ORDINANCE NO. 762

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, TO ADDRESS TRANSITIONAL ENCAMPMENTS.

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70A RCW; and

WHEREAS, the City has traditionally permitted transitional (homeless) encampments through the issuance of a Temporary Use Permit; and

WHEREAS, the application process for a Temporary Use Permit has been considered burdensome by the hosts of such encampments, churches and human service organizations; and

WHEREAS, via the adoption of Resolution No. 379, the City Council directed staff to review policies and development code provisions that may create barriers for those experiencing homelessness; and

WHEREAS, staff worked with interested members of the public, churches, and human service organizations in addition to reviewing regulations of other municipalities; and

WHEREAS, on September 15, 2016, the City of Shoreline Planning Commission reviewed the proposed Development Code amendments; and

WHEREAS, on October 20, 2016, the City of Shoreline Planning Commission held a public hearing on the proposed Development Code amendments so as to receive public testimony; and

WHEREAS, the Planning Commission continued the public hearing so as to allow the staff time to respond to public and commission questions and concerns; and

WHEREAS, on December 15, 2016, at the continued public hearing, the Planning Commission considered revisions to the proposed Development Code amendments and, at the conclusion of public hearing, the Planning Commission, after adopting several revisions to the proposal submitted by staff, recommended approval of the amendments to the City Council; and

WHEREAS, on January 30 and February 27, 2017, the City Council considered the Planning Commission's recommendation on the proposed Development Code amendments; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City provided public notice of the amendments and the public hearing as provided in SMC 20.30.070; and

WHEREAS, the environmental impacts of the proposed amendments resulted in the issuance of a Determination of Non-Significance (DNS) on October 13, 2016, and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, the City Council has determined that the amendments are consistent with and implement the Shoreline Comprehensive Plan and serves the purpose of the Unified Development Code as set forth in SMC 20.10.020;

THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Title 20 of the Shoreline Municipal Code, Unified Development Code, is amended as set forth in Exhibit A to this Ordinance.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON MARCH 20, 2017.

Mayor Christopher Roberts

ATTEST:

Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:

Margaret King
City Attorney

Date of Publication: March 23, 2017
Effective Date: March 28, 2017

20.20.024 H definitions.

Host agency: Host agency means a religious or not for profit organization that invites a transitional encampment to reside on the land that they own or lease.

20.20.034 M definitions.

Managing Agency: Managing agency means an organization that has the capacity to organize and manage a transitional encampment. A Managing Agency must be a State of Washington registered non-profit corporation; a federally recognized tax exempt 501(c)(3) organization; a religious organization as defined in RCW 35A.21.360; or a self-managed homeless community. A Managing Agency may be the same organization as the Host Agency.

20.20.048 T definitions.

Transitional Encampments: Temporary campsites for the homeless organized by a managing agency.

20.30.045 Neighborhood meeting for certain Type A proposals.

1. A neighborhood meeting shall be conducted by the applicant for Temporary Use Permits for Transitional Encampment proposals.

2. A neighborhood meeting shall be conducted by the applicant for developments consisting of more than one single-family detached dwelling unit on a single parcel in the R-4 or R-6 zones. This requirement does not apply to accessory dwelling units (ADUs). This neighborhood meeting will satisfy the neighborhood meeting requirements when and if an applicant applies for a subdivision (refer to SMC 20.30.090 for meeting requirements). (Ord. 695 § 1 (Exh. A), 2014).

20.30.295 Temporary use.

A. A temporary use permit is a mechanism by which the City may permit a use to locate within the City (on private property or on the public rights-of-way) on an interim basis, without requiring full compliance with the Development Code standards or by which the City may permit seasonal or transient uses not otherwise permitted.

B. The Director may approve or modify and approve an application for a temporary use permit if:

1. The temporary use will not be materially detrimental to public health, safety, or welfare, nor injurious to property and improvements in the immediate vicinity of the subject temporary use;
2. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use;

3. Adequate parking is provided for the temporary use and, if applicable, the temporary use does not create a parking shortage for the existing uses on the site;
4. Hours of operation of the temporary use are specified;
5. The temporary use will not create noise, light, or glare which would adversely impact surrounding uses and properties; and
6. The temporary use is not in conflict with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and is located outside the shoreline jurisdiction regulated by the Shoreline Master Program, SMC Title 20, Division II.

C. Except for Transitional Encampments, a A temporary use permit is valid for up to 60 calendar days from the effective date of the permit, except that the Director may establish a shorter time frame or extend a temporary use permit for up to one year. (Ord. 724 § 1 (Exh. A), 2015; Ord. 425 § 1, 2006).

D. Additional Criteria for Transitional Encampment.

1. The site must be owned or leased by either a Host or Managing Agency.

2. The application fee for a Temporary Use Permit (TUP) for a transitional encampment is waived.

3. Prior to application submittal, the applicant is required to hold a neighborhood meeting and provide a written summary as set forth in SMC 20.30.045 and 20.30.090.

4. The applicant shall utilize only government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective encampment residents to develop a list for the purpose of obtaining sex offender and warrant checks. The applicant shall submit the identification list to the King County Sheriff's Office Communications Center.

5. The applicant shall have a code of conduct that articulates the rules and regulation of the encampment. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; and exclusion of sex offenders. The applicant shall keep a cumulative list of all residents who stay overnight in the encampment, including names and dates. The list shall be kept on site for the duration of the encampment. The applicant shall provide an affidavit of assurance with the permit submittal package that this procedure is being met and will continue to be updated during the duration of the encampment.

6. The maximum number of residents at a transitional encampment site shall be determined taking into consideration site conditions, but shall in no case be greater than 100 residents at any one time. Any proposed site shall meet the site requirements in 20.30.295(D)(7) and be of sufficient size to support the activities of the transitional encampment without overcrowding of residents.

7. Site requirements:

a. The minimum useable site area for a transitional encampment shall be: 7,500 square feet for the first 50 residents, plus 150 square feet for each additional

resident, up to the maximum allowable of 100 residents. The useable site area may be a combination of contiguous parcels in the same ownership of the host or managing agency.

b. Tents and supporting facilities within an encampment must meet 10-foot setbacks from neighboring property lines, not including right-of-way lines or properties under the same ownership as the host agency. Setback from rights-of-way must be a minimum of five feet. Additional setback from rights-of-way may be imposed based on the City's Traffic Engineer's analysis of what is required for safety. Setbacks to neighboring property lines may be reduced by the Director to a minimum of five feet if it can be determined that the reduction will result in no adverse impact on the neighboring properties, taking into account site conditions that extend along the entire encampment area, including but not limited to:

    1 Topography changes from adjoining property

    2 Visually solid, minimum 6-foot height, intervening structures

    3 Distance from nearest structure on neighboring property

    4 Vegetation that creates a visual screen

c. The transitional encampment shall be screened. The screening shall meet setbacks except screening or structures that act as screening that are already in existence. The color of the screening shall not be black.

d. A fire permit is required for all tents over 400 square feet. Fire permit fees are waived.

e. All tents must be made of fire resistant materials and labeled as such.

f. Provide adequate number of 2A-10BC rated fire extinguishers so that they are not more than 75 feet travel distance from any portion of the complex. Recommend additional extinguishers in cooking area & approved smoking area.

g. Smoking in designated areas only; these areas must be a minimum of 25 feet from any neighboring residential property. Provide ash trays in areas approved for smoking.

h. Emergency vehicle access to the site must be maintained at all times.

i. Members of the transitional encampment shall monitor entry points at all times. A working telephone shall be available to ensure the safety and security of the transitional encampment at all times.

j. Provide adequate sanitary facilities.

8. The encampment shall permit inspections by City, King County Health Department, and Fire Department inspectors at reasonable times during the permit period without prior notice to ensure compliance with the conditions of the permit.

9. The encampment shall allow for an inspection by the Shoreline Fire Department during the initial week of the encampment's occupancy.

10. Encampments may be allowed to stay under the Temporary Use Permit for up to 90 days. A TUP extension may be granted for a total of 180 days, on sites where agencies in good standing have shown to be compliant with all regulations and requirements of the TUP process, with no record of rules violations. The extension request must be made to the City, but does not require an additional neighborhood meeting or additional application materials or fees.

11. Host or Managing Agencies may not host a transitional encampment on the same site within 180 days of the expiration date of the TUP for a transitional encampment.

12. At expiration of the permit, the Host or Managing Agency shall restore the property to the same or similar condition as at permit issuance.

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
RESIDENTIAL GENERAL									
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P	P	P
	Duplex	P-i	P-i	P-i	P-i	P-i			
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i	P-i				
	Mobile Home Park	P-i	P-i	P-i	P-i				
	Single-Family Attached	P-i	P	P	P	P			
	Single-Family Detached	P	P	P	P				
GROUP RESIDENCES									

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i	P-i	P-i
	Community Residential Facility-I	C	C	P	P	P	P	P	P
	Community Residential Facility-II		C	P-i	P-i	P-i	P-i	P-i	P-i
721310	Dormitory		C-i	P-i	P-i	P-i	P-i	P-i	P-i
TEMPORARY LODGING									
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
72111	Hotel/Motel						P	P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
-	~~Transitional Encampment~~	~~P-i~~	~~P-i~~	~~P-i~~	~~P-i~~	~~P-i~~	~~P-i~~	~~P-i~~	-
MISCELLANEOUS									
	Animals, Small, Keeping and Raising	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i

P = Permitted Use	**S = Special Use**
C = Conditional Use	**-i = Indexed Supplemental Criteria**

(Ord. 731 § 1 (Exh. A), 2015; Ord. 669 § 1 (Exh. A), 2013; Ord. 654 § 1 (Exh. 1), 2013; Ord. 560 § 3 (Exh. A), 2009; Ord. 408 § 2, 2006; Ord. 368 § 1, 2005; Ord. 352 § 1, 2004; Ord. 301 § 1, 2002; Ord. 299 § 1, 2002; Ord. 281 § 6, 2001; Ord. 238 Ch. IV § 2(B, Table 1), 2000).

20.40.150 Campus uses.

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
513	Broadcasting and Telecommunications	P-m			P-m
	Bus Base	P-m			P-m

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
	Child and Adult Care Services	P-m	P-m		P-m
	Churches, Synagogue, Temple	P-m	P-m		
6113	College and University				P-m
	Conference Center	P-m			P-m
6111	Elementary School, Middle/Junior, High School	P-m			
	Food Storage, Repackaging, Warehousing and Distribution		P-m		
	Fueling for On-Site Use Only		P-m		P-m
	Home Occupation	P-i	P-i		
	Housing for Disabled Persons	P-m	P-m		
	Library	P-m		P-m	P-m
	Light Manufacturing		P-m		P-m
	Maintenance Facilities for On-Site Maintenance	P-m	P-m	P-m	P-m
	Medical-Related Office or Clinic (including personal care facility, training facilities, and outpatient clinic)	P-m	P-m	P-m	P-m
	State Owned/Operated Office or Laboratory		P-m	P-m	P-m
	Outdoor Performance Center	P-m			P-m
623	Nursing and Personal Care Facilities	P-m	P-m		P-m
	Performing Arts Companies/Theater	P-m			P-m
	Personal Services (including laundry, dry cleaning, barber and beauty shop, shoe repair, massage therapy/health spa)	P-m	P-m		P-m
	Power Plant for Site Use Power Generation Only		P-m	P-m	P-m
	Recreational Facility	P-m	P-m		P-m
	Recreation Vehicle	P-i			
	Research Development and Testing		P-m	P-m	P-m
	Residential Habilitation Center and Support Facilities	P-m	P-m		

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
6111	Secondary or High School	P-m			P-m
	Senior Housing (apartments, duplexes, attached and detached single-family)	P-m			
	Social Service Providers		P-m		P-m
6116	Specialized Instruction School	P-m	P-m		P-m
	Support Uses and Services for the Institution On Site (including dental hygiene clinic, theater, restaurant, book and video stores and conference rooms)	P-m	P-m	P-m	P-m
-	~~Tent City~~	~~P-i~~	-	-	-
	Wireless Telecommunication Facility	P-i			P-i
P = Permitted Use **P-i = Permitted Use with Indexed Supplemental Criteria** **P-m = Permitted Use with approved Master Development Plan**					

Note: Other uses not listed in Table 20.40.150 existing within the campus zone as of the effective date of Ordinance No. 507 may be permitted as P-m through a Code interpretation.

(Ord. 731 § 1 (Exh. A), 2015; Ord. 507 § 4, 2008).

20.40.160 Station area uses.

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
RESIDENTIAL				
	Accessory Dwelling Unit	**P-i**	**P-i**	**P-i**
	Affordable Housing	**P-i**	**P-i**	**P-i**
	Apartment	**P**	**P**	**P**
	Bed and Breakfast	**P-i**	**P-i**	**P-i**
	Boarding House	**P-i**	**P-i**	**P-i**

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Duplex, Townhouse, Rowhouse	**P-i**	**P-i**	
	Home Occupation	**P-i**	**P-i**	**P-i**
	Hotel/Motel			**P**
	Live/Work	**P (Adjacent to Arterial Street)**	**P**	**P**
	Microhousing			
	Single-Family Attached	**P-i**	**P-i**	
	Single-Family Detached	**P-i**		
-	~~Tent City~~	~~**P-i**~~	~~**P-i**~~	~~**P-i**~~

...

~~**20.40.535 Transitional encampment.**~~ SHARE

~~A. Allowed only by temporary use permit .~~

~~B. Prior to application submittal, the applicant is required to hold a neighborhood meeting as set forth in SMC 20.30.090. A neighborhood meeting report will be required for submittal.~~

~~C. The applicant shall utilize only government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective encampment residents to develop a list for the purpose of obtaining sex offender and warrant checks. The applicant shall submit the identification list to the King County Sheriff's Office Communications Center.~~

~~D. The applicant shall have a code of conduct that articulates the rules and regulation of the encampment.~~

~~E. The applicant shall keep a cumulative list of all residents who stay overnight in the encampment, including names and dates. The list shall be kept on site for the duration of the encampment. The applicant shall provide an affidavit of assurance with the permit submittal package that this procedure is being met and will continue to be updated during the duration of the encampment. (Ord. 731 § 1 (Exh. A), 2015; Ord. 368 § 2, 2005).~~