



City of Tacoma
Planning and Development Services

**Agenda Item
D-5**

To: Planning Commission
From: John Harrington, Development Services Division
Subject: **Public Hearing on Temporary Homeless Camp Permitting Process**
Meeting Date: January 22, 2014
Memo Date: January 16, 2014

Action

The Planning Commission will conduct a public hearing on January 22, 2014, at approximately 5:30 p.m., to receive testimony on the proposed land use regulations concerning the Temporary Homeless Camp Permitting Process, and will keep the record open through January 24, 2014 to accept written comments.

Public Hearing Subject

The proposal would amend the Tacoma Municipal Code, Chapter 13.05 Land Use Permit Procedures and Chapter 13.06 Zoning, to add regulations for a permit review process for temporary homeless camps run by religious organizations. The State law, RCW 36.01.290, passed in 2010, grants broad authority to religious organizations to host temporary homeless camps on church owned or controlled property for individuals experiencing homelessness. The proposed amendment would regulate temporary homeless camps to protect general public health and safety as well as the safety of camp residents.

Public Review Document (attached)

The Public Review Document, which includes the complete text of the proposed amendments and the staff analysis report, has been made available for review by the general public at City offices, Tacoma Public Library branches, and on the City's website.

Environmental Evaluation

Pursuant to Washington Administrative Code (WAC) 197-11 and Tacoma's SEPA procedures, a Preliminary Determination of Environmental Nonsignificance was issued on December 30, 2013 (SEPA File Number SEP2013-40000215160), based upon a review of an environmental checklist. The City will reconsider the preliminary determination based on timely public comments regarding the checklist and determination that are received by January 24, 2014 and unless modified, the preliminary determination will become final on February 7, 2014.

Notification (postcard attached)

Notification for the public hearing has been disseminated to a broad-based audience, through the following efforts that occurred during January 2-10, 2014:

1. Public Hearing Notice – A 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, and other known stakeholders and interested entities.

2. Library – A request was made to the Tacoma Public Library to make the public hearing notice and the proposal available for patrons’ review at all eight branches.
3. News Media – An advertisement was placed in The News Tribune on January 6, 2014; a legal notice regarding the environmental determination was placed on the Tacoma Dailey 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.
4. 60-Day Notices – 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).
5. Website – The public hearing notice and all information associated with the proposal are posted on the Planning Services Division’s website at www.cityoftacoma.org/planning with a link to “Temporary Homeless Camps”.

Next Steps

The Planning Commission is scheduled to review public comments at the next meeting on February 5, 2014, and consider modifications to the proposal where appropriate, and make a recommendation to the City Council at the subsequent meeting on February 19, 2014.

Attachments

- A. Public Hearing Notice (Postcard)
- B. Staff Analysis Report and the Proposed Regulations

If you have any questions, please contact me at 279-8950 or jharring@cityoftacoma.org.

c: Peter Huffman, Director



NOTICE OF PUBLIC HEARING

PROPOSED LAND USE REGULATIONS CONCERNING TEMPORARY HOMELESS CAMPS PERMITTING PROCESS

PLANNING COMMISSION PUBLIC HEARING

Wednesday, January 22, 2014 5:30 p.m. City Council Chambers
Tacoma Municipal Building, 747 Market Street, 1st Floor

WHAT IS BEING CONSIDERED?

The Planning Commission is seeking public comment on the proposed land use regulations concerning the Temporary Homeless Camps Permitting Process. The proposal would amend the Tacoma Municipal Code, Chapter 13.05 Land Use Permit Procedures and Chapter 13.06 Zoning, to add regulations for a permit review process for temporary homeless camps run by religious organizations.

WHAT IS THE PROPOSAL INTENDED TO ACHIEVE?

State law, RCW 36.01.290, grants broad authority to religious organizations to host temporary homeless camps for individuals experiencing homelessness on property owned or controlled by such organizations. The City of Tacoma has not had a religious organization propose such a camp since the state law passed in 2010, but wants to have regulations in place should a group want to operate one. The proposed amendment would regulate temporary homeless camps to protect public health and safety and the safety of the residents of such camps in the City of Tacoma.

The Proposal at a Glance

1. Maximum occupancy per camp: 100 residents.
2. Maximum number of camps allowed to operate within the City at any given time: 2.
3. Minimum camp site area: 7,500 square feet for first 50 residents, plus 150 square feet for each additional resident.
4. Maximum time on ground for each camp: 93 days (or 123 days for hard surface or non-residential sites).
5. 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).
6. Camp must be located within ¼ mile of a transit stop.
7. Perimeter setback: 10 feet from property line.
8. Perimeter fencing: 6-foot sight-obscuring materials.
9. Shelter/tent separation: 2 feet on sides and rear of shelter; 4 feet from entrance; and 10 feet between group shelters.
10. Crime Prevention Through Environmental Design (CPTED) principles will be applied to the camps during the site plan review.
11. Warrant and background checks are required for prospective camp residents.
12. One shower for each 33 residents.
13. Parking: 2 spaces for every 25 residents.
14. 14-day public notice to 400 feet of site.

HOW TO PROVIDE COMMENTS?

You can provide oral testimony at the public hearing on January 22, 2014 or provide written comments using the return address on this card no later than 5:00 p.m. on January 24, 2014, by facsimile at (253) 591-5433 or via e-mail to planning@cityoftacoma.org

ADDITIONAL INFORMATION

A Preliminary Determination of Nonsignificance (DNS) has been issued based on the completion of an environmental checklist. Comments on the DNS must be submitted by January 24, 2014. Unless modified by the City, the DNS will become final on February 7, 2014. The DNS, the environmental checklist, and additional information associated with the proposal, including the staff analysis report, are available at the Planning and Development Services Department, 747 Market Street, Room 345; and on the following website:

www.cityoftacoma.org/Planning
(and click on "Temporary Homeless Camps")

STAFF CONTACT

If you have additional questions or comments please feel free to contact John Harrington at (253) 279-8950 or jharring@cityoftacoma.org.

The City of Tacoma does not discriminate on the basis of disabilities in any of its programs or services. Special accommodations can be provided upon request within five (5) business days prior to the hearing. To arrange for these accommodations please contact the Planning and Development Services Department at (253) 591-5030 (voice) or (253) 591-5153 (TDD).



PLANNING & DEVELOPMENT SERVICES
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Temporary Homeless Camp Permitting Process

Staff Analysis Report

Proposed Amendment:	Add Temporary Homeless Camp Permitting Process to TMC Chapter 13.05 Land Use Permit Procedures and add regulatory standards for the camps in TMC 13.06.635 - Temporary Uses
Applicant:	City of Tacoma
Location & Size of Area:	City-wide
Current Land Use & Zoning:	All land use and zoning districts
Neighborhood Council Area:	All Neighborhood and Council Areas
Staff Contact:	John Harrington, Development Services Division (253) 591-2069, jharring@cityoftacoma.org
Date of Report: (Planning Commission review date; draft or final)	December 24, 2013 (3 rd draft) (Prepared for Planning Commission Public Hearing, January 22, 2014)

I. Description of the Proposed Amendment:

1. Describe the proposed amendment, including the existing and proposed amendatory language, if applicable.

The proposed amendment would regulate temporary homeless camps to protect public health and safety and the safety of the residents of such camps in the City of Tacoma.

Exhibit A attached is the third draft of the proposed amendment language to the Tacoma Municipal Code Sections 13.05 and 13.06.635 and final draft to be presented for public hearing review. Under the authority of the City Council, the fee code in Chapter 2.09 of the Municipal Code will also be amended at a future date to add an application fee for a temporary homeless camp.

2. Describe the intent of the proposed amendment and/or the reason why it is needed.

In 2010, the Washington Legislature passed [Ch. 175 \(ESHB 1956\)](#), codified as [RCW 36.01.290](#) 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 allows cities to enact regulations that are necessary to protect the public health and safety in conducting the setup, operation and decommissioning of a temporary homeless camp but 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. The city has not had a religious organization propose such a camp since the state law passed, but wants to have regulations in place should an a group want to operate one.

- 3. Describe the geographical areas associated with the proposed amendment. Include such information as: location, size, parcel number(s), ownership(s), site map, site characteristics, natural features, current and proposed Comprehensive Plan land use designations, current and proposed zoning classifications, and other appropriate and applicable information for the affected area and the surrounding areas.**

The only limitation to the location of the temporary homeless camps in the City of Tacoma is that the site must be on property that is owned or controlled by the religious organization that is running the camp.

- 4. Provide any additional background information associated with the proposed amendment.**

No additional information.

II. Analysis of the Proposed Amendment:

- 1. How does the proposed amendment conform to applicable provisions of State statutes, case law, regional policies, the Comprehensive Plan, and development regulations?**

The proposed amendment is in response to RCW 36.01.290 passed by the Washington State Legislature in 2010. The law provides great latitude for religious organizations to run homeless camps and limits local jurisdictions controls that protect the public health and safety only.

Numerous cities in the state have enacted similar regulations. There is no case law resulting from a legal test of any of the existing regulations.

- 2. Would the proposed amendment achieve any of the following objectives?**
 - Address inconsistencies or errors in the Comprehensive Plan or development regulations;**
 - Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City's capacity to provide adequate services;**
 - Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or**
 - Enhance the quality of the neighborhood.**

There are currently no regulations for the establishment and operation of homeless encampments in the City of Tacoma. The proposed amendment puts into place public health and safety regulations for the operation of homeless encampments as authorized by state law.

- 3. Assess the proposed amendment with the following measures: economic impact assessment, sustainability impact assessment, health impact assessment, environmental determination, wetland delineation study, traffic study, visual analysis, and other applicable analytical data, research and studies.**

The proposed amendment has no significant impacts in economic development, but may have positive impacts to sustainability and the public health.

The intent of the camps is to provide a temporary, safe and healthy housing alternative for homeless persons who want to live in a camp environment who otherwise would be living on the streets. The camps will provide a place where the residents can be educated about services that they can take advantage of to improve their life situation.

4. Describe the community outreach efforts conducted for the proposed amendment, and the public comments, concerns and suggestions received.

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 met with many of these groups in September and October to tap into the experience and expertise of these groups, neighborhood and business groups and the public-at-large by holding a number of public meetings to elicit feedback and to hear concerns regarding the operation of temporary homeless camps in the City.

Some of the community based agencies, organizations and groups that staff consulted with included: Tent City Tacoma, Associated Ministries, Metropolitan Development Council, Catholic Community Services, Comprehensive Life Resources, Ministerial Alliance, Tacoma-Pierce County Coalition to End Homelessness. The Tacoma Community Council and the Cross District Association were given presentations.

A number of city staff on the Intergovernmental SME team conducted site visits to homeless camps in Olympia (Camp Quixote), Sammamish (Tent City 4) and Renton (Tent City 3) Washington and observed the operation of an active temporary homeless camp and interviewed the camp operators, human services provider serving the residents and residents of the camp.

5. Will the proposed amendment benefit the City as a whole? Will it adversely affect the City's public facilities and services? Does it bear a reasonable relationship to the public health, safety, and welfare?

Yes. It will provide the public and religious organizations with the confidence that the city is ready to address homeless encampments with limited, reasonable regulations to protect the public health and safety and the health and safety of the camp residents.

III. Proposed Amendment Components for Public Review:

The following are the key components of the current code amendment proposal. It is the product of completed community outreach, staff recommendations and two Planning Commission meetings.

The recommended changes are in underlined red font in Exhibit A. This report will discuss the key tenants of the new regulations and the rationale behind their inclusion.

1. Notification distance of 400 feet (page 7 of Exhibit A). The sensitivity of the public to homeless encampments and the desire to be transparent in the establishment of a temporary homeless camp in a neighborhood were the primary reasons for the 400 feet notice distance.
2. Crime Prevention through Environmental Design (CPTED) principles will be applied to the camps. During the site plan review (page 13 of Exhibit A), staff will review the site plan for application of CPTED principles and make recommendations for the camp set up and operation based upon CPTED principles. This will address safety and policing issues in the camps especially at night when it would be difficult to see potential perpetrators.
3. A ten foot setback from the property line for the exterior sight obscuring fencing of the camp area (page 13 of Exhibit A). This was added to address bulk, air, light and fire safety considerations at the perimeter interface between the camp and the neighboring properties.

4. Maximum occupancy of each camp is 100 residents (page 13 of Exhibit A). This was done as result of observations made at the Tent City 3 and 4 sites. Each of these sites was set up to accommodate 100 residents and was more efficiently laid out than the Camp Quixote example in Olympia. The demonstrated success of each of the Tent City operations in numerous cities was compelling in allowing a larger camp occupancy. The 100 occupant limit is consistent with most jurisdictions that have regulations for the use. The 100 resident limit also aligns with the projected need suggested by our Housing and Homeless Services staff and would be able to be hosted by numerous churches throughout the city that have property with flat turf areas of over 15,000 square feet.
5. A maximum of two camps may be located in the City of Tacoma at the same time (page 14 of Exhibit A). Many of the cities permitting only one camp of 100 residents are substantially smaller than the City of Tacoma. In keeping with the estimate of 100-200 homeless adults likely to take advantage of this housing alternative from our homeless services staff expert, two camps were proposed to be allowed at the same time in the city.
6. Minimum camp area for up to 50 residents is 7,500 square feet (page 14 of Exhibit A). The number of camp residents can be incrementally increased at the rate of one per each increment of 150 square feet added to the minimum camp area of 7,500 square feet. This was done in response to the site visit to the tent city operations where staff discovered that higher populations could be accommodated without problems and to meet the desire to provide a scaled requirement for adding residents after the first fifty people.
7. The maximum timeframe for the camps from start of setup to end of tear down is 93 days and 123 days for camps on gravel or paved sites or in non-residential areas (page 14 of Exhibit A). A camp on a turf site in a residential area will still have a 93-day time limit and will not be able to return for two years from the start of the previous camp. Because there are numerous church sites in the city that can host a 100-resident camp and many more that can host a 50+ resident camp, it is desirable that the camps rotate to more than just a few sites.
8. The interval at which a camp can return to a previous site is two years from the start date of the preceding camp. The interval is decreased to 18 months from the start date of the preceding camp for gravel or paved sites and non-residential areas (page 14 of Exhibit A). The two years was to ensure regeneration of vegetation on a site before another camp is hosted and to ensure there is not undue pressure on the same neighborhood to host a camp every year.
9. Sight-obscuring fencing required at the exterior of the camp area (page 14 of Exhibit A). In visiting the tent city sites, it was evident that an effective sight screen from a non-elevated view could be achieved with a dark fabric fencing material. This fence area defines the controlled access camp area and helps keep non-residents and animals from entering the camp area. This material, together with portable fence posts, provides the capability to be quickly emplaced or taken down and easily transported to the next site.
10. Minimum age for camp residents is 18 years of age (page 14 of Exhibit A). This age was arrived at by considering potential problems with minors and adults being in the same living environment and the availability of alternate homeless shelter options for minors under 18 years of age in the City of Tacoma. Residents of the homeless camps visited also agreed that having minors in the camps was a bad idea.

11. Warrant or background checks are required for prospective camp residents and no sex offenders are permitted in the camps (page 14 of Exhibit A). In speaking with residents of the camps in Renton and Sammamish, staff discovered that the residents are very concerned about who their fellow residents are for their own safety. They were straight forward in prohibiting sex offenders from being in the camps, but took a more measured approach to those that may be wanted for, or have a history of, lesser offenses. This requirement prohibits sex offenders, but allows the tent camp organization to use the warrant and background information to make their own decision whether to allow other persons to stay or not. Persons with animals will be permitted in the camps. For persons with problem dogs/animals, the camp organizations handle it very pragmatically. If an animal becomes a problem, it is seen as an extension of the resident it belongs to and both would have to leave the camp.
12. The temporary homeless camp sites must be located no more than one-quarter mile from a transit stop. Staff evaluated over 180 church sites in the city and of those that were large enough to host a camp; only three were over ¼ mile from a bus stop. Only one was more than ½ mile from a bus stop. Based on the over 50 sites available for a camp within ¼ mile from a transit stop and the essential nature of public transit to the camp residents, the ¼ mile distance was agreed upon.
13. One shower is required for every 33 residents in a camp (page 14 of Exhibit A). A ratio of one per 33 residents would allow for a daily shower over a 16-hour period during the day when showers were available. Having at least two showers would enable a female-only shower and prevent difficult situations, but over two should depend on the overall situation including the ability for residents to shower off-site. In this regard, the ability to reduce the requirement depending on the specific scenario was added.
14. The minimum separation of sleeping shelters is two feet from the sides and rear of the shelter and four feet from the entry to the tent (page 15 of Exhibit A). Group tents require a 10 foot minimum separation from other tents. While there are some group tents used in the tent cities, most of the residents use smaller tents with only one or two occupants.
15. Sanitary and solid waste provisions were made by requiring one sanitary portable toilet per 20 residents, one hand washing station per 15 residents and garbage and recycling dumpsters provided. The sanitary portable toilets and dumpsters will be serviced at appropriate intervals.
16. Parking for the camps is required at a rate of two per every 25 residents. This gives a scalable requirement based on number of residents and will address the fact that some of the homeless persons in the camp will have vehicles and park at the church property.

IV. Exhibit:

- A. Proposed Amendments to the Tacoma Municipal Code pertaining to the Temporary Homeless Camp Permitting Process.

Exhibit A

Proposed Amendments to the Tacoma Municipal Code (TMC) pertaining to the Temporary Homeless Camp Permitting Process

Proposed amendments address Permit Process (TMC 13.05) and Development Standards (TMC 13.06), and are shown in red underlines.

Permit Process – TMC 13.05

13.05.010 Application requirements for land use permits.

A. Purpose. The purpose of this section is to outline land use permit and application requirements.

B. Applicability. The regulations identified in this section apply to land use permits for which the Director and/or Hearing Examiner have decision-making authority. The applicant for a land use permit requested under this title shall have the burden of proving that a proposal is consistent with the criteria for such application.

C. Application Requirements.

1. Predevelopment Conference. A predevelopment conference may be scheduled at the request of the Department or the applicant. The predevelopment conference is intended to define the project scope and identify regulatory requirements of Title 13, prior to preparing a land use proposal.

2. Pre-Application Meeting. The pre-application meeting is a meeting between Department staff and a potential applicant for a land use permit to discuss the application submittal requirements and pertinent fees. A pre-application meeting is required prior to submittal of an application for rezoning, platting, height variances, conditional use permit, shoreline management substantial development (including conditional use, variance, and revision), wetland/stream/Fish and Wildlife Habitat Conservation Area (FWHCA) development permits, wetland/stream/FWHCA minor development permits, and wetland/stream/FWHCA verifications. This requirement may be waived by the Department. The pre-application meeting is optional for other permits.

3. Applications Form and Content. The Department shall prescribe the form and content for complete applications made pursuant to this title. The applicant is responsible for providing complete and accurate information on all forms as specified below.

Applications shall include the following:

- a. The correct number of completed Department application forms signed by the applicant;
- b. The correct number of documents, plans, or maps identified on the Department Submittal Requirements form which are appropriate for the proposed project;
- c. A demonstration by the applicant of consistency with the applicable policies, regulations, and criteria for approval of the permit requested;
- d. A completed State Environmental Policy Act checklist, if required; containing all information required to adequately determine the potential environmental impacts of the proposal;
- e. Payment of all applicable fees as identified in Section 2.09.170 – Required Filing Fees for Land Use Applications; and
- f. Additional application information which may be requested by the Department and may include, but is not limited to, the following: geotechnical studies, hydrologic studies, noise studies, air quality studies, visual analysis, and transportation impact studies.

D. Initiation of Review Process. The Department shall review a submitted application to determine its completeness, but will not begin permit processing of any application until the application is found to be complete.

“Completeness” means the appropriate documents and reports have been submitted. Accuracy and adequacy of the application is not reviewed as a part of this phase.

E. Notice of Complete or Incomplete Application.

1. Within 28 days after receiving a development permit application, the Department shall provide in writing to the applicant either:

- a. A notice of complete application; or
- b. A notice of incomplete application and what information is necessary to make the application complete.

The 28-day time period shall be determined by calendar days from the date the application was filed to the postmarked date on the written notice from the Department.

2. An application shall be found complete if the Department does not, within 28 days, provide to the applicant a notice of incomplete application.

3. If the application is determined to be incomplete, and/or additional information is requested, within 14 days after an applicant has submitted the requested additional information, the Department shall notify the applicant whether the information submitted adequately responds to the notice of incomplete application, thereby making the application complete, or what additional information is still necessary.

4. An application is complete for purposes of this section when it meets the submission requirements of the Department as outlined in Section 13.05.010.C and TMC Section 13.11.250 for projects that may affect wetlands, streams, or their regulated buffers, even though additional information may be required or project modifications may be made later. The determination of a complete application shall not preclude the Department from requesting additional information or studies, either at the time of the notice of complete application or subsequently if new information is required or substantial changes in the proposed action occur, or should it be discovered that the applicant omitted, or failed to disclose, pertinent information.

F. Inactive Applications. If an applicant fails to submit information identified in the notice of incomplete application or a request for additional information within 120 days from the Department’s mailing date, or does not communicate the need for additional time to submit information, the Department may consider the application inactive and, after notification to the applicant, may close out the file and refund a proportionate amount of the fees collected with the application.

G. Modification to Application. Proposed modifications to an application which the Department has previously found to be complete will be treated as follows:

1. Modifications proposed by the Department to an application shall not be considered a new application.
2. If the applicant proposes modifications to an application which would result in a substantial increase in a project’s impacts, as determined by the Department, the application may be considered a new application. The new application shall conform to the requirements of this title which are in effect at the time the new application is submitted.

H. Limitations on Refiling of Application.

1. Applications for a land use permit pursuant to Title 13 on a specific site shall not be accepted if a similar permit has been denied on the site within the 12 months prior to the date of submittal of the application. The date of denial shall be considered the date the decision was made on an appeal, if an appeal was filed, or the date of the original decision if no appeal was filed.

2. The 12-month time period may be waived or modified if the Director finds that special circumstances warrant earlier reapplication. The Director shall consider the following in determining whether an application for permit is similar to, or substantially the same as, a previously denied application:

- a. An application for a permit shall be deemed similar if the proposed use of the property is the same, or substantially the same, as that which was considered and disallowed in the earlier decision;
- b. An application for a permit shall be deemed similar if the proposed application form and site plan (i.e., building layout, lot configuration, dimensions) are the same, or substantially the same, as that which was considered and disallowed in the earlier decision; and

c. An application for a variance or waiver shall be deemed similar if the special circumstances which the applicant alleges as a basis for the request are the same, or substantially the same, as those considered and rejected in the earlier decision.

In every instance, the burden of proving that an application is not similar shall be upon the applicant.

I. Filing Fees. The schedule of fees for land use permits is established in Chapter 2.09 of the Tacoma Municipal Code.

J. Time Periods for Decision on Application.

1. A decision on applications considered by the Director shall be made within 120 days of complete application. Applications within the jurisdiction of the Hearing Examiner shall be processed within the time limits set forth in Chapter 1.23. The notice of decision on a land use permit shall be issued (and postmarked) within the prescribed number of days after the Department notifies the applicant that the application is complete or is found complete as provided in Section 13.05.010.D.3. The following time periods shall be exempt from the time period requirement:

a. Any period during which the applicant has been requested by the Department to correct plans, perform required studies, or provide additional required information due to the applicant's misrepresentation or inaccurate or insufficient information.

b. Any period during which an environmental impact statement is being prepared; however, in no case shall the time period exceed one year, unless otherwise agreed to by the applicant and the City's responsible official for SEPA compliance.

c. Any period for administrative appeals of land use permits.

d. Any extension for any reasonable period of time mutually agreed upon in writing between the applicant and the Department.

2. The 120-day time period established in Section 13.05.010.J.1 for applications to the Director shall not apply in the following situations:

a. If the permit requires approval of a new fully contained community as provided in RCW 36.70A.350, master planned resort as provided in RCW 36.70A.360, or the siting of an essential public facility as provided in RCW 36.70A.200.

b. If, at the applicant's request, there are substantial revisions to the project proposal, in which case the time period shall start from the date on which the revised project application is determined to be complete, per Section 13.05.010.E.3.

3. Decision when effective. A decision is considered final at the termination of an appeal period if no appeal is filed, or when a final decision on appeal has been made pursuant to either Chapter 1.23 or Chapter 1.70. In the case of a zoning reclassification, the first reading of the reclassification ordinance by the City Council shall be considered the final decision. First reading shall be considered a tentative approval, and does not constitute final rezoning of the property. However, first reading of the ordinance shall assure the applicant that the reclassification will be approved, provided that the application complies with all requirements and conditions for reclassification as may have been imposed by the Hearing Examiner or the City Council.

4. If unable to issue a final decision within the 120-day time period, a written notice shall be made to the applicant, including findings for the reasons why the time limit has not been met and the specified amount of time needed for the issuance of the final decision.

5. Time Computation. In computing any time period set forth in this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday, nor a legal holiday. Legal holidays are described in RCW 1.16.050.

(Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28070 Ex. A; passed May 8, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27771 Ex. B; passed Dec. 9, 2008; Ord. 27728 Ex A; passed Jul. 1, 2008; Ord. 27431 § 5; passed Nov. 15, 2005; Ord. 27245 § 1; passed Jun. 22, 2004; Ord. 26843 § 2; passed Aug. 21, 2001; Ord. 26645 § 4; passed Jun. 27, 2000; Ord. 25852 § 1; passed Feb. 27, 1996)

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.

3. Parties receiving notice of application shall be given 14 days from the date of mailing (including the day of mailing) to provide any comments on the proposed project to the Department. The notice shall indicate that a copy of the decision taken upon such application will be provided to any person who submits written comments on the application within 14 days of the mailing of such notice, or who requests receipt of a copy of the decision.

4. Decisions of the Land Use Administrator shall be mailed to the applicant and the property owner, if different than the applicant, by first class mail. Decisions of the Administrator requiring environmental review pursuant to the State Environmental Policy Act, WAC 197-11, and the provisions of TMC Chapter 13.12, shall also include a Threshold Determination by the Responsible Official for the Department. A decision shall be mailed by first-class mail to: owners of property and/or taxpayers of record as indicated by the Pierce County Assessor/Treasurer’s records within the distance identified in Section 13.05.020.G; neighborhood councils in the vicinity where the proposal is located; qualified neighborhood or community organizations; and 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.

5. A neighborhood or community organization shall be qualified to receive notice under this section upon a finding that the organization:

(a) has filed a request for a notification with the City Clerk in the form prescribed by rule, specifying the names and addresses of its representatives for the receipt of notice and its officers and directors;

(b) includes within its boundaries land within the jurisdiction of the permit authority;

(c) allows full participating membership to allow property owners/residents within its boundaries;

6. More than one neighborhood or community organization may represent the same area.

7. It shall be the duty of the neighborhood group to advise the City Clerk’s office in writing of changes in its boundaries, or changes in the names and addresses of the officers and representatives for receipt of notice.

8. A public information sign (or signs), provided by the Department for applications noted in Table G (Section 13.05.020.G), indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the Department, within seven calendar days of the date on which a notice of complete application is issued to the applicant. The sign shall remain on the site until the date of final decision, at which time the sign shall be removed by the applicant. The sign shall contain, at a minimum, the following information: type of application, name of applicant, description and location of proposal, and where additional information can be obtained.

C. Process II – Administrative Decisions Requiring an Environmental Determination and Height Variances, Shoreline Permits, Conditional Use, Special Development Permits, Wetland/Stream/Fish & Wildlife Habitat Conservation Area (FWHCA) Development Permits.

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.
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 consistent with the requirements set forth for Process I land use permits; 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. For major modifications to development approved in a PRD District rezone and/or site approval, the notice of application shall also be provided to all owners of property and/or taxpayers of record within the entire PRD District and 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 from the boundary of the PRD District.
3. Parties receiving notice of application shall be given 30 days, with the exception of five to nine lot preliminary plats which shall be given 20 days from the date of mailing (including the day of mailing) to provide any comments on the proposed project to the Department, unless a Public Meeting is held, as provided by Section 13.05.020.F. The notice shall indicate that a copy of the decision taken upon such application will be provided to any person who submits written comments on the application within 30 days of the mailing of such notice, or who requests receipt of a copy of the decision.
4. A public information sign (or signs), provided by the Department for applications noted in Table G (Section 13.05.020.G), indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the Department, within seven calendar days of the date on which a notice of complete application is issued to the applicant. The sign shall remain on the site until the date of final decision, at which time the sign shall be removed by the applicant. The sign shall contain, at a minimum, the following information: type of application, name of applicant, description and location of proposal, and where additional information can be obtained.
5. Notice shall be published in a newspaper of general circulation for applications identified in the table in subsection G of this section.

D. Process III – Decisions Requiring a Public Hearing.

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.C.
2. Notice of application, including the information identified in Section 13.05.020.E, 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); 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. For major modifications to development approved in a PRD District rezone and/or site approval, the notice of application shall also be provided to all owners of property and/or taxpayers of record within the entire PRD District and 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 from the boundary of the PRD District.
3. The notified parties shall be allowed 21 days from the date of mailing to comment on the pre-threshold environmental determination under provisions of Chapter 13.12, after which time the responsible official for SEPA shall make a final determination. Those parties who comment on the environmental information shall receive notice of the environmental determination. If an appeal of the determination is filed, it will be considered by the Hearing Examiner at the public hearing on the proposal.
4. A public information sign (or signs), provided by the Department, indicating that a land use permit application for a proposal has been submitted, shall be erected on the site by the applicant, in a location specified by the

Department, within seven calendar days of the date on which a notice of complete application is issued to the applicant. The sign shall remain on the site until the date of final decision, at which time the sign shall be removed by the applicant. The notice shall contain, at a minimum, the following information: type of application, name of applicant, location of proposal, and where additional information can be obtained.

5. Notice shall be published in a newspaper of general circulation for applications identified in the table in subsection G of this section.

E. Content of Public Notice of Application. Notice of application shall contain the following information, where applicable, in whatever sequence is most appropriate for the proposal:

1. Date of application;
2. Date of notice of completion for the application;
3. Date of the notice of application;
4. Description of the proposed project action;
5. List of permits included in the application;
6. List of studies requested;
7. Other permits which may be required;
8. A list of existing environmental documents used to evaluate the proposed project(s) and where they can be reviewed;
9. Public comment period (not less than 14 nor more than 30 days), statement of right to comment on the application, receive notice of and participate in hearings, request a copy of the decision when made, and any appeal rights;
10. Date, time, place and type of hearing (notice must be provided at least 15 days prior to the open record hearing);
11. Statement of preliminary determination of development regulations that will be used for project mitigation and of consistency;
12. A provision which advises that a "public meeting" may be requested by any party entitled to notice;
13. Any other information determined appropriate, e.g., preliminary environmental determination, applicant's analysis of code/policy applicability to project.

F. Public Comment Provisions. Parties receiving notice of application shall be given the opportunity to comment in writing to the department. A "public meeting" to obtain information, as defined in Section 13.05.005, may be held on applications which require public notification under Process II when:

1. The Director determines that the proposed project is of broad public significance; or
2. The neighborhood council in the area of the proposed project requests a "public meeting"; or
3. The owners of five or more parcels entitled to notice for the application make a written request for a meeting; or
4. The applicant has requested a "public meeting."

Requests for a meeting must be made in writing and must be in the Planning and Development Services office within the comment period identified in the notice. One public meeting shall be held for a permit request regardless of the number of public meeting requests received. If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting. Notice of the "public meeting" shall be mailed at least 14 days prior to the meeting to all parties entitled to original notice, and shall specify the extended public comment period; however, if the Director has determined that the proposed project is of broad public significance, or if the applicant requests a meeting, notification of a public meeting may be made with the notice of application, and shall allow the standard 30-day public comment period.

The comment period for permit type is identified in Section 13.05.020.G. When a proposal requires an environmental determination under Chapter 13.12, the notice shall include the time within which comments will be accepted prior to making a threshold determination of environmental significance or non-significance.

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
Uses not specifically classified	Recommended	400 feet	Yes	Yes	30 days	Director	No	No	None
Boundary line adjustment	Required	No	No	No	No	Director	No	No	5 years***
Binding site plan	Required	No	No	No	No	Director	No	No	5 years***
Environmental SEPA DNS/EIS	Optional	Same as case type	Yes if no hearing required	Yes for EIS	Same as case type	Director	No	No	None
Variance, height of main structure	Required	400 feet	No	Yes	30 days	Director	No*	No	5 years
Open space classification	Required	400 feet	No	Yes	**	Hearing Examiner	Yes	Yes	None
Plats 10+ lots	Required	400 feet	Yes	Yes	21 days SEPA**	Hearing Examiner	Yes	Final Plat	5 years***
Plats 5-9 lots	Required	400 feet	Yes	Yes	20 days	Director	No*	Final Plat	5 years***
Rezones	Required	400 feet	No	Yes	21 days SEPA**	Hearing Examiner	Yes	Yes	None
Shoreline/CUP/ variance	Required	400 feet	No	Yes	30 days*** **	Director	No*	No	2 years/ maximum 6
Short plat	Required	No	No	No	No	Director	No	No	5 years***
Site approval	Optional	400 feet	No	Yes	30 days*** **	Director	No*	No	5 years
Conditional use	Required	400 feet	No	Yes	30 days*** **	Director	No*	No	5 years****
Conditional use, large-scale retail	Required	1,000 feet	Yes	Yes	30 days**	Hearing Examiner	Yes	No	5 years
<u>Temporary Homeless Camp Permit</u>	<u>Required</u>	<u>400 feet</u>	<u>Yes</u>	<u>Yes</u>	<u>14 days</u>	<u>Director</u>	<u>No</u>	<u>No</u>	<u>1 year</u>
Variance	Optional	100 feet	No	Yes	14 days	Director	No*	No	5 years
Waiver	Optional	100 feet	No	Yes	14 days	Director	No*	No	Condition of permit
Wetland/Stream/ FWPCA development permits	Required	400 feet	No	Yes	30 days	Director	No*	No	5 years with 5 year renewal option to a maximum of 20 years total
Wetland/Stream/ FWPCA Minor Development Permits	Required	100 feet	No	Yes	14 days	Director	No*	No	5 years with 5 year renewal option to a maximum of 20 years total
Wetland/Stream/ FWPCA verification	Required	100 feet	No	Yes	14 days	Director	No*	No	5 years

INFORMATION IN THIS TABLE IS FOR REFERENCE PURPOSE ONLY.

- * When an open record hearing is required, all other land use permit applications for a specific site or project shall be considered concurrently by the Hearing Examiner (refer to Section 13.05.040.E).
- ** Comment on land use permit proposal allowed from date of notice to hearing.
- *** Must be recorded with the Pierce County Auditor within five years.
- **** Special use permits for wireless communication facilities, including towers, are limited to two years from the effective date of the Director's decision.
- ***** If a public meeting is held, the public comment period shall be extended 7 days beyond and including the date of the public meeting.

(Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28070 Ex. A; passed May 8, 2012; Ord. 28050 Ex. B; passed Feb. 14, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27813 Ex. C; passed Jun. 30, 2009; Ord. 27771 Ex. B; passed Dec. 9, 2008; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27631 Ex. A; passed Jul. 10, 2007; Ord. 27431 § 6; passed Nov. 15, 2005; Ord. 27245 § 2; passed Jun. 22, 2004; Ord. 27158 § 1; passed Nov. 4, 2003; Ord. 26195 § 1; passed Jan. 27, 1998; Ord. 25852 § 1; passed Feb. 27, 1996)

13.05.030 Director Decision Making Authority.

A. Authority. The Director shall have the authority to act upon the following matters:

1. Interpretation, enforcement, and administration of the City's land use regulatory codes as prescribed in this title;
2. Applications for conditional use permits;
3. Applications for site plan approvals;
4. Applications for variances;
5. Applications for waivers;
6. Applications for preliminary and final plats as outlined in Chapter 13.04, Platting;
7. Applications for Wetland/Stream/FWHCA Development Permits, Wetland/Stream/FWHCA Verifications, and Wetland/Stream/FWHCA Minor Development Permits as outlined in Chapter 13.11;
8. Applications for Shoreline Management Substantial Development Permits/conditional use/ variances as outlined in Chapter 13.10;
9. Modifications or revisions to any of the above approvals;
10. Approval of landscape plans;
11. Extension of time limitations;
12. Application for permitted use classification for those uses not specifically classified.
13. Boundary line adjustments, binding site plans, and short plats;
14. Approval of building or development permits requiring Land Use Code and Environmental Code compliance;
15. Applications for temporary homeless camps

D. Interpretation and Application of Land Use Regulatory Code. In interpreting and applying the provisions of the Land Use Regulatory Code, the provisions shall be held to be the minimum requirements for the promotion of the public safety, health, morals or general welfare. It is not intended by this code to interfere with or abrogate or annul any easements, covenants or agreements between parties. Where this code imposes a greater restriction upon the use of buildings or premises or upon the heights of buildings or requires larger yards or setbacks and open spaces than are required in other ordinances, codes, regulations, easements, covenants or agreements, the provisions of this code shall govern. An interpretation shall be utilized where the factual basis to make a determination is unusually complex or there is some problem with the veracity of the facts; where the applicable code provision(s) is ambiguous or its application to the facts unclear; or in those instances where a person applying for a license or permit disagrees with a staff determination made on the application. Requests for interpretation of the provisions of the Land Use Regulatory Code shall be processed in accordance with the requirements of Section 13.05.040.

E. Permitted Uses – Uses Not Specifically Classified. In addition to the authorized permitted uses for the districts as set forth in this title, any other use not elsewhere specifically classified may be permitted upon a finding by the

Director that such use will be in conformity with the authorized permitted uses of the district in which the use is requested. Notification of the decision shall be made by publication in a newspaper of general circulation.

F. Reasonable Accommodation. Any person claiming to have a handicap, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this Land Use Code under the Fair Housing Amendments Act of 1988, 42 USC § 3604(f)(3)(b), or the Washington Law Against Discrimination, Chapter 49.60 RCW, must provide the Director with verifiable documentation of handicap eligibility and need for accommodation. The Director shall act promptly on the request for accommodation. If handicap eligibility and need for accommodation are demonstrated, the Director shall approve an accommodation, which may include granting an exception to the provisions of this Code.

1. Purpose. This section provides a procedure for requests for reasonable accommodations made by persons with disabilities, their representative or any entity, when the application of a land use regulation acts as a barrier to fair housing opportunities.

2. Application. Requests for reasonable accommodation shall be submitted in the form of a letter to the Development Services Division of the Planning and Development Services Department and shall include the following:

- a. The applicant's name, address, and telephone number;
- b. Address of the property for which the request is being made;
- c. The current use of the property;
- d. The basis for the claim that the individual is considered disabled under the fair housing laws: identification and description of the disability which is the basis for the request for accommodation, including current, written medical certification and description of disability and its effects on the person's medical, physical or mental limitations;
- e. The code provision, regulation or policy from which reasonable accommodation is being requested, including all applicable material necessary to reach a decision regarding the need for and reasonableness of the accommodation, such as drawings, pictures, plans, correspondence or any other background information relevant to the request;
- f. The type of accommodation being sought and why the reasonable accommodation is necessary to make the specific property accessible to the individual; and
- g. Other supportive information deemed necessary by the Department to facilitate proper consideration of the request, consistent with the Acts.

3. No application fee shall apply to a request for reasonable accommodation (unless the request is being made concurrently with an application for some other Land Use discretionary permit, in which case the applicant shall pay only the required application fee for that other discretionary permit).

4. Review Authority and Review Procedure.

- a. Review Authority. Requests for reasonable accommodation shall be reviewed by the Director, or his/her designee.
- b. Other Review Authority. Requests for reasonable accommodation submitted for concurrent review with another Land Use discretionary application shall be reviewed by the authority reviewing the discretionary land use application; further, a reasonable accommodation cannot waive a requirement for a Conditional Use Permit when otherwise required or result in approval of uses otherwise prohibited by the City's land use and zoning regulations.
- c. Review Procedure. The Director, or his/her designee, shall grant, grant with conditions, or deny a request for reasonable accommodation in accordance with 13.05.030.F.5 (Findings and Decision).
- d. The Director may require a Concomitant Zoning Agreement (CZA) be recorded with the Pierce County Auditor to ensure conditions of approval are met. The City will be responsible for creating the CZA and will provide it to the applicant. The CZA must be recorded prior to issuance of Certificate of Occupancy or Certificate of Completion for the associated building permit;
- e. A notice of the Director's decision will be mailed to all property owners/taxpayers located within 100 feet of the site where the accommodation is requested.

5. Findings and Decision. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on consideration of the following factors, with or without conditions:

- a. The requested accommodation is necessary to make specific housing available to a disabled person;
- b. The housing will be used by a disabled person;
- c. The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including land use and zoning; and
- d. The requested accommodation would not impose an undue financial or administrative burden on the City;

6. Reasonable Conditions. In granting a request for reasonable accommodation, the reviewing authority may further impose conditions of approval that are deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required under 13.05.030.F.5 above, such as removal of the improvements, where removal would not constitute an unreasonable financial burden and when the need for which the accommodation was granted no longer exists.

(Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 28077 Ex. B; passed Jun. 12, 2012; Ord. 28070 Ex. A; passed May 8, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27813 Ex. C; passed Jun. 30, 2009; Ord. 27728 Ex. A; passed Jul. 1, 2008; Ord. 27539 § 1; passed Oct. 31, 2006; Ord. 27466 § 35; passed Jan. 17, 2006; Ord. 27431 § 7; passed Nov. 15, 2005; Ord. 27245 § 3; passed Jun. 22, 2004; Ord. 27017 § 5; passed Dec. 3, 2002; Ord. 26195 § 2; passed Jan. 27, 1998; Ord. 25852 § 1; passed Feb. 27, 1996)

Development Standards – TMC Chapter 13.06

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.

Table #1: TEMPORARY USES ALLOWED – NUMBER OF DAYS ALLOWED

Temporary Use Type	Days Allowed Per Year
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
Temporary homeless camps	See Section 13.06.635.B.4

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.

a. Temporary housing.

(1) Such use shall be placed on a lot, tract, or parcel of land upon which a main building is being in fact constructed. The applicant shall have a valid building permit approved by Planning and Development Services;

(2) Such uses are of a temporary nature not involving permanent installations, including structures and utilities;

(3) That such a house trailer or mobile home shall be located at least 25 feet away from any existing residences;

(4) That conformance with all applicable health, sanitary, and fire regulations occasioned by the parking and occupancy of said house trailer or mobile home shall be observed.

(5) The temporary housing shall be removed within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.

b. Temporary office space.

(1) Such use shall be in accordance with the use regulations of the zoning district within which the temporary office is located.

(2) Such use is appropriate due to the construction or reconstruction of a main building or the temporary nature of the use.

(3) Such use is of a temporary nature not involving permanent installations, including structures, utilities, and other improvements, unless such improvements are to be used in conjunction with a permanent structure, plans for which have been approved by Planning and Development Services. This provision shall not be construed to prohibit the installation of utilities necessary to serve the temporary use or the requiring of improvements necessary to eliminate or mitigate nuisances or adverse environmental impacts resulting from the temporary use.

(4) Such a temporary building shall be located at least 25 feet away from any existing structure or structures under construction unless it can be demonstrated that a lesser distance will be adequate to safeguard adjacent properties and provide a safe distance from any construction occurring on the site.

(5) Such temporary building shall not be required to comply with the design standards found in Section 13.06.501.

(6) That conformance with all applicable health, sanitary, and fire regulations occasioned by the parking and occupancy of said temporary building shall be observed.

(7) The temporary office shall be removed within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.

c. Carnival.

(1) Such uses are of a temporary nature not involving permanent installations, including both structures and utility services, except those already existing on the premises.

(2) Proper regard shall be given to the controlling of traffic generated by the use with respect to ingress and egress to the given site and the off-street parking of automobiles attracted by the use.

(3) That any structures, buildings, tents, or incidental equipment shall be located at least 200 feet from existing residences;

(4) That off-street parking for the primary use on the site shall not be reduced below the required parking for that use.

d. Temporary storage. Temporary storage units are transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis, Temporary storage units, where allowed, shall be subject to the following standards:

(1) Temporary storage units shall be allowed as part of an active construction project or active moving process.

(2) In residential zoning districts, the maximum duration of temporary storage shall be 180-days in any two-year period, with up to one 60-day extension allowed at the discretion of Planning and Development Services.

(3) In commercial, mixed-use or industrial zoning districts, temporary storage units shall be removed within 30 days after final inspection of the project.

(4) Temporary storage units shall be placed in the least conspicuous location available to minimize disturbance to any adjoining properties and shall be located in accordance with all applicable building, health and fire safety ordinances and regulations. Units shall provide a minimum 5-foot setback from all exterior property lines and shall not be located within required buffer areas. Units shall not block, impair, or otherwise unduly inconvenience pedestrian or vehicular traffic patterns, emergency access, access points to the site, parking lots, or adjacent uses.

(5) Such use is of a temporary nature not involving permanent installations, including structures, utilities, and other improvements, unless such improvements are to be used in conjunction with a permanent structure, plans for which have been approved by Planning and Development Services. This provision shall not be construed to prohibit the installation of utilities necessary to serve the temporary use or the requiring of improvements necessary to eliminate or mitigate nuisances or adverse environmental impacts resulting from the temporary use.

(6) Such temporary building shall not be required to comply with the standard locational, bulk and area requirements or the design, landscaping, parking and other standards found in Sections 13.06.500-.522.

(7) Planning and Development Services shall have full discretion to stipulate additional limitations or conditions on such temporary use to ensure that it does not unduly affect the health, safety, or general welfare of adjacent properties or residences or the general public.

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.

(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 for the purposes of having the manager overseeing the camp 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) One sanitary portable toilet per twenty (20) residents with service as required.

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

(i) One (1) per fifteen (15) residents next to the portable toilets

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

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

(d) One (1) showering facility per thirty-three (33) residents on-site. Fractions will be rounded to nearest whole number. This requirement may be reduced depending on reasonable access to off-site shower facilities.

(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.

(e) Electrical inspection in coordination with Planning and Development Services electrical inspector to ensure safe provision of power 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.

(Ord. 28109 Ex. O; passed Dec. 4, 2012; Ord. 27893 Ex. A; passed Jun. 15, 2010; Ord. 27079 § 48; passed Apr. 29, 2003; Ord. 26933 § 1; passed Mar. 5, 2002)