



# City Council Study Session

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## AGENDA

May 13, 2014

6:30 pm – 10:00 pm  
Maintenance & Operations Center

### Call to Order

### Public Comment

*This is an opportunity for the public to address the Council. Three-minutes limit per person or five-minutes if representing the official position of a recognized community organization.*

### Topics

- Arts Commission Update
- Planning Commission Hand-Off: Homeless Encampments
- Memo: R-1 Residential Zoning Options
- Discussion: Six Year Transportation Improvement Program

### Adjournment

City Council meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request. Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.





## Planning Commission

**Date:** May 8, 2014  
**To:** City Council  
**From:** Ryan Kohlmann, Planning Commission Chair  
**Re:** Homeless Encampment Use Permit Amendment to the Sammamish Municipal Code

On behalf of the Planning Commission, I am pleased to forward our recommendations for regulations related to the use of property owned by religious organizations for hosting temporary homeless encampments. We look forward to discussing these recommendations at the City Council study session on May 13, 2014.

The Commission considered the City Council guidance as a baseline for these regulations and also carefully considered public input, the experience and code development process of peer jurisdictions, state legislation, case law, and Sammamish's recent experience with Tent City 4 to inform our recommendations.

The amendments seek to accommodate the needs of the encampment residents, the faith community as hosts and ministers to the homeless, and of neighbors and service providers while imposing only those requirements necessary to protect public health and safety and that do not substantially burden the decisions or actions of the religious organizations. These amendments offer potential applicants and neighboring property owners clear guidance for navigating the process.

This topic was the subject of three planning commission meetings, including a public hearing where the Commission heard from 16 citizens. In addition, the Commission received 123 written comments during the public comment period including a petition with approximately 500 electronic signatures, 83 attached comments, and approximately 130 written signatures.

The Commission voted unanimously to approve the overall recommendation based on the deliberation discussion of April 3<sup>rd</sup>. There was one area (the length of stay) for which two commissioners have provided a minority report.

Below is a list of policy points the Council provided to the Commission (**bold**) via a memorandum dated February 20, 2014 (attached for reference) and the associated planning commission recommendation:

- **Limit encampments to one location in the city at any one time**

*Included in recommendation. Resource limitations related to services needed by the encampment make more than one encampment at a time problematic.*

- **Limit a site that has hosted from hosting again (say for 12 or 18 months)**

*Limits a site to hosting once in eighteen (18) calendar months, with the 18 months to be calculated from the first day of the prior Homeless Encampment's occupancy. Impacts of an encampment to the immediate neighborhood should be dispersed throughout the city before a return to the same location is appropriate.*

- **Limit total sites hosting to one site every 365 days**

*The planning commission recommends that **two** Homeless Encampments be allowed within the city limits within a 365 day period. Allowing two rather than one encampment within 365 days would provide greater opportunity for different faith communities to minister to the homeless. The tradeoff for allowing up to two encampments within a 365 day period is the longer relief time noted above (18 months).*

- **Limit stays to 90 days plus move-in/move-out days (so about 94 total)**

*Limits stays to no more than three (3) calendar months, except that the Director may allow up to five (5) additional days to accommodate moving onto or off a site. Three calendar months rather than 90 days fits better into a calendar year, and therefore allows greater flexibility for the encampments.*

- **Work with hosts/encampment sponsors to ensure warrant and sex offender checks. Options to consider include:**

- **All residents at move-in**

*Included in recommendation. Warrant check to be completed seven (7) day prior to the Homeless Encampment moving onto the site for all residents.*

- **New prospective residents that ask to move in**

*Included in recommendation. Warrant check to be completed upon the new resident moving on site.*

- **Returning residents that have been absent for four days or more**

*Not included in recommendation. The commission considered this requirement to be difficult to enforce. This was outside the parameters of peer cities, and would be a provision unique to Sammamish.*

- **Proximity to transit or alternative mechanism provided by host site**

*The Sponsor or Managing Agency to submit a plan with the permit application demonstrating the ability for residents to obtain access to the nearest public transportation stop. This provision does not limit the locations of encampments due to proximity to transit, however requires a plan to provide transit access for encampment residents.*

- **Public notice and comment opportunity**

*Neighborhood meeting. The applicant would conduct a neighborhood meeting to inform nearby residents and the public about the proposed Homeless Encampment prior to submittal of an application.*

*Prior to the neighborhood meeting, the applicant would meet and consult with the Sammamish police department, the administration of any public or private elementary, middle, junior high, high school, and the operators of any licensed child care service, within 500 feet of the boundaries of the proposed site.*

*Notice of Application. The City would provide a notice of application per the mailed notice requirements of SMC 20.05.060(7).*

I look forward to presenting the Commission's recommendations and answering your questions. If you have questions prior to the May 13<sup>th</sup> meeting, please let staff know.

## EXHIBIT A

### CHAPTER 20.05 PROCEDURES FOR LAND USE PERMIT APPLICATIONS, PUBLIC NOTICE, HEARINGS AND APPEALS

*Note: This existing code section is revised to add temporary homeless encampment use permit to Table 1 and to add the associated footnote #2. Changes shown in italics.*

#### **20.05.020 Classifications of land use decision processes.**

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(1) Land use permit decisions are classified into four types, based on the amount of discretion associated with each decision. Procedures for the four different types are distinguished according to who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made, and whether administrative appeals are provided. The types of land use decisions are listed in Exhibit A of this section.

(a) Type 1 decisions are made by the director (director) of the department of community development (department). Type 1 decisions are non-appealable administrative decisions that require the exercise of little or no administrative discretion. For Type 1 decisions for which the department has issued a SEPA threshold determination, the issuance of any subsequent permits shall not occur until any allowed administrative appeal of the SEPA threshold determination is decided.

(b) Type 2 decisions are made by the director, or his or her designee. Type 2 decisions are discretionary decisions that are subject to administrative appeal in accordance with applicable provisions of law or ordinance.

(c) Type 3 decisions are quasi-judicial decisions made by the hearing examiner following an open record hearing. Type 3 decisions may be appealed to superior court.

(d) Type 4 decisions are quasi-judicial decisions made by the hearing examiner. Type 4 decisions may be appealed to the State Shoreline Hearings Board.

## Exhibit 1

(2) Except as provided in SMC [20.15.130](#)(1)(f) and 25.35.060 or unless otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest numbered land use decision type applicable to the project application.

(3) Certain development proposals are subject to additional procedural requirements beyond the standard procedures established in this chapter.

(4) Land use permits that are categorically exempt from review under the State Environmental Policy Act (SEPA) will not require a threshold determination (determination of nonsignificance (DNS) or determination of significance (DS)). For all other projects, the SEPA review procedures codified in Chapter [20.15](#) SMC are supplemental to the procedures set forth in this chapter.

### Exhibit A

#### LAND USE DECISION TYPE

<b>Type 1</b>	Decision by director, no administrative appeal	Building; clearing and grading; boundary line adjustment; temporary use; TDR sending site certification; right-of-way; road variance except those rendered in conjunction with a subdivision or short plat decision <sup>1</sup> ; variance from the requirements of Chapter 9.04 KCC as adopted by Chapter <a href="#">15.05</a> SMC; shoreline exemption; approval of a conversion harvest plan; <i>temporary homeless encampment use permit</i> <sup>2</sup>
<b>Type 2</b>	Decision by director appealable to hearing examiner, no further administrative appeal	Short plat; road variance decisions rendered in conjunction with a short plat decision; zoning variance; conditional use permit; shoreline substantial development permits (SSDPs); procedural and substantive SEPA decision; site development permit; approval of residential density incentives; reuse of public schools; reasonable use exceptions under SMC 21A.50.070(2); preliminary

Exhibit 1

		determinations under SMC 20.05.030(3); critical areas exceptions and decisions to require studies or to approve, condition or deny a development proposal based on the requirements of Chapter 21A.50 SMC; binding site plan; unified zone development plan under Chapter <u>21B.95</u> SMC <sup>3</sup>
<b>Type 3</b>	Recommendation by director, hearing and decision by hearing examiner appealable to superior court	Preliminary plat; plat alterations; preliminary plat revisions; plat vacations; zone reclassifications <sup>4</sup> ; urban planned development; special use
<b>Type 4</b>	Recommendation by director, hearing and decision by hearing examiner appealable to the State Shoreline Hearings Board	Shoreline variances; shoreline conditional use permits

<sup>1</sup> The road variance process is administered by the City engineer pursuant to the City's street standards as set forth in the public works standards.

<sup>2</sup> *Subject to the notice requirements of 21A.70.195(4)*

<sup>3</sup> Subject also to the procedural requirements of SMC 20.05.037 and Chapter 21B.95 SMC.

<sup>4</sup> Approvals that are consistent with the interim comprehensive plan may be considered by the examiner at any time. Zone reclassifications that are not consistent with the interim comprehensive plan require a site-specific land use map amendment and the City council's hearing and consideration will be scheduled with the amendment to the interim comprehensive plan pursuant to SMC 24.25.040 and 24.25.050.

(Ord. O2011-297 § 1 (Att. A); Ord. O2010-293 § 1 (Att. A); Ord. O2009-249 § 1; Ord. O2004-150 §§ 1 – 4; Ord. O2000-63 §§ 1, 2, 3; Ord. O99-29 § 1)

**CHAPTER 21A.15  
TECHNICAL TERMS AND LAND USE DEFINITIONS**

*Note: New definitions added to existing Chapter 21A.15*

...

**21A.15.613 Homeless encampment.**

*“Homeless Encampment” means a site for a group of homeless persons temporarily residing on a site, either out of doors or in a building.*

...

**21A.15.733 Managing agency.**

*“Managing Agency” means an organization that is responsible for organizing and managing a Homeless Encampment. (Note: The Managing Agency may be the same entity as the Sponsor.)*

**21A.15.734 Master telecommunications plan.**

*“Master telecommunications plan” means a plan developed to establish public policy and applicable development standards related to the deployment of wireless telecommunications infrastructure. (Ord. O2005-181 § 1)*

...

**21A.15.983 Religious organization.**

*“Religious Organization” means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.*

...

**21A.15.1208 Sponsor.**

*“Sponsor” means an entity that is hosting a Homeless Encampment on property it owns or controls and that serves as a liaison with the surrounding community.*

**CHAPTER 21A.70**  
**NONCONFORMANCE, TEMPORARY USES, AND RE-USE OF FACILITIES**

*Note: New section 195 and 010(3) added to existing Chapter 21A.70*

Sections:

- 21A.70.010 Purpose.
- 21A.70.020 Nonconformance – Applicability.
- 21A.70.030 Nonconformance – Creation, continuation, and forfeiture of nonconformance status.
- 21A.70.040 Nonconformance – Abatement of illegal use, structure or development.
- 21A.70.050 Nonconformance – Re-establishment of discontinued nonconforming use, or damaged or destroyed nonconforming structure or site improvement.
- 21A.70.060 Nonconformance – Modifications to nonconforming use, structure, or site improvement.
- 21A.70.070 Nonconformance – Expansions of nonconforming uses, structures, or site improvements.
- 21A.70.080 Nonconformance – Required findings.
- 21A.70.090 Nonconformance – Residences.
- 21A.70.100 Temporary use permits – Uses requiring permits.
- 21A.70.110 Temporary use permits – Exemptions to permit requirement.
- 21A.70.120 Temporary use permits – Duration and frequency.
- 21A.70.130 Temporary use permits – Parking.
- 21A.70.140 Temporary use permits – Traffic control.
- 21A.70.150 Temporary construction buildings.
- 21A.70.160 Temporary construction residence.
- 21A.70.170 Temporary mobile home for medical hardship.
- 21A.70.180 Temporary real estate offices.
- 21A.70.190 Temporary school facilities.
- 21A.70.195 *Temporary homeless encampment use permit*
- 21A.70.200 Re-use of facilities – General standards.
- 21A.70.210 Re-use of facilities – Re-establishment of closed public school facilities.

**21A.70.010 Purpose.**

The purposes of this chapter are to:

- (1) Establish the legal status of a nonconformance by creating provisions through which a nonconformance may be maintained, altered, reconstructed, expanded or terminated;
- (2) Provide for the temporary establishment of uses that are not otherwise permitted in a zone and to regulate such uses by their scope and period of use;

(3) *Provide a permitting process and standards for homeless encampments for homeless persons, consistent with state laws, whether the cause of homelessness is related to social/economic issues or to a natural disaster; and*

(4) *Encourage the adaptive re-use of existing public facilities that will continue to serve the community, and to ensure public review of redevelopment plans by allowing:*

- (a) *Temporary re-use of closed public school facilities retained in school district ownership, and the reconversion of a temporary re-use back to a school use;*
- (b) *Permanent re-use of surplus nonresidential facilities (e.g., schools, fire stations, government facilities) not retained in school district ownership; or*
- (c) *Permanent re-use of historic structures listed on the National Register or designated as county landmarks. (Ord. O99-29 § 1)*

***21A.70.195 Temporary homeless encampment use permit.***

*Homeless Encampments are allowed only pursuant to a Homeless Encampment Use Permit, which shall be a Type I permit issued by the Director in accordance with the following conditions:*

(1) *For the purposes of this section a Homeless Encampment may only be hosted by a Religious Organization, and must be located on real property owned or controlled by the Religious Organization.*

(2) *Duration and frequency.*

(a) *No Homeless Encampment shall operate within the City of Sammamish for more than three (3) calendar months, except that the Director may allow up to five (5) additional days to accommodate moving onto or off a site.*

(b) *The Director shall not grant a Homeless Encampment Use Permit that is proposed to commence on a site that contained a Homeless Encampment within the last eighteen (18) calendar months. For the purposes of this subsection, the 18 months shall be calculated from the first day of the prior Homeless Encampment's occupancy.*

(c) *No more than one Homeless Encampment may be located in the City at any time.*

(d) *No more than two Homeless Encampments within the city limits shall be allowed in a 365 day period.*

Exhibit 1

(3) *All Homeless Encampments shall obtain, prior to occupancy, all applicable City of Sammamish and other agency permits, licenses and approvals.*

(4) *Permit process requirements.*

(a) *Neighborhood meeting. The applicant shall conduct a neighborhood meeting to inform nearby residents and the public about the proposed Homeless Encampment prior to submittal of an application.*

(i) *The applicant shall provide notice of the neighborhood meeting by mail, first class and postage prepaid, to all owners of real property within 500 feet of the lot(s) containing the proposed Homeless Encampment, provided such area shall be expanded as necessary to send mailed notices to at least 20 different property owners. The notice of the neighborhood meeting shall be mailed at least fifteen (15) days prior to the neighborhood meeting.*

(ii) *Prior to the neighborhood meeting, the Sponsor and Managing Agency shall meet and confer with the Sammamish police department; the administration of any public or private elementary, middle, junior high, high school; and the operators of any properly licensed child care service, within 500 feet of the boundaries of the proposed site regarding the neighborhood meeting and any proposed security measures for the Homeless Encampment.*

(iii) *At the neighborhood meeting, a representative of the Sponsor and Managing Agency shall present in writing and verbally the proposed Homeless Encampment location, timing, site plan, code of conduct, encampment concerns, and management security measures. The presentation shall also include all comments received on the proposed Homeless Encampment, including comments from the Sammamish police department, schools, and child care services. Copies of the agenda and other materials shall be provided by the applicant at the meeting. The meeting shall be conducted on the proposed Homeless Encampment site whenever feasible.*

(b) *Application. An applicant shall submit a complete application for a Homeless Encampment Use Permit at least thirty (30) days before the occupancy of a Homeless Encampment.*

(c) *Notice of Application. The City shall provide a notice of application per the mailed notice requirements of SMC 20.05.060(7).*

(d) *Warrant and sex offender checks. Managing Agencies shall obtain warrant and sex offender checks from the King County Sheriff's Office ("Warrant Check") for all Homeless Encampment residents. For Homeless Encampment residents initially*

*moving onto the site with the Homeless Encampment, the Warrant Check must be completed seven (7) day prior to the Homeless Encampment moving onto the site. For residents moving into the Homeless Encampment during the permit period, the Warrant Check must be completed upon the new resident moving on site. If a Warrant Check reveals a Homeless Encampment resident or prospective resident is a sex offender or has an active warrant, the Managing Agency or Sponsor shall immediately contact the City of Sammamish police department. The Sponsor shall be responsible for verifying that the Warrant Checks occurs.*

*(5) Parking and transportation.*

*(a) Each lot occupied by a Homeless Encampment must provide or have available parking and vehicular maneuvering area.*

*(b) A Homeless Encampment and the parking of any vehicles associated with a Homeless Encampment shall not displace the Sponsor site's parking lot in such a way that the Sponsor site no longer meets the minimum or required parking of the principal use as required by code or previous approvals unless an alternative parking plan has been approved by the Director.*

*(c) The Sponsor or Managing Agency shall submit a plan with the permit application demonstrating the ability for residents to obtain access to the nearest public transportation stop.*

*(6) Maximum Occupancy. A Homeless Encampment shall be limited to a maximum number of persons, not to exceed 100 persons, depending on the conditions of the proposed site. After a Homeless Encampment reaches its maximum capacity, any individual who arrives after sundown (and who meets all screening criteria) will be allowed to stay for one night, after which the individual shall not be permitted entry until a vacancy is available. Such occurrences shall be logged and reported to the Director on a weekly basis.*

*(7) Minor Residents. No children under the age of 18 shall be allowed to stay overnight in a Homeless Encampment unless accompanied by a parent or legal guardian. If any other child under the age of 18 attempts to stay overnight at a Homeless Encampment, the Managing Organization shall immediately contact the Washington State Department of Social and Health Services Child Protective Services, or its successor.*

*(8) Structures. Any permanent structures, as determined by the Director, shall meet the requirements of all SMC provisions and receive any necessary permits. All temporary structures for Homeless Encampments shall comply with the following requirements:*

Exhibit 1

*(a) Homeless Encampment structures and facilities shall be located a minimum of 20 feet away from any property line, unless otherwise approved by the Director.*

*(b) A six-foot-high sight-obscuring fence, vegetative screen or other visual buffering shall be provided between a Homeless Encampment and any abutting residential property. The Director shall consider existing vegetation, fencing, topographic variations and other site conditions in determining compliance with this requirement and may modify the fence requirement when the objective is achieved by other means.*

*(c) Exterior lighting must be directed downward, away from adjoining properties, and contained within the Homeless Encampment.*

*(d) If the Homeless Encampment includes tents or membrane structures in excess of 400 square feet, or canopies in excess of 400 square feet, as defined by the International Fire Code, permit and approval for the tent, canopy or membrane structure shall be obtained from the fire marshal.*

*(9) Smoking Area. A designated smoking area shall be provided on site in the location which would result in the least impact on neighboring properties based on distance.*

*(10) Debris. Each site occupied by a Homeless Encampment shall be left free of debris, litter, or other evidence of the Homeless Encampment upon the Homeless Encampment moving from the site.*

*(11) Health Department Compliance. Homeless Encampments shall comply with all applicable standards of the Seattle-King County health department, or its successor.*

*(12) Code Compliance and Hours of Service. Homeless Encampments shall comply with all codes and regulations of the state of Washington, City, and other agencies with jurisdiction concerning, but not limited to, drinking water connections, human waste, solid waste disposal, electrical systems, cooking food handling and fire-resistant materials. Servicing of portable toilets and trash dumpsters is prohibited between the hours of 10:00 p.m. and 7:00 a.m. on Mondays through Fridays; and between the hours of 10:00 p.m. and 9:00 a.m. on Saturdays, Sundays, and legal holidays; except in the case of bona fide emergency or under the terms of a permit condition approved by the Director in the case of demonstrated necessity.*

*(13) Inspections. Homeless Encampments shall permit regular inspections by regulatory personnel, including but not limited to, City staff, police department, fire department, King County Health department, and any other regulatory agencies with jurisdiction to check for permit and other code compliance by the Homeless Encampment.*

Exhibit 1

*(14) Required Services. Homeless Encampments shall have services such as food, water, and waste disposal supervised by the Sponsor or Managing Agency.*

*(15) Resident Log. The Managing Agency shall maintain a resident log of all people residing at the Homeless Encampment. Such log shall be kept on site at the Homeless Encampment. Prospective encampment residents shall provide a verifiable form of identification when signing the log. The Sponsor shall be responsible for verifying that the log is being kept and that verifiable forms of identification are being provided.*

*(16) Code of Conduct. Sponsors and Managing Agencies shall ensure enforcement of a code of conduct at Homeless Encampment sites. The code of conduct shall substantially include the following:*

- (a) Possession or use of illegal drugs is not permitted;*
- (b) No alcohol is permitted;*
- (c) No weapons are permitted;*
- (d) All knives over three and one-half inches must be turned in to the Managing Agency for safekeeping;*
- (e) No violence is permitted;*
- (f) No open flames are permitted;*
- (g) No trespassing onto private property in the surrounding neighborhood is permitted;*
- (h) No littering on the Homeless Encampment site or in the surrounding neighborhood is permitted; and*
- (i) No convicted sex offender shall reside in the homeless encampment.*

*Nothing within this section shall prohibit a Sponsor or Managing Agency from imposing and enforcing additional code of conduct conditions not otherwise inconsistent with this section.*

*(17) Permit Violation Process. Upon a determination that there has been a violation of any condition of permit approval, the Director may give written notice to the Sponsor describing the alleged violation pursuant to SMC Title 23 and other applicable code authority. Any violation of a subsequently issued stop work order under SMC 23.70 is declared a nuisance and may be enjoined by revocation of the Homeless Encampment Use Permit and vacation of the site by the Homeless Encampment.*

Exhibit 1

*(18) Health and Safety Permit Conditions. The Director may modify or establish any requirements necessary to mitigate impacts from Homeless Encampments on the public health and safety in accordance with the purpose of this chapter.*

*(19) Application. An applicant for a Homeless Encampment permit shall submit all of the following, unless modified by the Director:*

*(a) Application form for a Homeless Encampment Use Permit;*

*(b) A site plan, which extends 50 feet beyond the proposed site's property boundaries, drawn to scale showing all of the following:*

*(i) All existing structures;*

*(ii) Existing parking stalls;*

*(iii) Parking stalls proposed to be unavailable for parking vehicles during the homeless encampment;*

*(iv) All proposed temporary structures;*

*(v) Proposed electrical and plumbing connections;*

*(vi) Location of trash receptacles, including trash dumpsters;*

*(vii) Location of toilets and other sanitary facilities;*

*(viii) Location and details of any proposed connection to wastewater, potable water, stormwater, electrical supply, or other public or private utility systems;*

*(ix) Proposed and existing ingress and egress;*

*(x) Any permanent alterations on the lot to the site or structures; and*

*(xi) A designated smoking area; and*

*(xii) Access routes for emergency vehicles.*

*(c) Proposed fencing or screening detail or typical section;*

*(d) Written authorization from the Sponsor on whose property the Homeless Encampment is to be located;*

*(e) A copy of any agreements with other parties regarding use of parking, either on site or off site;*

Exhibit 1

*(f) A copy of any agreement between the Sponsor, the Managing Agency, and any schools and/or child care services;*

*(g) A copy of the code of conduct;*

*(h) The applicant shall provide the following neighborhood meeting documentation:*

*(i) The date, time, and location of the meeting;*

*(ii) Contact information for all persons representing the Managing Agency and Sponsor at the meeting;*

*(iii) A summary of comments provided for the meeting attendees by the applicant, Managing Agency or Sponsor prior to or during the meeting;*

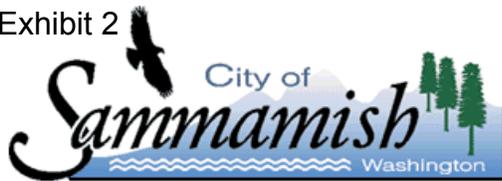
*(iv) A summary of comments received from meeting attendees or other person prior to or during the meeting; and*

*(iv) Copies of documents submitted or presented at the meeting.*

*(i) Any other information deemed necessary by the Director to protect public health and safety for the processing of a Homeless Encampment Use Permit; and*

*(j) Application filing fees in an amount established by City resolution.*

*(20) Modification for Catastrophic Event. The Director may modify these requirements as necessary for the public health and safety when a catastrophic event necessitates the immediate establishment of a Homeless Encampment.*



# Planning Commission

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801 228<sup>th</sup> Avenue SE • Sammamish, WA 98075 • Phone: 425.295.0500 • Fax: 425.295.0600 • web: www.ci.sammamish.wa.us

Date: May 8, 2014  
To: City Council  
From: Planning Commission Vice Chair Frank Blau  
Planning Commissioner Mike Luxenberg  
RE: Minority Report  
Proposed Homeless Encampment Regulations

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The Sammamish Planning Commission was in broad agreement on almost all of the proposed regulations as amended at the regular meeting on April 3, 2014, and the minority appreciates the diligent work of the Planning Commission on this difficult topic.

One issue where we did not reach a strong consensus is related to the duration of time that a Temporary Homeless Encampment permit would be valid at a given host location. The majority opinion was that this duration should be limited to 3 calendar months. For the reasons below, the minority signers believe that a duration of 4 calendar months would be a more appropriate regulation:

1. While the 90 day or 3 calendar month period is the acknowledged consensus among neighboring cities, this is not, and should not be the only guiding principle for regulations for the City of Sammamish. At the heart of it, we do not see a public health or safety concern. Our obligation is to do more than just be “as good as our neighbors”, and provide a fair, objective and legally compliant regulatory process.
2. A period of 90 days or 3 calendar months requires the hosting organization and the homeless group to begin almost immediately upon settling at a location, to begin planning and accommodating the process of securing a new location to relocate to. This leaves little time for attending to the needs and administration of adequate social, educational or logistic needs of the residents of the homeless encampment.
3. Given the sparse nature of encampment sites in neighboring cities, a 90-day or 3 calendar month period would mean that a given host site would almost certainly have far more occurrences of encampment experiences over an extended period.
4. While a longer duration would mean additional time at a given host site, a period of 4 calendar months would provide for more stability within the encampment and a longer period of time that encampments would also NOT be at a given host site over the extended period.
5. This extended period would also provide a stronger foundation for the hosting religious organization to provide the delivery of compassionate services to the homeless, as is consistent with their stated mission and intent.
6. We hope that the Sammamish City Council, in its process of deliberating the proposed regulations for Temporary Homeless Encampments, will consider this minority report and amend the proposed regulations to accommodate this position.

Exhibit 2



## Memorandum

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**Date:** May 7, 2014  
**To:** Ben Yazici, City Manager  
**From:** Susan Cezar, Deputy Director of Community Development  
**Re:** R-1 Study Scope

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At the March 17, 2014 City Council meeting, staff presented the list of the additional tasks the Council has added to the comprehensive plan rewrite, most of which will be accommodated within the current scope of work. Staff also identified a few additional proposed tasks that have budget implications.

One of these items discussed at the March 17<sup>th</sup> meeting with budget implications was the R-1 Zoning Study. The Council requested that the staff return with options for their consideration so that the R-1 study work can be defined and a narrow scope developed. The subsequent contract amendment will be scoped based on the Council's direction at this study session.

The Council originally requested a study of the R-1 zone as a mechanism for evaluating multiple items received through citizen docket requests. These include a comprehensive plan amendment received in 2012 proposing the creation of pilot program under which pilot sites could subdivide using alternate density calculation methods (Kipp) and two zoning reclassification applications received through the 2013 docket process. The rezone and redesignation requests received were: Conley/Reid, which asked to rezone a parcel within the city limits on Inglewood Hill Road from R-1 to R-6, and Timmerman who requested a change in potential zoning outside the city limits from R-1 to R-4 in the Northeast Potential Annexation Area (PAA).

Staff were directed to develop options for determining whether there were changes to development regulations or zoning designations that might allow R-1 property owners to have more flexibility in their development options while maintaining protection for environmentally critical areas and preventing undue impact to neighbors. Staff were also directed to keep the scope and budget of this study limited.

Note that it is difficult to address the wide geographic distribution of the docket requests through consideration of comprehensive plan and zoning redesignations with a narrowly scoped study. However, the options related to density calculation methodology could provide some additional flexibility for a variety of R-1 property owners within the City.

The options below are designed to fulfill the Council's direction by providing options with both an element of geographic limitation, and narrow magnitude of potential changes.

Staff suggests the following options for Council's consideration for the scope of an R-1 study:

1. Studying the effects of a change to the density calculation method in which partial credit is given for critical areas when determining the site area on which density calculations are based.
2. Studying the effects of a change to the density calculation method in which streets are included in the site area on which density calculations are based.

3. Studying the effects of a change to contingent land use designations in the areas zoned R-1 in the Potential Annexation Area north of NE 8<sup>th</sup> St and east of NE 244<sup>th</sup> Ave.
4. Some combination of 1, 2, and 3.
5. Other Council direction.

The parameters for the R-1 study will be established based on Council direction, and the proposed changes would then be evaluated based on a set of criteria, which could include:

- Changes to number vehicle trips
- Impact on other public services
- Changes to impervious surface and runoff
- Effect on neighborhood character
- Growth Management Act Goals
- Existing comprehensive plan policies
- Potential mitigations that could be incorporated
- Other Council direction

The docket request from Mr. Timmerman highlights a key difference between the development regulations of the City of Sammamish and King County. Mr. Timmerman's property is currently within King County's jurisdiction, but in Sammamish's Potential Annexation Area (PAA). The City assigns properties in the PAA contingent zoning, so that they have a zone that is congruent with the rest of the city when the properties are annexed. However, King County uses gross area to calculate density, while the City of Sammamish uses net area (i.e. gross area less critical areas, buffers, and streets). This means that a zoning designation of R-4 describes something different in King County than it does in Sammamish. The density of a property subdivided under King County's regulations may be denser than the same property subdivided under Sammamish's regulations.

If, based on the results of the R-1 Study, changes to the potential zoning designations in the PAA were to be recommended, the Council may want to consider at a future point comprehensive plan policy language that would support zoning for increased density only upon annexation to the City.

If changes to the density calculation methodology are recommended, policy language could be developed for inclusion into the comprehensive plan and later implementation in development regulations.

There has previously been discussion at both the Planning Commission and City Council about the original purpose of the R-1 zone when implemented by King County. Please see the attachment for an excerpt from the King County Comprehensive Plan that addresses this question.

Please let me know if you have questions or comments.

## Exhibit 1

Historic reasons for R-1 zoning in King County:

Sammamish inherited its zoning largely unchanged from King County, which designated zoning before Sammamish's incorporation. The cited reasons for designating R-1 zoning are in the East Sammamish Update Plan, 1993, Goal R-5:

"A 1 acre residential density designation shall be applied in the East Sammamish planning area based on the following location criteria:

- Areas that are substantially developed with an established pattern of 1 acre lots;
- Urban lands that are severely environmentally constrained (parcels of lands with 25 percent or less buildable area, as defined by King County's environmental regulations, shall be considered "severely constrained" for purposes of this policy);
- Areas with significant open space value that can function as a defining community separator between the urban growth areas adopted by this plan for the Cities of Redmond and Issaquah, or as a wildlife habitat network to link major wetlands and other environmentally constrained features with good habitat value; these areas shall be developed with clustered subdivisions to protect the open space;
- Areas that can provide a buffer between higher density Urban development and Rural Area, or
- Areas where there are very long term, environmental, financial obstacles to the provision of urban services and infrastructure sufficient to support development at higher urban densities."

