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BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

In Re: Appeal by ) NO: W-19-006  
)  
SAFE AND AFFORDABLE SEATTLE, )  
)  
MAGNOLIA NEIGHBORHOOD PLANNING ) DECLARATION OF KETIL FREEMAN  
COUNCIL, ) IN SUPPORT OF THE CITY'S MOTION  
) TO DISMISS  
ELIZABETH CAMPBELL, )  
)  
of a determination of non-significance of )  
amendments by the City of Seattle )  
\_\_\_\_\_ )

I, Ketil Freeman, declare as follows:

1. I am a Policy Analyst with the Seattle City Council Central Staff and have direct knowledge of the information and documents described in my declaration.
2. Attached to my Declaration as Exhibit 1 is the SEPA Determination of Non-Significance of Amendments to the Land Use Code to Modify Development Standards for Transitional Encampments and Increase the Maximum Number of Authorized Interim Use Encampments (the Proposal) published on August 8, 2019.
3. Attached to my Declaration as Exhibit 2 is the Notice of SEPA Determination of Non-Significance (DNS) published to the Department of Ecology, record 201904517.
4. Attached to my Declaration as Exhibit 3 is the Notice of SEPA DNS published to the Daily Journal of Commerce.



# Exhibit 1



# SEATTLE CITY COUNCIL

## Determination of Non-significance (DNS) for Amendments to the Land Use Code Modifying Development Standards for Transitional Encampments and Increasing the Maximum Number of Authorized Interim Use Encampments

<b>Proposal</b>	To amend Sections 23.40.002, 23.42.054, 23.42.056, 23.76.004, 23.76.006, 23.84A.038, and 23.76.03.C of the Seattle Municipal Code to provide that transitional encampments for homeless individuals are allowed on any property owned or controlled by a religious organization without approval of a permit under the Seattle Land Use Code, to permit transitional encampments for homeless individuals as an interim use on all publicly owned or private property within the City of Seattle, to increase to 40 the maximum number of authorized interim use encampments that are not associated with a religious institution, and to provide for renewal of temporary use permits for transitional encampments as a Type I decision of the Director of the Seattle Department of Construction and Inspections.
<b>Date of Issuance</b>	August 7, 2019
<b>Proponent / Lead Agency</b>	Seattle City Council
<b>SEPA Contact</b>	Ketil Freeman, AICP, (206) 684-8178, ketil.freeman@seattle.gov
<b>Location</b>	Non-project – Areas within the Seattle Corporate Limits

### PROPOSAL DESCRIPTION

A transitional encampment is defined in the Land Use Code (Seattle Municipal Code, Title 23) as a use intended for temporary sleeping and shelter and describes activities and development that may accompany the encampment. Encampments may be authorized as a use accessory to a religious institution, as a temporary use, or as an interim use. There are currently nine encampments operating in the city, which receive City funds for operation. While operating costs vary depending on the services provided by the operator, the average expenditure by the City per encampment is approximately \$390,000. Of the approved appropriations in the 2019 Adopted Budget, approximately \$4.8 million is allocated for transitional encampments.

On March 30, 2015, the City Council adopted Ordinance No. 124747, which added Section 23.42.056 to the Land Use Code to permit transitional encampments for homeless individuals to locate as an interim use on sites owned or operated by the City of Seattle or private owners for a period of up to one year, and within the following zones: Industrial zones, Downtown zones, except for Downtown zones defined as residential, Seattle Mixed zones, Commercial 2 (C2), Commercial 1 (C1), Neighborhood Commercial 3 (NC3) and Neighborhood Commercial 2 (NC2) zones. Section 23.42.056 includes the following requirements:

- Creates a “Type 1” Master Use Permit (non-appealable and not subject to public notice) that would have a one-year term (compared with the existing 4-week limit on Type 1);
- Requires encampment operators to have prior experience managing or operating shelters, low income housing, or homeless encampments;
- Establishes a maximum limit of no more than three encampments would be permitted and operating at any one time;
- Requires a minimum of 12 months after a transitional encampment interim use permit has expired before a new transitional encampment could be established at the same site;
- Allows a maximum of 100 occupants and requires 100 square feet of land per occupant (already established in the Code for encampments on sites owned or controlled by religious organizations);
- Requires a plan to address site management, maintenance and security;
- Requires compliance with the same health, safety, and inspection requirements that have been established for encampments on sites owned or controlled by religious organizations;
- Establishes parking requirements for encampments if they are not located on sites owned or controlled by religious organizations (1 space for each 2 staff members on-site at peak staffing times); various exceptions to parking requirements in the existing Code would apply;
- Requires that encampment use must be located at least 25 feet from any residentially zoned lot – sites may be closer than 25 feet to residentially zoned lots if encampment boundary is set back at least 25 feet and landscaping, fencing or similar buffer is added;
- Requires that sites with interim use encampments must be 5,000 square feet or larger; must be located within one-half mile of a transit stop; and must be located at least one mile from any other legally established transitional encampment interim use;
- Requires that encampment use must be located outside of wetland, wetland buffer, steep slope, steep slope buffer, and fish and wildlife habitat conservation areas regulated by the City’s regulations for Environmentally Critical Areas or the Seattle Shoreline Master Program;
- Requires that an encampment use cannot displace or occupy an area that is used to meet required provisions for an existing permitted use, such as area for required parking or setbacks;
- Establishes community outreach requirements to give neighbors advance notice of encampments, together with specific operations standards to be implemented by operators of each encampment; and
- Requires that the operator allow service providers such as social workers to access the site when a City-owned property.

The current proposal would retain many of the requirements in Ordinance 124747, while making the following changes:

- Exempt encampments on property owned or controlled by a religious organization from land use permitting requirements;
- Remove the current requirement that encampments on property owned or controlled by a religious organization be accessory to an existing principal use on that property;
- Permit transitional encampments on sites owned or controlled by the City of Seattle, including sites owned by other public entities such as King County or the State of Washington if the site is controlled by the City such as through a lease;
- Remove the requirement that transitional encampments be located at least one mile from any other legally-established transitional encampment use;

- Continue to permit transitional encampments on sites owned by private owners;
- Continue the time limit for an interim use permit for a period of up to one year, but within all zones, including residential zones;
- Allow unlimited renewals of the one-year permit for additional one-year terms, subject to compliance with all applicable regulations, particularly in Sections 23.42.054 and 23.42.056, and remove the requirement that encampments move to a new site after a maximum of two years at any one location;
- Remove the requirement that encampments must be located at least 25 feet from any residentially zoned lot or, if a site is closer than 25 feet to residentially zoned lots, that the encampment boundary be set back at least 25 feet, since the proposal would allow transitional encampments to locate in residential zones;
- Require screening (fence or wall) for all lot boundaries;
- Changes the limit of three encampments City-wide to a maximum of forty encampments;
- Remove the sunset date of March 31, 2020 for interim use encampment regulations; and
- For encampments established by the 6-month temporary use process, which is an appealable “Type II” Master Use Permit, allows conversion of the 6-month permit to an interim use as a non-appealable Type I permit.

#### **ANALYSIS - SEPA**

This proposal is passage of legislation and is a non-project action. The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the proponent, dated August 6, 2019. The information in the checklist, a copy of the proposed text changes, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

This is a substantive change to the Land Use Code, to amend the Code to provide that transitional encampments for homeless individuals are allowed on any property owned or controlled by a religious organization without approval of a permit under the Seattle Land Use Code, to permit transitional encampments for homeless individuals as an interim use on all publicly owned or private property within the City of Seattle, and to provide for renewal of temporary use permits for transitional encampments as a Type I decision of the Director of the Seattle Department of Construction and Inspections. This amendment may result in potential impacts. Consequently, further discussion and analyses related to specific elements of the environment is warranted.

#### **Natural Environment**

##### ***Earth, Air, Water, Plants and Animals, Energy, Natural Resources, Environmentally Sensitive Areas, Noise, Releases of Toxic or Hazardous Materials***

The proposed changes would result in no direct impacts, and are unlikely to result in significant indirect or cumulative adverse impacts related to earth, air, water, plants and animals, energy, natural resources, environmentally sensitive areas, noise, or releases of toxic or hazardous materials. Some elements of the natural environment on future sites could be impacted by the proposal; however, as the number of occupants at any one site would be limited to 100 and the duration of occupancy is limited to one year with an option to renew for additional years subject to compliance with all applicable regulations, particularly in Sections 23.42.054 and 23.42.056, the impact of a given encampment site is expected to be minor. Allowing encampments in all zones throughout the city, while continuing to require a limit to the total number of encampments is expected to broadly distribute the actual siting of

specific encampments, reducing possible cumulative impacts from large numbers of encampment sites in a given area or a given zone.

The proposed legislation does not change existing requirements that transitional encampment sites be located outside of wetland, wetland buffer, steep slope, steep slope buffer, and fish and wildlife habitat areas regulated by the City's regulations for Environmentally Critical Areas, reducing potential impacts to environmentally sensitive areas. Encampments are also prohibited in the Shoreline District by the use restrictions in the Shoreline Master Program. Development of specific projects on individual sites would be subject to the City's existing regulations, including existing standards for transitional encampments in Section 23.42.056 and the existing health and safety standards in Section 23.42.054, the Stormwater Code, Grading Code, the Environmentally Critical Areas Ordinance, and the Noise Ordinance, and would be subject to environmental review, if they meet or exceed environmental review thresholds.

### **Built Environment**

#### ***Land & Shoreline Use, Height/Bulk/Scale***

The transitional encampment use allowed under this proposal would continue to be limited to a one-year term on any given site. The option to renew would continue to be for additional one-year terms, but there would no longer be a limit to the number of renewals or a requirement that the encampment move from an existing site after two years. However, renewals of encampment terms would continue to be subject to the criteria of Section 23.42.056.E.1 as well as to compliance with all other Code requirements, particularly those set forth in Sections 23.42.054 and 23.42.056. When each one-year term expires, a new interim use permit would be required to either extend the term at an existing site or to relocate the transitional encampment use to another site. Eligible sites either will be vacant or, if another use exists on the site, the applicant for the transitional encampment interim use must show that the area proposed for encampment use is not otherwise needed by an existing legally-permitted use to meet any other Land Use Code or permit-required purposes, including but not limited to parking or setbacks.

As the proposal would not allow permanent structures, the amendments are not expected to substantially alter the height, bulk, and scale of development on a given site. The temporary nature of transitional encampment uses, combined with the proposed Code standards to regulate their location, development, and activities, are expected to further limit any direct impacts of new transitional encampment uses relating to land and shoreline use or height, bulk, and scale. The proposal is unlikely to cause a shift in development or land use patterns in a given area, due to the interim status of the proposed use; any impacts to land or shoreline use are expected to be minimal.

Development of specific projects on individual sites would be subject to existing City regulations and also would be subject to environmental review if environmental review thresholds are met or exceeded. In particular, on sites within all Single-Family residential zones, all other residential zones outside of Urban Centers and Urban Center Villages, and all NC1 zones outside of Urban Centers and Urban Center Villages, environmental review of project-specific encampment proposals is required if the total area of use exceeds 4,000 square feet. Since the minimum property area required by existing regulations will continue to be 5,000 square feet under the proposed amendments, establishing encampments on residentially zoned and NC1-zoned properties is expected to generally require environmental review.

The GIS data show that there are about 389 parcels that may qualify under the standards of the existing regulations in Section 23.42.056 that apply to non-residential zones. These sites do not include 493 sites

currently used as religious institutions. These sites are not within critical areas and have an area of at least 5,000 square feet. They are also mapped as vacant properties. An additional 723 sites would become eligible to host encampments under the proposed amendments. Analysis of the total number of sites that may be added City-wide by the proposal was conducted using data from the City's Geographic Information System (GIS).

While the total number of eligible sites will be increased to 1,112 sites by the proposal, the limit on total number of interim encampments to no more than forty at any one time and other controls in the existing Code are expected to help ensure that impacts will remain minimal.

### ***Transportation, Public Services and Utilities***

The proposal would result in minimal direct impacts and are unlikely to result in indirect or cumulative significant adverse impacts related to transportation or public services and utilities. The properties that could be affected by the legislation are served by various levels of public transportation depending on the location and density of the neighborhood. The proposal likely will result in a slight increase in the number of vehicular trips for any site on which an encampment regulated by the proposed legislation would be located; however, this increase is not expected to be significant. Most occupants of an encampment are expected to use public transit, and each encampment use authorized under this legislation must be within one-half mile of public transit. The number of occupants of a particular encampment site is limited to 100, and at least 100 square feet of property must be provided for each occupant.

The transitional encampment interim use is limited to a one-year term on any particular site, with an option to renew subject to the criteria in Section 23.42.056.E and to compliance with all other applicable regulations, particularly those in Sections 23.42.054 and 23.42.056. Therefore, it is unlikely that additional transit trips on any given route would be substantial, or would result in a significant adverse impact on transit. Existing regulations include on-site parking requirements for staff and vehicle campers, which would minimize potential parking impacts in the neighborhood adjacent to an encampment site.

The proposed amendments would change potential demand for public services on a site where an encampment would be located, but the change is not expected to be significant, due to the limit on occupancy of any one encampment, and the one-year interim use limitation. A small increase in demand on public services such as fire, public health, and police services may occur as encampments are inspected to ensure that code requirements are met, and due to a slight rise in the number of emergency and police calls to be expected from occupancy of a site by an encampment, but this increase is unlikely to be significant. The proposal is not expected to change potential demand for utility services, which are decided on a site-by-site basis. Development of specific projects on individual sites is subject to the City's existing regulations and will be subject to environmental review if they meet or exceed environmental review thresholds.

### **Conclusion**

The proposed code amendments would authorize transitional encampment interim uses on public or private property in all zones for a one-year term; the amendments would not authorize any permanent development. Impacts to the natural environment are expected to be minor. Most encampment residents are expected to utilize public transportation, and impacts on traffic and parking are not expected to be significant. Similarly, demands for public services on a site may increase, but due to



limits on numbers of encampment occupants, the one-year term of use (two-year maximum with renewal option) on any particular site, lack of permanent development, and requirements for hosting agreements with rules for behavior, these increases are not likely to be significant. For these reasons, the proposed code amendments are expected to have minimal impacts on both the natural and the built environment.

**THRESHOLD DETERMINATION**

The lead agency has determined that this proposal will *not* have probable, significant adverse impacts on the environment. An environmental impact statement (EIS) is not required by RCW 43.21C.030(2)(c). This finding is made pursuant to RCW 43.21C, SMC 25.05 and WAC 197-11 and based on the attached SEPA environmental checklist and review of existing environmental documents.

**COMMENTS**

Comments regarding this DNS or potential environmental impacts may be submitted through August 22, 2019. Comments may be sent to:

**Seattle City Council Central Staff**  
**Attn: Ketil Freeman**  
**P.O Box 34025**  
**Seattle, WA 98124-4025**  
**(206) 684-8178**  
[ketil.freeman@seattle.gov](mailto:ketil.freeman@seattle.gov)

**Responsible Official**

Signature: 	August 7, 2019
Ketil Freeman, AICP	Date

# **Exhibit 2**

## State Environmental Policy Act (SEPA) Register

SEPA and NEPA documents posted by the Department of Ecology since 2000

Search (.../) / 201904517 - Seattle City of

### 201904517 - Seattle City of

**Lead Agency**

Seattle City of

**Contact**

Ketil Freeman

(206) 684-8178

ketil.freeman@seattle.gov (mailto:ketil.freeman@seattle.gov)

**County**

KING

**Region**

NW

**SEPA #**

201904517

**Document Type**

DNS

**Date Issued**

08/07/2019

**Comments Due**

08/22/2019

**Proposal Description**

To amend Sections 23.40.002, 23.42.054, 23.42.056, 23.76.004, 23.76.006, 23.84A.038, and 23.76.03.C of the Seattle Municipal Code to provide that transitional encampments for homeless individuals are allowed on any property owned or controlled by a religious organization without approval of a permit under the Seattle Land Use Code, to permit transitional encampments for homeless individuals as an interim use on all publicly owned or private property within the City of Seattle, to increase to 40 the maximum number of authorized interim use encampments that are not associated with a religious institution, and to provide for renewal of temporary use permits for transitional encampments as a Type I decision of the Director of the Seattle Department of Construction and Inspections




**Related Record****Notes****Location**

Address: citywide  
Seattle, WA

**Applicant**

City of Seattle

**Applicant Contact****Documents**

-  8.8.19 LUIB Notice for City Council for Transitional Encampments .pdf (Document/DocumentOpenHandler.ashx?DocumentId=72209) (99 KB)
-  SEPA Checklist Transitional Encampments Expansion - 8.6.2019.pdf (Document/DocumentOpenHandler.ashx?DocumentId=72210) (2 MB)
-  SEPA DNS - Transitional Encampments Expansion - 8.7.2019.pdf (Document/DocumentOpenHandler.ashx?DocumentId=72200) (580 KB)

Please email [SEPA Help \(mailto:sepahelp@ecy.wa.gov\)](mailto:sepahelp@ecy.wa.gov) with any updates, problems, or questions about SEPA Register.

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# **Exhibit 3**



# DAILY JOURNAL OF COMMERCE

"Helping business do business since 1893"

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83 Columbia St., Seattle, WA 98104 • P.O.Box 11050, Seattle, WA 98111 • [www.djc.com](http://www.djc.com)

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## City of Seattle

### NOTICE OF THE DETERMINATION OF NON-SIGNIFICANCE FOR AMENDMENTS TO THE LAND USE CODE TO MODIFY DEVELOPMENT STANDARDS FOR TRANSITIONAL ENCAMPMENTS AND INCREASE THE MAXIMUM NUMBER OF AUTHORIZED INTERIM USE ENCAMPMENTS

Pursuant to SMC 25.05.340 and WAC 197-11-340

Councilmember Sawant is proposing the amend Sections 23.40.002, 23.42.054, 23.42.056, 23.76.004, 23.76.006, 23.84A.038, and 23.76.032.C of the Seattle Municipal Code (1) to provide that transitional encampments for homeless individuals are allowed on any property owned or controlled by a religious organization without approval of a permit under the Seattle Land Use Code; (2) to permit transitional encampments for homeless individuals as an interim use on all public or private property within the City of Seattle; (3) to increase to 40 the maximum number of authorized interim use transitional encampments that are not associated with a religious organization; and (4) to provide for renewal of temporary use permits for transitional encampments as a Type I decision of the Director of the Seattle Department of Construction and Inspections.

### ENVIRONMENTAL DETERMINATION

After review of a completed environmental checklist and other information on file, the Legislative Department has determined that the amendments described above will not have probable, significant adverse environmental impacts and has issued a Determination of Non-Significance (DNS) under the State Environmental Policy Act (no Environmental Impact Statement required).

### HOW TO COMMENT

Comments regarding this DNS or potential environmental impacts may be submitted through August 22, 2019. Comments may be sent to:

Seattle City Council Central Staff

Attn: Ketil Freeman

P.O Box 34025

Seattle, WA 98124-4025

[ketil.freeman@seattle.gov](mailto:ketil.freeman@seattle.gov)

### HOW TO APPEAL

Appeals of the DNS must be submitted to the Office of the Hearing Examiner by 5:00 p.m. August 29, 2019. Appeals should be addressed to the Hearing Examiner and must be accompanied by an \$85.00 filing fee in a check payable to the City of Seattle. The appeal must be sent to:

City of Seattle

Hearing Examiner

PO Box 94729

Seattle WA 98124-4729

### INFORMATION AVAILABLE

Copies of the DNS and the proposal may be obtained online at <http://www.seattle.gov/council/issues/tiny-house-villages> or at the City Clerk's walk-up counter, Seattle City Hall, 600 4th Avenue, Third Floor, Seattle, WA 98104. The walk-up counter is open 8:00 a.m. to 5:00 p.m. on Monday through Friday. Questions regarding the proposed amendments can be directed to Ketil Freeman, City Council Central Staff at (206) 684-8178 or [ketil.freeman@seattle.gov](mailto:ketil.freeman@seattle.gov).

Date of publication in the Seattle Daily Journal of Commerce, August 8, 2019.

8/8(376870)

# **Exhibit 4**

Other Land Use Action for publication in the LUIB & DJC on August 8, 2019

**Notice of the Determination of Non-significance for Amendments to the Land Use Code to Modify Development Standards for Transitional Encampments and Increase the Maximum Number of Authorized Interim Use Encampments**  
Pursuant to SMC 25.05.340 and WAC 197-11-340

Councilmember Sawant is proposing the amend Sections 23.40.002, 23.42.054, 23.42.056, 23.76.004, 23.76.006, 23.84A.038, and 23.76.032.C of the Seattle Municipal Code (1) to provide that transitional encampments for homeless individuals are allowed on any property owned or controlled by a religious organization without approval of a permit under the Seattle Land Use Code; (2) to permit transitional encampments for homeless individuals as an interim use on all public or private property within the City of Seattle; (3) to increase to 40 the maximum number of authorized interim use transitional encampments that are not associated with a religious organization; and (4) to provide for renewal of temporary use permits for transitional encampments as a Type I decision of the Director of the Seattle Department of Construction and Inspections.

**ENVIRONMENTAL DETERMINATION**

After review of a completed environmental checklist and other information on file, the Legislative Department has determined that the amendments described above will not have probable, significant adverse environmental impacts and has issued a Determination of Non-Significance (DNS) under the State Environmental Policy Act (no Environmental Impact Statement required).

**HOW TO COMMENT**

Comments regarding this DNS or potential environmental impacts may be submitted through August 22, 2019. Comments may be sent to:

**Seattle City Council Central Staff**  
**Attn: Ketil Freeman**  
**P.O Box 34025**  
**Seattle, WA 98124-4025**  
[ketil.freeman@seattle.gov](mailto:ketil.freeman@seattle.gov)

**HOW TO APPEAL**

Appeals of the DNS must be submitted to the Office of the Hearing Examiner by 5:00 p.m. August 29, 2019. Appeals should be addressed to the Hearing Examiner and must be accompanied by an \$85.00 filing fee in a check payable to the City of Seattle. The appeal must be sent to:

**City of Seattle**  
**Hearing Examiner**  
**PO Box 94729**  
**Seattle WA 98124-4729**



Other Land Use Action for publication in the LUIB & DJC on August 8, 2019

**INFORMATION AVAILABLE**

Copies of the DNS and the proposal may be obtained online at <http://www.seattle.gov/council/issues/tiny-house-villages> or at the City Clerk's walk-up counter, Seattle City Hall, 600 4<sup>th</sup> Avenue, Third Floor, Seattle, WA 98104. The walk-up counter is open 8:00 a.m. to 5:00 p.m. on Monday through Friday. Questions regarding the proposed amendments can be directed to Ketil Freeman, City Council Central Staff at (206) 684-8178 or [ketil.freeman@seattle.gov](mailto:ketil.freeman@seattle.gov).

# **Exhibit 5**

Mayor Jenny A. Durkan  
**Seattle.gov**



**We have launched a new delegate feature.** This feature gives you more control over who can access your account and records and how they can conduct business on your behalf. You will find the delegate feature on the Account Management page. Read our 'how-to' articles in the [Help Center](#) and our [FAQs](#) for additional information.

# Seattle Services Portal

Home My Records Help

Announcements Register for an Account Reports (1) Login

## Search All Records

Enter an address, record number, or con

## Record Number: 001456-19PN

### Public Notice

[Record Details](#) [Related Records](#)

OTHER - CITY COUNCIL NOTICE OF THE DETERMINATION OF NON-SIGNIFICANCE FOR AMENDMENTS TO THE LAND USE CODE TO MODIFY DEVELOPMENT STANDARDS FOR TRANSITIONAL ENCAMPMENTS AND INCREASE THE MAXIMUM NUMBER OF AUTHORIZED INTERIM USE ENCAMPMENTS  
SEE ATTACHED NOTICE.

### Address

SEATTLE WA

### Notice

Name	Type	Description	Size	Upload Date	Action
Notice-General.pdf	Notice-General	City Council	98.30 KB	08/07/2019	Actions ▼
SEPA Checklist.pdf	SEPA Checklist	City Council Notice for Transitional Encampments	1.20 MB	08/08/2019	Actions ▼
SEPA DNS.pdf	Other	SEPA DNS	579.92 KB	08/09/2019	Actions ▼

## Record Details

### Application Information

**Notice Type:**

OTHER - CITY COUNCIL NOTICE OF THE DETERMINATION OF NON-SIGNIFICANCE FOR AMENDMENTS TO THE LAND USE CODE TO MODIFY DEVELOPMENT STANDARDS FOR TRANSITIONAL ENCAMPMENTS AND INCREASE THE MAXIMUM NUMBER OF AUTHORIZED INTERIM USE ENCAMPMENTS

**Project Description:**

SEE ATTACHED NOTICE.

**Publication Date:**

08/08/2019

**End of Appeal Period:**

08/29/2019

**End of Comment Period:**

08/22/2019

**Planner:**

Ketil Freeman

**ADA Notice**

**Notice of Nondiscrimination**

**Privacy**

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# **Exhibit 6**

## Mitchell, Daniel B

---

**From:** Pennucci, Aly  
**Sent:** Monday, August 19, 2019 9:05 AM  
**To:** Elizabeth Campbell, MPA  
**Cc:** Freeman, Ketil  
**Subject:** RE: Bad Link for DNS SEPA Checklist

Good morning –

If you copy and past the link in it should work or clicking on this worked for me:

<http://www.seattle.gov/council/issues/tiny-house-villages>. At that link you can find a draft bill, the SEPA checklist and threshold determination and other related documents– below I have pasted direct links to each. The draft bill has not been introduced.

- Presentation: Tiny House Villages (<http://seattle.legistar.com/View.ashx?M=F&ID=7243095&GUID=B59D1097-1683-4761-8717-4061E1C1A36B>)
- Draft Tiny House Village Bill ([http://www.seattle.gov/Documents/Departments/Council/Issues/TinyHouseVillages/SEPA-Draft-Bill\\_Transitional-Encampment-Expansion.pdf](http://www.seattle.gov/Documents/Departments/Council/Issues/TinyHouseVillages/SEPA-Draft-Bill_Transitional-Encampment-Expansion.pdf))
- Tiny House Villages - SEPA Threshold Determination ([http://www.seattle.gov/Documents/Departments/Council/Issues/TinyHouseVillages/SEPA-DNS\\_Transitional-Encampments-Expansion\\_8.7.2019.pdf](http://www.seattle.gov/Documents/Departments/Council/Issues/TinyHouseVillages/SEPA-DNS_Transitional-Encampments-Expansion_8.7.2019.pdf))
- Tiny House Villages - Notice of SEPA Threshold Determination ([http://www.seattle.gov/Documents/Departments/Council/Issues/TinyHouseVillages/SEPA-DNS-Notice\\_Transitional-Encampment-Expansion-8.8.2019.pdf](http://www.seattle.gov/Documents/Departments/Council/Issues/TinyHouseVillages/SEPA-DNS-Notice_Transitional-Encampment-Expansion-8.8.2019.pdf))
- Tiny House Villages - SEPA Environmental Checklist ([http://www.seattle.gov/Documents/Departments/Council/Issues/TinyHouseVillages/SEPA-Checklist-Transitional-Encampments-Expansion\\_8.6.2019.pdf](http://www.seattle.gov/Documents/Departments/Council/Issues/TinyHouseVillages/SEPA-Checklist-Transitional-Encampments-Expansion_8.6.2019.pdf))

Best,  
Aly

---

Aly Pennucci  
Phone: (206) 684-8148

**From:** Elizabeth Campbell, MPA <[neighborhoodwarrior@gmail.com](mailto:neighborhoodwarrior@gmail.com)>  
**Sent:** Monday, August 19, 2019 8:58 AM  
**To:** Pennucci, Aly <[Aly.Pennucci@seattle.gov](mailto:Aly.Pennucci@seattle.gov)>  
**Subject:** Fwd: Bad Link for DNS SEPA Checklist

---

CAUTION: External Email

---

Aly, please see email to Ketil below - the link does not work for the DNS records - looking for a working link. Thanks

----- Forwarded message -----

From: **Elizabeth Campbell, MPA** <[neighborhoodwarrior@gmail.com](mailto:neighborhoodwarrior@gmail.com)>  
Date: Mon, Aug 19, 2019 at 8:54 AM  
Subject: Bad Link for DNS SEPA Checklist

To: [ketil.freeman@seattle.gov](mailto:ketil.freeman@seattle.gov) <[ketil.freeman@seattle.gov](mailto:ketil.freeman@seattle.gov)>  
CC: Elizabeth Campbell <[neighborhoodwarrior@gmail.com](mailto:neighborhoodwarrior@gmail.com)>

Ketil, the link does not work for the DNS notice released for the proposed changes to the transitional encampment ordinance. The notice itself link works,  
[https://www.seattle.gov/Documents/Departments/Council/Issues/TinyHouseVillages/SEPA-DNS-Notice\\_Transitional-Encampment-Expansion-8.8.2019.pdf](https://www.seattle.gov/Documents/Departments/Council/Issues/TinyHouseVillages/SEPA-DNS-Notice_Transitional-Encampment-Expansion-8.8.2019.pdf)  
But not the one listed within the notice for the attachment.

Would you please send me a working link so I can access the checklist.

I am also wondering, is there a complete record for the ordinance somewhere - like a pending council bill? If so, what is that number?

Thanks,  
Elizabeth Campbell

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EACampbell

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EACampbell

# **Exhibit 7**



**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

1  
2  
3  
4 ..title

5 AN ORDINANCE relating to land use and zoning; providing that transitional encampments for  
6 homeless individuals are allowed on any property owned or controlled by a religious  
7 organization without approval of a permit under the Seattle Land Use Code, to permit  
8 transitional encampments for homeless individuals as an interim use on all publicly  
9 owned or private property within the City of Seattle, and providing for renewal of  
10 temporary use permits for transitional encampments as a Type I decision of the Director  
11 of the Seattle Department of Construction and Inspections; amending Sections 23.40.002,  
12 23.42.054, 23.42.056, 23.76.004, 23.76.006, 23.76.032, and 23.84A.038 of the Seattle  
13 Municipal Code; and amending Ordinance 124747.

14 ..body

15 WHEREAS, Seattle has been in a State of Civil Emergency on homelessness since 2015; and

16 WHEREAS, the 2019 Point in Time Count found there are 11,199 homeless people in King

17 County including 5,228 sleeping unsheltered on the streets; and

18 WHEREAS, tiny house villages have proven to be an effective place for homeless individuals

19 and families to find the safety, privacy, and human dignity necessary to get back on their

20 feet and transition to affordable housing; and

21 WHEREAS, tiny houses provide the security of a sturdy wood structure, a place to store personal

22 belongings, insulation, and electricity; and

23 WHEREAS, tiny house villages have operated with a self-management model where residents

24 democratically run their communities; residents have reported this model has helped

25 them overcome the isolation and alienation of homelessness, and residents have become

26 more successful transitioning into permanent housing; and

27 WHEREAS, in 2018 residents of tiny house villages successfully transitioned to permanent

28 housing at higher rates than residents of shelters, with 56 percent obtaining permanent

29 housing or transitional housing; and

1 WHEREAS, between 2016 and 2018, approximately 500 people transitioned to permanent  
2 housing from Seattle’s tiny house villages; and

3 WHEREAS, Ordinance 124747, which established “Transitional Encampments as an interim  
4 use” in Seattle’s land use code in 2015, created the legal framework for Seattle’s tiny  
5 house villages, but allowed no more than three tiny house villages at any one time, and  
6 will sunset on March 31, 2020 if there is no further legislative action; NOW,

7 THEREFORE,

8 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

9 Section 1. Section 23.40.002 of the Seattle Municipal Code, last amended by Ordinance  
10 125272, is amended as follows:

11 **23.40.002 Conformity with regulations required**

12 A. The establishment or change of use of any structures, buildings or premises, or any  
13 part thereof, requires approval according to the procedures ~~((set forth))~~ in Chapter 23.76~~((;~~  
14 ~~Procedures for Master Use Permits and Council Land Use Decisions;))~~ except:

15 1. ~~((establishment))~~ Establishment of an urban farm or community garden that  
16 does not include major marijuana activity as defined in Section 23.84A.025~~((;))~~ and that is  
17 permitted outright under the provisions of this Title 23 applicable to the lot;

18 2. ~~((as))~~ As permitted in subsections 23.47A.004.E and 23.47A.004.F;

19 3. ~~((keeping))~~ Keeping of animals as permitted under Section 23.42.052;

20 4. ~~((reinstatement))~~ Reinstatement of a use interrupted by a temporary use  
21 authorized pursuant to Section 23.42.040; ~~((and))~~

22 5. Establishment of a transitional encampment use on property owned or  
23 controlled by a religious organization; and



1                   1. Community outreach requirements that include:

2                   a. Community outreach standards that the encampment operator shall  
3 comply with before filing a transitional encampment interim use permit application, whether for  
4 a new transitional encampment or relocation of an existing transitional encampment. At a  
5 minimum, outreach standards shall contain a requirement that the encampment operator convene  
6 at least one public meeting in the neighborhood where the transitional encampment interim use is  
7 proposed to be established, at least 14 days prior to applying for a permit;

8                   b. A requirement that the proposed encampment operator establish a  
9 Community Advisory Committee that would provide advisory input on proposed encampment  
10 operations including identifying methods for handling community complaints or concerns as it  
11 relates to the facility or facility clients. The committee shall include one individual identified by  
12 each stakeholder group in the geographic area where the proposed encampment would be located  
13 as best suited to represent their interests. The committee shall consist of no fewer than five and  
14 no more than ((seven)) ten members. Encampment operator representatives shall attend  
15 committee meetings to answer questions and shall provide regular reports to the committee  
16 concerning encampment operations. City staff may attend the meetings; and

17                   2. Operations standards that the encampment operator is required to implement  
18 while an encampment is operating.

19                   B. Location. The transitional encampment interim use ((shall)) may be located on  
20 property within any zone ((meeting)) subject to the following requirements:

21                   1. ((The property is:

1                                   a. ~~Zoned Industrial, Downtown, SM, NC2, NC3, C1, or C2; except if the~~  
2 ~~property is in a residential zone as defined in Section 23.84A.048 or is in a special review district~~  
3 ~~established by Chapter 23.66; or~~

4                                   b. ~~Within a Major Institution Overlay district.~~

5                                   2. ~~The property is at least 25 feet from any residentially zoned lot.~~

6                                   3. ~~A property may be less than 25 feet from a residentially zoned lot and used as~~  
7 ~~an encampment site if:~~

8                                   a. ~~All encampment facilities, improvements, activities, and uses are located at~~  
9 ~~least 25 feet from any residentially zoned lot. Access to the encampment site may be located~~  
10 ~~within the 25 foot setback area; and~~

11                                   b. ~~Screening is~~) Screening shall be installed and maintained along each  
12 encampment boundary, ((except)) including boundaries fronting on an opened public street. The  
13 screening shall consist of existing or installed vegetation that is sufficiently dense to obscure  
14 viewing the encampment site, or a 6-foot high view-obscuring fence or wall.

15                                   ((4)) 2. The property is owned or controlled by ((the City of Seattle,)) a private  
16 party, ((or)) an Educational Major Institution, The City of Seattle, or another public entity.

17                                   5)) 3. The property is within 1/2 mile of a transit stop. This distance shall be the  
18 walking distance measured from the nearest transit stop to the lot line of the lot containing the  
19 encampment site.

20                                   ((6. ~~The property is, as measured by a straight line, at least 1 mile from any other~~

21 ~~legally established transitional encampment interim use including encampments accessory to a~~

22 ~~religious facility or accessory to other principal uses on property owned or controlled by a~~

23 ~~religious organization. This subsection 23.42.056.A.6 shall not apply to encampments on sites~~

1 ~~owned or controlled by religious organizations, or to any legally established transitional~~  
2 ~~encampment interim use that provides shelter for fewer than ten persons.))~~

3 ((7)) 4. The property is 5,000 square feet or larger and provides a minimum of  
4 100 square feet of land area for each occupant that is permitted to occupy the encampment site.

5 ((8)) 5. The property does not contain a wetland, wetland buffer, known and  
6 potential landslide designations, steep slope, steep slope buffer, or fish and wildlife habitat  
7 conservation area defined and regulated by Chapter 25.09(~~(Regulations for Environmentally~~  
8 ~~Critical Areas,)) unless all encampment facilities, improvements, activities, and uses are located  
9 outside any critical area and required buffer as provided for in Chapter 25.09.~~

10 ((9)) 6. The encampment site is not used by an existing legally-permitted use for  
11 code or permit-required purposes including but not limited to parking or setbacks.

12 ((10)) 7. The property is not an unopened public ~~((right-of-way))~~ right-of-way; or  
13 designated as a park, playground, viewpoint, or multi-use trail by the City or King County.

14 \* \* \*

15 D. Additional requirements. The transitional encampment interim use shall meet the  
16 following requirements:

17 1. The requirements for transitional encampment accessory uses in subsections  
18 23.42.054.B and 23.42.054.C.

19 2. The operator of a transitional encampment interim use located on City-owned  
20 or -controlled property shall obtain prior to permit issuance and maintain in full force and effect,  
21 at its own expense, liability insurance naming the City as an additional insured in an amount  
22 sufficient to protect the City as determined by the City Risk Manager from:

1                   a. All potential claims and risks of loss from perils in connection with any  
2 activity that may arise from or be related to the operator's activity upon or the use or occupation  
3 of the City-owned or -controlled property allowed by the permit; and

4                   b. All potential claims and risks in connection with activities performed by  
5 the operator by virtue of the permission granted by the permit.

6                   3. The operator of a transitional encampment interim use located on City-owned  
7 or -controlled property shall, on a form approved by the Director, agree to defend, indemnify,  
8 and hold harmless ~~((the))~~ The City of Seattle, its officials, officers, employees, and agents from  
9 and against:

10                  a. Any liability, claims, actions, suits, loss, costs, expense judgments,  
11 attorneys' fees, or damages of every kind and description resulting directly or indirectly from any  
12 act or omission of the operator of a transitional encampment interim use located on City-owned  
13 or -controlled property, its subcontractors, anyone directly or indirectly employed by them, and  
14 anyone for whose acts or omissions they may be liable, arising out of the operator's use or  
15 occupancy of the City-owned or -controlled property; and

16                  b. All loss by the failure of the operator of a transitional encampment  
17 interim use located on City-owned or -controlled property to perform all requirements or  
18 obligations under the transitional encampment interim use permit, or federal, state, or City codes  
19 or rules.

20                  4. A transitional encampment interim use located on City-owned or -controlled  
21 property shall allow service providers to access the site according to the approved operations  
22 plan required by subsection 23.42.056.B.1.

1 E. ~~((Duration))~~ Permit term and renewal ~~((timing))~~. ~~((The transitional encampment~~  
2 ~~interim use shall meet the following requirements:~~

3 ~~1.)~~ A permit for a transitional encampment interim use under this Section  
4 23.42.056 may be authorized for up to one year from the date of permit issuance. A permit for a  
5 transitional encampment may be renewed ~~((one time for up to one year))~~ for additional one-year  
6 terms by the Director as a Type I decision subject to the following:

7 ~~((a))~~1. The operator shall provide notice of a request to extend the use in a manner  
8 determined by a Director's Rule. The notice shall be given to the Citizen's Advisory Committee  
9 and persons who provided the operator with an address for notice;

10 ~~((b))~~2. The encampment is in compliance with the requirements of Section  
11 23.42.056; and

12 ~~((e))~~3. The operator shall provide with the permit renewal application an  
13 Encampment Operations Plan that shall be in effect during the permit renewal period and  
14 consistent with subsection 23.42.056.A.

15 ~~((2. At least 12 months shall elapse before an encampment use may be located on~~  
16 ~~any portion of a property where a transitional encampment interim use was previously located.))~~

17 F. Limit on the number of encampments~~((:-))~~

18 1. Maximum number of encampments. No more than ~~((three))~~ 40 transitional  
19 encampment interim use encampments shall be permitted and operating at any one time, and  
20 each encampment shall not have more than 100 occupants. ~~((This))~~ The limit of 40 transitional  
21 interim use encampments shall not include transitional encampments ~~((accessory to a religious~~  
22 ~~facility))~~ located on property owned or controlled by a religious organization.



1                    2. Existing encampments established by and operating under temporary use  
2 permits. Encampments presently operating under temporary use permits issued pursuant to  
3 subsections 23.42.040.B and 23.42.040.C may apply for an interim use permit pursuant to this  
4 Section 23.42.056, subject to the limits established by subsection 23.42.056.F.1. The term for  
5 operating any encampments obtaining interim use permits in lieu of temporary use permits shall  
6 begin on the date the interim use permit is issued regardless of how long the encampment has  
7 been established by a prior temporary use permit.

8                    Section 4. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance  
9 125603, is amended as follows:

10 **23.76.004 Land use decision framework**

11                    A. Land use decisions are classified into five categories. Procedures for the five different  
12 categories are distinguished according to who makes the decision, the type and amount of public  
13 notice required, and whether appeal opportunities are provided. Land use decisions are generally  
14 categorized by type in Table A for 23.76.004.

15                    B. Type I and II decisions are made by the Director and are consolidated in Master Use  
16 Permits. Type I decisions are decisions made by the Director that are not appealable to the  
17 Hearing Examiner. Type II decisions are discretionary decisions made by the Director that are  
18 subject to an administrative open record appeal hearing to the Hearing Examiner; provided that  
19 Type II decisions enumerated in subsections 23.76.006.C.2.c, 23.76.006.C.2.d, 23.76.006.C.2.f,  
20 and 23.76.006.C.2.g, and SEPA decisions integrated with them as set forth in subsection  
21 23.76.006.C.2.m, shall be made by the Council when associated with a Council land use decision  
22 and are not subject to administrative appeal. Type III decisions are made by the Hearing

1 Examiner after conducting an open record hearing and not subject to administrative appeal. Type  
2 I, II, or III decisions may be subject to land use interpretation pursuant to Section 23.88.020.

3 \* \* \*

<b>Table A for 23.76.004 LAND USE DECISION FRAMEWORK <sup>1</sup></b>	
<b>Director's and Hearing Examiner's Decisions Requiring Master Use Permits TYPE I Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020 <sup>2</sup>)</b>	
*	Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction ((and transitional encampments))
*	Intermittent uses
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
*	Temporary uses for relocation of police and fire stations
*	Exemptions from right-of-way improvement requirements

* Special accommodation
* Reasonable accommodation
* Minor amendment to a Major Phased Development permit
* Determination of whether an amendment to a property use and development agreement is major or minor
* Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
* Shoreline special use approvals that are not part of a shoreline substantial development permit
* Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
* Determination that a project is consistent with a planned action ordinance
* Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
* Decision to increase the maximum height for residential uses in the DOC2 zone according to subsection 23.49.008.H
* Decision to increase the maximum allowable FAR in the DOC2 zone according to subsection 23.49.011.A.2.n
* Minor revisions to an issued and unexpired MUP that was subject to design review
* Building height increase for minor communication utilities in downtown zones
* Other Type I decisions that are identified as such in the Land Use Code
* * *

1

2 Section 5. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance  
3 125603, is amended as follows:

4 **23.76.006 Master Use Permits required**

1           A. Type I, II, and III decisions are components of Master Use Permits. Master Use  
2 Permits are required for all projects requiring one or more of these decisions.

3           B. The following decisions are Type I:

4                   1. Determination that a proposal complies with development standards;

5                   2. Establishment or change of use for uses permitted outright, uses allowed under  
6 Section 23.42.038, temporary relocation of police and fire stations for 24 months or less,  
7 transitional encampment interim use, temporary uses for four weeks or less not otherwise  
8 permitted in the zone, and renewals of temporary uses for up to six months, except temporary  
9 uses and facilities for light rail transit facility construction (~~and transitional encampments~~);

10                  3. The following street use approvals:

11                   a. Curb cut for access to parking, whether associated with a development  
12 proposal or not;

13                   b. Concept approval of street improvements associated with a  
14 development proposal, such as additional on-street parking, street landscaping, curbs and gutters,  
15 street drainage, sidewalks, and paving;

16                   c. Structural building overhangs associated with a development proposal;

17                   d. Areaways associated with a development proposal;

18                  4. Lot boundary adjustments;

19                  5. Modification of the following features bonused under Title 24:

20                   a. Plazas;

21                   b. Shopping plazas;

22                   c. Arcades;

23                   d. Shopping arcades; and

1 e. Voluntary building setbacks;

2 6. Determinations of Significance (determination that an Environmental Impact  
3 Statement is required) for Master Use Permits and for building, demolition, grading, and other  
4 construction permits (supplemental procedures for environmental review are established in  
5 Chapter 25.05, Environmental Policies and Procedures), except for Determinations of  
6 Significance based solely on historic and cultural preservation;

7 7. Discretionary exceptions for certain business signs authorized by subsection  
8 23.55.042.D;

9 8. Waiver or modification of required right-of-way improvements;

10 9. Special accommodation pursuant to Section 23.44.015;

11 10. Reasonable accommodation;

12 11. Minor amendment to Major Phased Development Permit;

13 12. Streamlined design review decisions pursuant to Section 23.41.018 if no  
14 development standard departures are requested pursuant to Section 23.41.012, and design review  
15 decisions in an MPC zone if no development standard departures are requested pursuant to  
16 Section 23.41.012;

17 13. Shoreline special use approvals that are not part of a shoreline substantial  
18 development permit;

19 14. Determination that a project is consistent with a planned action ordinance,  
20 except as provided in subsection 23.76.006.C;

21 15. Decision to approve, condition, or deny, based on SEPA policies, a permit for  
22 a project determined to be consistent with a planned action ordinance;





1 the remainder of this ordinance or the validity of its application to other persons or  
2 circumstances.

3 Section 9. Section 8 of Ordinance 124747 is repealed:

4 ((Section 8. This ordinance shall be automatically repealed without subsequent  
5 Council action on March 31, 2020.))



1 Section 10. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2019,  
5 and signed by me in open session in authentication of its passage this \_\_\_\_ day of  
6 \_\_\_\_\_, 2019.

7 \_\_\_\_\_  
8 President \_\_\_\_\_ of the City Council

9 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

10 \_\_\_\_\_  
11 Jenny A. Durkan, Mayor

12 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

13 \_\_\_\_\_  
14 Monica Martinez Simmons, City Clerk

15 (Seal)