

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**DIRECTION**

Provide direction to staff regarding the commencement of a Temporary Encampment LUCA to update Chapter 20.30U LUC, which covers permitting of temporary encampments hosted by religious organizations on their property.

RECOMMENDATION

Authorize staff to commence a Temporary Encampment LUCA to update Chapter 20.30U LUC, which covers permitting of temporary encampments hosted by religious organizations on their property.

BACKGROUND & ANALYSIS**Consent Decree**

In July 2005, Council adopted Chapter 20.30U LUC to establish the procedure and criteria that the City will use in making a decision upon an application to permit a temporary encampment. As a threshold matter, Chapter 20.30U LUC does not permit temporary encampments except as an accommodation of religious exercise by religious organizations.

Temple B'nai Torah (TBT) and its co-applicant SHARE/WHEEL (Sponsor and Manager of Tent City 4) submitted the first temporary encampment application under Chapter 20.30U LUC. The City approved the permit, with a number of conditions. The applicants filed a lawsuit against the City, alleging that Chapter 20.30U LUC and some of the permit conditions violated TBT's right to free exercise of religion under the state and federal constitutions, and violated the federal Religious Land Use and Institutionalized Persons Act (RLUIPA). Under these laws, the City's regulation of temporary encampments must protect public health and safety and not substantially burden religious exercise unless such regulation furthers a compelling government interest and is the least restrictive means of furthering that interest. The Church Council of Greater Seattle later intervened to join TBT and SHARE/WHEEL in the lawsuit against the City.

This lawsuit was settled by a Federal Consent Decree (the "Consent Decree") in January 2006 (Western District of Washington Case No. C05-1921-JCC (Docket Nos. 62 and 64)). The Consent Decree described how the parties agreed the City would interpret and apply certain provisions in

Chapter 20.30U LUC through the City's permitting process. Temporary encampments within the City have been administered in accordance with the Consent Decree for the past 13-plus years. The term of the Consent Decree has been extended twice since 2006 and is currently set to expire on January 27, 2020.

Review of the LUC

In early 2018, Council directed staff to initiate review of Chapter 20.30U LUC at the completion of the legislative process adopting the City's Homeless Services Uses LUCA. Accordingly, staff has completed an internal evaluation and assessment of Chapter 20.30U LUC. This internal evaluation and assessment included review of the regulatory framework that would apply to temporary encampments in the City upon expiration of the Consent Decree, research on temporary encampment best practices, and review of the experience permitting the deployment of temporary encampments in the City over the past 13-plus years under the terms of the Consent Decree.

Stakeholder Input

In addition to reviewing Chapter 20.30U LUC, staff met with stakeholder focus groups, which included faith-based organizations, tent city organizers, individuals, and community groups. These meetings provided an opportunity for these stakeholders to share information about their experiences with the operation and regulation of temporary encampments in the City over the years. The themes or key interests expressed during stakeholder meetings are stated below. This summary is organized into two sections based on stakeholder groups—the first is temporary encampment host stakeholders and the second is individual and neighborhood stakeholders.

Feedback from Temporary Encampment Host Stakeholders

- The City should take into account the impacts to persons experiencing homelessness.
- The Consent Decree and City regulation of temporary encampments are outdated.
- The permitting process for Temporary Encampments should be simplified.
- Tent cities should be managed consistently throughout the region.

Feedback from Individuals and Neighborhood Stakeholders

- There should be increased accountability for encampment hosts and operators.
- The City should prioritize and incorporate lessons learned from operation of temporary encampments over the past thirteen years.
- The Code should allow for flexibility for faith-based hosts that are committed to working with the adjacent neighborhood.
- The homelessness crisis has increased throughout the region, but the Seattle solution is not a desirable outcome for the City of Bellevue.

Recommended Topic Areas for Consideration

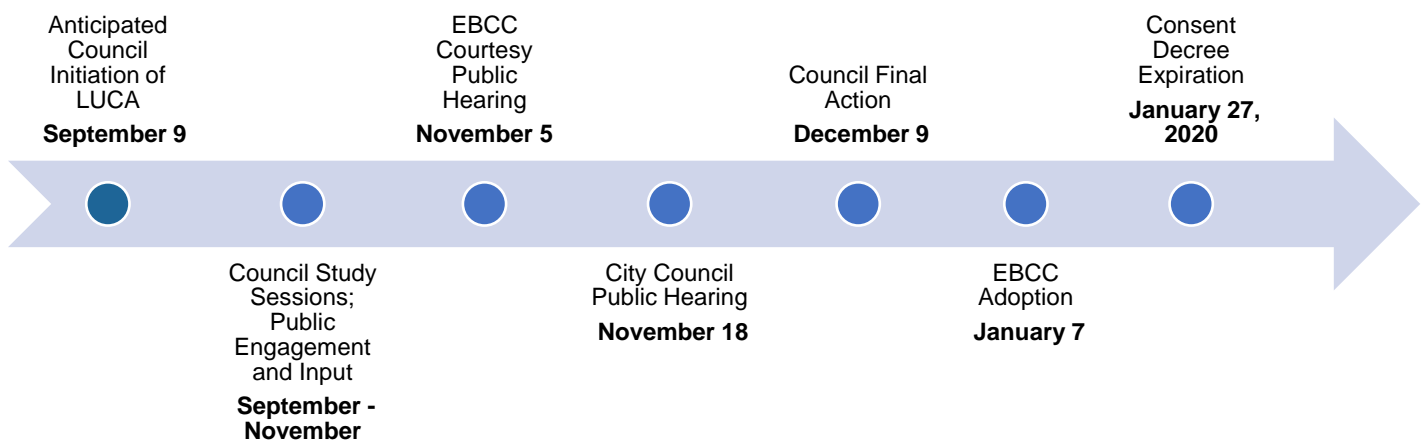
Staff has consolidated the above stakeholder feedback, the review of Chapter 20.30U LUC, and the evaluation and experience administering the temporary encampment regulations to arrive at the following four recommended topic areas for consideration during the LUCA process:

- (1) Streamlined permit process for temporary encampments;

- (2) Consistent and predictable frequency and duration of temporary encampments, potentially 120-day deployments and 12-month gap between deployments, without requiring hardship exceptions;
- (3) Neighborhood engagement, specifically the addition of optional neighborhood meetings after permit issuance and elimination of the mandatory litter patrol requirement; and
- (4) Proven effective public health and safety standards for water, sewage and wastewater disposal, electricity and lighting, handwashing and bathing, toilets, bedding, refuse disposal, and disease prevention and control as outlined in and administered under the Consent Decree.

Schedule

The anticipated schedule for the Temporary Encampment LUCA adoption is shown 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

1. Authorize staff to commence a Temporary Encampment LUCA to update Chapter 20.30U LUC, which covers permitting of temporary encampments hosted by religious organizations on their property.
2. Do not authorize staff to commence a Temporary Encampment LUCA and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

N/A

AVAILABLE IN COUNCIL LIBRARY

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