



City of Tacoma
Planning Commission

February 19, 2014

HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL,

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

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

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

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

Sincerely,

VICE CHAIR FOR

SEAN GAFFNEY

Chair

Enclosure



TEMPORARY HOMELESS CAMPS LAND USE REGULATIONS

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

A. SUBJECT:

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

B. SUMMARY OF PROPOSED AMENDMENT:

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

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

C. BACKGROUND:

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

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

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

D. FINDINGS OF FACT:

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

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

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

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

E. CONCLUSIONS:

The Planning Commission concludes that:

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

E. RECOMMENDATION:

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

F. EXHIBITS:

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