

RESOLUTION NO. 1162 (2004)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, FINDING THAT TENT CITY 4 PRESENTS SPECIAL CIRCUMSTANCES WARRANTING A DIFFERENT REVIEW PROCESS THAN NORMALLY WOULD APPLY TO CAMPGROUNDS, AND ESTABLISHING A SPECIAL CONDITIONAL USE PERMIT PROCESS APPLICABLE SPECIFICALLY TO TENT CITY 4

WHEREAS, King County Superior Court Judge Steven Scott ruled in a June 15, 2004, decision on a request by the City of Bothell for a preliminary injunction concerning Tent City 4, a homeless encampment operated by Share / Wheel and hosted by St. Brendan Church, that St. Brendan Church and Share / Wheel are required to obtain a permit from the City to locate and operate a homeless encampment in Bothell; and

WHEREAS, approximately one month earlier, on May 14, 2004, St. Brendan Church announced its intention to host Tent City 4, an encampment for the homeless, and subsequently, on May 17, 2004, allowed Tent City 4 to locate on the Church property without having previously obtained any approvals from the City, in violation of Bothell Municipal Code 11.20.003; and

WHEREAS, in response to the above-referenced announcement and subsequent action the Community Development Director examined the zoning regulations to determine whether an encampment for the homeless was a permitted, conditional or prohibited use, and, finding no listing in the regulations for homeless encampments and acting in accordance with Bothell Municipal Code 12.06.020, determined that the proposed use was most similar to a campground, which is a conditional use in the R5 zone in which St. Brendan Church is located; and

WHEREAS, St. Brendan Church applied for a conditional use permit, after allowing Tent City 4 to occupy the Church property, and scheduled a pre-application conference to discuss with City staff the conditional use permit process; and

WHEREAS, at the pre-application conference St. Brendan Church representatives stated their opinion that the temporary nature of a homeless encampment does not merit installation of capital improvements as would be necessary to serve a permanent campground, and as are required under Bothell Municipal Code 12.06.110B.2; and

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WHEREAS, City staff concurred with the position of the church representatives regarding the inappropriateness of the requirement in the zoning regulations to install permanent capital improvements for a one-time temporary facility; and

WHEREAS, City staff further registered concern that the normal processing time for a conditional use permit process of three to four months might be excessively lengthy to address the immediate concerns posed by Tent City 4, given that the homeless encampment had been in operation since May 17, 2004; and

WHEREAS, City staff identified to St. Brendan Church representatives an alternative approach to the standard conditional use permit process which appeared to offer a mechanism to deal with those above-mentioned concerns not adequately addressed under the standard process, said alternative approach being provided for under Bothell Municipal Code 11.04.007; and

WHEREAS, St. Brendan Church representatives on June 10, 2004 submitted a letter to the City Council requesting that the Council, in accordance with Bothell Municipal Code 11.04.007, determine that special circumstances exist which warrant a different review process than would normally be applied to campgrounds;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The need for expedited review and the inappropriateness of the requirement in the zoning regulations for permanent capital improvements to serve a temporary facility constitute special circumstances warranting a different permit review process for Tent City 4 than that which would normally apply to campgrounds.

Section 2. The request by St. Brendan Church and Share / Wheel to locate and operate Tent City 4 on property owned by St. Brendan Church shall be considered as an application for a Special Conditional Use Permit, or SCUP. The SCUP process shall consist of the following:

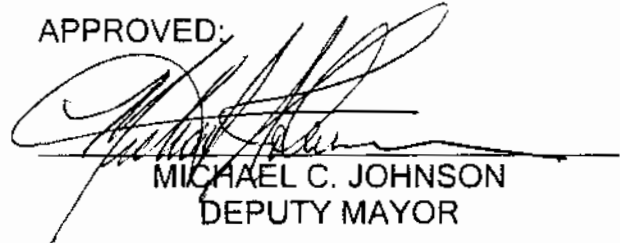
1. Scheduling a Council hearing on the SCUP for June 30, in a venue appropriate to accommodate the anticipated audience;
2. Notifying the public of the hearing via direct mail in the immediate vicinity of Tent City 4; the City website; BCTV; and press releases to all media;
3. Conducting the hearing as follows:
 - a. Staff presentation of background history;
 - b. Staff description of SCUP process;
 - c. Staff recommendations for conditions of approval;
 - d. Applicant presentation;

- e. Public testimony;
 - f. Council deliberations and direction to staff concerning conditions of approval.
4. Continuing the hearing and deliberations, or closing the hearing and continuing deliberations, to July 6;
5. Acting on the SCUP on July 6 or a subsequent date.

Section 3. The process established in this resolution is applicable only to the Tent City 4 homeless encampment currently occupying the St. Brendan Church property and scheduled to vacate said property no later than August 15, 2004. Nothing in this particular SCUP process or in any conditions of approval resulting from this process are inherently applicable to other properties whose owners may desire to host a homeless encampment.

PASSED this 21st day of June, 2004.

APPROVED:



MICHAEL C. JOHNSON
DEPUTY MAYOR

ATTEST/AUTHENTICATED:



JOANNE TRUDEL
CITY CLERK

FILED WITH THE CITY CLERK: June 10, 2004
PASSED BY THE CITY COUNCIL: June 21, 2004
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