

**CITY COUNCIL STUDY SESSION**

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

Mike Brennan, Development Services Director, 452-4113

Toni Pratt, Senior Planner, 452-5374

*Development Services Department*

Kathy Gerla, City Attorney, 452-7220

Cindy Lin, Assistant City Attorney, 452-4086

*City Attorney's Office*

**DIRECTION NEEDED FROM COUNCIL****DIRECTION**

Staff will explain topics three and four which are 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 continue discussion regarding all four recommended topic areas and the initial draft LUCA, which solely focused on reflecting how Chapter 20.30U LUC has been administered under the Consent Decree. Staff seeks Council direction on the topic areas that should be included in the draft LUCA for the November 18 public hearing.

**RECOMMENDATION**

Direct staff to prepare a draft Temporary Encampment LUCA that includes the four recommended topic areas for the November 18 public hearing.

**BACKGROUND & ANALYSIS****September 9 and 23 Study Sessions**

On September 9, Council authorized 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. Also, at this Study Session, Council was introduced to four recommended topic areas for consideration during the LUCA process. The topic areas are:

1. Proven effective public health and safety standards;
2. Neighborhood engagement;
3. Consistent and predictable frequency and duration of temporary encampments; and
4. Streamlined permit process for temporary encampments.

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 the original signatories to the Consent Decree and a neighborhood focus group composed of neighbors who live adjacent to religious facilities who have hosted temporary encampments and attended public meetings in the past regarding temporary

encampments hosted in their neighborhoods, and experience administering temporary encampment regulations in the City.

Council requested additional information, including a comparison between Chapter 20.30U LUC and the Consent Decree and how Chapter 20.30U LUC / the Consent Decree differed from legislation in other jurisdictions, particularly in the areas of outreach and effective mitigation which staff interpreted to mean public health and safety standards. These are included as Attachment A and Attachment B. Attachment B represents staff's attempt to compare topical categories from other jurisdictions to (1) Chapter 20.30U LUC / the Consent Decree and (2) the LUCA proposed by staff.

On September 23, an initial draft of amendments to Chapter 20.30U LUC was published for Council consideration. Attachment C is an updated initial draft LUCA focused only on reflecting how Chapter 20.30U LUC has been administered under the Consent Decree. Additionally, staff introduced the first two of four recommended topic areas for discussion. They are reintroduced here due to limited time for discussion at the September 23 meeting.

### **Recommended Topic Areas for Consideration**

#### **1. Proven effective public health and safety standards**

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

The health and safety standards in Chapter 20.30U LUC 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 certain 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 as noted in Attachment A.

#### **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 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. This is also comparable with what is generally occurring regionally as noted in Attachment B.

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:

<b>Regulatory Provisions</b>	<b>Chapter 20.30U LUC</b>	<b>Consent Decree</b>
<b>Length of Stay</b> 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.
<b>Location Frequency</b> LUC 20.30U.125.A.5 CD Sec. 3.4	Not more than once every 18 months at the same site.	In addition to the LUC requirement: <ol style="list-style-type: none"><li>1. General encampment frequency is one per calendar year; and</li><li>2. Minimum 180-day gap between end of one encampment and beginning of another.</li></ol>

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, Attachment B provides 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 1-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 are also provided for Council's information within Attachment B.

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. This is also comparable to the general regional standard for frequency and duration as noted in other jurisdictions as noted in Attachment B.

#### **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 neighbor 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
- Identification of any modification to previous approval

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

#### **Requested Direction**

In summary, Attachment C reflects an initial draft LUCA that focuses solely on how Chapter 20.30U LUC has been administered under the Consent Decree, which includes staff recommendation topic area one (Public Health and Safety Standards).

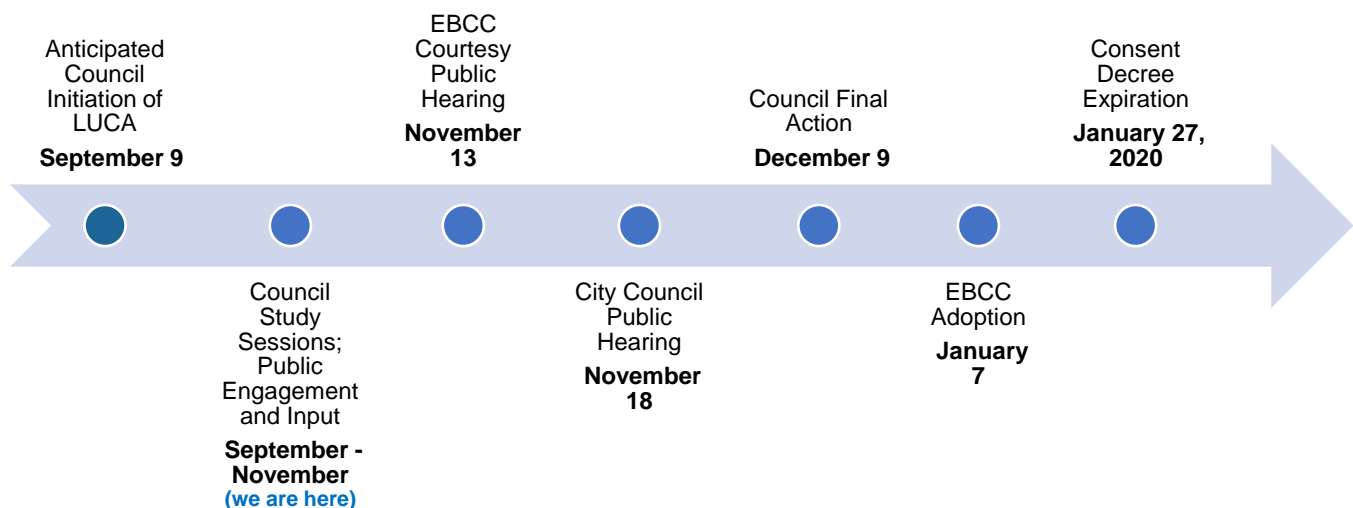
Council is now presented with a limited number of additional recommended topic areas to consider for the LUCA beyond the administration under the Consent Decree, based upon stakeholder feedback,

regional standards and permitting experience. Together, the narrowly tailored package of staff recommendations attempts to strike a balance between the interests of the temporary encampment hosts and other stakeholders. The package is expected to have no or reduced impact on the religious hosts' rights to religious exercise.

The objective for the October 14 Study Session is to complete Council policy discussions and direct staff on the topic areas that should be included in the draft LUCA for the November 18 public hearing.

### Schedule

The anticipated schedule for the Temporary Encampment LUCA is show 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. Direct staff to prepare a draft Temporary Encampment LUCA that includes the four recommended topic areas for the November 18 public hearing.
2. Direct staff to prepare a draft Temporary Encampment LUCA that focuses only on reflecting how Chapter 20.30U LUC has been administered under the Consent Decree for the November 18 public hearing.
3. Do not direct staff to prepare a draft Temporary Encampment LUCA as provided in Options 1 or 2 above for the November 18 public hearing and provide alternative direction to staff.

## **ATTACHMENTS & AVAILABLE DOCUMENTS**

- A. Comparative Matrix between Chapter 20.30U LUC and the Consent Decree
- B. Comparative Matrix of Chapter 20.30U LUC provisions with Other Jurisdictions
- C. 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