

**ORDINANCE NO. 05-1017**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending Section 15.20.020 of the Zoning Code and adding new Sections 15.10.342, 15.10.347, 15.10.612.5 and 15.20.045 to the City Zoning Code to adopt interim development standards for homeless encampments.

**WHEREAS**, the City Council was concerned that existing development regulations and design standards governing homeless encampments are not sufficient to protect the public interest regarding the City's health and safety standards; and

**WHEREAS**, to give time to research new standards, while ensuring that the aesthetic character of neighborhoods was protected, the City Council adopted interim standards governing homeless encampments under Ordinance 05-1009; and

**WHEREAS**, since the adoption of the Interim Standards, City Staff and the Planning Commission have researched and formulated the permanent development standards set forth herein considering input from the public, churches, and SHARE/WHEEL; and

**WHEREAS**, a public hearing was held on September 26, 2005 on the proposed standards; and

**WHEREAS**, the Comprehensive Plan supports implementing standards to minimize health and safety impacts and to protect the character of neighborhoods from homeless encampments (Policy 1.2A); and

**WHEREAS**, the City Council deems it to be in the best interest of the public welfare to provide for final development standards governing homeless encampments;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON HEREBY ORDAIN as follows:**

Section 1. Section 15.20.020 of the SeaTac Municipal Code is hereby amended to read as follows:

**15.20.020 Temporary Uses**

Temporary uses that shall be regulated are as follows:

- A. Carnivals, street fairs, and outdoor holiday celebrations;
- B. Seasonal sales of Christmas trees, fireworks, flowers, fruits and vegetables;
- C. Temporary construction sheds or trailers only for the duration of the construction activity; provided, that no residential or other use shall be made of such temporary construction sheds or trailers that is unrelated to the construction activity;
- D. Temporary outdoor food events related to, and on the same site, as a restaurant.
- E. Homeless Encampments allowed in all zone classifications subject to the criteria and requirements listed under SMC 15.20.045.

Section 2. A new Section 15.10.342 is hereby added to the SeaTac Municipal Code, to read as follows:

**15.10.342 Homeless Encampment**

An emergency homeless encampment, hosted by a church or other organization, which provides temporary housing to homeless persons.

Section 3. A new Section 15.10.347 is hereby added to the SeaTac Municipal Code, to read as follows:

**15.10.347 Host Agency**

The owner of the site property, being a Church or other organization that joins a sponsoring agency in an application for a City Temporary Use Permit for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals, coordination of other needed donations and services, etc.

Section 4. A new Section 15.10.612.5 is hereby added to the SeaTac Municipal Code, to read as follows:

**15.10.612.5 Sponsoring Agency**

A Church or other organization that joins in an application with a host agency for a City Temporary Use Permit and assumes responsibility for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals, coordination of other needed donations and services, etc.

Section 5. A new Section 15.20.045 is hereby added to the SeaTac Municipal Code, to read as follows:

**15.20.045 Homeless Encampment – Criteria/Requirements for Approval**

The City Manager or designee may issue a temporary and revocable permit for a Homeless Encampment subject to the following criteria and requirements.

**A. Procedure for Approval**

1. The sponsoring agency shall notify the City of the proposed Homeless Encampment a minimum of 30 days in advance of the proposed date of establishment for the Homeless Encampment and at least 14 days before submittal of the Temporary Use Permit. The advance notification shall contain the following information:
  - a. The date the Homeless Encampment will encamp.
  - b. The length of encampment.
  - c. The maximum number of residents proposed.
  - d. The host location.
2. The sponsoring agency shall conduct at least one (1) public informational meeting within, or as close to, the neighborhood where the proposed Homeless Encampment will be located, a minimum of two (2) weeks prior to the submittal of the Temporary Use Permit application. The time and location of the meeting shall be agreed upon between the City and sponsoring agency. All property owners within 1000 feet of the proposed Homeless Encampment shall be notified 14 days in advance of the meeting by the sponsoring agency.

**B. Site Criteria**

1. If the sponsoring agency is not the host agency of the site, the sponsoring agency shall submit a written agreement from the host agency allowing the Homeless Encampment.

2. The property must be sufficient in size to accommodate the tents and necessary on-site facilities, including, but not limited to the following:
  - a. Sanitary portable toilets in the number required to meet capacity guidelines;
  - b. Hand washing stations by the toilets and by the food areas;
  - c. Refuse receptacles; and
  - d. Food tent and security tent.
3. The host and sponsoring agencies shall provide an adequate water source to the Homeless Encampment, as approved by the local Water District and the City.
4. No Homeless Encampment shall be located with a Sensitive (Critical) Area or its buffer as defined under Chapter 15.30 of the SeaTac Municipal Code (SMC).
5. No permanent structures will be constructed for the Homeless Encampment.
6. No more than 100 residents shall be allowed. The City may further limit the number of residents as site conditions dictate.
7. Adequate on-site parking shall be provided for the Homeless Encampment. No off-site parking will be allowed. The number of vehicles used by Homeless Encampment residents shall be provided. If the Homeless Encampment is located on a site with another use, it shall be shown that the Homeless Encampment parking will not create a shortage of on-site parking for the other use/s on the property.
8. The Homeless Encampment shall be within a quarter (1/4) mile of a bus stop with seven (7) days per week service, whenever possible. If not located within a quarter mile of a bus stop, the sponsoring agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).
9. The Homeless Encampment shall be adequately buffered and screened from adjacent right-of-way and residential properties. Screening shall be a minimum height of six (6) feet and may include, but is not limited to, a combination of fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the City.

10. All sanitary portable toilets shall be screened from adjacent properties and rights-of-way. The type of screening shall be approved by the City and may include, but is not limited to, a combination of fencing and/or landscaping.

**C. Security**

1. An Operations and Security Plan for the Homeless Encampment shall be submitted to the City.
2. The host agency shall provide to all residents of the Homeless Encampment a “Code of Conduct” for living at the Homeless Encampment. A copy of the “Code of Conduct” shall be submitted to the City at the time of application.
3. All Homeless Encampment residents must sign an agreement to abide by the Code of Conduct and failure to do so shall result in the noncompliant resident’s immediate and permanent expulsion from the Property.
4. The sponsoring agency shall keep a log of all people who stay overnight in the encampment, including names and birth dates, and dates of stay. Logs shall be kept for a minimum of six (6) months.
5. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID, such as a driver’s license, government-issued identification card, military identification or passport from prospective and existing encampment residents.
6. The sponsoring agency will use identification to obtain sex offender and warrant checks from the King County Sheriff’s Office or relevant local police department.
  - a. If said warrant and sex offender checks reveal either (1) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (2) the subject of the check is a sex offender, required to register with the County Sheriff or their county of residence pursuant to RCW 9A.44.130, then sponsoring agency will reject the subject of the check for residency to Homeless Encampment or eject the subject of the check if that person is already a Homeless Encampment resident.
  - b. The sponsoring agency shall immediately contact the SeaTac Police Department if the reason for rejection or

ejection of an individual from the Homeless Encampment is an active warrant or if, in the opinion of the on-duty Executive Committee member or the on-duty security staff the rejected/ejected person is a potential threat to the community.

7. The sponsoring agency shall self-police and self-manage its residents and flatly prohibit alcohol, drugs, weapons, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.
8. The sponsoring agency will appoint an Executive Committee member to serve “on-duty” at all times to serve as a point of contact for City of SeaTac Police and will orient the Police as to how the security tent operates. The names of the on-duty Executive Committee members will be posted daily in the security tent. The City shall provide contact numbers of non-emergency personnel which shall be posted at the security tent.

**D. Timing**

1. The duration of the Homeless Encampment shall not exceed ninety (90) days.
2. No additional homeless encampments may be allowed in any 12 month period beginning on the date the homeless encampment locates on a parcel of property.
3. No more than one (1) Homeless Encampment may be located in the City at any time.

**E. Health and Safety**

1. All temporary structures within the Homeless Encampment shall conform to all Building Codes.
2. The Homeless Encampment shall conform to the following Fire requirements.
  - a. Material used as roof covering and walls shall be of flame retardant material.
  - b. There shall be no open fires for cooking or heating.
  - c. No heating appliances within the individual tents are allowed.
  - d. No cooking appliances other than microwave appliances are allowed.

- e. An adequate number and appropriate rating of fire extinguishers shall be provided as approved by the Fire Department.
  - f. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the Fire Department
  - g. Adequate separation between tents and other structures shall be maintained as determined by the Fire Department.
  - h. Electrical service shall be in accordance with recognized and accepted practice; Electrical cords are not to be strung together and any cords used must be approved for exterior use.
3. The sponsoring and host agencies shall permit inspections by SeaTac staff and the King County Health Department at reasonable times without prior notice for compliance with the conditions of this permit.

**F. Termination**

1. If the sponsoring agency fails to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of the permit. If the City learns of uncontrolled violence or acts of undisciplined violence by residents of the encampment and the sponsoring agency has not adequately addressed the situation, the Temporary Use Permit may be immediately terminated.

Section 6. The City Clerk is directed to forward a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development within ten (10) days after adoption, and to the King County Assessor.

Section 7. The Ordinance shall be effective five (5) days after passage and publication.

**ADOPTED** this 25th day of October, 2005 and signed in authentication thereof on this 25th day of October, 2005.

**CITY OF SEATAC**

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Terry Anderson, Deputy Mayor

ATTEST:

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Judith L. Cary, City Clerk

Approved as to Form:

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Mary Mirante Bartolo, City Attorney

[Effective Date: 11/5/05 ]

[An Ordinance Adopting Interim Development Standards for Homeless Encampments]