



City of Seattle

---

**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Project Proposal:** Amendments to the City of Seattle Land Use Code, Title 23, to permit transitional encampments for homeless individuals as an interim use for a six-month term on city-owned or private property in all zones except residential zones, including Downtown zones defined as residential, and Neighborhood Commercial (NC1) zones; add location requirements; and specify the activities and development that may accompany the transitional encampment interim use, including use of vehicles for shelter.

**Project Sponsor:** City of Seattle Department of Planning and Development

**Location of Proposal:** The proposal is a non-project action, applicable in all zones throughout the City except residential zones, including Downtown zones defined as residential, and Neighborhood Commercial (NC1) zones.

**SUMMARY OF PROPOSED ACTION**

The proposal is a non-project action, applicable in all zones except residential zones, including Downtown zones defined as residential, and Neighborhood Commercial (NC1) zones, which would amend the Land Use Code to permit transitional encampments for homeless individuals as an interim use for a six-month term on city-owned or private property, add location requirements, and specify the activities and development that may accompany the transitional encampment interim use, including use of vehicles for shelter.

The following approval is required:

**SEPA - Environmental Determination** - Chapter 25.05, Seattle Municipal Code.

**SEPA DETERMINATION**     Exempt     DNS     MDNS     EIS  
 DNS with conditions  
 DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

## **BACKGROUND**

### **Proposal Description**

A transitional encampment currently is defined in the Land Use Code as a use intended for temporary sleeping and shelter, and describes activities and development that may accompany the encampment. The Code also provides minimum standards for their location as a use accessory to property owned or controlled by religious organizations in all zones. The proposal would clarify the definition by including vehicles as an acceptable type of encampment shelter, provide more specific location standards for encampments on City-owned and privately-owned property, and apply the regulations on encampment activities presently applicable to sites owned or controlled by religious organizations to all encampment proposals. While encampments on sites owned or controlled by religious organizations are exempt from parking requirements, the proposal adds parking requirements to transitional encampment interim uses on City-owned or privately-owned property.

Specifically, the proposal would amend Seattle Land Use Code sections 23.50.012, 23.54.015, 23.76.004, 23.76.006, 23.76.032, and 23.84A.038 of the Seattle Municipal Code and add a new Section 23.42.056 to permit transitional encampments for homeless individuals as an interim use for a six-month term on city-owned or private property, add location requirements, and specify the activities and development that may accompany the transitional encampment interim use, including use of vehicles for shelter. The proposal would apply in all zones except residential zones, including Downtown zones defined as residential, and Neighborhood Commercial (NC1) zones. The proposal includes the following:

- Provides a new transitional encampment interim use permit for a six-month term as a non-appealable Type I permit process. The permit would not be renewable, but the process would allow an existing encampment to relocate to another site under a new six-month interim use permit;
- Requires a minimum of 12 months after a transitional encampment interim use permit has expired before a new permit on the same site could be issued;
- Requires locating an encampment on property owned by the City of Seattle or a private party subject to a management plan addressing site management, maintenance and security;
- Requires encampment operators to have two years experience managing and operating shelters, low-income housing, or encampments serving 50 or more low-income, homeless or indigent persons;
- Requires encampments meet the same health, safety, and inspection requirements that have been established for encampments on sites owned or controlled by religious organizations as set forth in Seattle Municipal Code Section 23.42.054;
- Establishes parking requirements for encampments that are not located on sites owned or controlled by religious organizations;
- Clarifies the existing definition of “transitional encampment” to include using vehicles as shelters; and
- Provides rulemaking authority to require community outreach to give neighbors advance notice of encampments and to require specific operations standards to be implemented by encampment operators.

A transitional encampment site shall, under the proposal, meet the following requirements:

- Be located at least 50 feet from any residentially-zoned lot;
- Be located less than 50 feet from any residentially-zoned lot if the encampment boundary maintains a 50-foot setback and is screened by vegetation or fencing;
- Be owned by the City or a private party;
- Be located on a site that is at least 7,500 square feet in area and provides a minimum of 100 square feet of land per occupant;
- Be located within one-half mile of a transit stop;
- Be located at least one-half mile from any other legally-established transitional encampment use;
- Be located outside of wetland, wetland buffer, steep slope, steep slope buffer, and fish and wildlife habitat conservation areas (which includes areas within 100 feet of the shoreline) regulated by the City's regulations for Environmentally Critical Areas;
- Not be used by an existing legally-permitted use for any Land Use Code or permit-required purposes including but not limited to parking or setbacks; and
- Not be an unopened public street right-of-way or designated as a park, playground, viewpoint, or multi-use trail.

Transitional encampments would continue to be allowed on other sites in the city through the process of applying for a temporary use permit according to existing provisions in the Land Use Code, instead of the interim use permit process described in the proposed legislation.

Encampments also would have to meet the health, safety, and inspection requirements, including the limit of 100 encampment occupants, established in SMC Sections 23.42.054 B and C for encampment accessory to uses on property owned or controlled by religious organizations.

In addition to the standards in the Code, encampments will be required to enter into a contractual arrangement with the hosting entity similar to the hosting agreements that have been used between religious facilities and encampment operators that will address encampment rules for the purpose of promoting good neighbor relations. These agreements between the religious facilities and encampment operators have been successful in the past and include prohibitions on alcohol, drugs, and possession of weapons; rules for children within the encampment; and prohibiting sex offenders within the encampment.

#### Public Comment

Proposed changes to the Land Use Code require City Council approval. Public comment will be taken on the proposed text changes during future Council hearings.

#### ANALYSIS – SEPA

This proposal is an adoption of legislation and is defined as a non-project action. The disclosure of the potential impacts from this proposal was made in an environmental checklist submitted by the proponent, dated April 23, 2012. The information in the checklist, a copy of the proposed text changes, the Director's Report and Recommendation, and the experience of the lead agency with review of similar legislative actions form the basis for this analysis and decision.

This is a substantive change to the Land Use Code, to amend the Code to permit transitional encampments for homeless individuals as an interim use for a six-month term on city-owned or private property in all zones except residential zones, including Downtown zones defined as residential, and Neighborhood Commercial (NC1) zones, add location requirements, and specify the activities and development that may accompany the transitional encampment interim use, including use of vehicles for shelter. This amendment may result in potential impacts and warrants further discussion.

## **ELEMENTS OF THE ENVIRONMENT**

Adoption of the proposed Land Use Code amendments would not result in short-term adverse impacts, because the adoption would be a non-project action. Long-term impacts could potentially result from differences in future development due to the proposed amendments, and are discussed below.

### **Natural Environment**

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

The proposed changes would result in no direct impacts, and are unlikely to result in significant indirect or cumulative adverse impacts related to earth, air, water, plants and animals, energy, natural resources, environmentally sensitive areas, noise, or releases of toxic or hazardous materials. The proposed amendment is a non-project action that would amend the Land Use Code to permit transitional encampments for homeless individuals as an interim use for a six-month term on city-owned or private property in all zones except residential zones and NC1 zones, add location requirements, and specify the activities and development that may accompany the transitional encampment interim use, including use of vehicles for shelter. Some elements of the natural environment on future sites could be impacted by the proposed text amendment; however, as the number of occupants at any one site would be limited to 100 and the duration of occupancy at any site to a maximum of six months, the impact of a given encampment site is expected to be minor. Allowing such encampments in a variety of zones throughout the city, other than residential and NC1 zones, is expected to broadly distribute the actual siting of specific encampments, reducing possible cumulative impacts from large numbers of encampment sites in a given area. Existing regulations allow encampments accessory to uses on sites owned or controlled by religious organizations in all zones, further reducing the likelihood of a concentration of encampment sites. Under the proposed legislation, transitional encampment sites on city-owned or private property would need to be located outside of wetland, wetland buffer, steep slope, steep slope buffer, and fish and wildlife habitat conservation areas regulated by the City's regulations for Environmentally Critical Areas, reducing potential impacts to environmentally sensitive areas. Development of specific projects on individual sites would be subject to the City's existing regulations, including the Stormwater, Grading, and Drainage Ordinance, the Environmentally Critical Areas Ordinance, and the Noise Ordinance, and would be subject to environmental review if they met or exceeded environmental review thresholds.

## **Built Environment**

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

The transitional encampment use allowed under this proposal would be limited to a six-month term on any given site. When the term expires, a new interim use permit would be required to relocate the transitional encampment use to another site. A minimum of 12 months would be required to pass after the expiration date of an interim use permit before a new permit could be issued for any given site. Eligible sites either will be vacant or, if another use exists on the site, the applicant for the transitional encampment interim use must show that the area proposed for encampment use is not otherwise used by an existing legally-permitted use for any Land Use Code or permit-required purposes, including but not limited to parking or setbacks.

As the proposal would not allow permanent structures, the amendments are not expected to substantially alter the height, bulk, and scale of development on a given site. The temporary nature of transitional encampment uses on city-owned or private property, combined with the proposed Code standards to regulate their location, development, and activities, are expected to further limit any direct impacts of new transitional encampment uses relating to land and shoreline use or height, bulk, and scale. The proposal is unlikely to cause a shift in development or land use patterns in a given area, due to the interim status of the proposed use; any impacts to land or shoreline use are expected to be minimal. Development of specific projects on individual sites would be subject to existing City regulations and also would be subject to environmental review if environmental review thresholds are met or exceeded.

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

The proposed Code amendments would result in minimal direct impacts and are unlikely to result in indirect or cumulative significant adverse impacts related to transportation or public services and utilities. The properties that could be affected by the legislation are served by various levels of public transportation depending on the location and density of the neighborhood. The proposal likely will result in a slight increase in the number of vehicular trips for any site on which an encampment regulated by the proposed legislation would be located; however, this increase is not expected to be significant. Most occupants of an encampment are expected to use public transit, and each encampment use authorized under this legislation must be within one-half mile of public transit. The number of occupants of a particular encampment site is limited to 100, the transitional encampment interim use is limited to a six-month term on any particular site, and sites must be at least one-half mile from any other legally-established transitional encampment use; therefore, it is unlikely that additional transit trips on any given route would be substantial, or would result in a significant adverse impact on transit. The legislation includes on-site parking requirements for staff and vehicle campers, which would minimize potential parking impacts in the neighborhood adjacent to an encampment site.

The proposed amendments would change potential demand for public services on a site where an encampment would be located, but the change is not expected to be significant, due to the limit on occupancy of any one encampment, the six-month interim use limitation, and the required one-half mile separation between encampments. A small increase in demand on public services such as fire, public health, and police services may occur as encampments are inspected to ensure code requirements are met, and due to a slight rise in the number of emergency and police

