



City of Tacoma  
Planning Commission

February 19, 2014

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL,

On behalf of the Planning Commission, I am forwarding our recommendations regarding the proposed Land Use Regulations for Temporary Homeless Camp Permitting Process, as outlined in the *Planning Commission's Findings of Fact and Recommendations Report, February 19, 2014* (attached).

The Planning Commission supports the City Council's intent to develop regulations in response to the State Legislature's passing of RCW 36.01.290, which grants broad authority to religious organizations to host temporary homeless camps for individuals experiencing homelessness. The proposed regulations endeavor to protect the health and safety of the public and camp residents.

The Planning Commission believes the proposed regulations support the City's strategic goals for a safe, clean, attractive, and environmentally sustainable city and foster economic diversity.

It is with that understanding and intent that the Planning Commission respectfully requests the City Council adopt the proposed regulations for the Temporary Homeless Camp Permit Process, as recommended.

Sincerely,

VICE CHAIR FOR

SEAN GAFFNEY

Chair

Enclosure



## TEMPORARY HOMELESS CAMPS LAND USE REGULATIONS

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### TACOMA PLANNING COMMISSION FINDINGS OF FACT AND RECOMMENDATIONS FEBRUARY 19, 2014

#### **A. SUBJECT:**

Proposed Land Use Regulations for the Temporary Homeless Camp Permitting Process.

#### **B. SUMMARY OF PROPOSED AMENDMENT:**

The proposed regulations, as shown in Exhibit “A”, would amend the Tacoma Municipal Code, Chapters 13.05 Land Use Permitting Procedures and Chapter 13.06 Zoning, to create a new discretionary temporary use permit process for temporary homeless camps that includes the following provisions:

- Maximum occupancy of each camp is 100 residents;
- No more than two camps may operate within the City at any given time;
- Minimum site area for each camp: 7,500 square feet for first 50 residents, plus 150 square feet for each additional resident, up to 100 residents;
- Maximum time on ground for each camp: 93-days (or 123-days for hard surface or non-residential sites). An emergency 40-day extension is also provided for;
- Minimum time to return to site or neighborhood: 2 years from previous camp start date (or 18-months for hard surface or non-residential sites);
- Camp must be located within ¼-mile of a transit stop;
- Perimeter fencing: 6-foot sight-obscuring materials;
- One shower for each 33 residents;
- Warrant or background checks are required;
- Parking: 2 spaces for every 25 residents;
- 14-day public notice to 400 feet of site;
- Crime Prevention Through Environmental Design (CPTED) principles will be applied to the camps during the site plan review;
- Perimeter setback: 10 feet from property line; and
- Shelter/tent separation: 2 feet on sides and rear of shelter; 4 feet from entrance; and 10 feet between group shelters

### **C. BACKGROUND:**

In 2010, the Washington Legislature passed Ch. 175 (ESHB 1956), codified as RCW 35.21.915 which granted broad authority to religious organizations to host temporary homeless camps for individuals experiencing homelessness on property owned or controlled by such organizations. It prohibits local governments from enacting an ordinance or regulation that imposes conditions other than those necessary to protect the public health and safety and that do not substantially burden the decisions or actions of a religious organization with respect to the provision of temporary homeless camps. It also prohibits the imposition of permit fees in excess of the actual costs associated with the review and approval of the required permit applications for temporary homeless camps.

It is the intent of the City of Tacoma to regulate temporary tent camps to protect public health and safety for such camps within the City that are associated with a religious organization as provided for in RCW 35.21.915. There is organized interest in the community to address homelessness and to provide options for persons in this life situation.

Within the scope of state law, there are some significant standards that are at the discretion of the local jurisdictions. Some of these issues include: number of people permitted in the camp, length of time the camp may operate, number of camps permitted at any one time in the city, and restrictions for demographic of persons allowed in the camp. The Planning Commission is proposing these measures to protect the health and safety of persons in the camp, our neighborhoods and the community and to encourage the efficient provision of camps in the City to support the homeless.

### **D. FINDINGS OF FACT:**

1. In 2010, the Washington Legislature passed Ch. 175 (ESHB 1956), codified as RCW 35.21.915 which granted broad authority to religious organizations to host temporary homeless camps for individuals experiencing homelessness on property owned or controlled by such organizations.
2. Under RCW 35.21.915 cities may enact regulations to protect the public health and safety in the operation of the temporary homeless camps.
3. There are a number of non-governmental organizations and governmental agencies in the Greater Tacoma/Pierce County area that have been engaged for some time assisting the homeless. City staff sought the experience and expertise of these groups, and the public-at-large, at a number of public meetings to elicit feedback and to hear concerns regarding the operation of temporary homeless camps in the City.
4. Staff held outreach meetings with Tent City Tacoma, Associated Ministries, Downtown Business Association, Ministerial Alliance, Tacoma-Pierce County Coalition to End Homelessness, the Tacoma Community Council and the Cross District Association.
5. The following City departments as well as Tacoma Public Utilities and the Tacoma/Pierce County Health Department provided expertise and comment to the process and proposal: Community and Economic Development, Environmental Services, Legal, Neighborhoods

and Community Services, Planning and Development Services, Public Works, Tacoma Fire, and Tacoma Police.

6. Staff conducted benchmarking of eleven jurisdictions across the state that adopted land use regulations to control the permitting and operation of temporary homeless camps.
7. Staff conducted three site visits to active homeless camps in Renton, Sammamish and Olympia and interviewed camp support organization officials and numerous residents of the camps to determine best practices and effective approaches.
8. Updates regarding the progress of outreach efforts and the proposed regulations were presented to, and feedback solicited from, the City Council's Neighborhoods and Housing Committee on October 21<sup>st</sup> and December 2<sup>nd</sup> in 2013 and most recently on March 17, 2014.
9. The Planning Commission reviewed various iterations of the proposed regulations for the Temporary Homeless Camp Permitting Process at the meetings on September 18th, November 20th, and December 18<sup>th</sup> in 2013. All meetings were open to the public.
10. The Planning Commission conducted a public hearing on January 22, 2014 on the proposed regulations. The public hearing notice was distributed to the City Council, Neighborhood Councils, business district associations, civic organizations, environmental groups, the development community, the Puyallup Tribal Nation, adjacent jurisdictions, major employers and institutions, City and State departments, the Tacoma Public Library, and other known stakeholders and interested entities. An advertisement was placed in the News Tribune on January 6, 2014; a legal notice regarding the environmental determination was placed on the Tacoma Daily Index on January 6, 2014; and an e-mail news release, "Tacoma News", was issued through the City's Media and Communications Office on January 10, 2014.
11. Environmental Review – Pursuant to WAC 197-11-340(2) and the City's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance (DNS) for the proposed regulations was issued on December 30, 2013 (SEPA File Number SEP2013-40000215160), based upon a review of an environmental checklist. The DNS and the environmental checklist have been provided or made available to appropriate entities that had received the Planning Commission's public hearing notice. The Responsible Official will reconsider the DNS based on timely comments and may retain, modify, or, if significant adverse impacts are likely, withdraw the DNS. This determination was not modified by the City, and became final on February 7, 2014.
12. A "Notice of Intent to Adopt Amendment 60 Days Prior to Adoption" was filed with the State Department of Commerce on January 2, 2014 (per RCW 36.70A.106). A notification was sent to Joint Base Lewis-McChord on January 6, 2014 (per RCW 36.70A.530(4)). A similar notice was also sent to the City of Tacoma Attorney's Office, requesting for legal opinions on whether the City Council's adoption of the proposed amendments might result in an unconstitutional taking of private property (per RCW 36.70A.370).

13. Three citizens testified at the Planning Commission’s public hearing on January 22, 2014, and two written comments were received by the record closing date of January 24, 2014. The Planning Commission reviewed oral and written comments at its meeting on February 5, 2014, and concurred with staff’s suggestion that one modification be made to the proposed regulations to allow a one-time emergency time extension for camps of up to 40 days.
14. All information relating to this project is posted on the City’s website at [www.cityoftacoma.org/planning](http://www.cityoftacoma.org/planning) and linked to “Temporary Homeless Camps.”

**E. CONCLUSIONS:**

The Planning Commission concludes that:

- (a) Given the provisions of state law allowing for religious organizations to host homeless camps and local interest to provide this service for the homeless, there is a need to implement regulations to protect the public health and safety in the development and operation of temporary homeless camps in Tacoma;
- (b) The proposed regulations are the minimum standards to provide for a healthy and safe living environment for camp residents and allow for a camp size and rotation that will accommodate the perceived need for the camps and not adversely impact the environment at the camp sites or in the surrounding neighborhoods;
- (c) The proposed regulations are consistent with the best practices of existing homeless camps in the Puget Sound area;
- (d) The proposed permitting process is designed to provide an efficient, consistent administrative review process for religious organizations planning to operate camps;
- (e) The proposed regulations for the Temporary Homeless Camp Permit Process support the City’s strategic goals for a safe, clean, attractive, and environmentally sustainable city and foster economic diversity; and
- (f) The proposed regulations for the Temporary Homeless Camp Permit Process are consistent with state law (RCW 35.21.915), will benefit the City as a whole, will not adversely affect the City’s public facilities and services, and are in the best interests of the public health, safety and welfare of the citizens of Tacoma.

**E. RECOMMENDATION:**

The Planning Commission recommends that the City Council adopt the proposed regulations for the Temporary Homeless Camp Permit Process (Amendments to Tacoma Municipal Code, Chapters 13.05 and 13.06) as set forth in Exhibit “A”.

**F. EXHIBITS:**

- “A”: Proposed regulations for the Temporary Homeless Camp Permitting Process (Amendments to the Tacoma Municipal Code, Chapters 13.05 and 13.06)



## TEMPORARY HOMELESS CAMP – PERMITTING PROCESS

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### PROPOSED REGULATORY CODE AMENDMENTS March 19, 2014

The proposed code amendments include changes to the following code sections:

**Chapter 13.05 – Land Use Permit Procedures**

13.05.020 – Notice Process

**Chapter 13.06 – Zoning**

13.06.635 – Temporary Use

**Chapter 2.09 – Fee Code**

2.09.170 – Required filing fees for land use applications

Note – These amendments show all of the changes to the *existing* regulations. The sections included are only those portions of the code that are associated with these amendments. New text is underlined and text that is deleted is shown in ~~strikethrough~~.

## Chapter 13.05 Land Use Permit Procedures

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### 13.05.020 Notice process.

A. Purpose. The purpose of this section is to provide notice requirements for land use applications.

B. Process I – Minor Land Use Decisions.

1. A notice of application shall be provided within 14 days following a notice of complete application being issued to the applicant as identified in Section 13.05.010.E. Examples of minor land use decisions are waivers, variances, [temporary homeless camp permits](#), wetland/stream/FWHCA Verifications, and wetland/stream/FWHCA Minor Development Permits.

2. Notice of application shall be mailed by first-class mail to the applicant; property owner (if different than the applicant); neighborhood councils in the vicinity where the proposal is located; qualified neighborhood or community organizations; the Tacoma Landmarks Commission (for proposals located within a historic district or affecting a designated landmark); the Puyallup Indian Tribe for “substantial action” as defined in the “Agreement Between the Puyallup Tribe of Indians, Local Governments in Pierce County, the State of Washington, the United States of America, and Certain Private Property Owners,” dated August 27, 1988; and to owners of property and/or taxpayers of record, as indicated by the records of the Pierce County Assessor/Treasurer, within the distances identified in Section 13.05.020.G.

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G. Notice and Comment Period for Specified Permit Applications. Table G specifies how to notify, the distance required, the comment period allowed, expiration of permits, and who has authority for the decision to be made on the application.

**Table G – Notice, Comment and Expiration for Land Use Permits**

Permit Type	Preapplication Meeting	Notice: Distance	Notice: Newspaper	Notice: Post Site	Comment Period	Decision	Hearing Required	City Council	Expiration of Permit
Interpretation/determination of code	Recommended	100 feet for site specific	For general application	Yes	14 days	Director	No	No	None
***	***	***	***	***	***	***	***	***	***
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days**	Hearing Examiner	Yes	No	5 years
<b><u>Temporary Homeless Camp Permit</u></b>	<b><u>Required</u></b>	<b><u>400 feet</u></b>	<b><u>Yes</u></b>	<b><u>Yes</u></b>	<b><u>14 days</u></b>	<b><u>Director</u></b>	<b><u>No</u></b>	<b><u>No</u></b>	<b><u>1 year</u></b>
Variance	Optional	100 feet	No	Yes	14 days	Director	No*	No	5 years
***	***	***	***	***	***	***	***	***	***
Wetland/Stream/FWHCA verification	Required	100 feet	No	Yes	14 days	Director	No*	No	5 years

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

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## Chapter 13.06 Zoning

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### 13.06.635 Temporary use.

A. Purpose. The purpose of this section is to allow listed temporary uses which:

1. Are not contrary to the various purposes of this chapter;
2. Will not impede the orderly development of the immediate surrounding area, as provided for in the Comprehensive Plan and the zoning district in which the area is located; and
3. Will not endanger the health, safety, or general welfare of adjacent residences or the general public.

B. Temporary uses.

1. General. A temporary use shall be subject to the standards of development specified in this section.
2. Duration and/or frequency. Where permitted as a temporary use, the following uses may be authorized for the time specified in Table 1, and subject to Section 13.06.635.B.

<b>Table #1: TEMPORARY USES ALLOWED – NUMBER OF DAYS ALLOWED</b>	
<b>Temporary Use Type</b>	<b>Days Allowed Per Year</b>
Seasonal sales	45
Carnival	14
Temporary housing	See Section 13.06.635.B.3.a
Temporary office space	See Section 13.06.635.B.3.b
Temporary storage	See Section 13.06.635.B.3.d
<u>Temporary homeless camps</u>	<u>See Section 13.06.635.B.4</u>

a. The duration of the temporary use shall include the days the use is being set up and established, when the event actually takes place, and when the use is being removed.

b. A parcel may be used for no more than three temporary uses within a calendar year; provided, the time periods specified in Table 1 are not exceeded. Multiple temporary uses may occur on a parcel concurrently; provided, the time periods in Table 1 are not exceeded.

3. Temporary structure standards.

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#### 4. Temporary Homeless Camps

a. Purpose. In recognition of the need for temporary housing for homeless persons, it is the purpose of this section to allow sponsoring religious organizations to use property they own or control for temporary homeless camps, while preventing harmful effects associated with such uses, including the use of open flames, the possibility of impediments to emergency services, the possibility of environmental degradation, the use of improper sanitary facilities, and the possibility of any other factors that would be considered a nuisance under applicable laws.

b. Application. In order to allow sponsoring religious organizations to establish a temporary homeless camp on qualifying property, a permit must be obtained from Planning and Development Services in accordance with TMC 13.05 Land Use Permit Procedures and the following:

(1) The director of Planning and Development Services is authorized to issue permits for temporary homeless camps only upon demonstration that all public health and safety considerations have been adequately addressed and may administratively adjust standards upon providing findings and conclusions that justify the requirements.

(2) An application for a temporary homeless camp shall include the following:

(a) The dates of the start and termination of the temporary homeless camp;

(b) The maximum number of residents proposed;

(c) The location, including parcel number(s) and address

(d) The names of the managing agency or manager and sponsor

(e) A site plan showing the following shall be prepared and reviewed by staff which will make recommendations for best practices, including Crime Prevention through Environmental Design (CPTED) principles:

(i) Property lines,

(ii) Property dimensions,

(iii) Location and type of fencing/screening (must be minimum ten (10) feet from property lines),

(iv) Location of all support tents/structures (administrative, security, kitchen, and dining areas)

(v) Method of providing and location of potable water,

(vi) Method of providing and location of waste receptacles,

(vii) Location of required sanitary stations (latrines, showers, hygiene, hand-washing stations),

(viii) Location of vehicular access and parking,

(ix) Location of tents and dwellings for each person (must meet Tacoma Pierce County Health Department requirements),

(x) Entry/exit control points, and

(xi) Internal pathways, access routes for emergency services

(f) A statement from the sponsoring religious organization regarding its commitment to maintain during the existence of any sponsored temporary homeless camp liability insurance in types and amounts sufficient to cover the liability exposures inherent in the permitted activity.

c. Safety and health requirements. A temporary homeless camp shall be established in accordance with the following standards:

(1) No more than 100 residents shall be allowed per camp location. The City may further limit the number of residents as site conditions dictate.

(2) A minimum seven thousand five hundred (7,500) square feet of site area shall be required for camps of up to fifty (50) people. Site area may be proportionally reduced if adjacent existing church buildings are used for support facilities such as kitchen, dining hall, showers and latrines, and

(3). For a camp of more than 50 residents, the minimum 7,500 square feet camp area shall be increased by 150 square feet for each additional resident, up to a total of 100 residents.

(4) The maximum duration of a homeless camp shall be ninety-three (93) consecutive days. Gravel or paved camp sites and sites not zoned for residential use may extend the maximum duration of the camp to 123 consecutive days.

(a) A one-time extension of up to 40-days may be granted by the Director if unforeseen problems arise regarding camp relocation. An extension must be requested before the last 30-days of the temporary permit and will not be granted if any violation of the camp permit had occurred.

(5) A camp may only return to the same church owned site after two years has lapsed since the start date of the previous camp. Gravel or paved camp sites and sites not zoned for residential use may decrease the relocation time to 18 months from the start date of the previous camp.

(6) In no event shall more than two (2) homeless camp sites be permitted within the City at any given time.

- (7) The encampment shall be enclosed on all sides with a minimum six foot tall site obscuring fence.
- (8) Permanent structures are prohibited from being constructed within the camp.
- (9) Temporary homeless camps are prohibited in Shoreline Districts, critical areas, and their buffers.
- (10) The sponsoring religious organization shall work with Neighborhood and Community Services and other agencies to find more permanent housing solutions for the inhabitants of the camp during its operation.
- (11) One security/office/operations tent or structure shall be provided for the camp manager. The manager must be onsite at all times. Persons who are acting as the on-site manager must be awake while on shift to monitor the security of the camp and be ready and able to alert police and/or other emergency responders if the need arises.
- (12) The minimum age for camp inhabitants is 18-years-old.
- (13) Each resident shall be pre-screened for warrants and a background check completed by the sponsor religious organization. No sex offenders will be permitted as camp residents.
- (14) The temporary homeless camp must be located within one- quarter (1/4) mile of a bus route that is in service seven (7) days-a-week.
- (15) The following facilities and provisions must be made available on site and approved for adequacy and location by the Tacoma-Pierce County Health Department prior to occupancy:

(a) Potable water as approved or provided by local utilities. Estimated usage is four to five (4-5) gallons per day per resident.

(b) Provide sanitary portable toilets per the following table,

<u>Number of camp residents</u>	<u>1-20</u>	<u>21-40</u>	<u>41-60</u>	<u>61-80</u>	<u>81-100</u>
<u>Number of toilets required</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>

(c) Provide hand-washing stations with warm water, soap, paper towels and covered garbage cans and recycling containers at the following locations:

(i) Handwashing stations next to the portable toilets per the following table.

<u>Number of camp residents</u>	<u>1-15</u>	<u>16-30</u>	<u>31-45</u>	<u>46-60</u>	<u>61-75</u>	<u>76-90</u>	<u>91-100</u>
<u>Number of stations required</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>

(ii) One (1) at the entrance to the dining area, and

(iii) One (1) at the food preparation area.

(d) Showering facilities are required per the following table.

<u>Number of camp residents</u>	<u>1-33</u>	<u>34-66</u>	<u>67-100</u>
<u>Number of showers required</u>	<u>1</u>	<u>2</u>	<u>3</u>

(e) At least one food preparation area/tent with refrigeration, sinks and cooking equipment. If food is prepared on site, adequate dishwashing facilities must be available.

(f) Food preparation, storage and serving. No children under age of ten (10) in food preparation or storage areas

(g) An adequate water source must be made available to the camp

(h) Sleeping shelters must meet the following standards:

(i) Minimum two (2) feet separation on side and rear of tents is required from other tents and a clear area of four (4) feet is required at the entrance to all tents. All tents will be flame retardant.

(ii) Minimum thirty (30) square feet per resident in group tents.

(iii) Minimum forty to fifty (40-50) cubic feet of air space per resident in group tents.

(iv) Beds arranged at least three (3) feet apart in group tents.

(i) Waste water disposal including mop sink which drains to sanitary sewer, and

(j) Solid waste: Garbage and recycling removal by local utilities. Adequate scheduled dumping to prevent overflow. Estimate 30 gallon capacity per 10 residents. Infectious waste/sharps disposal shall be made available.

(k) Premises must be maintained to control insects, rodents, and other pests

(16) Fire safety shall be provided as approved by the Tacoma Fire Department (TFD), including:

(a) Approval letter from the Tacoma Fire Department, should the camp contain structures in excess of 200 square feet or canopies in excess of 400 square feet.

(b) Provide at least one fire extinguisher as specified by TFD within seventy-five (75) feet from every tent and at least one (1) in the kitchen facility and security office/tent.

(c) Adequate access for fire and emergency services, with a minimum of two access points.

(d) No smoking or open flames allowed in tents. Smoking within the camp will be within designated smoking areas only

(e) Electrical inspection in coordination with Planning and Development Services electrical inspector to ensure safe installation of power, if provided, to support tents and facilities (administration, security, kitchen, dining, shower, hygiene, and latrine facilities) and individual living tents.

(f) Security plan. The security plan shall:

(i) List the contact name and phone number of the on-site manager.

(ii) Contain an evacuation plan for the camp.

(iii) Contain a controlled access plan for residents, and

(iv) Contain a fire suppression and emergency access plan.

(17) Parking Standards.

(a) Parking spaces, layouts, and configuration shall be designed in accordance with TMC 13.06.510,

(b) A minimum of two (2) off-street parking spaces per 25 residents are required for all temporary homeless camps, and

(c) Any required parking for the principal/existing use on site shall not be displaced as a result of the temporary homeless camp.

(18) Refuse and recycling containers shall be provided on site, with service provided by Solid Waste Management and paid for by the applicant.

**Chapter 2.09  
Fee Code**

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**2.09.170 Required filing fees for land use applications.**

The following schedule indicates the fee requirements for land use permits within the City. Said fee must be submitted concurrently with the application for a land use permit. The fee for any activity begun prior to receiving the appropriate approval shall be double the base fee herein set forth; provided, that such fee shall not exceed \$2,500 above the required filing fee.

A. Required Filing Fees for Land Use Applications.

<b>Table XIII</b>		
* * *		
<u>19.</u>	<u>Temporary Homeless Camp Permit</u>	<u>\$1500.00</u>

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