

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6498

AN ORDINANCE amending Ordinance No. 5615 and Chapter 20.30U of the Bellevue Land Use Code, allowing for the permitting of Temporary Encampments while assuring the health, safety and welfare of all residents of those Encampments and of the citizens of Bellevue.

WHEREAS, the City Council adopted Ordinance No. 5615 on July 26, 2005, amending the Bellevue Land Use Code (LUC) to allow for the permitting of Temporary Encampments while assuring the health, safety and welfare of all residents of those encampments and of the citizens of Bellevue; and

WHEREAS, Ordinance No. 5615 was adopted and codified at Chapter 20.30U LUC specifically to accommodate religious practices by Encampment Hosts, Encampment Sponsors or Encampment Managers seeking to care for the homeless; and

WHEREAS, both the First Amendment to the United States Constitution and Article 1, Section 11 of the Washington State Constitution protect the free exercise of religion; and

WHEREAS, The Religious Land Use and Institutionalized Persons Act, 42 U.S.C. § 2000cc, (RLUIPA) prohibits local government from imposing land use regulations that substantially burden religious exercise unless those regulations further a compelling governmental interest and are the least restrictive means for furthering that interest; and

WHEREAS, on September 15, 2005, Temple B'nai Torah (TBT) as the Encampment Host and Seattle Housing and Resource Effort (SHARE) as the Encampment Sponsor and Encampment Manager (collectively, the "Applicants"), jointly applied to the City for a Temporary Encampment Permit under Chapter 20.30U LUC; and

WHEREAS, on November 3, 2005, the City granted a Temporary Encampment Permit to the Applicants, subject to certain conditions as stated in the Permit; and

WHEREAS, on November 14, 2005, the Applicants filed a lawsuit in Superior Court of King County, Washington, Case No. 05-2-37249-4 SEA, challenging the lawfulness of Ordinance No. 5615 under the Land Use Petition Act, chapter 36.70C RCW (LUPA), the Federal and State Constitutions, and RLUIPA; and

WHEREAS, the Applicants' lawsuit was removed to the United States District Court for the Western District of Washington at Seattle, Case No. 2:05-cv-01921-JCC, and the Church Council of Greater Seattle's (CCGS) joined the lawsuit as an additional complainant against the City; and

WHEREAS, the Parties settled the lawsuit by entering into a Consent Decree, filed in the Western District of Washington on January 25, 2006 and January 27, 2006; and

WHEREAS, as memorialized in Paragraph 3.1 of the Consent Decree, the Parties agreed that the application of Ordinance No. 5615 in combination with the provisions of the Consent Decree accommodates the free exercise of religion, does not substantially burden the free exercise of religion, is a valid and enforceable exercise of the City's police power, and is facially valid under the United States Constitution, the Washington Constitution, and under RLUIPA; and

WHEREAS, RCW 35A.21.360 authorizes religious organizations to host temporary encampments for homeless persons on property they own or control and likewise permits cities to impose conditions that are necessary to protect public health and safety and do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on their property; and

WHEREAS, Temporary Encampments within the City have been administered in accordance with the Consent Decree since January 2006; and

WHEREAS, the Parties to the Consent Decree have extended the term of the Consent Decree twice, and the Consent Decree will expire on January 27, 2020; and

WHEREAS, the City's Comprehensive Plan Policies, including policies setting the framework for a holistic response to homelessness issues in the City of Bellevue, support an update to citywide regulations governing Temporary Encampments; and

WHEREAS, the City has taken steps to alleviate the problems of homelessness within the City and throughout King County, including regulation of permanent and temporary/emergency homeless shelters and the funding of affordable housing within the City; and

WHEREAS, the City finds that while Temporary Encampments may provide an interim measure of relief for people experiencing homelessness, Temporary Encampments are not permanent solutions to the problem, nor are they intended to be; and

WHEREAS, the City has determined that temporary accommodations must be safe, sanitary, and regulated consistent with state and local laws, regulations, and practices pertaining to health and safety; and

WHEREAS, the City finds that hosts, sponsors and managers of Temporary Encampments have a responsibility to assure the health and safety of Temporary Encampment residents, as well as the surrounding community; and

WHEREAS, the City has a compelling interest in protecting the health and safety of all of its residents, as well as the enforcement of its zoning laws in order to preserve public health and safety; and

WHEREAS, many houses of worship that could potentially host temporary encampments for homeless persons on property they own or control are located in residential areas throughout the City; and

WHEREAS, in early 2018, the City Council directed staff to initiate review of Chapter 20.30U LUC at the completion of the legislative process adopting the City's Homeless Services Uses LUC Amendment; and

WHEREAS, on December 19, 2018, the City received input from the Consent Decree signatories, who requested simplification of the temporary encampment permitting process, encouraged updated and consistent management of temporary encampments regionally, and noted the necessity of temporary encampments as part of the solution to homelessness; and

WHEREAS, on January 31, 2019, the City received input from Bellevue citizens residing adjacent to previous temporary encampments, who requested increased accountability for encampment hosts and operators and sought a City-based solution that prioritizes lessons learned from the past operation of temporary encampments and allows flexibility for temporary encampment hosts that are committed to working with the adjacent neighborhood; and

WHEREAS, on September 9, 2019, the City Council initiated the LUC amendment process to update Chapter 20.30U LUC and found that it was necessary for the Council to hold the required public hearing associated with these LUC amendments; and

WHEREAS, on September 23, 2019 and October 14, 2019, the City Council considered an Initial Draft amendment to Chapter 20.30U LUC based on updating Chapter 20.30U LUC to reflect how temporary encampments have been administered under the Consent Decree; and

WHEREAS, on September 23, 2019 and October 14, 2019, the City Council considered proposed amendments to Chapter 20.30U LUC in four topic areas based on stakeholder feedback, evaluation of current regulations and permitting experience; and

WHEREAS, the City's administration of public health and safety standards contained in the Consent Decree has proven effective in preventing disease and sanitation-related health and safety impacts of a temporary encampment; and

WHEREAS, during the legislative process, the City Council considered stakeholder feedback regarding opportunities for improving neighborhood engagement and reducing the impacts of temporary encampments on neighboring communities, particularly after the issuance of a temporary encampment permit; and

WHEREAS, amendments to the provisions in Chapter 20.30U LUC related to duration and frequency of temporary encampments can reduce barriers to the ability of religious hosts to host temporary encampments as an act of religious exercise and better align the City's regulation of temporary encampments with the approaches of other local jurisdictions in this topic area; and

WHEREAS, on October 14, 2019, the City Council directed staff to prepare a draft amendment to Chapter 20.30U LUC for the required public hearing containing amendments in four topic areas: public health and safety standards, neighborhood engagement, duration and frequency, and a streamlined permitting process; and

WHEREAS, the City provided enhanced public outreach in order to ensure that all individuals who provided public comment had ample opportunities to discuss their concerns regarding the City's regulation of temporary encampments; and

WHEREAS, pursuant to RCW 36.70A.106, the City provided the Washington State Department of Commerce notice of the City's intent to adopt proposed amendments to Chapter 20.30U LUC on September 24, 2019; and

WHEREAS, on November 13, 2019, the East Bellevue Community Council ("EBCC") held a courtesy public hearing on proposed amendments to Chapter 20.30U LUC; and

WHEREAS, on November 18, 2019, the City Council held a public hearing on proposed amendments to Chapter 20.30U LUC after providing legally-required public notice; and

WHEREAS, on November 25, 2019, the City Council held additional policy discussions regarding proposed amendments to Chapter 20.30U LUC based on public input received before, during, and after the November 18, 2019 public hearing; and

WHEREAS, on November 25, 2019, the City Council directed City staff to prepare a final Ordinance for adoption based on one of three packages of amendments designed to update Chapter 20.30U LUC based on stakeholder input and permitting experience without impacting the right to religious exercise; and

WHEREAS, on December 9, 2019, after providing legally required public notice, the City Council discussed and voted on amendments to the draft Ordinance;

WHEREAS, on December 9, 2019, the City Council discussed, finalized and adopted Ordinance No. 6498 as amended;

WHEREAS, the City Council finds that proposed amendments to Chapter 20.30U LUC meet the decision criteria of LUC 20.30J.135 and are consistent with the Comprehensive Plan, enhance the public health, safety, and welfare, and are not contrary to the best interest of the citizens and property owners of the City of Bellevue; and

WHEREAS, the City complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, Chapter 22.02 BCC, when it issued a Threshold Determination of Non-Significance related to proposed amendments to Chapter 20.30U LUC on October 31, 2019;

Now therefore,

**THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. Section 20.30U.115 of the Bellevue Land Use Code is hereby amended to read as follows:

**20.30U.115 Applicability.**

This Part 20.30U applies to each application for a Temporary Encampment Permit and each Temporary Encampment use within the City, except as otherwise provided in this Part 20.30U.131(B) for Temporary Encampment uses pursuant to an Extended Temporary Encampment Permit.

Section 2. Section 20.30U.121 of the Bellevue Land Use Code is hereby amended to read as follows:

**20.30U.121 Submittal requirements.**

- A. Prior to or upon filing their application for a Temporary Encampment Permit, the Encampment Host, Encampment Sponsor and Encampment Manager shall prepare an Encampment Management Responsibility Plan, which shall be included with their permit application. An application that does not contain an Encampment Management Responsibility Plan shall not be considered complete. The Encampment Management Responsibility Plan shall include the following:
1. A description of the security measures that the Encampment Host, Encampment Sponsor and Encampment Manager intend to employ at the Encampment site, including criteria for rejection as a resident, a code of conduct, neighborhood security patrols, if any, whether and how they will implement outstanding warrant or registered sex offender background checks, and whether and how any Temporary Encampment residents or prospective residents may be ejected from the Temporary Encampment based on the results of such checks.
  2. A certificate of insurance identifying any applicable policies of insurance, including policy limits, held by the Encampment Host, Encampment Sponsor, or Encampment Manager. Full copies of any such policies shall be available for the City's inspection at the Encampment Host site.
  3. A description of any requested exemptions sought pursuant to LUC 20.30U.125(A)(8)(a), 20.30U.125(A)(11)(k), or 20.30U.127, and a description of the manner in which the proposed exemptions satisfy the criteria of the exemption provision and this part.
  4. A transportation plan demonstrating compliance with LUC 20.30U.125(A)(6).
  5. A proposed site plan.
  6. A street address which, for the duration of the Temporary Encampment, shall be considered the permanent and fixed address of each individual while residing at the Temporary Encampment.

Section 3. Section 20.30U.122 of the Bellevue Land Use Code is hereby amended to read as follows:

**20.30U.122 Applicable procedures.**

A Temporary Encampment Permit is a Process V decision. In addition to the requirements for Process V in Part 20.35 LUC, the following additional procedures apply:

**A. Public Meeting Required.**

The Director shall hold an informational public meeting. The meeting shall comply with the requirements of LUC 20.35.525. Prior to the public meeting, the Encampment Host shall meet and confer with the Bellevue Police Department regarding the proposed security measures. At the public meeting, a representative of the Encampment Host shall present in writing and describe the proposed Encampment Management Responsibility Plan, and any input or comment received on the plan, including any comment or input from the Bellevue Police Department, or comment or input from schools and/or child care services under subsection B of this section. The public meeting shall be attended by all applicants of the proposed Temporary Encampment Permit.

**B. Additional Mailed Notice.**

The requirements for mailed notice of the application set forth in LUC 20.35.510 shall be expanded to include owners of real property within 600 feet of the project site. Prior to the decision of the Director on a Temporary Encampment Permit, the Encampment Host, Encampment Sponsor, or Encampment Manager shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the proposed Temporary Encampment site, and shall meet and confer with the operators of any known child care service within 600 feet of the boundaries of the proposed Temporary Encampment site. The Encampment Host and the school administration and/or child care service operator shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a Temporary Encampment within 600 feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the Director for consideration for inclusion within the Temporary Encampment Permit. In the event the parties fail to agree on any conditions, either party may provide the Director with a written summary of the parties' discussions, which the Director may consider in evaluating whether the criteria for the Temporary Encampment Permit are met, or the need for additional conditions upon the Temporary Encampment Permit based on the applicable decision criteria.

**C. Signed Notice.**

The applicant shall provide notice of the application by posting two signs or placards on the site or in a location immediately adjacent to the site that provides visibility to motorists using adjacent streets. The Director shall establish standards for size, color, layout, design, wording, placement, and timing of installation and removal of the signs or placards.

**D. Post-Issuance Informational Public Meeting.**

The Encampment Host, Encampment Sponsor and Encampment Manager shall confirm in writing, on at least a monthly basis during the duration of any Temporary Encampment, their continued compliance with the Use Requirements in Part 20.30U.125 and all applicable conditions of approval. Within a reasonable time of no longer than 14 days following a request from the Director, the Encampment Host shall address operational concerns raised about a permitted Temporary Encampment. The Director may require a post-issuance informational public meeting between the Encampment Host and members of the public if operational concerns related to health and safety are not timely resolved.

Section 4. Section 20.30U.125 of the Bellevue Land Use Code is hereby amended to read as follows:

**20.30U.125 Use requirements.**

A. The following requirements apply to each Temporary Encampment:

1. The Encampment Host, Encampment Sponsor, and Encampment Manager must demonstrate that the proposed use meets the definition of a Temporary Encampment, as set out in LUC 20.50.048.
2. The Encampment Host, Encampment Sponsor, and Encampment Manager shall ensure enforcement of a Code of Conduct at the Temporary Encampment site. The Code of Conduct shall be in substantially the following form or address the following issues:
  - 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 Encampment Manager for safekeeping.
  - e. No violence is permitted.
  - f. No open flames are permitted.
  - g. No trespassing into private property in the surrounding neighborhood is permitted.
  - h. No loitering in the surrounding neighborhood is permitted.
  - i. No littering on the Temporary Encampment site or in the surrounding neighborhood is permitted.

Nothing within this section shall prohibit the Encampment Host, Encampment Sponsor or Encampment Manager from imposing and enforcing additional Code of Conduct conditions not otherwise inconsistent with this section.

3. The maximum number of residents at a Temporary Encampment site shall be determined taking into consideration site conditions, but shall in no case be greater than 100 at any one time. Any proposed site shall be of sufficient size to support the activities of the Temporary Encampment without the overcrowding of residents or any intrusion into required setbacks. In determining the maximum occupancy of

a Temporary Encampment, the Director shall consider the square footage of the Encampment Site; the number of proposed Temporary Enclosures; the number of required or proposed bathing, food handling, hand washing, laundry, and toilet facilities; required setbacks; and the ongoing use of the site by the Encampment Host. The City shall impose a condition on the Temporary Encampment Permit for the Encampment limiting the number of residents or occupants to the number determined pursuant to this subsection. Any increase in the number of residents or occupants beyond that applied for by the applicants and included in the Temporary Encampment Permit shall require a revision to the Temporary Encampment Permit, which shall be processed as a new application.

4. The duration of a Temporary Encampment at any specific location shall not exceed 90 days at any one time.
5. There shall be no more than one Temporary Encampment in the City at any time. No Temporary Encampment use shall be permitted within one mile of any site where a Temporary Encampment use under Part 20.30U LUC has operated within the prior 180-day period. A Temporary Encampment may be located at the same site no more than once every 18 months.
6. A Temporary Encampment shall be within one-half mile of a public transportation stop, or the Encampment Sponsor, Encampment Host or Encampment Manager shall otherwise demonstrate the ability for Temporary Encampment occupants to obtain access to the nearest public transportation stop. During hours when public transportation is not available, the Encampment Sponsor, Encampment Host, or Encampment Manager shall also make transportation available to anyone who is rejected from or ordered to leave the Temporary Encampment. Bus schedules, phone numbers for emergency drivers and taxis and the location of the nearest twenty-four hour transit center to which rejected persons will be transported when buses are not available shall be posted in a prominent location for Encampment residents.
7. On-site parking spaces of the Encampment Host shall not be displaced unless the required minimum parking remains available for the Encampment Host's use, as set forth in LUC 20.20.590. The Host may provide shared parking pursuant to LUC 20.20.590.I, or off-site parking pursuant to LUC 20.20.590.J, to satisfy minimum parking requirements.
8. The perimeter of a Temporary Encampment must be buffered from surrounding properties as follows:
  - a. The Temporary Encampment, as measured from the Temporary Encampment perimeter, shall meet the minimum setback requirements applicable to the Encampment Host in the underlying land use district; provided, that no Temporary Encampment setback shall be less than 20 feet; and provided further, that the Encampment Host, Encampment Sponsor, or Encampment Manager may petition the Director for a reduction of setback requirements applicable to the Encampment Host in the underlying land use district to no less than 20 feet. In considering whether a reduction should be granted, the Director may consider whether the minimum setback requirements applicable to the Encampment Host in the underlying land use district, if applied to the Temporary Encampment, would substantially burden the siting or hosting of a Temporary Encampment at a particular location or by a particular Encampment Host, Encampment Sponsor, or Encampment Manager and may consider the effects on health and safety of residents and the community should the reduction be granted.

- b. The Temporary Encampment shall be surrounded by a view-obscuring fence or equivalent solid structure, which in no event shall be less than six feet high. The perimeter surrounding the Temporary Encampment shall have a single designated point for ingress or egress, consistent with applicable fire and other safety regulations.
9. The Encampment Host, Encampment Sponsor and Encampment Manager shall not permit children under the age of 18 to stay overnight in a Temporary Encampment, unless circumstances prevent a more suitable overnight accommodation for the child and parent or guardian. If a child under the age of 18, either alone or accompanied by a parent or guardian, attempts to stay overnight, the Encampment Host, Encampment Sponsor or Encampment Manager shall endeavor to find alternative shelter for the child and any accompanying parent or guardian.
10. The Encampment Host, Encampment Sponsor or Encampment Manager shall take all reasonable and lawful steps to obtain verifiable identification, such as a valid driver's license, government-issued identification card, military identification card, or passport, from all prospective and current residents of a Temporary Encampment. The Encampment Host shall retain a log of all overnight residents of the Temporary Encampment, including names and dates.
11. The Encampment Host, Encampment Sponsor or Encampment Manager shall assure compliance with the following health and safety regulations. References to the application of local ordinances and regulations shall include the codes and regulations of King County and the City of Bellevue. All references are to regulations, ordinances and codes now or as hereafter amended:
  - a. Water Supply. The Encampment Host, Encampment Manager or Encampment Sponsor must:
    - i. Provide at least one hot water handwash sink as near to the food preparation facilities as the site will reasonably allow. If the hot water sink is located further than 100 feet from the food preparation facilities or is not otherwise located on site, then a cold-water sink shall be located within 100 feet of the food preparation facilities.
    - ii. Prohibit the use of common drinking cups or containers from which water is dipped or poured, except for water and coffee containers and carafes that are filled with only potable water sources and washed once weekly with bleach and hot water.
    - iii. Ensure any containers used for non-potable water are labeled as such.
  - b. Sewage and Wastewater Disposal. The Encampment Host, Encampment Manager and Encampment Sponsor must provide for sewage and wastewater disposal in accordance with the codes and regulations of local health jurisdictions.

- c. Electricity and Lighting. The Encampment Host, Encampment Manager or Encampment Sponsor must ensure that all electrical wiring, fixtures and electrical equipment must comply with the electrical standards of the Department of Labor and Industries regulations, Chapter 19.28 RCW, and local ordinances, and be maintained in a safe condition.
- d. Hand Washing and Bathing. An Encampment Host, Encampment Manager or Encampment Sponsor must:
  - i. Provide one hand wash sink for every 25 persons. At least two hand wash sinks must be adjacent to toilets, and other hand wash sinks may be located throughout the Temporary Encampment site for general use;
  - ii. Provide one hot water shower on the Temporary Encampment site; provided, however, that if the ratio of hot showers is greater than 1 for every 40 persons, the Director's permit decision shall include designation of off-site shower facilities for use by Temporary Encampment residents within a reasonable proximity from the Temporary Encampment site and the Encampment Host, Encampment Sponsor and/or Encampment Manager shall provide a means of transportation to the designated facilities.
  - iii. Provide cleanable, nonabsorbent waste containers.
  - iv. Maintain bathing and hand washing facilities in a clean and sanitary condition, cleaned at least daily.
- e. Toilets. The Encampment Host, Encampment Manager or Encampment Sponsor must:
  - i. Provide the following toilet facilities:
    - (A) One toilet, including portable toilets, for every 25 persons;
    - (B) Hand washing sinks adjacent to toilets, as provided in subsection A.11.d of this section; and
  - ii. Maintain toilets in a clean and sanitary condition.
- f. Cooking and Food Handling. In common food-handling areas, the Encampment Host, Encampment Manager or Encampment Sponsor must provide:
  - i. An enclosure, adequate in size, separate from any sleeping quarters;
  - ii. No direct openings to living or sleeping areas from the common food-handling area;
  - iii. Nonabsorbent, easily cleanable food preparation counters situated off the floor;

- iv. When perishable food will be in place, mechanical refrigeration conveniently located and able to maintain a temperature of 45 degrees Fahrenheit or below. If mechanical refrigeration is not reasonably available, then the use of ice chests complies with this requirement provided the ice chests are maintained at a temperature of 45 degrees or less, ice for ice chests is replenished when necessary to maintain temperature, ice chests are in working order and fitted with tight fitting lids, ice chests are cleaned at least weekly with a bleach solution and thoroughly rinsed prior to re-use, shared meals for the majority of residents are not prepared on-site, and the Encampment Host, Encampment Sponsor and/or Encampment Manager shall promptly comply with any correction notice or direction by King County Department of Health or other agency with jurisdiction regarding food preparation and storage on site.
  
- g. Maintenance of Bedding. The Encampment Host, Encampment Manager or Encampment Sponsor must maintain bedding, if provided by the Encampment Host, Encampment Manager or Encampment Sponsor, in a clean and sanitary condition.
  
- h. Refuse Disposal. The Encampment Host, Encampment Manager or Encampment Sponsor must:
  - i. Comply with local sanitation codes for removing and disposing of refuse from housing areas.
  - ii. Store refuse in on-site trash cans with snap tight lids that are lined with trash bags that are removed and replaced daily.
  - iii. Keep refuse containers clean.
  - iv. Provide a refuse container adjacent to food preparation area and within 100 feet of each dwelling unit.
  - v. Empty refuse containers at least twice each week, and when full.
  
- i. Insect and Rodent Control. The Encampment Host, Encampment Manager or Encampment Sponsor must take effective measures to prevent and control insect and rodent infestation.
  
- j. Disease Prevention and Control. The Encampment Host, Encampment Manager or Encampment Sponsor must.
  - i. Report immediately to Seattle and King County Public Health:
    - (A) Suspected food poisoning;
    - (B) Unusual prevalence of fever, diarrhea, sore throat, vomiting, or jaundice; or

(C) Productive cough, or when weight loss is a prominent symptom among occupants.

- ii. Comply with reporting requirements applicable to schools and child care facilities in WAC 246-101-415 and 420 as now or hereafter amended.
- k. Substantial Compliance. An Encampment Host, Encampment Sponsor, or Encampment Manager may petition the Director for an exemption from particular provisions of subsection A.11 of this section upon a showing of substantial compliance or alternative means of compliance. Alternative means of compliance may include the following:
  - i. Use of facilities already available on the Encampment Host site or within the Encampment Host's facilities (such as preexisting indoor or outdoor hand washing, toilet, or shower facilities);
  - ii. Use of facilities located sufficiently near the Encampment Host site so as to adequately address the health and safety of Encampment residents (such as adjacent public toilet, shower or hand washing facilities);
  - iii. Use of alternative means to assure the health and safety of both the Temporary Encampment residents and surrounding neighborhood residents, occupants and users.

In considering whether an exemption should be granted, the Director may consider whether the provision or provisions of subsection A.11 of this section at issue, if applied to the Temporary Encampment, would substantially burden the siting or hosting of a Temporary Encampment at a particular location or by a particular Encampment Host, Encampment Sponsor, or Encampment Manager.

- 12. Exterior lighting shall be shielded or recessed so that direct glare and reflections are contained within the Temporary Encampment, and shall also be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures utilized at Temporary Encampments shall be appropriate in scale, intensity, and height to the use that they are serving.

Section 5. A new Section 20.30U.131 of the Bellevue Land Use Code is hereby added to read as follows:

**20.30U.131 Time limitation.**

**A. General.**

A Temporary Encampment Permit is valid for up to 90 days beginning the first day of the Temporary Encampment except as provided in this section.

**B. Extended temporary encampment permit.**

1. Eligibility. A Temporary Encampment Host that has previously obtained a Temporary Encampment permit that was not subject to revocation and operated a Temporary Encampment at a particular site in the City that was not subject to a sustained code enforcement action beyond voluntary compliance may choose to apply for an Extended Temporary Encampment Permit in lieu of a standard Temporary Encampment Permit. An Extended Temporary Encampment Permit is valid for a period of three (3) years from the effective date of the Extended Temporary Encampment Permit.
2. Year 1 Application. The first-year application for an Extended Temporary Encampment Permit is the same as the process set forth above and applicable to a standard Temporary Encampment Permit.
3. Subsequent Year Application. If an application for a subsequent-year Temporary Encampment at the same site pursuant to a valid Extended Temporary Encampment Permit contains no change or minor modification from the first-year Temporary Encampment operated under the Permit and there are no outstanding enforcement actions related to the Permit, in lieu of the requirements at LUC 20.30U.121 and LUC 20.30U.122, the application process for subsequent-year Temporary Encampment hosting pursuant to the Permit shall include:
  - a. A description of the proposed subsequent-year Temporary Encampment, including proposed arrival and departure dates and identification of any modification to the first-year application applicable to the Extended Temporary Encampment Permit;
  - b. A Safety and Security Report that includes (i) updated identification and telephone contact information for a designated point of contact for the Encampment Host for concerns related to the subsequent-year Temporary Encampment; (ii) a plan for addressing reported concerns and documenting resolution during the duration of the subsequent-year Temporary Encampment; and (iii) a plan for coordinating communication between the Encampment Host and members of the public regarding concerns related to the subsequent-year Temporary Encampment; and
  - c. A courtesy letter subject to the mailing radius at LUC 20.30U.122(B) that contains the information identified in subsections (a) and (b) of this section.
4. New Application. If an application for a subsequent-year Temporary Encampment at the same site pursuant to a valid Extended Temporary Encampment Permit contains substantive modifications from the first-year Temporary Encampment operated under the Permit and/or there are outstanding enforcement actions related to the Permit, the application will be treated as a new application for a standard Temporary Encampment Permit.
5. Except as otherwise provided in this section LUC 20.30U.131, all requirements in Part 20.30U LUC apply to each Temporary Encampment use pursuant to an Extended Temporary Encampment Permit.

Section 6. Section 20.30U.135 of the Bellevue Land Use Code is hereby amended to read as follows:

**20.30U.135 Revocation of Temporary Encampment Permit.**

Upon determination that there has been a violation of any decision criteria or condition of approval, the Director may give written notice to the permit holder describing the alleged violation. Within 14 days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the 14-day period, the Director shall sustain or revoke the permit. When a Temporary Encampment Permit is revoked, the Director shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke a Temporary Encampment Permit will be processed using the Process V appeal procedures. The availability of this procedure shall be in addition to the procedures set out in Chapter 1.18 BCC.

Section 7. Effective date. This ordinance shall take effect on January 28, 2020.

Passed by the City Council this 9<sup>th</sup> day of December, 2019, and signed in authentication of its passage this 12<sup>th</sup> day of December, 2019.

(SEAL)



John L. Chelminiak  
John Chelminiak, Mayor

Approved as to form.  
Kathryn L. Gerla, City Attorney

Cindy M. Lin  
Cindy M. Lin, Assistant City Attorney

Attest:  
Charmaine Arredondo  
Charmaine Arredondo, City Clerk

Published December 12, 2019