

**Draft Temporary Encampment Permit LUCA
October 14, 2019 Draft (Consent Decree Only)**

Part 20.30U Temporary Encampment Permit

20.30U.110 Scope.

This part establishes the exclusive procedure and criteria that the City will use in making a decision upon an application to permit a Temporary Encampment.

20.30U.115 Applicability.

This Part 20.30U applies to each application for a Temporary Encampment Permit within the City. The requirements of this part shall be imposed at the initiation of any Temporary Encampment use, and upon any addition or modification to a Temporary Encampment use.

20.30U.120 Who may apply.

Temporary Encampments shall not be permitted within the City except as an accommodation of religious exercise by an Encampment Host, Encampment Sponsor, or Encampment Manager. Each Encampment Host, Encampment Manager and Encampment Sponsor of a Temporary Encampment shall jointly apply for a permit under this Part 20.30U, and shall jointly certify compliance with all applicable use requirements and conditions of this part in the application.

20.30U.121 Submittal requirements.

- A. Prior to or upon filing their application for a Temporary Encampment Permit, the Encampment Host, Encampment Sponsor and Encampment Manager shall prepare an Encampment Management Responsibility Plan, which shall be included with their permit application. An application that does not contain an Encampment Management Responsibility Plan shall not be considered complete. The Encampment Management Responsibility Plan shall include the following:
1. A description of the security measures that the Encampment Host, Encampment Sponsor and Encampment Manager intend to employ at the Encampment site, including criteria for rejection as a resident, a code of conduct, neighborhood security patrols, if any, whether and how they will implement outstanding warrant or registered sex offender background checks, and whether and how any Temporary Encampment residents or prospective residents may be ejected from the Temporary Encampment based on the results of such checks.
 2. A certificate of insurance identifying description of any applicable liability and management agreements, obligations, or policies of insurance, including policy limits, held by or entered between the Encampment Host, Encampment Sponsor, or Encampment Manager, as well as Full copies of any such agreements, obligations or policies shall be available for the City's inspection at the Encampment Host site.
 3. A description of any requested exemptions sought pursuant to LUC 20.30U.125(A)(8)(a), 20.30U.125(A)(11)(k), or 20.30U.127, and a description of the manner in which the proposed exemptions satisfy the criteria of the exemption provision and this part.
 4. A transportation plan demonstrating compliance with LUC 20.30U.125(A)(6).

Commented [A1]: See Consent Decree Section 3.3.2.

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5. A proposed site plan.
6. A street address which, for the duration of the Temporary Encampment, shall be considered the permanent and fixed address of each individual while residing at the Temporary Encampment.

20.30U.122 Applicable procedures.

A Temporary Encampment Permit is a Process V decision. In addition to the requirements for Process V in Part 20.35 LUC, the following additional procedures apply:

A. Public Meeting Required.

The director shall hold an informational public meeting. The meeting shall comply with the requirements of LUC 20.35.525. Prior to the public meeting, the Encampment Host shall meet and confer with the Bellevue Police Department regarding the proposed security measures. At the public meeting, a representative of the Encampment Host shall present in writing and describe the proposed Encampment Management Responsibility Plan, and any input or comment received on the plan, including any comment or input from the Bellevue Police Department, or comment or input from schools and/or child care services under subsection B of this section. The public meeting shall be attended by all applicants of the proposed Temporary Encampment Permit.

B. Additional Mailed Notice.

The requirements for mailed notice of the application set forth in LUC 20.35.510 shall be expanded to include owners of real property within 600 feet of the project site. Prior to the decision of the Director on a Temporary Encampment Permit, the Encampment Host, Encampment Sponsor, or Encampment Manager shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the proposed Temporary Encampment site, and shall meet and confer with the operators of any known child care service within 600 feet of the boundaries of the proposed Temporary Encampment site. The Encampment Host and the school administration and/or child care service operator shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a Temporary Encampment within 600 feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the Director for consideration for inclusion within the Temporary Encampment Permit. In the event the parties fail to agree on any conditions, either party may provide the Director with a written summary of the parties' discussions, which the Director may consider in evaluating whether the criteria for the Temporary Encampment Permit are met, or the need for additional conditions upon the Temporary Encampment Permit based on the applicable decision criteria.

- C. The applicant shall provide notice of the application by posting two signs or placards on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The Director shall establish standards for size, color, layout, design, wording, placement, and timing of installation and removal of the signs or placards.

20.30U.125 Use requirements.

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A. The following requirements apply to each Temporary Encampment:

1. The Encampment Host, Encampment Sponsor, and Encampment Manager must demonstrate that the proposed use meets the definition of a Temporary Encampment, as set out in LUC 20.50.048.
2. The Encampment Host, Encampment Sponsor, and Encampment Manager shall ensure enforcement of a Code of Conduct at the Temporary Encampment site. The Code of Conduct shall be in substantially the following form or address the following issues:
 - a. Possession or use of illegal drugs is not permitted.
 - b. No alcohol is permitted.
 - c. No weapons are permitted.
 - d. All knives over three and one-half inches must be turned in to the Encampment Manager for safekeeping.
 - e. No violence is permitted.
 - f. No open flames are permitted.
 - g. No trespassing into private property in the surrounding neighborhood is permitted.
 - h. No loitering in the surrounding neighborhood is permitted.
 - i. No littering on the Temporary Encampment site or in the surrounding neighborhood is permitted.
 - j. A trash patrol in the surrounding neighborhood is required every other day.

Nothing within this section shall prohibit the Encampment Host, Encampment Sponsor or Encampment Manager from imposing and enforcing additional Code of Conduct conditions not otherwise inconsistent with this section.

3. The maximum number of residents at a Temporary Encampment site shall be determined taking into consideration site conditions, but shall in no case be greater than 100 at any one time. Any proposed site shall be of sufficient size to support the activities of the Temporary Encampment without the overcrowding of residents or any intrusion into required setbacks. In determining the maximum occupancy of a Temporary Encampment, the Director shall consider the square footage of the Encampment Site; the number of proposed Temporary Enclosures; the number of required or proposed bathing, food handling, hand washing, laundry, and toilet facilities; required setbacks; and the ongoing use of the site by the Encampment Host. The City shall impose a condition on the Temporary Encampment Permit for the Encampment limiting the number of residents or occupants to the number determined pursuant to this subsection. Any increase in the number of residents or occupants beyond that applied for by the applicants and included in the Temporary Encampment Permit shall require a revision to the Temporary Encampment Permit, which shall be processed as a new application.

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4. The duration of a Temporary Encampment at any specific location shall not exceed 90 days at any one time

~~additional two days shall be allowed to dismantle and remove the Temporary Encampment as~~

Commented [A2]: See Consent Decree 3.3.1

5. A Temporary Encampment may be located at the same site no more than once every 18 months.

- 5.6. No more than one Temporary Encampment may be permitted in the City in any calendar year.

When a Temporary Encampment starts in one calendar year and ends in the following calendar year, such Temporary Encampment shall be deemed to have occurred in the calendar year during which the greater number of days fall. There will be a minimum 180-day gap (counting from the last day of one Temporary Encampment to the first day of the next Temporary Encampment) between Temporary Encampments in the City.

Commented [A3]: See Consent Decree 3.4

- 6.7. The

Encampment Sponsor, Encampment Host or Encampment Manager shall ensure that bus schedules, phone numbers for emergency drivers and taxis and the location of the nearest twenty-four hour transit center to which rejected persons will be transported when buses are not available are posted in a prominent location for Encampment residents.

~~the ability for Temporary Encampment occupants to obtain access to the nearest public transportation stop through van or car pools provided by the Encampment Host, Encampment Sponsor, or Encampment Manager. During hours when public transportation is not available, the Encampment Sponsor, Encampment Host, or Encampment Manager shall also make transportation available to anyone who is rejected from or ordered to leave the Temporary~~

Commented [A4]: Aligns with operations under Consent Decree Sec. 3.2

- 7.8. On-site parking spaces of the Encampment Host shall not be displaced unless the required minimum parking remains available for the Encampment Host's use, as set forth in LUC 20.20.590. The Host may provide shared parking pursuant to LUC 20.20.590.I, or off-site parking pursuant to LUC 20.20.590.J, to satisfy minimum parking requirements.

- 8.9. The perimeter of a Temporary Encampment must be buffered from surrounding properties as follows:

- a. The Temporary Encampment, as measured from the Temporary Encampment perimeter, shall meet the minimum setback requirements applicable to the Encampment Host in the underlying land use district; provided, that no Temporary Encampment setback shall be less than 20 feet; and provided further, that the Encampment Host, Encampment Sponsor, or Encampment Manager may petition the Director for a reduction of setback requirements applicable to the Encampment Host in the underlying land use district to no less than 20 feet. In considering whether a reduction should be granted, the Director may consider whether the minimum setback requirements applicable to the Encampment Host in the underlying land use district, if applied to the Temporary Encampment, would substantially burden the siting or hosting of a Temporary Encampment at a particular location or by a particular Encampment Host, Encampment Sponsor, or Encampment Manager and may consider the effects on health and safety of residents and the community should the reduction be granted.

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- b. The Temporary Encampment shall be surrounded by a view-obscuring fence or equivalent solid structure, which in no event shall be less than six feet high. The perimeter surrounding the Temporary Encampment shall have a single designated point for ingress or egress, consistent with applicable fire and other safety regulations.

9.10. The Encampment Host, Encampment Sponsor and Encampment Manager shall not permit children under the age of 18 to stay overnight in a Temporary Encampment, unless circumstances prevent a more suitable overnight accommodation for the child and parent or guardian. If a child under the age of 18, either alone or accompanied by a parent or guardian, attempts to stay overnight, the Encampment Host, Encampment Sponsor or Encampment Manager shall endeavor to find alternative shelter for the child and any accompanying parent or guardian.

10.11. The Encampment Host, Encampment Sponsor or Encampment Manager shall take all reasonable and lawful steps to obtain verifiable identification, such as a valid driver's license, government-issued identification card, military identification card, or passport, from all prospective and current residents of a Temporary Encampment. The Encampment Host shall retain a log of all overnight residents of the Temporary Encampment, including names and dates.

Commented [A5]: Aligns with operations under Consent Decree Sec. 3.2

11.12. The Encampment Host, Encampment Sponsor or Encampment Manager shall assure compliance with the following health and safety regulations. References to the application of local ordinances and regulations shall include the codes and regulations of King County and the City of Bellevue. All references are to regulations, ordinances and codes now or as hereafter amended:

- a. Water Supply. The Encampment Host, Encampment Manager or Encampment Sponsor must:
 - i. Provide at least one hot water handwash sink as near to the food preparation facilities as the site will reasonably allow. If the hot water sink is located further than 100 feet from the food preparation facilities or is not otherwise located on site, then a cold water sink shall be located within 100 feet of the food preparation facilities.

Commented [A6]: Aligns with operations under Consent Decree Sec. 3.2, 3.3.6

~~i. Provide access to hot and cold water for drinking, cooking, and bathing purposes. The Temporary Encampment water supply must be adequate to meet the needs of all residents of the Temporary Encampment, and must be located in a manner that provides access to water adjacent to food preparation, toilet and bathing facilities.~~

- ii. Prohibit the use of common drinking cups or containers from which water is dipped or poured, except for water and coffee containers and carafes that are filled with only potable water sources and washed once weekly with bleach and hot water.

- iii. When water is unsafe for drinking purposes and accessible to residents, post a sign by the source reading, "DO NOT DRINK. DO NOT USE FOR WASHING. DO NOT USE FOR. Any containers used for non-potable water shall be labeled as such.

Commented [A7]: Re-insert language erroneously deleted from Initial Draft LUCA dated 9/23/2019; amend per operations under Consent Decree 3.2.

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- b. Sewage and Wastewater Disposal. The Encampment Host, Encampment Manager and Encampment Sponsor must:
- Provide for sewage and wastewater disposal in accordance with the codes and regulations of local health jurisdictions.
 - Assure that all portable toilets comply with King County Code Section 8.20.
- c. Electricity and Lighting. The Encampment Host, Encampment Manager or Encampment Sponsor must ensure that all electrical wiring, fixtures and electrical equipment must comply with the electrical standards of the Department of Labor and Industries regulations, Chapter 19.28 RCW, and local ordinances, and be maintained in a safe condition.
- d. Hand Washing and Bathing. An Encampment Host, Encampment Manager or Encampment Sponsor must:
- Provide one hand wash sink for every 25 persons. At least two hand wash sinks must be adjacent to toilets, and ~~other~~ hand wash sinks may be located throughout the Temporary Encampment site for general use;
 - Provide one hot water shower on the Temporary Encampment site; provided, however, that if the ratio of hot showers is greater than 1 for every 40 persons, the Director's permit decision shall include designation of off-site shower facilities for use by Temporary Encampment residents within a reasonable proximity from the Temporary Encampment site and the Encampment Host, Encampment Sponsor and/or Encampment Manager shall provide a means of transportation to Encampment residents to the designated facilities; and
 - ~~Provide all showers, baths, or shower rooms with floor drains to remove wastewater.~~
 - ~~Provide cleanable, nonabsorbent waste containers.~~
 - Maintain bathing and hand washing facilities in a clean and sanitary condition, cleaned at least daily.
 - ~~Make showers and bathing facilities available when needed.~~
- e. Toilets. The Encampment Host, Encampment Manager or Encampment Sponsor must ~~meet the following requirements:~~
- Provide the following toilet facilities:
- (A) One toilet, including portable toilets, for every 25 persons;

Commented [A8]: Aligns with operations under Consent Decree Sections 3.2, 3.3.3 - 3.3.3.2.

Commented [A9]: Re-insert language erroneously deleted from Initial Draft LUCA dated 9/23/2019.

Commented [A10]: Aligns with operations under Consent Decree Section 3.2, 3.3.4.

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- (B) Hand washing sinks adjacent to toilets, as provided in subsection A.11.d.i of this section; and
- ~~(C) For each toilet facility, either a window of at least six square feet opening directly to the outside or satisfactory ventilation; and~~
- ~~(D) For each toilet facility, all outside openings screened with 16-mesh material.~~
- ii. Maintain toilets in a clean and sanitary condition, ~~cleaned at least daily.~~
- f. Cooking and Food Handling. In common food-handling areas, the Encampment Host, Encampment Manager or Encampment Sponsor must provide:
- i. An enclosure, adequate in size, separate from any sleeping quarters;
- ii. No direct openings to living or sleeping areas from the common food-handling area;
- ~~iii. Sinks with hot and cold running potable water, as provided in subsection A.11.d of this section;~~
- ~~iiiiv. Nonabsorbent, easily cleanable food preparation counters situated off the floor;~~
- iv. When perishable food will be in place, mechanical refrigeration conveniently located and able to maintain a temperature of 45 degrees Fahrenheit or below. If mechanical refrigeration is not reasonably available, then the use of ice chests complies with this requirement provided the ice chests are maintained at a temperature of 45 degrees or less, ice for ice chests is replenished when necessary to maintain temperature, ice chests are in working order and fitted with tight fitting lids, ice chests are cleaned at least weekly with a bleach solution and thoroughly rinsed prior to re-use, shared meals for the majority of residents are not prepared on-site, and the Encampment Host, Encampment Sponsor and Encampment Operator shall promptly comply with any correction notice or direction by King County Department of Health or other agency with jurisdiction regarding food preparation and storage on site.
- g. Maintenance of Bedding. The Encampment Host, Encampment Manager or Encampment Sponsor must maintain bedding, if provided by the Encampment Host, Encampment Manager or Encampment Sponsor, in a clean and sanitary condition.
- h. Refuse Disposal. The Encampment Host, Encampment Manager or Encampment Sponsor must:
- i. Comply with local sanitation codes for removing and disposing of refuse from housing areas.
- ~~ii. Protect against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse.~~

Commented [A11]: See Consent Decree Section 3.3.5.

Commented [A12]: Re-insert language erroneously deleted from Initial Draft LUCA dated 9/23/2019; maintain deletion re: water supply, which is addressed elsewhere

Commented [A13]: Aligns with operations under Consent Decree Section 3.2.

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- ii. Store refuse in on-site trash cans with snap tight lids that are lined with trash bags that are removed and replaced daily.
 - iii. Keep refuse containers clean.
 - iv. Provide a refuse container adjacent to food preparation area and within 100 feet of each dwelling unit.
 - v. Empty refuse containers at least twice each week, and when full.
- i. Insect and Rodent Control. The Encampment Host, Encampment Manager or Encampment Sponsor must take effective measures to prevent and control insect and rodent infestation.
- j. Disease Prevention and Control. The Encampment Host, Encampment Manager or Encampment Sponsor must:
 - ~~i. Report immediately to Seattle and King County Public Health the name and address of any occupant known to have or suspected of having a communicable disease, as now or hereafter designated by Seattle and King County Public Health.~~
 - ii. Report immediately to Seattle and King County Public Health:
 - (A) Suspected food poisoning;
 - (B) Unusual prevalence of fever, diarrhea, sore throat, vomiting, or jaundice; or
 - (C) Productive cough, or when weight loss is a prominent symptom among occupants.
 - ii. Comply with reporting requirements applicable to schools and child care facilities in WAC 246-101-415 and 420 as now or hereafter amended.
~~communicable disease, as now or hereafter designated by Seattle and King County Public Health, from preparing, cooking, serving, or handling food, foodstuffs, or materials in~~
- k. Substantial Compliance. An Encampment Host, Encampment Sponsor, or Encampment Manager may petition the Director for an exemption from particular provisions of subsection A.11 of this section upon a showing of substantial compliance or alternative means of compliance. Alternative means of compliance may include the following:
 - i. Use of facilities already available on the Encampment Host site or within the Encampment Host's facilities (such as preexisting indoor or outdoor hand washing, toilet, or shower facilities);
 - ii. Use of facilities located sufficiently near the Encampment Host site so as to adequately address the health and safety of Encampment residents (such as adjacent public toilet, shower or hand washing facilities);

Commented [A14]: Aligns with operations under Consent Decree Section 3.2.

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- iii. Use of alternative means to assure the health and safety of both the Temporary Encampment residents and surrounding neighborhood residents, occupants and users.

In considering whether an exemption should be granted, the Director may consider whether the provision or provisions of subsection A.11 of this section at issue, if applied to the Temporary Encampment, would substantially burden the siting or hosting of a Temporary Encampment at a particular location or by a particular Encampment Host, Encampment Sponsor, or Encampment Manager.

- 12. Exterior lighting shall be shielded or recessed so that direct glare and reflections are contained within the Temporary Encampment, and shall also be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures utilized at Temporary Encampments shall be appropriate in scale, intensity, and height to the use that they are serving.

20.30U.127 Hardship exception.

An Encampment Host, Encampment Sponsor, or Encampment Manager may petition the Director for an exception from any of the Specific Use Requirements of LUC 20.30U.125 upon grounds of hardship. In considering whether a hardship exception should be granted, the Director may consider whether the provision or provisions at issue substantially burden the siting or hosting of a Temporary Encampment at a particular location or by a particular Encampment Host, Encampment Sponsor, or Encampment Manager and the effects on health and safety of residents and the community should the exception be granted.

20.30U.130 Decision criteria.

The Director may approve or approve with modifications an application for a Temporary Encampment Permit if:

- A. The Temporary Encampment complies with the Use Requirements set out in LUC 20.30U.125 and other applicable requirements of this code; and
- B. The Temporary Encampment will not be materially detrimental to the public health, safety or welfare of the Temporary Encampment residents or the surrounding community; and
- C. The imposition of a condition under which the City reserves the right to impose additional conditions or to reconsider the Temporary Encampment Permit within a certain timeframe from approval date, based on complaints filed with the City.

20.30U.135 Revocation of Temporary Encampment Permit.

Upon determination that there has been a violation of any decision criteria or condition of approval, the Director may give written notice to the permit holder describing the alleged violation. Within 14 days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the 14-day period, the Director shall sustain or revoke the permit. When a Temporary Encampment Permit is revoked, the Director shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke a

Attachment C

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Temporary Encampment Permit will be processed using the Process V appeal procedures. This availability of this procedure shall be in addition to the procedures set out in Chapter 1.18 BCC.