

CITY COUNCIL STUDY SESSION

Temporary Encampment Land Use Code Amendment (LUCA) – Bellevue Land Use Code (LUC)
Chapter 20.30U

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DIRECTION NEEDED FROM COUNCIL**INFORMATION
ONLY**

Staff will explain two of four topic areas recommended for consideration in the LUCA to improve the administration of temporary encampment regulations based on stakeholder feedback, evaluation of current regulations, and permitting experience. The presentation will also include review of the initial draft amendments to Chapter 20.30U LUC focused only on reflecting how Chapter 20.30U LUC has been administered under the Consent Decree.

RECOMMENDATION

N/A

BACKGROUND & ANALYSIS**September 9 Study Session**

For the past 13-plus years, the City has administered its temporary encampment regulations (Chapter 20.30U LUC) in conjunction with a 2006 Federal Consent Decree (the "Consent Decree"). The Consent Decree is currently set to expire on January 27, 2020. At the September 9 Study Session, Council authorized the commencement of a Temporary Encampment LUCA to update Chapter 20.30U LUC. This LUCA would eliminate the need to refer to both the LUC and Consent Decree for the administration of temporary encampments after January 27, 2020.

Also, at this Study Session, Council was introduced to four recommended topic areas for consideration during the LUCA process. These topic areas were based on staff's review of the regulatory framework under Chapter 20.30U LUC and the Consent Decree, input received from stakeholders, and experience administering temporary encampment regulations in the City. The stakeholder input was received during staff's engagement with the original signatories of the Consent Decree (Temple B'nai Torah ("TBT"), SHARE/WHEEL and Tent City 4, and the Church Council of Greater Seattle) as well as a neighborhood focus group. This neighborhood focus group was composed of neighbors who attended City-held public meetings since 2005 and who live within the 600-foot radius of previous temporary encampments at TBT, Church of Resurrection, First United Methodist Church and St. Luke's Lutheran Church.

Council requested additional information, including a comparison between Chapter 20.30U LUC and the Consent Decree. This is attached as Attachment A. In response to continued public engagement, staff has created a web presence for the Temporary Encampment LUCA on the Hot Topics page of the City's website. This page contains information about the proposed LUCA, the LUCA process and timeline, staff contact information, and a link for users to sign up for alerts and subscribe to emails or texts for updates on this topic.

Recommended Topic Areas for Consideration

The initial draft of amendments to Chapter 20.30U LUC focused only on how Chapter 20.30U LUC has been administered under the Consent Decree, and is included with this memorandum as Attachment B. In addition, the four recommended topic areas are discussed in greater detail below.

During this study session, staff will focus on the first two topic areas.

1. Proven effective public health and safety standards

Since 2006, the City has administered the public health and safety standards embedded within the Chapter 20.30U LUC according to interpretations and applications set forth in the Consent Decree.

These standards include:

- Water Supply
- Sewage and Wastewater Disposal
- Electricity and Lighting
- Hand Washing and Bathing
- Toilets
- Cooking and Food Handling
- Maintenance of Bedding
- Insect and Rodent Control
- Disease Prevention and Control

A summary of the differences between Chapter 20.30U LUC and the Consent Decree, including these public health and safety standards, is attached as Attachment A. It is the City's experience in permitting temporary encampments that the public health and safety standards administered under the Consent Decree have been effective. As such, staff recommends amendments to Chapter 20.30U LUC that reflect operations under the Consent Decree, including those related to public health and safety standards.

2. Neighborhood engagement

Information gathered from the review of Chapter 20.30U LUC, evaluation and experience administering the temporary encampment regulations, and stakeholder feedback points to an opportunity to improve neighborhood engagement and reduce impacts from temporary encampments. For this topic area, staff recommends the elimination of the mandatory litter patrol and addition of an optional neighborhood meeting after permit issuance.

a. Elimination of the mandatory litter patrol

Currently, Chapter 20.30U LUC requires a mandatory trash patrol in the surrounding neighborhood. The purpose of this patrol is to pick up any litter that may materialize outside of the temporary encampment. However, this provision has not been practical and has not accomplished its intended objective. Further, stakeholders universally prefer that this requirement be eliminated. As such, staff recommends that the requirement for mandatory litter patrols be eliminated.

b. Optional neighborhood meetings after permit issuance

The purpose of a neighborhood meeting after permit issuance is to provide a forum for dialogue between the Encampment Host and neighborhood members. There is no provision for this post-permit-issuance dialogue in the current LUC or the Consent Decree.

Stakeholders have voiced concerns that when operational failures were identified while a temporary encampment was ongoing, it was very difficult to continue dialogue with the Encampment Host to transmit this information. During previous temporary encampments, communication failures occurred when there was a change of leadership within the encampment host or its organization, or when the identified point of contact for the encampment host was not readily available to meet with neighbors.

Staff recommends that optional post-issuance neighborhood meetings occur as requested by neighbors to an encampment host to provide continued dialogue when necessary. Staff recommends this meeting as optional because we have found that encampment hosts were more successful when they, independently and voluntarily, were open to listening to the concerns and requests of their adjacent neighbors.

At the direction of Council, staff research regarding temporary encampment regulations in neighboring jurisdictions is continuing and includes review of how other jurisdictions regulate outreach and community engagement. Staff will return to Council with this information along with further recommendations in this area, if any.

The following two topic areas are provided for introductory purposes only. Staff plans to explain these topic areas at a future meeting.

3. Consistent and predictable frequency and duration of temporary encampments

As provided in Attachment A, the differences between Chapter 20.30U LUC and the Consent Decree with respect to frequency and duration are as follows:

Regulatory Provisions	Chapter 20.30U LUC	Consent Decree
Length of Stay LUC 20.30U.125.A.4 CD Sec. 3.3.1	60 days maximum with 2 additional days if last day falls on a Friday.	90 days maximum granted through hardship exemption based on a bona-fide statement of faith.
Location Frequency LUC 20.30U.125.A.5	Not more than once every 18 months at the same site.	In addition to the LUC requirement:

CD Sec. 3.4		<ol style="list-style-type: none"> 1. General encampment frequency is one per calendar year; and 2. Minimum 180-day gap between end of one encampment and beginning of another.
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With regard to length of stay (duration), stakeholders acknowledged that the regional standard for duration has changed since 2005, including standards related to duration. They acknowledged that a duration of 120 days is consistent with the regional standard. For this topic area, staff will provide some examples of other jurisdiction approaches.

With regard to frequency, staff recommends consolidating the site-specific and City-wide requirements in Chapter 20.30U LUC and the Consent Decree to provide for a one-year (12 month) gap between temporary encampments in the City. This recommendation is consistent with how frequently temporary encampments have been deployed in the last 13+ years under the existing framework. Example approaches from other jurisdictions will also be provided for Council's information.

Staff recommends consolidating these duration and frequency amendments to update the code based on the existing framework, regional standards and operational experience. These updates will lead to consistent and predictable frequency and duration of temporary encampments in the City.

4. Streamlined permit process for temporary encampments.

This is an area reflecting some alignment between the interests of the stakeholder groups. The Consent Decree signatories sought simplification of the permitting process. The neighborhood focus group expressed support for increased flexibility for temporary encampment hosts who have hosted previously and who are committed to working with their surrounding neighborhood. For this topic area, staff recommends a five-year extended temporary encampment permit for temporary encampments at the same site when the encampment host has previously successfully operated a temporary encampment in the City.

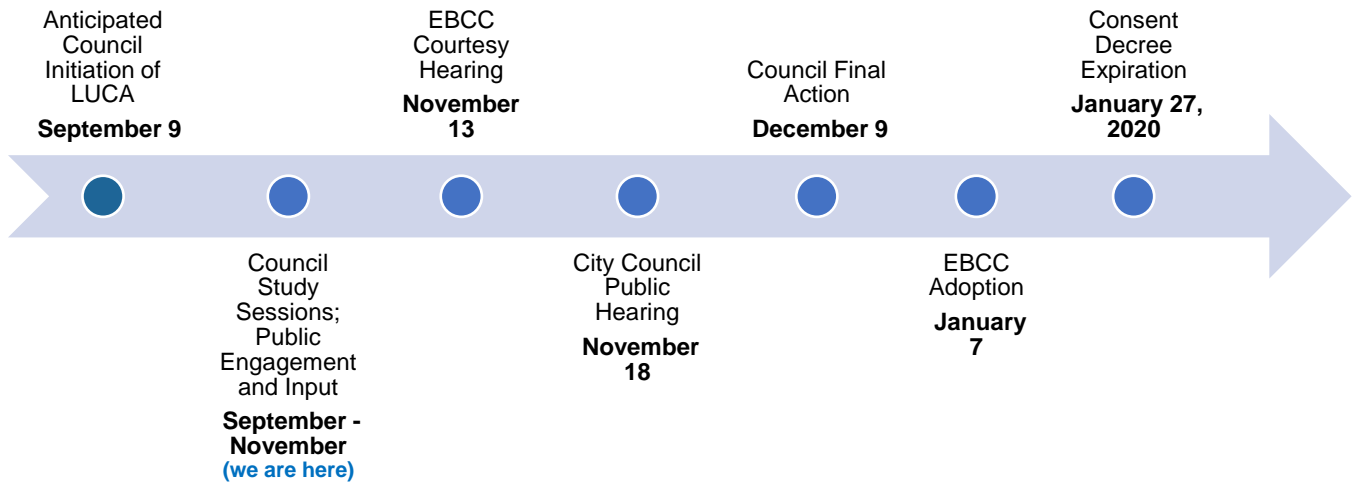
The five-year extended permit process would be the same as a standard permit process but would result in a five-year approval. An applicant with an extended temporary encampment permit would need to submit a shortened application for a subsequent temporary encampment at the same site within the five-year period which would include:

- Courtesy letter to the neighborhood
- Description of the proposal
- Arrival/Departure Dates
- Requirement for any modification to previous approval

The applicable regulations in Chapter 20.30U LUC, including but not limited to duration and frequency, would not change.

Project Schedule

The project schedule to complete an update to LUC 20.30U for Temporary Encampments is noted below:



POLICY & FISCAL IMPACTS

Policy Impact

These updates to Chapter 20.30U LUC will eliminate the need to refer to both the LUC and Consent Decree for administration of temporary encampments, resulting in greater consistency, predictability and ease of implementation for future temporary encampments in the City. They also give rise to greater consistency with regional standards for temporary encampments.

Fiscal Impact

There is no fiscal impact expected with implementing this anticipated LUCA.

OPTIONS

N/A

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Comparative Matrix between Chapter 20.30U LUC and the Consent Decree
- B. Initial Draft of the Temporary Encampment LUCA (Consent Decree Updates only)

AVAILABLE IN COUNCIL LIBRARY

Consent Decree, Western District of Washington Case No. C05-1921-JCC (Docket Nos. 62 and 64)
Letters of Comment