

ORDINANCE _____

1
2 AN ORDINANCE relating to land use and zoning; amending Sections 23.43.040, 23.50.012, and
3 23.84A.038 of the Seattle Municipal Code; and adding new Sections 23.42.054,
4 23.44.053, 23.45.595, and 23.47A.036; to permit transitional encampments for homeless
5 individuals as a use accessory to religious facilities in all zones.

6 WHEREAS, there is a well-documented history of homelessness in Seattle and a demonstrated
7 need for additional facilities to address the issue; and

8 WHEREAS, faith-based communities have proven effective in providing shelter and support for
9 homeless persons, including providing space on their property for transitional
10 encampments that do not include permanent structures; and

11 WHEREAS, faith-based communities have made support of homeless persons an integral part of
12 their religious mission, and their transitional encampment activity is incidental to their
13 religious facilities; and

14 WHEREAS, transitional encampments may currently be allowed as a temporary use, in any
15 zone, without specific health and safety standards in the Seattle Land Use Code; and

16 WHEREAS, this ordinance does not change the current code provision that allows entities,
17 including secular entities, to continue to host transitional encampments after obtaining a
18 temporary use permit according to existing procedures in the Seattle Land Use Code; and

19 WHEREAS, RCW 35.21.915, permits cities regulating homeless encampments on ((a)) property
20 owned or controlled by a religious ((facility's property)) organization to impose
21 conditions necessary to protect the health and safety of the public; and

22 WHEREAS, adding specific transitional encampment health and safety standards to the Code,
23 including limits to numbers of occupants and provisions for cooking and utilities,
24 provides clear guidance to religious facilities and protects the health and safety of the
25 public; and

26 WHEREAS, agreements between religious facilities and transitional encampment operators may
27 address encampment rules that extend beyond zoning standards, including prohibiting
28 alcohol, drugs, weapons and sex offenders; or establishing rules for children in
encampments; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 23.42.054 of the Seattle Municipal Code is adopted to read as
follows:

1 **23.42.054 Transitional Encampments Accessory to Religious Facilities or to Other**
2 **Principal Uses Located on Property Owned or Controlled by a Religious Organization**

3 A. Transitional encampment accessory use. A transitional encampment is allowed as an
4 accessory use on a site in any zone, if the established principal use of the site is as a religious
5 facility or the principal use is on property owned or controlled by a religious organization,
6 subject to the provisions of subsection 23.42.054.B. A religious facility site includes property
7 developed with legally-established parking that is accessory to the religious facility. Parking
8 accessory to ~~((the))~~ a religious facility or located on property owned or controlled by a religious
9 organization that is displaced by the encampment does not need to be replaced.

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11 B. The encampment operator or applicant shall comply with the following provisions:

12 1. Allow no more than 100 persons to occupy the encampment site as residents of
13 the encampment.

14 2. Comply with the following fire safety and health standards:

15 a. Properly space, hang, and maintain fire extinguishers within the
16 encampment as required by the Fire Department;
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18 b. Provide and maintain a 100-person first-aid kit;
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20 c. Establish and maintain free of all obstructions access aisles as required
21 by the Fire Department.

22 d. Install appropriate power protection devices at any location where
23 power is provided;

24 e. Designate a smoking area;

25 f. Keep the site free of litter and garbage;

1 g. Observe all health-related requirements made by the Public Health

2 Department of Seattle & King County; and

3 h. Post and distribute to encampment residents, copies of health or safety
4 information provided by the City of Seattle, King County or any other public agency.

5 i. Prohibit any open flames except an outdoor heat source approved by the
6 Fire Department.

7
8 3. Provide toilets, running water, and garbage collection according to the
9 following standards:

10 a. Provide and maintain chemical toilets as recommended by the portable
11 toilet service provider or provide access to toilets in an indoor location;

12 b. Provide running water in an indoor location or alternatively,
13 continuously maintain outdoor running water and discharge the water to a location approved by
14 the City; and

15 c. Remove garbage frequently enough to prevent overflow.

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17 4. Cooking facilities, if they are provided, may be located in either an indoor
18 location or outdoors according to the following standards:

19 a. Provide a sink with running water in an indoor location or alternatively,
20 continuously maintain outdoor running water and discharge the water to a location approved by
21 the City;

22 b. Provide a nonabsorbent and easily-cleanable food preparation counter;

23 c. Provide a means to keep perishable food cold; and
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1 d. Provide all products necessary to maintain the cooking facilities in a
2 clean condition.

3 5. Allow officials of the Public Health Department of Seattle & King County, the
4 Seattle Fire Department, and Seattle Department of Planning and Development to inspect areas
5 of the encampment that are located outdoors and plainly visible without prior notice to determine
6 compliance with these standards.

7
8 C. A site inspection of the encampment by a Department inspector is required prior to
9 commencing encampment operations.

10 D. Parking is not required for a transitional encampment allowed under this Section
11 23.42.054.

12 Section 2. Section 23.43.040 of the Seattle Municipal Code, which section was last
13 amended by Ordinance 123378, is amended as follows:

14 **23.43.040 Accessory uses and structures**~~((; exceptions to development standards for solar
15 collectors and solariums.))~~

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17 * * *

18 F. Transitional encampments accessory use ((to religious facilities)). Transitional
19 encampments accessory to religious facilities or to principal uses located on property owned or
20 controlled by a religious organization are regulated by Section 23.42.054.

21
22 Section 3. A new Section 23.44.053 of the Seattle Municipal Code is adopted to read as
23 follows:

24 **23.44.053 Transitional encampments accessory use ((to religious facilities))**

1 Transitional encampments accessory to religious facilities or to principal uses located on
2 property owned or controlled by a religious organization are regulated by Section 23.42.054,
3 Transitional Encampments Accessory to Religious Facilities.

4 Section 4. A new Section 23.45.595 of the Seattle Municipal Code is adopted to read as
5 follows:

6 **23.45.595 Transitional encampments accessory use ((to religious facilities))**
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8 Transitional encampments accessory to religious facilities or to principal uses located on
9 property owned or controlled by a religious organization are regulated by Section 23.42.054,
10 Transitional Encampments Accessory to Religious Facilities.

11 Section 5. A new Section 23.47A.036 of the Seattle Municipal Code is adopted to read
12 as follows:

13 **23.47A.036 Transitional encampments accessory use ((to religious facilities))**
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15 Transitional encampments accessory to religious facilities or to principal uses located on
16 property owned or controlled by a religious organization are regulated by Section 23.42.054,
17 Transitional Encampments Accessory to Religious Facilities.

18 Section 6. Section 23.50.012 of the Seattle Municipal Code, which section was last
19 amended by Ordinance 123378, is amended as follows:

20 **23.50.012 Permitted and Prohibited Uses**
21

22 * * *

**Table A for 23.50.012
 Uses in Industrial Zones**

| PERMITTED AND PROHIBITED USES BY ZONE | | | | | |
|--|-----------|-----------|----------------------------------|---|---|
| USES | IB | IC | IG1 and IG2 (general) | IG1 in the Duwamish M/I Center | IG2 in the Duwamish M/I Center |

E. INSTITUTIONS

| | | | | | |
|--|-------|-------|-------|-------|-------|
| E.1. Adult care centers | X | X | X | X | X |
| E.2. Child care centers | P | P | P | P | P |
| E.3. Colleges | EB | EB | EB | X(6) | X(6) |
| E.4. Community centers and Family support centers | EB | EB | EB | P | P |
| E.5. Community clubs | EB | EB | EB | X | P |
| E.6. Hospitals | EB | EB | CU(7) | P | P |
| E.7. Institutes for advanced study | P | P | P | X | X |
| E.8. Libraries | X | X | X | X | X |
| E.9. Major institutions subject to the provisions of Chapter 23.69 | EB | EB | EB | EB | EB |
| E.10. Museums | EB | EB(9) | EB | X(8) | X(8) |
| E.11. Private clubs | EB | EB | EB | X | X |
| E.12. Religious facilities | P(15) | P(15) | P(15) | P(15) | P(15) |
| E.13. Schools, elementary or secondary | EB | EB | EB | X | X |
| E.14. Vocational or fine arts schools | P | P | P | P | P |

(15) Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.

Section 7. Section 23.84A.038 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.84A.038 "T"

* * *

"Transitional Encampment" means a use having tents or a similar shelter that provides temporary quarters for sleeping and shelter. The use may have common food preparation, shower, or other commonly-used facilities that are separate from the sleeping shelters.

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Section 8. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

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Section 9. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2011, and signed by me in open session in authentication of its passage this ____ day of _____, 2011.

President _____ of the City Council

Approved by me this ____ day of _____, 2011.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2011.

Monica Martinez Simmons, City Clerk

(Seal)

#19
117288

Bill Mills
DPD Transitional Encampment ORD
August 4, 2011
Version #11

ORDINANCE _____

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AN ORDINANCE relating to land use and zoning; amending Sections 23.43.040, 23.50.012, and 23.84A.038 of the Seattle Municipal Code; and adding new Sections 23.42.054, 23.44.053, 23.45.595, and 23.47A.036; to permit transitional encampments for homeless individuals as a use accessory to religious facilities in all zones.

WHEREAS, there is a well-documented history of homelessness in Seattle and a demonstrated need for additional facilities to address the issue; and

WHEREAS, faith-based communities have proven effective in providing shelter and support for homeless persons, including providing space on their property for transitional encampments that do not include permanent structures; and

WHEREAS, faith-based communities have made support of homeless persons an integral part of their religious mission, and their transitional encampment activity is incidental to their religious facilities; and

WHEREAS, transitional encampments may currently be allowed as a temporary use, in any zone, without specific health and safety standards in the Seattle Land Use Code; and

WHEREAS, this ordinance does not change the current code provision that allows entities, including secular entities, to continue to host transitional encampments after obtaining a temporary use permit according to existing procedures in the Seattle Land Use Code; and

WHEREAS, RCW 35.21.915, permits cities regulating homeless encampments on a religious facility's property to impose conditions necessary to protect the health and safety of the public; and

WHEREAS, adding specific transitional encampment health and safety standards to the Code, including limits to numbers of occupants and provisions for cooking and utilities, provides clear guidance to religious facilities and protects the health and safety of the public; and

WHEREAS, agreements between religious facilities and transitional encampment operators may address encampment rules that extend beyond zoning standards, including prohibiting alcohol, drugs, weapons and sex offenders; or establishing rules for children in encampments; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new Section 23.42.054 of the Seattle Municipal Code is adopted to read as follows:



23.42.054 Transitional Encampments Accessory to Religious Facilities

A. Transitional encampment accessory use. A transitional encampment is allowed as an accessory use on a site in any zone, if the established principal use of the site is as a religious facility, subject to the provisions of subsection 23.42.054.B. A religious facility site includes property developed with legally-established parking that is accessory to the religious facility. Parking accessory to the religious facility that is displaced by the encampment does not need to be replaced.

B. The encampment operator or applicant shall comply with the following provisions:

1. Allow no more than 100 persons to occupy the encampment site as residents of the encampment.

2. Comply with the following fire safety and health standards:

a. Properly space, hang, and maintain fire extinguishers within the encampment as required by the Fire Department;

b. Provide and maintain a 100-person first-aid kit;

c. Establish and maintain free of all obstructions access aisles as required by the Fire Department.

d. Install appropriate power protection devices at any location where power is provided;

e. Designate a smoking area;

f. Keep the site free of litter and garbage;



1 g. Observe all health-related requirements made by the Public Health
2 Department of Seattle & King County; and

3 h. Post and distribute to encampment residents, copies of health or safety
4 information provided by the City of Seattle, King County or any other public agency.

5 i. Prohibit any open flames except an outdoor heat source approved by the
6 Fire Department.

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8 3. Provide toilets, running water, and garbage collection according to the
9 following standards:

10 a. Provide and maintain chemical toilets as recommended by the portable
11 toilet service provider or provide access to toilets in an indoor location;

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13 continuously maintain outdoor running water and discharge the water to a location approved by
14 the City; and

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17 4. Cooking facilities, if they are provided, may be located in either an indoor
18 location or outdoors according to the following standards:

19 a. Provide a sink with running water in an indoor location or alternatively,
20 continuously maintain outdoor running water and discharge the water to a location approved by
21 the City;

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23 c. Provide a means to keep perishable food cold; and
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1 d. Provide all products necessary to maintain the cooking facilities in a
2 clean condition.

3 5. Allow officials of the Public Health Department of Seattle & King County, the
4 Seattle Fire Department, and Seattle Department of Planning and Development to inspect areas
5 of the encampment that are located outdoors and plainly visible without prior notice to determine
6 compliance with these standards.

7
8 C. A site inspection of the encampment by a Department inspector is required prior to
9 commencing encampment operations.

10 D. Parking is not required for a transitional encampment allowed under this Section
11 23.42.054.

12 Section 2. Section 23.43.040 of the Seattle Municipal Code, which section was last
13 amended by Ordinance 123378, is amended as follows:

14 **23.43.040 Accessory uses and structures(~~(; exceptions to development standards for solar~~**
15 **~~collectors and solariums.))~~**

16
17 * * *

18 F. Transitional encampments accessory to religious facilities. Transitional encampments
19 accessory to religious facilities are regulated by Section 23.42.054.

20
21 Section 3. A new Section 23.44.053 of the Seattle Municipal Code is adopted to read as
22 follows:

23 **23.44.053 Transitional encampments accessory to religious facilities**
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1 Transitional encampments accessory to religious facilities are regulated by Section
2 23.42.054, Transitional Encampments Accessory to Religious Facilities.

3 Section 4. A new Section 23.45.595 of the Seattle Municipal Code is adopted to read as
4 follows:

5 **23.45.595 Transitional encampments accessory to religious facilities**

6 Transitional encampments accessory to religious facilities are regulated by Section
7 23.42.054, Transitional Encampments Accessory to Religious Facilities.
8

9 Section 5. A new Section 23.47A.036 of the Seattle Municipal Code is adopted to read
10 as follows:

11 **23.47A.036 Transitional encampments accessory to religious facilities**

12 Transitional encampments accessory to religious facilities are regulated by Section
13 23.42.054, Transitional Encampments Accessory to Religious Facilities.
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15 Section 6. Section 23.50.012 of the Seattle Municipal Code, which section was last
16 amended by Ordinance 123378, is amended as follows:

17 **23.50.012 Permitted and Prohibited Uses**

18 * * *



**Table A for 23.50.012
 Uses in Industrial Zones**

| PERMITTED AND PROHIBITED USES BY ZONE | | | | | |
|--|-----------|-----------|----------------------------------|---|---|
| USES | IB | IC | IG1 and IG2 (general) | IG1 in the Duwamish M/I Center | IG2 in the Duwamish M/I Center |
| * * * | | | | | |
| E. INSTITUTIONS | | | | | |
| E.1. Adult care centers | X | X | X | X | X |
| E.2. Child care centers | P | P | P | P | P |
| E.3. Colleges | EB | EB | EB | X(6) | X(6) |
| E.4. Community centers and Family support centers | EB | EB | EB | P | P |
| E.5. Community clubs | EB | EB | EB | X | P |
| E.6. Hospitals | EB | EB | CU(7) | P | P |
| E.7. Institutes for advanced study | P | P | P | X | X |
| E.8. Libraries | X | X | X | X | X |
| E.9. Major institutions subject to the provisions of Chapter 23.69 | EB | EB | EB | EB | EB |
| E.10. Museums | EB | EB(9) | EB | X(8) | X(8) |
| E.11. Private clubs | EB | EB | EB | X | X |
| E.12. Religious facilities | P(15) | P(15) | P(15) | P(15) | P(15) |
| E.13. Schools, elementary or secondary | EB | EB | EB | X | X |
| E.14. Vocational or fine arts schools | P | P | P | P | P |

* * *

(15) Transitional encampments accessory to religious facilities are regulated by Section 23.42.054.

Section 7. Section 23.84A.038 of the Seattle Municipal Code, which section was last amended by Ordinance 123495, is amended as follows:

23.84A.038 "T"



* * *

1
2 “Transitional Encampment” means a use having tents or a similar shelter that provides
3 temporary quarters for sleeping and shelter. The use may have common food preparation,
4 shower, or other commonly-used facilities that are separate from the sleeping shelters.

* * *

6 Section 8. The provisions of this ordinance are declared to be separate and severable.
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8 The invalidity of any particular provision shall not affect the validity of any other provision.



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Section 9. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2011, and signed by me in open session in authentication of its passage this ____ day of _____, 2011.

President _____ of the City Council

Approved by me this ____ day of _____, 2011.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2011.

Monica Martinez Simmons, City Clerk

(Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

| Department: | Contact Person/Phone: | CBO Analyst/Phone: |
|------------------------|------------------------------|---------------------------|
| Planning & Development | Bill Mills/ 4-8738 | Joe Regis/5-0087 |

Legislation Title:

AN ORDINANCE relating to land use and zoning; amending Sections 23.43.040, 23.50.012, and 23.84A.038 of the Seattle Municipal Code; and adding new Sections 23.42.054, 23.44.053, 23.45.595, and 23.47A.036; to permit transitional encampments for homeless individuals as a use accessory to religious facilities in all zones.

Summary of the Legislation:

The proposal would accomplish the following:

- Add a new definition for a “transitional encampment” to clarify that an encampment is a use providing temporary quarters for sleeping and shelter and describing the activities and development that are associated with the encampment;
- Add a new Code Section 23.42.054 providing for the transitional encampment use to locate on sites owned or occupied by a religious facility, such as a church or synagogue;
- Add specific standards for operation of the encampment in new Section 23.42.054 to address site management and operations, maintenance, and hygiene.

Transitional encampment sites would be required to meet these standards:

- Maximum of 100 occupants;
- Required inspections by public health and safety officials;
- Specific fire and health safety conditions including location of fire extinguishers, first aid kits, appropriate power and light connections, toilets, running water, appropriate cooking facilities if provided; and
- Site inspection by public officials prior to commencing operation.

Background:

Homeless encampments have been located within the City of Seattle for many years. According to information obtained by the City Human Services Department, shelters are operating at maximum capacity and cannot accommodate all the needs of the homeless in Seattle. One solution to deal with the lack of shelter capacity is to establish well-managed transitional encampments with specific standards for operation, maintenance, and hygiene. Individuals who may join a managed encampment would, if an encampment alternative did not exist, live outside



and occupy spaces in alleys, doorways, vacant buildings, greenbelts, or other outdoor locations not designed or intended for shelter use. A managed encampment is a relatively low cost alternative to permanent housing options.

The proposal would acknowledge transitional managed encampments as an allowed use and would limit them to religious facility sites. Health and safety criteria for their location were determined based on the need for an encampment to provide facilities including shelter, food service, showers, and lavatories, for up to 100 persons. These standards are expected to limit the number of sites that would likely be used as encampments, while allowing for the needs of the homeless in the city to be accommodated.

The proposed legislation is not expected to generate additional costs to the City through the implementation of the proposed zoning regulations. Encampments are recognized as accessory uses to religious facilities, and no permit is required. Therefore, minimal if any review time will be required of City staff as a result of this proposal. Funding for encampments sponsored by religious facilities is not expected to be provided by the City

 x This legislation does not have any financial implications.





City of Seattle

Michael McGinn, Mayor

Office of the Mayor

August 9, 2011

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill containing proposed amendments to the Land Use Code that would define transitional encampments for the homeless as a use intended for temporary sleeping and shelter. The Bill also describes what activities and development may accompany the encampment, and the minimum standards for their location as a use accessory to religious facilities.

Encampments can provide a viable, low-cost, safe, and secure transitional housing option for individuals who would otherwise have no other options. While we recognize an encampment should not become a substitute for safe, affordable housing, these proposed Land Use Code amendments will help to address the lack of alternatives for the homeless. This proposal would allow organized encampments subject to appropriate and specific rules related to operation, maintenance, and hygiene. Food, sanitation, and other services would be provided. I believe the proposed legislation offers a reasonable and effective means to help address homelessness in the city, while minimizing impacts to surrounding properties.

Thank you for your consideration of this legislation. Should you have questions, please contact Bill Mills in the Department of Planning and Development at 684-8738.

Sincerely,

*Daryl Smute Deputy Mayor
for Mike McGinn
Mayor of Seattle*

MICHAEL MCGINN
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 615-0476 Fax: (206) 684-5360, Email: mayors.office@seattle.gov

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