

EXHIBIT A TO ORDINANCE 24-0626

I. KMC 18.100.200 is amended to read as follows:

18.100.200 Indoor and outdoor temporary homeless shelters.

A. This section regulates indoor and outdoor temporary homeless shelters, which include temporary homeless encampments (“tent cities”) and temporary homeless indoor shelters, but exclude cold-weather low-barrier shelters, which are regulated by KMC [18.100.210](#).

B. In recognition of the need for temporary housing for homeless persons, the purpose of this section is to allow sponsoring religious, nonprofit, and governmental organizations (hereafter, “sponsoring organizations”) to use property owned or controlled by them for indoor and outdoor temporary homeless shelters (hereafter, “temporary homeless shelters” or “shelters”), while preventing harmful effects associated with such **uses**, including but not limited to the possibility of impediments to emergency services, the possibility of environmental degradation, the use of improper sanitary facilities, and the possibility of any other factors that would be considered a nuisance under applicable laws. An outdoor temporary homeless shelter shall include all land and buildings that are used for the shelter, and an indoor temporary homeless shelter shall include all buildings and outdoor areas that are used for the shelter (hereafter, “shelter site”).

C. Temporary homeless shelters may be permitted in accordance with the following procedures, requirements and standards, which shall apply instead of KMC [18.100.120](#) through [18.100.140](#):

1. The **city manager** is authorized to issue temporary use permits for shelters only upon demonstration by the sponsoring organization that all public health and safety requirements of this section have been satisfied or adequately addressed. The **city manager** may administratively adjust such requirements upon entry of findings and conclusions to support the adjustment. ~~The city manager may terminate a permit upon a determination that the shelter is unfit for human habitation due to safety concerns, bad sanitary conditions or health related concerns, or disorderly or disorganized activities that adversely impact the safety, health, and welfare of the neighborhood adjacent to the shelter site.~~

2. An application for a temporary homeless shelter shall include the following:

- a. The dates of the start and termination of the shelter;
- b. The maximum number of residents proposed;
- c. The location, including parcel number(s) and address(es);
- d. The name(s) of the sponsoring organization(s);
- e. A proposed plan regarding self-management;
- f. A site plan, which shall:

(1) Show components of the shelter, including but not limited to: dwelling, eating, living, potable water, sanitary, solid waste, and administrative facilities and areas; entry and exit points; pathways; parking areas; and access routes for emergency services; and

(2) Demonstrate compliance with all safety and health requirements of this section, as applicable;

g. A transportation plan, which shall detail the plan for the pick-up and delivery of residents, if any, and include the walking routes from nearby transit stops to the shelter, and provisions for public transit tickets for residents, if any; and

h. A code of conduct, which shall at a minimum:

(1) Require residents to agree to the code prior to being permitted to dwell on site; and

(2) Prohibit drugs, alcohol, weapons, and open flames; prohibit violent behavior and loitering in the area surrounding the site; and establish and require observance to quiet hours.

3. A temporary homeless shelter must meet or the sponsoring organization must implement all of the following health and safety standards:

a. Have a maximum of 50 residents, which the **city manager** may reduce due to property and shelter conditions or considerations.

b. For outdoor shelters, have a total site area of at least 150 square feet per resident.

c. Have a maximum duration of **six (6) months** ~~125 consecutive days~~.

d. At approximately the 60-day mark, file a report with the **city manager** using forms provided by the **city manager**. The sponsoring organization and/or the **city manager** shall ~~that contains topics, data and information required by the city manager, and thereafter~~ summarize the report at a city council meeting.

e. Enclose outdoor shelters on all sides with a minimum six-foot-tall, sight-obscuring **fence**; provided, that if the shelter cannot be viewed by a person standing on the ground of or looking out of the window of a building on an abutting property, the **fence** does not need to be constructed along such abutting property.

f. Use existing permanent **structures** and not construct new permanent **structures**.

g. At all times, have a point of contact who can be reached by phone.

h. Prohibit overnight stays by children under the age of 18, unless accompanied by a parent or guardian.

- i. Before admitting a potential resident, contact the King County sheriff's communications center, or other agency or office approved by the **City**, to determine whether the potential resident is registered as a sex offender or has an active warrant. If the potential resident is a registered sex offender or has an active warrant, prohibit admission to the shelter.
- j. Provide adequate sanitary facilities and satisfy all applicable public health requirements.
- k. Allow inspections by **City** and King County health, fire, and police **departments** at any reasonable time and without notice.
- l. Provide a minimum of two off-street **parking spaces** per 25 residents, except for an indoor shelter with a fluctuating number of residents, which shall require a minimum of four off-street **parking spaces**. Not displace any required parking for the principal/existing **use** on the property as a result of the shelter.
- m. Restrict smoking to a designated smoking area, which must be a minimum of 25 feet from adjacent properties.
- n. Observe quiet hours in accordance with KMC [8.05.025](#).

4. The sponsoring organization applicant shall accomplish the following:

- a. A minimum of 30 days before submittal of the application, mail a notice by first class mail to owners, residents, and tenants of all property within 1,000 feet of the shelter site. The notice at a minimum shall inform these persons of the proposed duration and operation of the shelter, the applicable standards and requirements of this section, the provisions of the proposed code of conduct, and the mechanisms for obtaining information regarding shelters in general and the proposed shelter in particular. At least two business days before mailing the notice, the sponsoring organization shall submit a copy of the draft notice to the city manager.
- b. Hold an informational meeting before the city manager's decision on the application. A minimum of 14 calendar days before the city manager's decision on the application, the City of Kenmore shall mail notice by first class mail to owners, residents, and tenants of all property within 1,000 feet of the subject property, advising them of the date, time, and location of a public informational meeting hosted by the sponsoring organization. At the meeting, the sponsoring organization shall inform the attendees of the proposed duration and operation of the shelter, conditions that will likely be placed on the operation of the shelter, and provisions of the code of conduct, and shall answer questions regarding the proposed shelter.

~~5. A minimum of 14 calendar days before the city manager's decision on the application, the City shall update the City's website with the date of the application, shelter location, and proposed duration and operation of the shelter.~~

4. The sponsoring organization/*applicant* shall:

a. Submit a complete temporary use permit application to the *City* no fewer than 90 calendar days prior to the proposed opening date of the shelter.

b. Host an informational public meeting to present details about the proposed temporary use and respond to community questions.

c. Prepare a public notice, which will be mailed by the *City* to property owners, residents, and tenants within a 1,000-foot radius of the shelter site. At a minimum, the notice shall include:

(1) The time, place, and purpose of the meeting;

(2) The proposed duration and operational details of the shelter;

(3) The name of the sponsoring organization and their website, if available, for those seeking additional information;

(5) The provisions of the proposed code of conduct—or, if extensive, a summary along with details on where the full code can be accessed (e.g., a website link); and

(6) Any other relevant operational information.

d. Provide the draft notice to the *City* at least two weeks prior to the scheduled public meeting. This timeframe ensures adequate opportunity for *City* staff to review the notice, offer feedback if needed, and prepare it for mailing. A minimum of four (4) calendar days prior to the meeting, the *City* will mail the notice to property owners, residents, and tenants within a 1,000-foot radius of the shelter site. The *City* will also post the notice on its website.

e. Predominantly display the notice at the meeting site.

5. The *city manager* is authorized to terminate a permit upon a determination that the shelter is unfit for human habitation due to safety concerns, bad sanitary conditions or health related concerns, or activities that adversely impact the safety, health, and welfare of the occupants and/or neighbors adjacent to the shelter site. To terminate a permit, the *city manager* will provide notice of termination to the sponsoring organization/*applicant* and the property owner of the host site by certified mail. A minimum of 21 days after the *city manager* mails notice, the shelter use shall be discontinued. If the shelter use continues after 21 days following notice of termination, it is a violation subject to the enforcement, penalty, and abatement provisions of Chapter [1.20 KMC](#).

D. The following conditions shall apply to all temporary homeless shelters:

~~1. Only one indoor or outdoor temporary shelter shall operate in the City per calendar year.~~

~~a. The City will accept notices of intent to file an application for a temporary shelter during the month of October.~~

~~b. The notice of intent must be for operation of a temporary shelter in the subsequent calendar year only.~~

~~c. If more than one letter of intent is filed during the month of October, the city council must rank all potential applicants during the first two weeks of November, after determining a ranking procedure and considering a report from the city manager.~~

~~d. The potential applicant with the highest ranking must file a complete application and pay all applicable fees on or before December 30th.~~

~~e. If the potential applicant with the highest ranking fails to file a complete application and pay all applicable fees by the deadline or withdraws a complete application, or if the City denies the application, the City shall accept and process applications from other potential applications, in the order of ranking by the city council.~~

1. A minimum of three months of separation is required between subsequent or established temporary homeless shelters at a particular site.

2. Simultaneous and adjacent temporary homeless shelters are permitted, provided that no two temporary outdoor homeless shelters may be closer than 1,000 feet.

~~2. There can be one temporary homeless shelter under this section and one cold-weather low-barrier shelter under KMC [18.100.210](#) in the same calendar year.~~

3. Shelters are prohibited in **critical areas** and their **buffers**.

II. KMC 18.100.210 is amended to read as follows:

18.100.210 Cold-weather low-barrier shelters.

A. This section regulates cold-weather low-barrier shelters. Cold-weather low-barrier shelters are indoor emergency shelters for the homeless that operate for 31 consecutive days or less between October 1st and April 30th. ~~and restrict operation to nighttime hours.~~

B. In recognition of the need for shelter from the cold for homeless persons, the purpose of this section is to allow sponsoring religious, nonprofit, and governmental organizations (hereafter, "sponsoring organizations") to use property owned or controlled by them for cold-weather low-barrier shelters (hereafter, "cold-weather shelters" or "shelters"), while preventing harmful effects associated with such uses, including but not limited to the possibility of impediments to emergency services, the possibility of environmental degradation, the use of improper sanitary facilities, and the possibility of any other factors that would be considered a nuisance under applicable laws. A cold-weather shelter shall include all buildings and outdoor areas that are used for the shelter (hereafter, "shelter site").

C. Cold-weather shelters may be permitted in accordance with the following procedures, requirements and standards, which shall apply instead of KMC [18.100.120](#) through [18.100.140](#) and [18.100.200](#):

1. The city manager is authorized to issue temporary use permits for shelters only upon demonstration by the sponsoring organization that all public health and safety requirements of this section have been satisfied or adequately addressed. The city manager may administratively adjust such requirements upon entry of findings and conclusions to support the adjustment. ~~The city manager may terminate a permit upon a determination that the shelter is unfit for human habitation due to safety concerns, bad sanitary conditions or health related concerns, or disorderly or disorganized activities that adversely impact the safety, health, and welfare of the neighborhood adjacent to the shelter site.~~

2. An application for a cold-weather shelter shall include the following:

- a. The dates of the start and termination of the shelter;
- b. The maximum number of residents proposed;
- c. The address of the proposed shelter site;
- d. The name(s) of the sponsoring organization(s);
- e. A proposed plan regarding self-management;
- f. A site plan, which shall:

(1) Show components of the shelter, including but not limited to: dwelling, eating, living, potable water, sanitary, solid waste, and administrative facilities and areas; entry and exit points; pathways; parking areas; and access routes for emergency services; and

(2) Demonstrate compliance with all safety and health requirements of this section, as applicable;

g. A transportation plan, which shall detail the plan for the pick-up and delivery of residents, if any, and include the walking routes from nearby transit stops to the shelter, and provisions for public transit tickets for residents, if any; and

h. A code of conduct, which shall at a minimum:

(1) Require residents to agree to the code prior to being permitted to dwell on site; and

(2) Prohibit drugs, alcohol, and weapons; prohibit violent behavior and loitering in the area surrounding the shelter site; and establish and require observance to quiet hours.

3. A cold-weather shelter must meet or the sponsoring organization must implement all of the following health and safety standards:

a. Have a maximum of 40 residents, which the **city manager** may reduce due to property and shelter conditions or considerations.

~~b. Limit operating hours to between 7:00 p.m. and 7:00 a.m.~~

~~c. b.~~ Restrict smoking to a designated smoking area, which must be located outside of the building and a minimum of 25 feet from adjacent properties.

~~d. Prohibit reentry to residents after 10:00 p.m., including a return from the outside designated smoking area.~~

~~e. c.~~ Limit duration of operation to 31 consecutive days or less between October 1st and April 30th.

~~f. d.~~ Use existing permanent **structures** and not construct new permanent **structures**.

~~g. e.~~ For up to 30 residents, have a minimum of two staff members who have been trained in de-escalation tactics present in the shelter during all operating hours. For more than 30 residents, have a minimum of three staff members who have been trained in de-escalation tactics present in the shelter during all operating hours.

~~h. f.~~ At all times, have a point of contact who can be reached by phone.

~~i.~~ g. Prohibit children under the age of 18 from the shelter.

~~j.~~ h. Before admitting a potential resident, contact the King County sheriff's communications center, or other agency or office approved by the City, to determine whether the potential resident is registered as a sex offender or has an active felony warrant. If the potential resident is a registered sex offender or has an active warrant for a felony, prohibit admission to the shelter.

~~k.~~ i. Provide adequate sanitary facilities and satisfy all applicable public health requirements.

~~l.~~ j. Allow inspections by City and King County health, fire, and police departments at any reasonable time and without notice.

~~m.~~ k. Observe quiet hours in accordance with KMC [8.05.025](#).

4. The sponsoring organization applicant shall accomplish the following:

a. A minimum of 30 days before submittal of the application, mail a notice by first class mail to owners, residents, and tenants of all property within 1,000 feet of the shelter site. The notice at a minimum shall inform these persons of the proposed duration and operation of the shelter, the applicable standards and requirements of this section, the provisions of the proposed code of conduct, and mechanisms for obtaining information regarding shelters in general and the proposed shelter in particular. At least two business days before mailing the notice, the sponsoring organization shall submit a copy of the draft notice to the city manager.

b. Hold an informational meeting before the city manager's decision on the application. A minimum of 14 calendar days before the city manager's decision on the application, the sponsoring organization shall mail notice by first class mail to owners, residents, and tenants of all property within 1,000 feet of the subject property, advising them of the date, time and location of a public informational meeting regarding the application. At least two business days before mailing the notice, the sponsoring organization shall submit a copy of the draft notice to the city manager. At the meeting, the sponsoring organization shall inform the attendees of the proposed duration and operation of the shelter, conditions that will likely be placed on the operation of the shelter, and provisions of the code of conduct, and shall answer questions regarding the proposed shelter.

4. The sponsoring organization/*applicant* shall:

a. Submit a complete temporary use permit application to the City no fewer than 90 calendar days before the proposed opening date of the shelter.

b. Host an informational public meeting to present details about the proposed temporary use and respond to community questions.

c. Prepare a public notice, which will be mailed by the *City* to property owners, residents, and tenants within a 1,000-foot radius of the shelter site. At a minimum, the notice shall include:

(1) The time, place, and purpose of the meeting;

(2) The proposed duration and operational details of the shelter;

(3) The name of the sponsoring organization and their website, if available, for those seeking additional information;

(5) The provisions of the proposed code of conduct—or, if extensive, a summary along with details on where the full code can be accessed (e.g., a website link); and

(6) Any other relevant operational information.

d. Provide the draft notice to the *City* at least two weeks prior to the scheduled public meeting. This timeframe ensures adequate opportunity for *City* staff to review the notice, offer feedback if needed, and prepare it for mailing. A minimum of four calendar days prior to the meeting, the *City* will mail the notice to property owners, residents, and tenants within a 1,000-foot radius of the shelter site. The *City* will also post the notice on its website.

e. Predominantly display the notice at the meeting site.

5. A minimum of 14 calendar days before the *city manager*'s decision on the application, the *City* shall update the *City*'s website with the date of the application, shelter location, and proposed duration and operation of the shelter.

6. The *city manager* is authorized to terminate a permit upon a determination that the shelter is unfit for human habitation due to safety concerns, bad sanitary conditions or health related concerns, or activities that adversely impact the safety, health, and welfare of the occupants and/or neighbors adjacent to the shelter site. To terminate a permit, the *city manager* will provide notice of termination to the sponsoring organization/*applicant* and the property owner of the host site by certified mail. A minimum of 21 days after the *city manager* mails notice, the shelter use shall be discontinued. If the shelter use continues after 21 days following notice of termination, it is a violation subject to the enforcement, penalty, and abatement provisions of Chapter 1.20 KMC.

D. The following conditions shall apply to all cold-weather shelters:

1. Only one cold-weather shelter shall operate in the *City* per calendar year.

a. The *City* will accept notices of intent to file an application for a shelter during the month of June.

b. The notice of intent must be for operation of a shelter in the subsequent cold-weather period (October to April only).

c. If more than one letter of intent is filed during the month of June, the city council must rank all potential applicants during the third or fourth week of July, after determining a ranking procedure and considering a report from the city manager.

d. The potential applicant with the highest ranking must file a complete application and pay all applicable fees on or before August 31st.

e. If the potential applicant with the highest ranking fails to file a complete application and pay all applicable fees by the deadline or withdraws a complete application, or the City denies the application, the City shall accept and process applications from other potential applicants, in the order of ranking by the city council.

2. There can be one cold-weather shelter under this section and one temporary homeless shelter under KMC [18.100.200](#) in the same calendar year.

1. Simultaneous and adjacent cold-weather shelters are permitted, provided that no two temporary shelters may be closer than 1,000 feet.

3. 2. Shelters are prohibited in *critical areas* and their *buffers*.

4. The City shall not accept, process or approve any application for operation of a cold-weather shelter during the year of 2018.