

CITY COUNCIL REGULAR SESSION

Ordinance amending Ordinance No. 5615 and Chapter 20.30U of the Bellevue Land Use Code, allowing for the permitting of Temporary Encampments while assuring the health, safety and welfare of all residents of those Encampments and of the citizens of Bellevue.

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

EXECUTIVE SUMMARY

As directed by Council on November 25, an Ordinance for Council approval has been prepared to modify Chapter 20.30U LUC, which covers permitting of temporary encampments hosted by religious organizations on their property. The Ordinance includes updates to Health and Safety regulations and a package of alternative amendments in the topic areas of Neighborhood Engagement, Frequency and Duration, and Streamlined Permitting Process. This Ordinance will more closely reflect how Chapter 20.30U LUC has been administered under the terms of the Consent Decree.

RECOMMENDATION

Move to adopt Ordinance No. 6498.

If approved, effective date: 01/28/2020

BACKGROUND/ANALYSIS**November 25 Study Session**

During the Public Hearing held on November 18, Council expressed interest in receiving additional options for amending Chapter 20.30U LUC in the topic areas contained in the Draft Public Hearing LUCA that could address the concerns expressed in the Public Hearing within the applicable legal framework. At the November 25 Study Session, staff presented Council with three options (see Attachment A) for Council consideration to achieve direction necessary to prepare the ordinance to amend Chapter 20.30U LUC as noted below:

1. Adoption of an ordinance based upon the *Draft Public Hearing LUCA* that includes the four topic areas of Health and Safety, Neighborhood Engagement, Frequency and Duration, and Streamlined Permitting Process. This is composed of staff's recommendations which are based upon input received from the original signatories of the Consent Decree, the neighborhood focus group, and implementation experience for the past 13+ years.
2. Adoption of an ordinance based upon the *Initial Draft LUCA* that aligns Chapter 20.30U LUC to operations under the Consent Decree only. This reflects how Temporary Encampments have operated in the City for the past 13+ years.

3. Adoption of an ordinance that *modifies the Draft Public Hearing LUCA* that includes the updated Health and Safety regulations and the package of alternative amendments in the topic areas of Neighborhood Engagement, Frequency and Duration, and Streamlined Permitting Process.

Of the three options provided for Council consideration, Council expressed interest in Option 3 which is described below under the four identified topics:

Health and Safety Standards:

- Alignment to operations under the Consent Decree.

Neighborhood Engagement:

- Removal of the litter patrol requirement.
- Addition of an optional post issuance informational meeting with the neighborhood which may be required under certain circumstances.
- Require periodic certification with conditions of approval.

Frequency and Duration:

- 90 days maximum for a temporary encampment deployment.
- 18-month gap to the same site.
- 180-day gap between deployments in the City.

Streamlined Permit Process:

- Eligibility requires that an Encampment Host have a prior permit at the same site not subject to revocation and no sustained code enforcement actions beyond voluntary compliance.
- Length of approval for a deployment would be three years.

Based upon the direction received from Council, the Draft Public Hearing LUCA has been modified to contain the elements noted above as Attachment B (Annotated Version). A clean version of the Ordinance containing these modifications is also provided for final review and approval by Council.

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 are no fiscal impacts expected from the implementation of the proposed LUCA.

OPTIONS

1. Adopt the Ordinance amending Ordinance No. 5615 and Chapter 20.30U of the Bellevue Land Use Code, allowing for the permitting of Temporary Encampments while assuring the health, safety and welfare of all residents of those Encampments and of the citizens of Bellevue.
2. Do not adopt the Ordinance and provide alternative direction to staff.

ATTACHMENTS & AVAILABLE DOCUMENTS

- A. Study Session 5 Matrix Analysis
- B. Temporary Encampment LUCA (Annotated Version)
Proposed Ordinance No. 6498

AVAILABLE IN COUNCIL LIBRARY

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