZC 21.40.010.G, *Parking and Storage of Recreational, Utility, and Commercial Vehicles and Vessels in Residential Neighborhoods.*
6. Recycling and collection centers that meet all of the following requirements:
   a. Containers and structures shall be located on private property and not on public rights-of-way. The property owner's approval must be obtained, and the Planning Department notified that the structure will be located at that site;
   b. Structures shall not interfere with traffic circulation or visibility at intersections;
   c. The owner's name and telephone number shall be clearly posted on the structure or container; and
   d. If located in a parking area, the structures or containers shall take up no more than three parking stalls. One collection structure and associated staff booth are allowed in parking

lots of 200 stalls or less and one additional container and staff booth for every additional 200 stalls;

7. Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain;

8. Garage sales, moving sales, and similar activities for the sale of personal belongings when operated not more than three days in the same week and not more than twice in the same calendar year. Allowed in all residential zoning districts;

9. Fund-raising car washes that meet the requirements for discharge of wastewater established by the City of Redmond Natural Resources Division;

10. Motorized catering that remains at one location for no more than three hours per day;

11. Circuses, carnivals, fairs, or similar transient amusement or recreational activities. Such uses are subject to RMC Chapter 5.28, *Shows, Carnivals and Circuses*;

12. Activities, vendors and booths associated with City of Redmond-sponsored or authorized special events;

13. Individual booths in an approved temporary use site for group retail identified under subsection E.5 of this section;

14. Weekend (Saturday and Sunday) only, warehouse sales in Business Park, Manufacturing Park, and Industry zones, when held no more than once a month in an existing facility.

(Ord. 2709)

Effective on: 10/26/2013

21.46.030 Decision Criteria

A. Temporary uses may be authorized only when all the following determinations can be made:

1. The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site.

2. The temporary use will not significantly impact public health, safety or convenience, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct or uses and activities in the vicinity.

3. The temporary use will not be materially detrimental to the surrounding uses in terms of traffic, noise, and other external effects.

B. **General Conditions.**

1. A temporary use conducted in a parking facility shall not occupy or remove from availability more than 25 percent of the spaces required for the permanent use.

2. Each site occupied by a temporary use must provide or have available sufficient parking and vehicular maneuvering area for customers or other users. Such parking need not comply with RZC 21.40.010.G, *Parking and Storage of Recreational, Utility, and Commercial Vehicles and Vessels in Residential Neighborhoods*, but must provide safe and efficient interior circulation and ingress and egress to and from public rights-of-way.

3. The temporary use shall comply with all applicable standards of the Seattle-King County Health Department.

4. No temporary use shall occupy or use public parks in any manner unless specifically approved by the Parks Department.

5. All temporary uses shall obtain, prior to occupancy of the site, all applicable City of Redmond permits, licenses and other approvals (e.g., business license, building permit, administrative approvals, etc.).

6. The applicant for a temporary use shall supply written authorization from the owner of the property on which the temporary use is located.

7. Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of the temporary use upon completion of removal of the use.

8. All materials, structures, and products related to the temporary use must be removed from the premises between days of operation on the site, provided that materials, structures, and products related to the temporary use may be left on-site overnight between consecutive days of operation. By virtue of having been in consistent operation prior to the existence of the ordinance codified in this chapter, the open air craft and farmers market operation, commonly known as the Saturday Market, shall be allowed to store structures on-site between weekly activity of the market, but such structures must be reviewed by the Administrator annually and permission to leave them in place between market sessions may be denied if they become a visual blight, safety, or health problem. They shall be removed at the end of the permit period.

9. Additional conditions may be established as necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include, but are not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirement for screening or enclosure, and guarantees for site restoration and cleanup following temporary uses.

C. Temporary encampments must also meet the following criteria:

1. The applicant shall apply for a temporary use permit at least 30 days before the planned opening of the temporary encampment.

2. The encampment shall be limited to a maximum of 100 persons. After the encampment reaches its 100-person capacity, individuals who arrive after sundown (and meet all

screening criteria) will be allowed to stay for one night, after which they will not be permitted entry until a vacancy is available. Such occurrences shall be logged and reported to the City on a weekly basis.

3. ~~**A temporary encampment shall be limited to a maximum of 110 days within any 365-day time period at one location. This 110-day time limit shall control over the six-month time limit specified for short-term temporary uses in RZC 21.46.020.A.**~~ **The encampment temporary use permit may be revocable at any time if the encampment is found to be non-compliant with this chapter or conditions placed upon the permit.**

4. The encampment or the parking of any vehicles associated with the application shall not displace the host site's parking lot in such a way that the host site no longer meets the minimum or required parking of the principal use as required by code or previous approvals unless an alternative parking plan has been approved by the Administrator.

5. The temporary encampment managing organization shall maintain a resident log for all who are residing at the encampment. Such log shall be kept on-site at the encampment. Prospective encampment residents shall be asked to provide a reasonable form of identification when signing the log.

6. The Administrator may impose additional conditions for the purpose of maintaining the health, safety, and welfare of people in and around the temporary encampment, relating but not limited to any or all of the following:

   a. Encampment resident code of conduct;

   b. The presence of minors in the encampment;

   c. The provision of transportation to/from the encampment; and

   d. Setbacks and screening.

D. Temporary encampments shall be processed as a Type I Permit with the following modifications:

1. A Notice of Application shall be mailed and posted on-site meeting the standards outlined in RZC 21.76.080.B, *Notice of Application*.

2. A minimum of one Major Land Use Action Sign shall be posted on-site meeting the requirements outlined in RZC Appendix 6, *Extraordinary Notice Requirements*.

3. Prior to the decision on the application for a temporary encampment, the Administrator shall require that a neighborhood meeting be held.

4. **The aforementioned subsection shall only be applicable to the initial application, with the exception of mailed notices. A mailed notice shall be sent prior to each stay in accordance to RZC 21.76.080.B. All subsequent stays as a part of this application shall only require administrative review.**

E. **Emergencies.** The Administrator may waive these requirements when a natural or manmade disaster necessitates the immediate establishment of a temporary encampment.

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

Planning Commission Issues Matrix for December 9, 2015

Issue	Discussion Notes	Status
1. Is a 110-day encampment stay too short a duration? (O'Hara)	Planning Commission Discussion 12/2: The Commission asked staff to explore whether or not limiting an encampment stay to 110 days is too short a duration? 12/9: See the Planning Commission Report for recommendation and reasoning. Staff Response/Recommendation 12/9: 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. 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. Public Comment 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.	Opened 12/2/15 Closed 12/9/15
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)	Planning Commission Discussion 12/2: 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. 12/9: See the Planning Commission Report for recommendation and reasoning. Staff Response/Recommendation 12/9: 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.	Opened 12/2/15 Closed 12/9/15

Issue	Discussion Notes	Status
	Public Comment Testimony was given requesting the proposed initial temporary use encampment permit be valid for five 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)	Planning Commission Discussion 12/2: The Commission asked staff to explore if the proposed temporary use encampment regulations could be retroactive, such as to January 1, 2015. 12/9: The Commission was satisfied with staff's response and closed the issue. Staff Response/Recommendation 12/9: 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. Public Comment	Opened 12/2/15 Closed 12/9/15
4. What is the cost of similar permits in other local jurisdictions? (O'Hara)	Planning Commission Discussion 12/2: The Commission asked for a comparison table showing costs of obtaining similar permits for temporary encampments in other local jurisdictions. 12/9: See the Planning Commission Report for recommendation and reasoning. Staff Response/Recommendation 12/9: 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 are not contained in the Zoning Code. Staff recommends keeping the code amendment as-	Opened 12/2/15 Closed 12/9/15

Issue	Discussion Notes	Status
	is. <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.	
5. What is the timeframe to similar permits in other local jurisdictions? (O'Hara)	<u>Planning Commission Discussion</u> 12/2: The Commission asked staff for a comparison table showing timeframes for processing similar permits for temporary encampments in other local jurisdictions. 12/9: The Commission was satisfied with staff's response and closed the issue. <u>Staff Response/Recommendation</u> 12/9: 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. Staff recommends keeping the code amendment as-is. <u>Public Comment</u> Testimony was given stating the process to obtain a permit takes a while and is somewhat cumbersome.	Opened 12/2/15 Closed 12/9/15
6. Why are encampments viewed as temporary uses versus a permanent use? (Biethan)	<u>Planning Commission Discussion</u> 12/2: The Commission asked staff the rationale for considering homeless encampments temporary uses verses permanent uses. 12/9: The Commission was satisfied with staff's response and closed the issue. <u>Staff Response/Recommendation</u> 12/9: 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,	Opened 12/2/15 Closed 12/9/15

Issue	Discussion Notes	Status
	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. Staff also clarified that any short term temporary uses are limited to 6 months. <u>Public Comment</u>	
7. What do the regulations limit stays to 110 days? (Haverkamp)	<u>Planning Commission Discussion</u> 12/2: The Commission asked staff to provide the history behind limiting temporary encampment stays to 110 days. 12/9: See the Planning Commission Report for recommendation on length of stay and reasoning. <u>Staff Response/Recommendation</u> 12/9: 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. <u>Public Comment</u>	Opened 12/2/15 Closed 12/9/15
8. Why is there a period of 365 days between encampment stays? (Haverkamp)	<u>Planning Commission Discussion</u> 12/2: The Commission asked staff to provide the history behind requiring a 365 day period between encampment stays. 12/9: See the Planning Commission Report for recommendation and reasoning. <u>Staff Response/Recommendation</u> The 365 day wait in between stays was drafted to match comparable cities. <u>Public Comment</u>	Opened 12/2/15 Closed 12/9/15

Exhibit C

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 bereceived. 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 Matthysse, 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. Matthysse 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. Matthysse noted that there was a State Supreme Court ruling from December, 1997 that spoke to the issue in regard to religious freedom.

Ms. Matthysse 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. Matthysse 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. Matthysse asked that the Commission review the situation as a public health and safety issue for everyone. Ms. Matthysse hoped that the Commission and City would continue to work with Camp Unity in order to continue conversations. Commissioner Miller asked Ms. Matthysse if she was in favor or opposed to the proposed amendment, and Ms. Matthysse 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. Matthysse 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. Matthysse was opposed and Ms. Matthysse 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

_____ _____

EXHIBIT E

1. The fee reduction to include 3 stays over a 5 year period is better than the existing fee of $2652 however this is still a high cost to the hosting faith community. The higher fees in Redmond create barriers for us to find host communities.

2. 110 days is a shorter timeframe than the King County timeframe. Moving is very stressful for people experiencing homelessness. A longer more consistent time frame provides us with more time to live, and to find our next host site.

3. Only allowing a host community to host once in a 365 day timeframe creates a barrier to having a safe place to stay. This decision to host sooner than 365 days should be a decision of the host faith community.

Thank you for your consideration.

Camp Unity Eastside

Name Address

Paula Matthysse
Secretary
Camp Unity Board of Directors

Mike Minor

Melonie Jones

Robert McCaleb

Edward E. St. Clair III

Michael Leary

Sonja Leonard

Michael Peacock

Bam Brown

Brian Hagquist

David Lee

From: kmub@comcast.net
Sent: Wednesday, December 09, 2015 9:42 AM
To: David Lee
Cc: Alexander Bryant; Glen Uhlenkott
Subject: Homeless Encampment Temporary Use Permits

Hello!

I am a member of St. Jude's Catholic Parish as well as a resident of the City of Redmond. I am writing in regard to the changes being considered to Homeless Encampment Temporary Use Permits.

I strongly feel that the commission should approve lowering the permit fee to a level similar to those charged by other eastside cities and allow 5 stays over the course of 5 years, once a permit is issued to a host facility. I'd also like to see the effective date of the homeless permit changes begin (retroactively) to January 1, 2015, in order to include the permit issued to the parish of St. Jude in early 2015.

I think these changes will help Redmond continue to be the kind of city I can feel proud to live in – one that provides a high quality of living for its residents but one that is also open to sharing its benefits with others!

Thank you for your consideration,

Kristi Bryant
11314 179th Court NE
Redmond, WA 98052
425-883-4070

Click here to report this email as spam.

David Lee

From: Gary Callero <gmcallero@comcast.net>
Sent: Tuesday, December 08, 2015 11:01 AM
To: Planning Commission
Subject: Recommended changes to temporary use permitting processes and ordinances for encampments/Homeless in Redmond (RZC 21.46)

As a parishioner in St Jude parish over the last few years we have been privileged to host Camp Unity on multiple occasions. This activity is beneficial to both the residents of the encampment and the congregation of St Jude for a host of reasons, not the least of which is the ability to share our resources with others in our community that are not currently in favorable circumstances. The impact on our community is positive. However, there still exists a downside that makes this activity less appealing for both the Parish and the camp residents.

At the public meeting on December 2, 2015 points of discussion were aired and as parishioners of Redmond and having been involved with the Camp Unity in the past, it is our opinion that the following changes would be beneficial to all involved.

We would request that the following recommendations be accepted:

- Extend the **permit approval to a period of five (5) years** – REDUCING THE ADMINISTRATIVE WORKLOAD for the City of Redmond and the host/encampment personnel.
- Increasing the length of stay on the host site to **at least 120 days** – adding an additional degree of STABILITY to the already unstable living environment of the residents of the encampment.
- Allowing up to **five (5) stays** during the five year period of each permit. There are not currently a large number of host sites available and until such time as that changes, return engagements may become necessary.
- In addition, since the permits issued to St Jude and Redwood Family Church, apparently twice already this year, for $2,652 have already been executed it would be beneficial if these **existing 2015 permits be grandfathered in with the modified ordinance terms and language.**

Thank you for considering these changes,

Gary & Mary Lou Callero
Parishioners
St Jude Parish

Click here to report this email as spam.

David Lee

From: Tyler Moynihan <tymoynihan@gmail.com>
Sent: Tuesday, December 08, 2015 9:28 AM
To: Planning Commission
Subject: Homeless Encampment Fees and Permits

To the planning commission,

Hello. I am a Redmond resident and I would like to provide input into the homeless encampment fees and permits following the discussion last week. It seems only appropriate that the permit fee be more in line with the fee charged by other cities. The city of Redmond charges more than 10 times the city of Kirkland charges. Additionally, once a church pays the permit fee, they should not have to pay it again in the event they host a subsequent encampment. The City of Redmond should allow as many stays as Redmond churches will allow in a given period of time and should not place limits. Lastly, the new homeless permit should be effective Jan 1, 2015 so that the churches who paid the exorbitant fee in 2015 would not have to pay it again for a while.

Thank you,

Tyler Moynihan

Click here to report this email as spam.

David Lee

From: Roger Franz <rogerfranz@gmail.com>
Sent: Monday, December 07, 2015 10:03 PM
To: Planning Commission
Subject: Redmond's encampment ordinance
Attachments: ProposedRedmondOrdinanceLetter-rwfranz-v3.pdf

I have attached my letter regarding this matter.

Thank you for taking up the matter of changing your encampment ordinance.

Sincerely,

Roger Franz
Seattle, WA

--
==========
Roger Franz
rogerfranz@gmail.com

Roger Franz
1413 3rd Ave #108
Seattle, WA 98101
rogerfranz@gmail.com
December 7, 2015

City of Redmond, Planning Commission
Department of Planning and Community Development
Mail Stop 4SPL
P.O. Box 97010
Redmond, WA 98073-9710

Redmond Planning Commissioners:

At the December 2 meeting of the Planning Commission, I spoke about burdens on religious freedom. I believe Redmond's encampment ordinance, as it exists, is unconstitutional and unlawful.

> *Even a law which generally applies to all, if it substantially burdens a church's exercise of its religious freedom and there are alternatives available, is unconstitutional under Washington State's Constitution, and, if it is land use law, is unlawful under the Religious Land Use and Institutionalized Persons Act.*

Washington's courts and federal courts have held this to be true repeatedly.

Some of you asked a very good question: "Why are we using a permitting process for encampments?" I think Meishelle Haverkamp asked this specific question, though not in those exact words.

You should know, then, that not all cities in Washington have chosen the Temporary Use Permit as the means for working with encampments. The city of Battleground uses a radically different approach, and the city of Tukwila has no encampment ordinance. Neither requires a permit for a church to host an encampment.

I believe that the Redmond ordinance must be replaced and not merely amended, as the substantial cost of a temporary use permit is a burden on freedom of religion. Accordingly, I suggest the approach taken by Battleground, WA. Here's how that might look:

> **Temporary encampments for the homeless.**
>
> **Pursuant to RCW 35.21.915, 35A.21.360, and 36.01.290, temporary encampments for the homeless are authorized by right by a hosting religious organization. The following standards shall apply:**
>
> **A religious organization may host temporary encampments for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings.**
>
> **A public health official, fire marshal, or code enforcement official**

shall perform a site inspection of the facility to assure the necessary measures are in place to protect public health and safety. This inspection is to take place at least three days after the encampment is set up, and within ten days after the encampment is set up. Any actions determined to be corrected shall not substantially burden the religious organization.

The religious organization shall pay the city the actual costs associated with the review and approval of the encampment.

For the purposes of this section, "religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

Any appointed or elected public official or public employee of this city is immune from civil liability for (1) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (2) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

This avoids the permitting process by simply granting religious organizations the right to host.

It cuts the cost to a small amount, making inconsequential the burden on freedom of religion. With this kind of an ordinance in place, even small congregations with large parking lots might be able to host encampments.

Thank you for listening to the concerns of the community, and for considering a different path forward.

Sincerely,

Roger Franz

cc:

Church Council of Greater Seattle (Michael Ramos) (mramos@thechurchcouncil.org)
Greater Seattle Cares (info@greaterseattlecares.org)

David Lee

From: Lauren M <laurenm@live.com>
Sent: Monday, December 07, 2015 9:49 PM
To: Planning Commission
Subject: Homeless encampment permit fees and rules

I want to provide some resident feedback on the permit process and fees charged for homeless encampments in Redmond. For way too long, Redmond has been charging local churches egregiously high fees to host encampments on the churches' own property and at their own operating cost. With the burgeoning homeless problem in Redmond, common sense would dictate that the city of Redmond might even subsidize these encampments rather than penalize churches for supporting them. I hope that the Redmond permit fee, which is more than 10 times what Kirkland charges, is reduced to be in line with Kirkland's fee, and that this fee is applied one time, and not as a penalty each time a church hosts an encampment. I also would ask that churches be allowed to host encampments as often as they are willing and able to, as it's a violation of religious freedom not to allow a church to practice its faith on its own property with the support of its own church members. The current situation in Redmond is neither logical nor ethical. The homeless wont go away just because we make it harder for them to find a place to sleep. They will just sleep on benches, which is less safe for the homeless and the community. Lastly, I would hope that any actions taken are retroactive from January 1, 2015 so that the exorbitant fee charged to churches in 2015 can at least be applied to future encampments going forward.

Thanks so much in advance,
Lauren Moynihan
Redmond resident

Click here to report this email as spam.

David Lee

From: Andreas Gunawan <andreas.gunawan@gmail.com>
Sent: Monday, December 07, 2015 12:31 PM
To: Planning Commission
Subject: Hosting of Homeless encampment.

Redmond Planning Commission.

This is to let you know that we,

Agatha Gunawan and Andreas Gunawan, both residents at 16635 NE 119th Way, Redmond, WA 98052,

fully support the recommendations of St, Jude Parishioners which is:

1. Lower the permit fee to be more in line with other east side cities, or even lower if possible.

2. Allow 5 stays over 5 years once a permit to host is issued,

3. Make the effective date beginning 1/1/2015. including permit issued to St Jude in 2015.

Regards.

Evie and Andreas Gunawan.

Click here to report this email as spam.

David Lee

From: LISA URSINO PAVITT <lmup_54@msn.com>
Sent: Sunday, December 06, 2015 10:09 PM
To: Planning Commission
Subject: St. Jude Parish and Camp Unity

Redmond Planning Commission

I understand that St. Jude Parish (in which I am not a member), had to pay $2,652 for a permit to hose Camp Unity. I also understand that this is TEN TIMES higher than ANY OTHER homeless encampment permit fee charged by ANY OTHER CITY on the Eastside! Why is that? Is it to try and make that church NOT live out the mission to offer shelter to the homeless? Camp Unity has proven to the community already that they are effective, organized and strict about the behaviors of the residents. Please lower this fee to be more in line with other Eastside cities.

Please allow this church or any other sponsor organization to allow them to stay at the site 5 times over the 5 years since this church was issued the permit on 1/1/2015.

This generous church is part of a solution and not a problem. Homelessness is REAL. People who want to help are REAL. Do not be a part of the problem. Please be a part of the solution, allowing this church to help the homeless for a period of time.

I do not attend St. Jude, but I go to Meadowbrook Church in Redmond. I have helped deliver and serve meals at Camp Unity and have donated tents to them. Letting St. Jude's have Camp Unity and Tent City come, gives me the opportunity to serve people that have found themselves in a bad situation.

Over 25 years ago, I was homeless. Friends let me stay on couches sometimes, and I slept in my car as well. Although I did have places I could go, it would not have been good for my mental health. Homelessness is not always a choice, sometimes it is simply a decision to be away from harm or away from situations that we cannot judge.

Please allow people on the eastside to reach out to the homeless!

Sincerely,

Lisa M. Ursino

23638 NE Twinberry Way
Redmond, WA 98053

David Lee

From: murielursino@comcast.net
Sent: Sunday, December 06, 2015 7:41 PM
To: Planning Commission
Subject: issue of homeless encampments

As a resident of Redmond and a parishioner of St. Jude Parish, I strongly urge the commission members to change current measures regarding homeless encampments, and to adopt the following:

1. That the City of Redmond allow homeless encampments to stay 120 days at any site.
2. That the City of Redmond lower the permit fee to one comparable to fees charged by other cities on the east side
3. That the City of Redmond allow a homeless encampment at a host site **5** stays per permit over a period of 5 years.
4. That the the effective date of the homeless permit changes be effective as of 1/1/2015.

Respectfully submitted,

Muriel Ursino

23638 NE Twinberry Way

Redmond, WA 98053

Click here to report this email as spam.

David Lee

From: Rob Sonderman <r_sonder@hotmail.com>
Sent: Sunday, December 06, 2015 12:41 PM
To: Planning Commission; frjohnson@stjude-redmond.org; betty@stjude-redmond.org
Subject: Comments on The Homeless in Redmond

Dear Redmond Planning Commission Members:

I would like to share my comments on the Homeless in Redmond as a resident of Redmond and St. Jude parishioner. In terms of background, I have personally been involved with every single homeless encampment at St. Jude providing labor for move in/ move out as well as meal preparation. I will keep my comments brief:
> Homeless tent encampments are not a permanent solution, BUT do provide a valuable and effective alternative to the homeless living on the street. They are safer for the homeless and safer for the community at large given their "self-governance" and screening of residents. There are also benefits to the community in terms of sanitation and access to services.

> I would like to recommend that homeless encampments have stays beyond the current 90 day limit. As someone that has actively planned and participated in numerous moves, these require an incredible amount of work by both the residents and the community. I would prefer a limit of up to 6 months assuming the host (such as St. Jude) has a strong track record of supporting and hosting an encampment with little or no negative community impact.

> I think the cost of permits should be reduced or eliminated as the organizations providing the valuable service of hosting homeless encampments are typically not for profit organizations and the permit fee decreases the ability of the hosting organization to provide services directly to the homeless. Essentially, hosting organizations are already saving the City of Redmond money by hosting the camps and shouldn't be "taxed" for doing a community service.

> I support that a permit should cover 5 stays per permit over a 5 year period. and that the homeless permit changes be effective starting January 1 to "grandfather" in the permit issued to St. Jude's in early 2015.

Thank you for your consideration of my comments.

Rob Sonderman

425-867-1810

Click here to report this email as spam.

TECHNICAL COMMITTEE REPORT

To:	Planning Commission
From:	Technical Committee
Staff Contacts:	Cathy Beam, AICP Principal Planner, 425-556-2429 David Lee, Senior Planner, 425-556-2462 Ben Sticka, Planner, 425-556-2470
Date:	November 6, 2015
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:

City Hall • 15670 NE 85th Street • PO Box 97010 • Redmond, WA • 98073-9710

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).

ROBERT G. ODLE,
Director of Planning and Community Development

LINDA E. DE BOLDT,
Director of Public Works

"EXHIBIT A"

ARTICLE II CITYWIDE REGULATIONS

RZC 21.46 TEMPORARY USES

21.46.010 Purpose

The following provisions authorizing and regulating certain temporary uses are intended to permit temporary uses and structures when consistent with the Zoning Code and when safe and compatible with the general vicinity and adjacent uses.

Effective on: 4/16/2011

21.46.020 Scope

A. A short-term temporary use permit shall be required for any temporary use of no more than six months in duration. The six months need not run consecutively. The six months may occur at any time within a calendar year as long as each day of operation is designated and approved. A day of operation shall mean any or part of any day in which the business is conducted. Applications for a short-term temporary use permit (six months or less) shall follow the procedures for a Type I review pursuant to RZC 21.76.050.F or as modified herein. Short-term temporary use permits shall not be renewed, and any temporary use that will extend beyond six months shall be conducted only after approval of a long-term temporary use permit.

B. An encampment temporary use permit shall be valid for a five year period based on the following criteria:

1. **Once approved, the encampment may occur at the host site for a maximum of three visits within a five year period if the site plan and conditions that were originally approved remain unchanged;**
2. **The encampment shall comply with the provisions outlined in this chapter;**
3. **All conditions of approval were fulfilled during the previous stay;**
4. **A temporary encampment stay shall be limited to a maximum of 110 days within any 365-day time period at one location; and**
5. **There shall be a minimum of 365 days between the end of the 110-day stay and the next approved encampment.**

C. A long-term temporary use permit shall be required for any temporary use longer than six months in duration. A long-term temporary use permit shall be valid for a maximum of two years from the date the permit is issued or the end of the permit activity, whichever comes first. Applications for a long-term temporary use permit (longer than six months) shall follow the procedures for a Type V review pursuant to RZC 21.76.050.J.

D. A long-term temporary use permit may be renewed, provided that:

1. The permit renewal must be applied for in advance of the expiration of the original term;
2. The permit renewal shall follow the procedures for a Type V review pursuant to RZC 21.76.050.J;
3. The applicant shall pay a renewal fee equal to that prescribed by Council resolution for a new long-term temporary use permit; and
4. The application for renewal meets the decision criteria outlined in RZC 21.46.030.A;
5. The renewal may be conditioned upon the construction or installation of such improvements that are necessary to serve the temporary use and to mitigate impacts of the temporary use, taking into account the duration of the use.
6. A long-term temporary use permit may be renewed for one or more additional two-year renewal terms if the conditions of this subsection are met at the time of such renewal.

E. Upon expiration of the initial term of a short- or long-term temporary use permit or upon the expiration of any renewal term of a long-term temporary use permit, either:

1. The temporary use shall immediately cease, and the property on which the use was located shall be restored as nearly as practicable to the state it was in prior to commencement of the temporary use; or
2. If the applicant has applied for and received all permits necessary to make such temporary use permanent, the temporary use may continue until any necessary construction under such permits is completed and the use meets all requirements for a permanent use of the property as long as the applicant diligently pursues completion of the improvements and compliance with the requirements.

F. The following types of temporary uses, activities and associated structures may be authorized, subject to specific limitations noted herein and as noted in RZC 21.46.030, *Decision Criteria*, and as may be established by the Administrator:

1. Outdoor art and craft shows and exhibits;
2. Retail sales such as Christmas trees, seasonal retail sale of agricultural or horticultural products, firewood, seafood, etc.;

3. Mobile services such as veterinary services for purposes of giving shots;
4. Vending cart. No mechanical, audio or noise-making devices, nor loud shouting or yelling will be permitted to attract attention;
5. Group retail sales, such as swap meets, flea markets, parking lot sales, Saturday Market, auctions, etc.;
6. Temporary encampments that comply with the conditions outlined in this chapter;
7. Temporary parking lots used during construction or site development;
8. The Administrator may authorize additional temporary uses not listed in this subsection, when it is found that the proposed uses are in compliance with the provisions pursuant to this chapter.

G. **Exemptions.** The following activities and structures are exempt from requirements to obtain temporary use approval:

1. Portable units or modular structures when used to provide temporary classrooms at schools, provided that adequate sewer and water service is available.
2. Manufactured homes, portable units, modular structures, travel trailers when used as a dwelling while a residential building on the same lot is being constructed or when a damaged residential building is being repaired, when adequate sewer and water is available.
3. Manufactured homes when used for housing elderly or disabled relatives of the occupant of an existing residence, when such relatives require constant supervision and care, and when adequate sewer and water is available.
4. Manufactured homes, portable units, modular structures, or travel trailers when used to support construction or site development.
5. Guests of Redmond residents in recreational vehicles when in compliance with RZC 21.40.010.G, *Parking and Storage of Recreational, Utility, and Commercial Vehicles and Vessels in Residential Neighborhoods.*
6. Recycling and collection centers that meet all of the following requirements:
    a. Containers and structures shall be located on private property and not on public rights-of-way. The property owner's approval must be obtained, and the Planning Department notified that the structure will be located at that site;
    b. Structures shall not interfere with traffic circulation or visibility at intersections;
    c. The owner's name and telephone number shall be clearly posted on the structure or container; and
    d. If located in a parking area, the structures or containers shall take up no more than three parking stalls. One collection structure and associated staff booth are allowed in parking

lots of 200 stalls or less and one additional container and staff booth for every additional 200 stalls;

7. Model homes or apartments and related real estate sales and display activities located within the subdivision or residential development to which they pertain;

8. Garage sales, moving sales, and similar activities for the sale of personal belongings when operated not more than three days in the same week and not more than twice in the same calendar year. Allowed in all residential zoning districts;

9. Fund-raising car washes that meet the requirements for discharge of wastewater established by the City of Redmond Natural Resources Division;

10. Motorized catering that remains at one location for no more than three hours per day;

11. Circuses, carnivals, fairs, or similar transient amusement or recreational activities. Such uses are subject to RMC Chapter 5.28, *Shows, Carnivals and Circuses*;

12. Activities, vendors and booths associated with City of Redmond-sponsored or authorized special events;

13. Individual booths in an approved temporary use site for group retail identified under subsection E.5 of this section;

14. Weekend (Saturday and Sunday) only, warehouse sales in Business Park, Manufacturing Park, and Industry zones, when held no more than once a month in an existing facility.

(Ord. 2709)

Effective on: 10/26/2013

21.46.030 Decision Criteria

A. Temporary uses may be authorized only when all the following determinations can be made:

1. The temporary use will not impair the normal, safe, and effective operation of a permanent use on the same site.

2. The temporary use will not significantly impact public health, safety or convenience, or create traffic hazards or congestion, or otherwise interrupt or interfere with the normal conduct or uses and activities in the vicinity.

3. The temporary use will not be materially detrimental to the surrounding uses in terms of traffic, noise, and other external effects.

B. **General Conditions.**

1. A temporary use conducted in a parking facility shall not occupy or remove from availability more than 25 percent of the spaces required for the permanent use.

2. Each site occupied by a temporary use must provide or have available sufficient parking and vehicular maneuvering area for customers or other users. Such parking need not comply with RZC 21.40.010.G, *Parking and Storage of Recreational, Utility, and Commercial Vehicles and Vessels in Residential Neighborhoods*, but must provide safe and efficient interior circulation and ingress and egress to and from public rights-of-way.
3. The temporary use shall comply with all applicable standards of the Seattle-King County Health Department.
4. No temporary use shall occupy or use public parks in any manner unless specifically approved by the Parks Department.
5. All temporary uses shall obtain, prior to occupancy of the site, all applicable City of Redmond permits, licenses and other approvals (e.g., business license, building permit, administrative approvals, etc.).
6. The applicant for a temporary use shall supply written authorization from the owner of the property on which the temporary use is located.
7. Each site occupied by a temporary use shall be left free of debris, litter, or other evidence of the temporary use upon completion of removal of the use.
8. All materials, structures, and products related to the temporary use must be removed from the premises between days of operation on the site, provided that materials, structures, and products related to the temporary use may be left on-site overnight between consecutive days of operation. By virtue of having been in consistent operation prior to the existence of the ordinance codified in this chapter, the open air craft and farmers market operation, commonly known as the Saturday Market, shall be allowed to store structures on-site between weekly activity of the market, but such structures must be reviewed by the Administrator annually and permission to leave them in place between market sessions may be denied if they become a visual blight, safety, or health problem. They shall be removed at the end of the permit period.
9. Additional conditions may be established as necessary to ensure land use compatibility and to minimize potential impacts on nearby uses. These include, but are not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirement for screening or enclosure, and guarantees for site restoration and cleanup following temporary uses.

C. Temporary encampments must also meet the following criteria:

1. The applicant shall apply for a temporary use permit at least 30 days before the planned opening of the temporary encampment.
2. The encampment shall be limited to a maximum of 100 persons. After the encampment reaches its 100-person capacity, individuals who arrive after sundown (and meet all

screening criteria) will be allowed to stay for one night, after which they will not be permitted entry until a vacancy is available. Such occurrences shall be logged and reported to the City on a weekly basis.

3. **~~A temporary encampment shall be limited to a maximum of 110 days within any 365-day time period at one location. This 110-day time limit shall control over the six-month time limit specified for short-term temporary uses in RZC 21.46.020.A.~~ The encampment temporary use permit may be revocable at any time if the encampment is found to be non-compliant with this chapter or conditions placed upon the permit.**

4. The encampment or the parking of any vehicles associated with the application shall not displace the host site's parking lot in such a way that the host site no longer meets the minimum or required parking of the principal use as required by code or previous approvals unless an alternative parking plan has been approved by the Administrator.

5. The temporary encampment managing organization shall maintain a resident log for all who are residing at the encampment. Such log shall be kept on-site at the encampment. Prospective encampment residents shall be asked to provide a reasonable form of identification when signing the log.

6. The Administrator may impose additional conditions for the purpose of maintaining the health, safety, and welfare of people in and around the temporary encampment, relating but not limited to any or all of the following:

   a. Encampment resident code of conduct;

   b. The presence of minors in the encampment;

   c. The provision of transportation to/from the encampment; and

   d. Setbacks and screening.

D. Temporary encampments shall be processed as a Type I Permit with the following modifications:

1. A Notice of Application shall be mailed and posted on-site meeting the standards outlined in RZC 21.76.080.B, *Notice of Application*.

2. A minimum of one Major Land Use Action Sign shall be posted on-site meeting the requirements outlined in RZC Appendix 6, *Extraordinary Notice Requirements*.

3. Prior to the decision on the application for a temporary encampment, the Administrator shall require that a neighborhood meeting be held.

4. **The aforementioned subsection shall only be applicable to the initial application, with the exception of mailed notices. A mailed notice shall be sent prior to each stay in accordance to RZC 21.76.080.B. All subsequent stays as a part of this application shall only require administrative review.**

E. **Emergencies.** The Administrator may waive these requirements when a natural or manmade disaster necessitates the immediate establishment of a temporary encampment.

EXHIBIT "B"

CITY OF REDMOND NOTICE OF PUBLIC HEARING

PROJECT INFORMATION

FILE NUMBER: LAND-2015-01937

ZONING CODE AMENDMENT

TOPIC: TEMPORARY USE REGULATIONS FOR ENCAMPMENTS

SUBJECT: AMEND REDMOND ZONING CODE SECTION 21.46 ADDRESSING TEMPORARY USE PERMITTING PROCEDURES AND REQUIREMENTS FOR ENCAMPMENTS.

REQUESTED ACTION: PLANNING COMMISSION RECOMMENDATION ON THE PROPOSED ZONING CODE AMENDMENTS

IMPORTANT DATES

PUBLIC HEARING DATE & TIME: DECEMBER 2, 2015 AT 7:00PM OR AS SOON THEREAFTER AS POSSIBLE

PLACE: CITY COUNCIL CHAMBERS, CITY HALL 15670 NE 85TH STREET, REDMOND WA 98052

BY: CITY OF REDMOND PLANNING COMMISSION

LEGAL NOTICE: OCTOBER 28, 2015

CITY CONTACT INFORMATION:

PROJECT PLANNER NAME: CATHY BEAM, AICP
PHONE NUMBER: 425-556-2429
EMAIL: CBEAM@REDMOND.GOV

PROJECT PLANNER NAME: DAVID LEE, SENIOR PLANNER
PHONE NUMBER: 425-556-2462
EMAIL: DLEE@REDMOND.GOV

PUBLIC COMMENT

ALL INTERESTED PERSONS ARE INVITED TO COMMENT AT THE PUBLIC HEARING TO EXPRESS THEIR VIEWS OR TO SUBMIT WRITTEN TESTIMONY, OR, WRITTEN COMMENTS MAY BE SENT TO THE PLANNING DEPARTMENT PRIOR TO THE HEARING TO BE RECEIVED NO LATER THAN DECEMBER 2, 2015 AT 5:00PM. WRITTEN COMMENTS MAY BE SENT TO THE PROJECT PLANNER VIA PHONE, EMAIL OR IN PERSON TO THE PLANNING DEPARTMENT LOCATED AT CITY HALL, 15670 NE 85TH STREET, P.O. BOX 97010, REDMOND, WA, 98073-9710.

INFORMATION AVAILABLE:

A COPY OF THE PROPOSAL WILL BE AVAILABLE NO LATER THAN OCTOBER 23, 2015 FROM THE PLANNING DEPARTMENT, 4TH FLOOR OF CITY HALL AND ON THE CITY'S WEBSITE AT WWW.REDMOND.GOV/PLANNINGCOMMISSION

HEARING INFORMATION

IF YOU ARE HEARING OR VISUALLY IMPAIRED, PLEASE NOTIFY THE PLANNING DEPARTMENT AT (425) 556-2440 ONE WEEK IN ADVANCE OF THE HEARING IN ORDER TO BE PROVIDED ASSISTANCE.

EXHIBIT "C"

STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION OF NON-SIGNIFICANCE

For more information about this project visit www.redmond.gov/landuseapps

PROJECT INFORMATION

PROJECT NAME: ZONING CODE AMENDMENT TEMP ENCAMPMENT

SEPA FILE NUMBER: SEPA-2015-01938

PROJECT DESCRIPTION:
Zoning Code Text Amendment: Encampment temp use permit

PROJECT LOCATION: CITY WIDE

SITE ADDRESS:

APPLICANT: Cathy Beam

LEAD AGENCY: City of Redmond

The lead agency for this proposal has determined that the requirements of environmental analysis, protection, and mitigation measures have been adequately addressed through the City's regulations and Comprehensive Plan together with applicable State and Federal laws.

Additionally, the lead agency has determined that the proposal does not have a probable significant adverse impact on the environment as described under SEPA.

An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. **This information is available to the public on request.**

CITY CONTACT INFORMATION

PROJECT PLANNER NAME: David Lee
PHONE NUMBER: 425-556-2462
EMAIL: dlee@redmond.gov

IMPORTANT DATES

COMMENT PERIOD

Depending upon the proposal, a comment period may not be required. An **"X"** is placed next to the applicable comment period provision.

There is no comment period for this DNS. Please see below for appeal provisions.

'X' This DNS is issued under WAC 197-11-340(2), and the lead agency will not make a decision on this proposal for 14 days from the date below. Comments can be submitted to the Project Planner, via phone, fax (425)556-2400, email or in person at the Development Services Center located at 15670 NE 85th Street, Redmond, WA 98052. **Comments must be submitted by 10/29/2015.**

APPEAL PERIOD

You may appeal this determination to the City of Redmond Office of the City Clerk, Redmond City Hall, 15670 NE 85th Street, P.O. Box 97010, Redmond, WA 98073-9710**, no later than 5:00 p.m. on 11/12/2015**, by submitting a completed City of Redmond Appeal Application Form available on the City's website at www.redmond.gov or at City Hall. You should be prepared to make specific factual objections.

DATE OF DNS ISSUANCE: October 16, 2015

For more information about the project or SEPA procedures, please contact the project planner.

RESPONSIBLE OFFICIAL: Robert G. Odle
Planning Director

SIGNATURE: Robert G. Odle

RESPONSIBLE OFFICIAL: Linda E. De Boldt
Public Works Director

SIGNATURE: Linda E. De Boldt

Address: 15670 NE 85th Street Redmond, WA 98052

CITY OF REDMOND

ENVIRONMENTAL CHECKLIST
PROJECT ACTION

(Revised 5/27/15)

Purpose of the Checklsit:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the City of Redmond identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply" and indicate the reason why the question "does not apply". It is not adequate to submit responses such as "N/A" or "does not apply"; without providing a reason why the specific section does not relate or cause an impact. Complete answers to the questions now may avoid unnecessary delays later. If you need more space to write answers attach them and reference the question number.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the City can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. When you submit this checklist the City may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Planner Name: David Lee

Date of Review: 10/16/15

To Be Completed By Applicant	Evaluation for Agency Use Only
A. BACKGROUND	
1. Name of proposed project, if applicable: CODE AMENDMENT TO RZC 21.46.020: TEMPORARY USE PERMITS FOR ENCAMPMENTS	DL
2. Name of applicant: CITY OF REDMOND	DL
3. Address and phone number of applicant and contact person: CATHY BEAM 15670 NE 85TH ST; PO BOX 97010, REDMOND WA 425-556-2429	DL
4. Date checklist prepared: 10/08/15	DL
5. Agency requesting checklist: CITY OF REDMOND	DL
6. Give an accurate, brief description of the proposal's scope and nature: i. Acreage of the site: NA	DL
ii. Number of dwelling units/ buildings to be constructed: NA	DL
iii. Square footage of dwelling units/ buildings being added: NA	DL
iv. Square footage of pavement being added: NA	DL
v. Use or principal activity: TEMP ENCAMPMENT	DL
vi. Other information:	DL

To Be Completed By Applicant	Evaluation for Agency Use Only
7. Proposed timing or schedule (including phasing, if applicable): FINAL PLANNING COMMISSION MEETING BY JANUARY 13TH, 2016 WITH ADOPTION BY COUNCIL AT CLOSEST AVAILABLE MEETING	DL
8. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? ☐ Yes ☑ No If yes, explain.	DL
9. List any environmental information you know about that has been prepared or will be prepared directly related to this proposal. NA	DL
10. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? ☐ Yes ☑ No If yes, explain.	DL

To Be Completed By Applicant	Evaluation for Agency Use Only
11. List any government approvals or permits that will be needed for your proposal, if known.	
ZONING CODE AMENDMENT	DL
12. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.	
CODE AMENDMENT TO RZC 21.46.020: TEMPORARY USE PERMITS FOR ENCAMPMENTS. TO ALLOW FOR A TEMPORARY ENCAMPMENT ON A HOST SITE UP TO THREE TIMES WITHIN A FIVE YEAR PERIOD WITH ONE APPLICATION AND FEE.	DL
13. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist	
CITY WIDE	DL

To Be Completed By Applicant	Evaluation for Agency Use Only
B. SUPPLEMENTAL	
Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.	
When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.	
1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?	
N/A - NON PROJECT ACTION. PROPOSED ACTION DOES NOT INCREASE DISCHARGE TO WATER, EMISSIONS TO AIR, OR TOXINS OR PRODUCTION OF NOISE THAN WHAT IS ALREADY PERMITTED.	DL
Proposed measures to avoid or reduce such increases are:	
N/A	DL
2. How would the proposal be likely to affect plants, animals, fish, or marine life?	
N/A - NON PROJECT ACTION. PROPOSAL DOES NOT AFFECT PLANTS, ANIMALS, FISH, OR MARINE LIFE ANY MORE THAN WHAT IS CURRENTLY PERMITTED.	DL
Proposed measures to protect or conserve plants, animals, fish or marine life are:	
N/A	DL

To Be Completed By Applicant	Evaluation for Agency Use Only
3. How would the proposal be likely to deplete energy or natural resources?	
N/A - NON PROJECT ACTION. PROPOSAL WILL NOT DEPLETE ENERGY OR NATURAL RESOURCES ANY MORE THAN WHAT IS ALREADY PERMITTED.	DL
Proposed measures to protect or conserve energy and natural resources are:	
N/A	DL
4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?	
N/A - NON PROJECT ACTION. PROPOSAL DOES NOT AFFECT ENVIRONMENTALLY SENSITIVE AREAS OR AREAS DESIGNATED FOR GOVERNMENTAL PROTECTION; SUCH AS PARKS, WILDERNESS, WILD AND SCENIC RIVERS, THREATENED OR ENDANGERED SPECIES HABITAT, HISTORIC, OR CULTURAL SITES, WETLANDS, FLOOD PLAINS OR PRIME FARMLANDS ANY MORE THAN WHAT IS CURRENTLY PERMITTED.	DL
Proposed measures to protect such resources or to avoid or reduce impacts are:	
N/A	DL

To Be Completed By Applicant	Evaluation for Agency Use Only
5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?	
N/A - NON PROJECT ACTION	DL
Proposed measures to avoid or reduce shoreline and land use impacts are:	
N/A - NON PROJECT ACTION	DL
6. How would the proposal be likely to increase demands on transportation or public services and utilities?	
N/A - NON PROJECT ACTION	DL
Proposed measures to reduce or respond to such demand(s) are:	
N/A - NON PROJECT ACTION	DL

To Be Completed By Applicant	Evaluation for Agency Use Only
7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. N/A - NON PROJECT ACTION. THE PROPOSED CODE AMENDMENT DOES NOT CONFLICT WITH LOCAL, STATE, OR FEDERAL LAWS OR REQUIREMENTS FOR THE PROTECTION OF THE ENVIRONMENT.	DL

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Cathy Beam Digitally signed by Cathy Beam DN: cn=Cathy Beam Date: 2015.10.08 16:29:52 -07'00'

Name of Signee: Cathy Beam, AICP

Position and Agency/Organization: Principal Planner/City of Redmond

Relationship of Signer to Project: Applicant

Date Submitted: 10/8/15