



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19291

Proposed No. 2021-0199.2

Sponsors Zahilay

1 AN ORDINANCE declaring a one-year interim zoning
 2 ordinance regulating temporary small house sites;
 3 establishing a work plan and directing the executive to
 4 prepare a study to address the elements in the work plan
 5 necessitating the interim zoning ordinance; amending
 6 Ordinance 12196, Section 9, as amended, and K.C.C.
 7 20.20.020, adding a new chapter to K.C.C. Title 21A; and
 8 declaring an emergency.

9 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

10 **SECTION 1. Findings:**

11 A. King County has the authority, under to constitutional police powers, home
 12 rule authority, and the Washington state Growth Management Act, including chapter
 13 36.70A RCW, to establish an interim zoning ordinance while the county studies related
 14 land use issues.

15 B. The lack of affordable housing and the crisis of homelessness are being felt in
 16 every community in the county. The 2020 point-in-time count, locally called Count Us
 17 In, estimated 11,751 individuals experiencing homelessness in King County, representing
 18 a five percent increase compared to 2019.

19 C. The county executive signed a local proclamation of emergency due to

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20 homelessness affecting King County in 2015.

21 D. The county and its regional partners have made numerous efforts to make
22 homelessness rare, brief and one-time, including work through the King County
23 consortium, All Home, the homelessness regional governance efforts and allocation of
24 state and federal funding and through work of the growth management planning council.

25 E. Despite the regional and local efforts to address housing and homelessness, the
26 county faces a homelessness challenge that requires a more expansive approach to
27 providing safe housing for those experiencing homelessness on temporary, interim and
28 permanent bases.

29 F. Ordinance 15170 created a temporary use permit for homeless encampments,
30 of which those provisions would have expired January 1, 2015, but Ordinance 17950
31 extended those provisions through January 1, 2025.

32 G. King County finds that there continues to be a need for creative and
33 multifaceted solutions to housing those experiencing homelessness to support a transition
34 of these individuals into permanent housing.

35 H. King County finds that the provisions outlined in this ordinance represents the
36 standards necessary to assure the creation of safe and dignified housing for those
37 experiencing homelessness on an interim basis with minimal impact to neighboring
38 communities.

39 I. This ordinance will establish a land use category and standards for the review
40 and approval of temporary small house sites in King County.

41 J. The Washington state Legislature passed Engrossed Substitute House Bill
42 1754, which became Chapter 223, Laws of Washington 2020, on March 7, 2020, relating

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43 to the hosting of the homeless by religious organizations, including temporary small
44 houses on-site.

45 K. It is in the public interest to establish an interim control for temporary small
46 house sites in order to house those experiencing homelessness.

47 L. Under RCW 36.70A.390, King County is authorized to adopt an interim
48 zoning control to implement the Growth Management Act.

49 M. It is necessary that this ordinance go into effect immediately in order to
50 address the homelessness crisis.

51 SECTION 2. A. A one-year interim zoning control commencing the effective
52 date of this ordinance is declared for the siting of temporary small house sites in
53 unincorporated King County.

54 B. Within sixty days of the effective date of this ordinance, the council shall hold
55 a public hearing on the interim zoning ordinance.

56 C. During the time the interim zoning ordinance is in effect, the executive shall
57 complete a temporary small house site work plan. The work plan shall, at a minimum:

58 1. Evaluate temporary small house on-site use as a permanent land use in
59 unincorporated King County, including evaluating size, intensity, duration and impacts of
60 the use on the surrounding community;

61 2. Identify which subarea geographies or zoning districts the use should be
62 permitted in and any development conditions to limit or prescribe size, intensity and
63 duration, and to mitigate negative impacts on the surrounding community;

64 3. Identify a permit review process to facilitate the siting and permitting of
65 temporary small house sites with coordination between the department of local services,

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66 the department of community and housing services and public health - Seattle & King
67 County;

68 4. Complete public engagement and gather input from community
69 organizations, homelessness service providers or housing providers on the feasibility of
70 allowing temporary small house sites as a measure to move individuals experiencing
71 homelessness into permanent housing;

72 5. Evaluate literature and best practices of similar temporary small house site
73 efforts by other similarly situated local governments to place individuals into permanent
74 housing; and

75 6. Propose any necessary changes to the development regulations, permitting
76 processes and environmental procedures;

77 D. The executive shall electronically transmit a proposed ordinance with any
78 recommended development code changes to the council within nine months of the
79 effective date of this ordinance with the clerk of the council, who shall retain the original
80 and provide an electronic copy to all councilmembers, the council chief of staff, the chief
81 policy officer and the lead staff for the local services committee, or its successor. If
82 Comprehensive Plan policy changes are necessary, the changes shall be transmitted as
83 part of the 2024 update to the Comprehensive Plan.

84 SECTION 3. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are
85 hereby amended to read as follows:

86 A. Land use permit decisions are classified into four types, based on who makes
87 the decision, whether public notice is required, whether a public hearing is required
88 before a decision is made and whether administrative appeals are provided. The types of

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89 land use decisions are listed in subsection E. of this section.

90 1. Type 1 decisions are made by the permitting division manager or designee
91 ("the director") of the department of local services ("the department"). Type 1 decisions
92 are nonappealable administrative decisions.

93 2. Type 2 decisions are made by the director. Type 2 decisions are discretionary
94 decisions that are subject to administrative appeal.

95 3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner
96 following an open record hearing. Type 3 decisions may be appealed to the county
97 council, based on the record established by the hearing examiner.

98 4. Type 4 decisions are quasi-judicial decisions made by the council based on
99 the record established by the hearing examiner.

100 B. Except as provided in K.C.C. 20.44.120A.7. and 25.32.080 or unless
101 otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in
102 consolidated permit applications that would require more than one type of land use
103 decision process may be processed and decided together, including any administrative
104 appeals, using the highest-numbered land use decision type applicable to the project
105 application.

106 C. Certain development proposals are subject to additional procedural
107 requirements beyond the standard procedures established in this chapter.

108 D. Land use permits that are categorically exempt from review under SEPA do
109 not require a threshold determination (determination of nonsignificance ["DNS"] or
110 determination of significance ["DS"]). For all other projects, the SEPA review procedures
111 in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

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112

E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	Temporary use permit for a homeless encampment under K.C.C. 21A.45.010, 21A.45.020, 21A.45.030, 21A.45.040, 24A.45.050, 21A.45.060, 21A.45.070, 21A.45.080 and 21A.45.090; building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24, except for decisions to approve, condition or deny alteration exceptions; decisions to approve, condition or deny nonresidential elevation and dry floodproofing variances for agricultural buildings that do not equal or exceed a maximum assessed value of sixty-five thousand dollars under K.C.C. chapter 21A.24; approval of a conversion-option harvest plan; a binding site plan for
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		<p>a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, a site development permit for the entire site; approvals for agricultural activities and agricultural support services authorized under K.C.C. 21A.42.300; final short plat; final plat.</p>
<p>TYPE 2^{1,2}</p>	<p>(Decision by director appealable to hearing examiner, no further administrative appeal)</p>	<p>Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; temporary use permit under K.C.C. chapter 21A.32; temporary use permit for a homeless encampment under K.C.C. 21A.45.100; shoreline substantial development permit³; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070.B; preliminary determinations under K.C.C. 20.20.030.B; decisions to approve, condition or deny alteration exceptions or variances to floodplain development regulations under K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based</p>

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		upon a finding of special circumstances; sea level rise risk area variance adopted in K.C.C. chapter 21A.23; <u>temporary small house sites under section 4 of this ordinance.</u>
TYPE 3 ¹	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.
TYPE 4 ^{1,4}	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.

113 ¹ See K.C.C. 20.44.120.C. for provisions governing procedural and substantive SEPA
 114 appeals and appeals of Type 3 and 4 decisions to the council.

115 ² When an application for a Type 2 decision is combined with other permits requiring
 116 Type 3 or 4 land use decisions under this chapter, the examiner, not the director, makes
 117 the decision.

118 ³ A shoreline permit, including a shoreline variance or conditional use, is appealable to
 119 the state Shorelines Hearings Board and not to the hearing examiner.

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120 ⁴ Approvals that are consistent with the Comprehensive Plan may be considered by the
121 council at any time. Zone reclassifications that are not consistent with the
122 Comprehensive Plan require a site-specific land use map amendment and the council's
123 hearing and consideration shall be scheduled with the amendment to the Comprehensive
124 Plan under K.C.C. 20.18.040 and 20.18.060.

125 F. The definitions in K.C.C. 21A.45.020 and section 5 of this ordinance apply to
126 this section.

127 SECTION 4. Sections 5 through 9 of this ordinance should constitute a new
128 chapter in K.C.C. Title 21A.

129 NEW SECTION. SECTION 5. The definitions in RCW 36.01.290(6) and in this
130 section apply throughout this chapter and to K.C.C. 20.20.020 unless the context clearly
131 requires otherwise. The definitions in this section shall apply if there is a conflict with
132 the definitions in RCW 36.01.290(6).

133 A. "Temporary small house" means a housing unit that is one hundred and
134 twenty square feet or less in size and is constructed or prefabricated of wood, metal or
135 other durable materials but is not permanently affixed in the ground and does not use
136 underground utilities except for electricity. A "temporary small house" does not include
137 an area for the preparation or storage of food. A "temporary small house" is not
138 considered a building under the building codes in K.C.C. Title 16 and fire codes in
139 K.C.C. Title 17.

140 B. "Temporary small house site" means a site containing temporary small houses
141 for a limited duration for individuals experiencing homelessness; the purpose of which is
142 to help individuals make the transition from homelessness to placement in permanent

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143 housing. "Temporary small house site" may include the following accessory facilities:

- 144 1. Shared kitchen facilities;
- 145 2. Shared sanitation facilities;
- 146 3. Shared laundry facilities;
- 147 4. Shared communal or meeting facilities; and
- 148 5. Office or administration facilities.

149 NEW SECTION. SECTION 6. A. The director may approve a temporary small
150 house site as a Type 2 decision and may authorize the use for up to three years from the
151 date of permit issuance. A temporary small house site may be located at the same site no
152 more than once every five years.

153 B. In addition to the application requirements for a Type 2 decision, the
154 application shall include:

- 155 1. A site plan that shows the layout and arrangement of the temporary small
156 house site, including, but not limited, to the location of:
 - 157 a. temporary small houses, including the number of units;
 - 158 b. common or shared facilities and all existing structures on site, if any;
 - 159 c. entry and exit points;
 - 160 d. fencing;
 - 161 e. ground surface materials, including indication the type of materials;
 - 162 f. significant vegetation;
 - 163 g. garbage storage and collection areas;
 - 164 h. exterior lighting;
 - 165 i. parking, if any;

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- 166 j. connections to electrical utilities;
- 167 k. potable water connections;
- 168 l. graywater disposal locations; and
- 169 m. sewer or on-site sewage system connections.
- 170 2. Operating standards for the temporary small house site for the management,
- 171 maintenance, operations and security of the site to ensure the safety and welfare of
- 172 occupants, staff and volunteers, consistent with section 8 of this ordinance;
- 173 3. A copy of a written code of conduct for occupants to abide by specific
- 174 standards of conduct to ensure health and safety within the site and in the adjoining
- 175 neighborhood, consistent with section 8 of this ordinance;
- 176 4. The name of the managing agency including the name and telephone number
- 177 of the contact person available to immediately respond to an on-site problem and whose
- 178 telephone number is posted at the entrance and visible from one hundred feet outside the
- 179 site;
- 180 5. The plan for disposal of garbage and debris during operation of the temporary
- 181 small house site and prior to vacating the site at the end of the permit period;
- 182 6. A rodent prevention plan, including pest control services to be provided;
- 183 7. A hygiene facility maintenance plan, including contracts for repair, cleaning
- 184 and routine servicing; and
- 185 8. A wastewater disposal plan that includes, but is not limited to, wastewater
- 186 disposal for kitchen, hygiene and laundry facilities if not directly plumbed into sewer or
- 187 on-site sewage system.

188 NEW SECTION. SECTION 7.

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189 A. A temporary small house site is allowed on a property owned or controlled by
190 a religious organization in any zone in the Skyway-West Hill community service area
191 subarea geography.

192 B. A temporary small house site is subject to the following standards:

193 1. The maximum number of occupants at a temporary small house site shall be
194 determined taking into consideration site conditions, but shall not be greater than one
195 hundred occupants at any one time;

196 2. The managing agency shall comply with applicable fire safety regulations as
197 determined by the King County fire marshal and public health regulations, including, but
198 not limited to, the following:

199 a. spacing and maintaining fire extinguishers as required by the fire marshal;

200 b. providing and maintaining a first-aid kit capable of serving one-hundred-
201 persons;

202 c. providing and maintaining safe collection and disposal of sharps waste;

203 d. establishing and maintaining access aisles between temporary small houses
204 or facilities that are free of obstructions as required by the fire marshal;

205 e. ensuring that electricity and heat, including portable heaters, is provided and
206 maintained in a safe manner;

207 f. designating and maintaining a smoking area to be located at least twenty-five
208 feet away from any interior lot line, and posting no smoking signage in areas where
209 flammables are stored;

210 g. maintaining refuse receptacles and emptying them at least once per week,
211 keeping the site free of litter and garbage and preventing junk accumulation;

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212 h. observing all requirements and standards from public health - Seattle &
213 King County, including applicable permit and inspection requirements for plumbing and
214 gas piping and in substantial conformance with the Sanitation and Hygiene Guide for
215 Homeless Service Providers;

216 i. posting and distributing copies of health or safety information provided by
217 King County, public health - Seattle & King County or any other public agency with
218 authority over the site to all occupants;

219 j. prohibiting any open flames except outdoor heat sources approved by the fire
220 marshal;

221 k. providing access to an adequate number of toilets maintained in good
222 working condition and in an indoor location or providing and maintaining chemical
223 toilets as recommended by a portable toilet service provider and meeting the following
224 standards:

225 (1) one toilet per twenty persons;

226 (2) one handwashing sink per fifteen persons; and

227 (3) one shower or bathing unit per fifteen persons;

228 l. providing adequate potable running water for handwashing and showers in
229 an indoor location or continuously maintaining outdoor running water and discharging
230 the water to a location approved by the county;

231 m. providing kitchen or food preparation facilities, which may be located
232 indoors or outdoors, with access to a sink of sufficient size for dishwashing and a means
233 to safely store food to prevent spoilage and to prevent access by rodents and insects;

234 n. providing contracted rodent control services adequate for the size of the site

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235 and serviced at least quarterly to prevent rodent infestation;

236 o. using low volatile organic compound paint and other materials that are
237 resistant to or inhibits the growth of mold and mildew; and

238 p. incorporating a passive ventilation system in each temporary small house
239 that is no less than six square inches and no more than twelve square inches of vented
240 surface to allow for continuous cross-ventilation;

241 3. The temporary small house site shall be located within one-half mile of a
242 public transportation stop or the managing agency shall provide access to the nearest
243 public transportation stop through managing-agency-provided transportation. During
244 hours when public transportation is not available, the managing agency shall also make
245 transportation available to anyone who is ordered to leave the site;

246 4. All improvements and temporary small houses shall maintain a minimum ten-
247 foot setback from any interior lot line that abuts the R-1 through R-48 zones and a five-
248 foot setback from all other zones;

249 5. All improvements and temporary small houses shall be located outside of any
250 critical area and required buffer. Use of reductions to buffers or buffer averaging as
251 allowed elsewhere in this title is prohibited;

252 6. The siting of the temporary small house site shall not create a
253 nonconformance, except that legally established on-site parking displaced by the
254 temporary small house site does not need to be replaced for the duration of the temporary
255 small house site;

256 7. The portion of the property used for the temporary small house site shall be
257 screened from surrounding properties with a visual barrier of either established

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258 vegetation sufficiently dense to obscure view or a six-foot-high view-obscuring fence;
259 and

260 8. Structures shall not be permanent nor affixed to or constructed in the ground
261 without a building permit.

262 C. The managing agency shall allow officials of public health - Seattle & King
263 County, the fire department or district serving the area and the department of local
264 services to inspect areas of the temporary small house site that are located outdoors and
265 plainly visible without prior notice to determine compliance with the standards in
266 subsection B. of this section.

267 NEW SECTION. SECTION 8.

268 A. The managing agency shall establish operating standards for the management,
269 maintenance, operation and security of the site to ensure the safety and welfare of
270 occupants, staff and volunteers. The operating standards shall include the following:

271 1. A description of the governance model the temporary small house site will
272 operate;

273 2. A plan or program for ongoing community engagement and outreach to the
274 surrounding areas;

275 3. Provisions for security, enforcement, evacuation, accessibility, fire prevention
276 and other standards appropriate for the health, safety and welfare of occupants, visitors,
277 staff and volunteers;

278 4. Provisions for the routine maintenance, care and cleaning of the site; and

279 5. Provisions stating that individuals under eighteen years old that are not
280 accompanied by a parent or legal guardian shall not be permitted into the site.

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281 B. The managing agency shall establish and enforce an occupant code of
282 conduct, which shall be distributed to occupants, with the following information at a
283 minimum:

- 284 1. Expectations of occupant conduct within the temporary small house site and
285 in the surrounding neighborhood;
- 286 2. Information on occupant rights;
- 287 3. Information on connecting occupants with community resources;
- 288 4. Program services, referral services and accommodations for occupants during
289 their stay; and
- 290 5. A community grievance policy.

291 C.1. The managing agency shall provide or partner with social service agencies
292 to refer occupants to support services.

- 293 2. Services and resources available on-site and off-site shall:
 - 294 a. provide assistance in helping occupants create a personal stability and
295 transitional plan to develop the skills necessary to obtain and maintain stable housing;
296 and
 - 297 b. establish and build on partnerships with local homeless and housing
298 providers to further ensure that services and resources are available on-site to respond to
299 the comprehensive needs of occupants and support occupants in realizing success and
300 overcoming obstacles to personal empowerment and housing stability.

301 3. The services and resources may include permanent housing, personal hygiene
302 or day center facilities, benefit assistance, healthcare services, crisis intervention services,
303 chemical dependency treatment, literacy training, job training or employment.

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304 NEW SECTION. SECTION 9.

305 A. The managing agency shall conduct at least one community meeting in the
306 neighborhood where the temporary small house site is proposed to be established at least
307 thirty days before establishment of the temporary small house site. The purpose of the
308 meeting or meetings is to provide a forum for discussion of related neighborhood
309 concerns. The managing agency shall provide information regarding the planned
310 duration and operation of the temporary small house site, management and maintenance
311 policies, the grievance policy and contact information. The meeting or meetings shall
312 provide time for questions and feedback from the community.

313 B. The managing agency shall provide written notice of a meeting at least
314 fourteen days before the meeting to all residences and businesses within five-hundred feet
315 of the proposed site, which shall be expanded as necessary to provide notices to at least
316 twenty different residences or businesses, as well as to parties of record for the site permit
317 and any known homeowner association representing residents receiving the notice. The
318 managing agency shall also post the notice at the temporary small house site and provide
319 notice to the county at least one week before a meeting. The notice shall contain the
320 following information:

321 1. The name and contact information of the managing agency and the religious
322 organization;

323 2. The location, date, time and purpose of the meeting;

324 3. A description of the temporary small house site, its location, date that the site
325 will be established, planned length of stay, the maximum number of occupants and the
326 facilities and services provided; and

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327 4. The responsibilities of the managing agency and the occupants in the
328 surrounding neighborhood.

329 C. The department of local services shall provide notice of a meeting by posting
330 the notice in subsection B. of this section on the county website.

331 D. The managing agency shall establish a community advisory committee that
332 would provide advisory input on proposed temporary small house site operations,
333 including identifying methods for handling community complaints or concerns as it
334 relates to the site or occupants. The committee shall include individuals identified by
335 stakeholder groups in the subarea geography where the proposed temporary small house
336 site would be located as best suited to represent their interests. The committee shall
337 consist of at least five and at most ten members. Managing agency representatives are
338 not part of the committee but shall attend committee meetings to answer questions and
339 shall provide regular reports to the committee regarding site operations. County staff
340 may attend committee meetings. The committee meetings shall be open to the public.
341 The location, date and time of committee meetings shall be posted at the temporary small
342 house site at least twenty-one days in advance of the meeting.

343 SECTION 10. This ordinance expires one year after the effective date of this
344 ordinance.

345 SECTION 11. Severability. If any provision of this ordinance or its application
346 to any person or circumstance is held invalid, the remainder of the ordinance or the
347 application of the provision to other persons or circumstances is not affected.

348 SECTION 12. A. The county council finds as a fact and declares that an
349 emergency exists and that this ordinance is necessary for the immediate preservation of

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350 public peace, health or safety or for the support of county government and its existing
351 public institutions.

352 B. Enactment of this interim zoning control as an emergency under Section
353 230.30 of the King County Charter waives certain procedural requirements, including

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354 SEPA review under chapter 43.21C RCW and K.C.C. chapter 20.44, notice to the state
355 under RCW 36.70A.106 and published notice under K.C.C. 20.18.110.
356

Ordinance 19291 was introduced on 5/18/2021 and passed as amended by the Metropolitan King County Council on 5/25/2021, by the following vote:

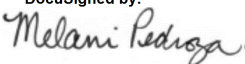
Yes: 8 - Ms. Balducci, Mr. Dembowski, Mr. Dunn, Ms. Kohl-Welles,
Mr. McDermott, Mr. Upthegrove, Mr. von Reichbauer and Mr.
Zahilay
No: 1 - Ms. Lambert

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

7E1C273CE9994B6...
Claudia Balducci, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Pedroza, Clerk of the Council

Attachments: None

Certificate Of Completion

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Source Envelope:	
Document Pages: 20	Signatures: 2
Certificate Pages: 2	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Cherie Camp
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	401 5th Ave
	Suite 100
	Seattle, WA 98104
	Cherie.Camp@kingcounty.gov
	IP Address: 198.49.222.20

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Signer Events

Claudia Balducci
 claudia.balducci@kingcounty.gov
 King County General (ITD)
 Security Level: Email, Account Authentication (None)

Signature

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 melani.pedroza@kingcounty.gov
 Clerk of the Council
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Electronic Record and Signature Disclosure:

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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps

Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	6/1/2021 4:52:05 PM
Signing Complete	Security Checked	6/1/2021 4:53:12 PM
Completed	Security Checked	6/1/2021 4:53:12 PM

Payment Events	Status	Timestamps
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