



## **City of Lake Stevens Vision Statement**

*By 2030, we are a sustainable community around the lake with a vibrant economy, unsurpassed infrastructure and exceptional quality of life.*



### **CITY COUNCIL WORKSHOP MEETING AGENDA Lake Stevens Educational Services Center (ESC) 12309 22<sup>nd</sup> Street NE, Lake Stevens**

**Tuesday May 1, 2018 – 7:00 p.m.**

Mayor's Update: U.S. 2 Trestle/Meeting with WSDOT  
Social Media Policies

- Employees
- Electeds
- Visitors

Mayor  
Teri

Temporary Encampments  
Downtown Update  
NLC/AWC Membership Discussion

Josh  
Russ  
Gene

## **ADJOURN**

* ITEMS ATTACHED	** ITEMS PREVIOUSLY DISTRIBUTED	# ITEMS TO BE DISTRIBUTED
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**THE PUBLIC IS INVITED TO ATTEND BUT WILL NOT BE ALLOWED TO COMMENT**

### **Special Needs**

*The City of Lake Stevens strives to provide accessible opportunities for individuals with disabilities. Please contact Human Resources, City of Lake Stevens ADA Coordinator, (425) 334-1012, at least five business days prior to any City meeting or event if any accommodations are needed. For TDD users, please use the state's toll-free relay service, (800) 833-6384, and ask the operator to dial the City of Lake Stevens City Hall number.*

**NOTICE: All proceedings of this meeting are audio recorded, except Executive Sessions**



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## **UTILIZATION OF SOCIAL MEDIA – CITY EMPLOYEES**

**City Policy No.:** P-3-14  
**Effective:** 6-22-15  
**Revised:** 2018

The City of Lake Stevens endorses the use of social media to enhance communication, collaboration, and information exchange; streamline processes; and foster productivity. This policy establishes the City's position on the utility of social media, including management, administration, and oversight. This policy is intended to address social media in general, not a particular form of social media.

This policy applies to city employees. The policy is intended for use in managing and monitoring the city's social media. This policy is intended to supplement existing communication guidelines referenced in the Personnel Rules and Policies. The personal use of social media can have a bearing on city personnel in their official capacity. As such, this policy provides information of a precautionary nature as well as prohibitions on the use of social media by city personnel.

Please note, there are separate social media policies for Elected Officials, P-1-18, and Visitors, P-2-18.

The purpose of this policy is:

- To establish basic guidelines, standards and instructions for the City to use social media for the purpose of sharing time-sensitive and emergency information; enhancing customer service; providing information about City programs, services, projects, issues, events and activities; and marketing City goals and missions within an overall communications strategy.
- To establish guidelines for City social media sites in order to ensure consistency, accuracy, value to citizens, and compliance with State and Federal laws.
- To prohibit inappropriate use.

### **A. DEFINITIONS**

1. Appointed Volunteer – Any person appointed by the Mayor, Council to perform a function on a board or commission that discusses and provides guidance on City business and issues.
2. Blog – A self-published commentary on a particular topic that may allow visitors to post responses, reactions, or comments. This term is short for "Web log."

3. Chat - is a feature that allows instant messages to be sent
4. Comment – A response to a City post or social media content submitted by a commenter.
5. Commenter – A member of the public who submits a comment for posting in response to the content of a particular City post or social media content.
6. Elected Officials - Includes Mayor, Councilmembers, and any staff working on an Elected Official's behalf to represent him or her, using a social media tool.
7. Electronic Communications – Electronic Communications include, among other things, messages, images, data or any other information used in e-mail, instant messages, voice mail, fax machines, computers, personnel digital assistants (including Blackberry or similar text messaging devices), pagers, telephones, cellular and mobile phones including those with cameras, intranet, Internet, back-up storage, information on a memory or flash key or card, jump or zip drive, any other type of internal or external removable storage drives or any other technology tool. In the remainder of this policy, all of these communication devices are collectively referred to as "Systems."
8. Employee – Person employed by the city as defined in city policy number P-2-95, Status of Employees.
9. Like - A feature that allows users to show their support for a specific comments, pictures, wall posts, statuses, or fan pages. The "Like" button allows users to show their appreciation for content without having to make a written comment.
10. Limited Public Forum – a forum set aside by government for expressive activities. Activities may be limited to specified topics but may not be limited by viewpoint.
11. Page – The specific portion of a social media website where content is displayed and managed by an individual or individuals.
12. Post – Content shared by an individual on a social media site or the act of publishing content on a site by a city site manager or site contributor.
13. Profile – Information that a user shares about himself or herself on a social networking site.
14. Public Records Act –Social media content is subject to the Washington State Public Records Act RCW 42.56 and must be maintained in accordance with applicable retention

schedules.

15. Site Manager – Designated city contact who is responsible for posting information and monitoring comments on that site.
16. Site Contributor – Designated city contact who posts information and monitors comments under the direction of a site manager.
17. Social Media – The use of third party hosted online technologies that facilitate interaction and dialogue to provide alternative ways for the city to share information. This includes, but is not limited to, social networking sites (Facebook), micro blogging sites (Twitter, Nixle), photo- and video-sharing sites (Flicker, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).
18. Social Networks – Online platforms where users can create profiles, share information, and socialize with others user a range of techniques.
19. Speech – Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
20. Subscriber – Member of the public who subscribes to a social media site to receive regular updates.
21. Tagging - Mechanism of linking a person, page or place to a post.
22. Visitor - Person who views an Elected Official's or city's social media site.

## **B. PROCEDURE**

### **I. City Posted Information**

1. All department social media sites or pages shall be approved by department directors in accordance with city of Lake Stevens policies.
2. The most appropriate uses of city social media sites are:
  - a) For time sensitive and emergency information;
  - b) As a communications/promotional marketing tool which increases the city's ability to broadcast its message to the widest possible audience enhancing customer service;
  - c) to share news and posts of partner agencies and community organization;
  - d) to promote community awareness, discussion, and understanding of city government

and local issues.

3. Site managers must maintain accurate city information on social media sites by reviewing and updating it as necessary and appropriate. Social media sites will be reviewed regularly during regular business hours.
4. Social media content shall adhere to applicable laws, regulations, and policies, including information technology and records management policies. Social media postings shall abide by all copyright, trademark, and service mark restrictions.
5. Employees shall not conduct political activities or private business on city social media.
6. Wherever possible, a social media pages shall clearly indicate they are maintained by the city. A link to the city's website should be included in social media posts, directing users back to the city of Lake Stevens website for in-depth information on the posted content.
7. Elected officials and appointed volunteers shall not comment or otherwise communicate on the city's social media sites. Participating in online discussions may constitute a meeting under the Open Public Meetings Act, RCW 42.30. The site manager may post-secondary copies of materials developed by elected officials if the original content has been published through other city communication channels

## II. Information Posted by Outside Individuals on City Social Media Sites

1. For all city social media sites that allow posts, those sites are limited public forums, moderated by city of Lake Stevens employees to ensure content posted by outside users is appropriate. Prohibited content is described in section IV below.
2. Prohibited content must be removed as soon as practicable by the site manager and retained as required under the Public Records Act and described in section III below.

## III. Retention of Posted Information

1. Information posted on the city's social media sites is subject to the Public Records Act and associated retention schedule. Original content posted on social media sites must be retained for three years from the date of posting.
2. Site managers are responsible for ensuring retention through the city's social media archiving systems. This includes periodic review of the archive to ensure content has been appropriately retained.

3. Subscriber information and comments posted by outside users on city social media sites, including those that are prohibited and removed by city employees, must be retained. Content removal procedures are outlined in Section V.

#### IV. Prohibited Content

The city site is a Limited Public Forum. To ensure prohibited content is not displayed on city social media, all visitor posts must be approved by a site manager or site contributor. All moderation of posts and comments, including removal of content is subject to the procedures in Section V. The following is prohibited on the city of Lake Stevens social media sites:

1. Comments that violate the social media's terms of use.
2. Posts and comments that promote or advertise commercial services, entities or products except as stipulated in city marketing plans or determined by the City to be essential to economic development.
3. Political statements, including comments that endorse or oppose political candidates or ballot propositions, are prohibited under state law (RCW 42.52.180).
4. Religious statements, including comments that endorse or oppose any type of religion, religious opinions or activities.
5. Posts and comments that include vulgar, threatening or harassing language.
6. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, socioeconomic status, national origin, physical or mental disability, sexual orientation, or other protected status.
7. Obscene or sexual content or links to obscene or sexual content.
8. Illegal activity or encouragement of illegal activity.
9. Information that may tend to compromise the safety or security of the public or public systems.
10. Comments from children under 13 cannot be posted in order to comply with the Children's Online Privacy Protection Act. By posting on the city social media site, users acknowledge that they are at least 13 years old. Those 12 years old or younger may e-mail the city instead.

11. Content that violates a legal ownership interest of any other party.

12. Anonymous posts.

#### V. Removing Content

If a post, or comment on a city post, violates this policy, city employees can take immediate action to remove it. This removal procedure also applies to visitor posts that are moderated by city employees. Those posts are automatically hidden until approved – and “allowed on page” should always be granted as quickly as possible unless a post is inappropriate. Whenever a comment is to be hidden, the following procedure shall apply:

1. Take a screenshot of the comment (use Snipping Tool or other method).
2. Login to social media. In using Facebook as the example:
  - a. Go to the “Activity Log”. Disallow the comment in the Facebook Admin tool. If the inappropriate post is a comment on a city post, “hide” it from the city page. This will block it only from showing on the official city page while the post is reviewed.
  - b. Update the “Facebook Comments Removed” file in appropriate electronic file location, include the following:
    - i. Date of action
    - ii. Reason for comment removal – what part of policy did it violate?
    - iii. Image of comment
    - iv. Notes such as whether a manager was consulted
3. If a city employee is unsure whether comment violates city policy, consult the department director or City Administrator for guidance by email as soon as possible.


#### VI. Facebook Comment Moderation – Visitor Posts and Comments

The city Facebook page is set to review stand-alone posts made by visitors. Posts made by others will be hidden from the page by default.


To approve a post:

1. Login to city’s Facebook page.
2. Click the blue “Settings” tab near top right of page.
3. Click the “Activity Log” in the bottom left column.
4. Now you see all recent posts. Visitor posts are “hidden” by default.



5. Click on the  hidden icon to switch it to “Allowed on Page” - assuming post is appropriate.
6. If the post is inappropriate, leave it hidden, and follow “Removing Comments” process.

To hide a comment from a post on the page:

1. Hover over the comment.
2. Click  and select **Hide Comment**.
3. Follow the same process anytime a comment is hidden.



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## **UTILIZATION OF SOCIAL MEDIA – ELECTED OFFICIALS**

**City Policy No.:** P-1-18

**Effective:** 6-1-18

**Revised:** 2018

This policy applies to any social media site or tool used by Elected Officials in their official capacity to communicate with constituents or the general public. It is primarily each Elected Official's responsibility to review Best Practice Guidelines.

This policy does not apply to personal accounts so long as no city business is discussed.

Please note, there are separate social media policies for City Employees, P-3-14, and Visitors, P-2-18.

The purpose of this policy is to outline the roles, responsibilities, and best practice recommendations for the use of social media by Elected Officials in their official capacity. The city's Elected Officials are committed to open and progressive communications between themselves and their constituents utilizing available and future online technologies within the limits of the law.

### **A. DEFINITIONS**

1. Appointed Volunteer – Any person appointed by the Mayor, Council to perform a function on a board or commission that discusses and provides guidance on city business and issues.
2. Blog – A self-published commentary on a particular topic that may allow visitors to post responses, reactions, or comments. This term is short for "Web log."
3. Chat - is a feature that allows instant messages to be sent.
4. Comment – A response to a city post or social media content submitted by a commenter.
5. Commenter – A member of the public who submits a comment for posting in response to the content of a particular city post or social media content.
6. Elected Officials - Includes Mayor, Councilmembers, and any staff working on an Elected Official's behalf to represent him or her, using a social media tool.

7. Electronic Communications –Include, among other things, messages, images, data or any other information used in e-mail, instant messages, voice mail, fax machines, computers, personnel digital assistants (including Blackberry or similar text messaging devices), pagers, telephones, cellular and mobile phones including those with cameras, intranet, Internet, back-up storage, information on a memory or flash key or card, jump or zip drive, any other type of internal or external removable storage drives or any other technology tool. In the remainder of this policy, all of these communication devices are collectively referred to as "Systems."
8. Employee – Person employed by the city as defined in city policy number P-2-95, Status of Employees.
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13. Profile – Information that a user shares about himself or herself on a social networking site.
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Nixle), photo- and video-sharing sites (Flicker, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

18. Social Networks – Online platforms where users can create profiles, share information, and socialize with others user a range of techniques.
19. Speech – Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
20. Subscriber – Member of the public who subscribes to a social media site to receive regular updates.
21. Tagging - Mechanism of linking a person, page or place to a post.
22. Visitor - Person who views an Elected Official's or city's social media site.

## **B. GENERAL POLICY**

Elected Officials should not be use social media as a mechanism for conducting official city business other than to informally communicate with the public. Examples of business that should not be conducted through social media include: making policy decisions, official public noticing, and discussing confidential city matters that have not been approved for release to the public. Elected Officials' social media site(s) should contain links directing users back to the City's official website for in-depth information, forms, documents, or online services necessary to conduct official city business.

While social media, with its use of popular abbreviations and shorthand, does not adhere to standard conventions of correspondence, the content and tenor of online conversations, discussions, and information posts and comments should model the same professional behavior displayed during council meetings and community meetings.

## **C. ETHICS AND ELECTIONS RULES OF COMPLIANCE**

All content posted on individual Elected Officials' social media site(s) should comply with applicable Council Rules of Procedures, city ordinances and administrative rules, and Washington state law regulating public agencies and elected officials.

Elected Officials should not post or release proprietary, confidential, or sensitive information on Elected Officials' social media site(s) in a manner that violates applicable state law, including, without limitation, RCW 42.23.070 – Prohibited Acts.

**D. PUBLIC RECORDS ACT COMPLIANCE**

Content maintained in a social media format, i.e., Facebook, YouTube, Twitter, etc., that is related to city business, including communication between an individual Elected Official and constituents or the general public, and a site's listing of "friends" or "followers," may be considered a public record subject to disclosure under the state Public Records Act.

Any social media tools used should clearly and prominently state that all content submitted by members of the public is potentially subject to public disclosure pursuant to the Public Records Act, RCW 42.56. If it is not possible to display this notice prominently on the site, Elected Officials should notify users by including a statement on their page, notify new users via response to posts, and/or periodically notify existing users via broadcast message.

Under the state Public Records Act, the city is responsible for responding accurately and completely to any public records request, including a request for public records on social media maintained by individual Elected Officials. Therefore, it is mandatory that records have been retained for the legally required retention period in accordance with applicable standards.

Users of, and visitors to, social media sites shall be notified that public disclosure requests must be directed to the City Clerk.

As with any correspondence sent in his or her capacity as an Elected Official, Elected Official postings to social media sites maintained by others must be retained by the posting Elected Official to the extent that such content constitutes a "public record" as defined by Chapter 42.56 RCW. Any removal of content for violation of established rules must be retained for public record purposes.

**E. OPEN PUBLIC MEETINGS ACT AND APPEARANCE OF FAIRNESS DOCTRINE COMPLIANCE**

Communication between four (4) or more Elected Officials via social media, as with telephone and email, may potentially constitute a "meeting" under the Open Public Meetings Act, Chapter 42.30 RCW. For this reason, Elected Officials should avoid participating in social media discussions/threads regarding city business that involve four (4) or more Elected Officials.

In addition, receiving or making posts or comments regarding quasi-judicial matters via social media may violate **Council Policy** and Chapter 42.36 RCW – the Appearance of Fairness Doctrine. To avoid receiving any comments on pending quasi-judicial matters that may violate the Appearance of Fairness Doctrine, Elected Officials are strongly encouraged to maintain social media sites with settings that can restrict users' ability to post content. Questions about whether a

matter referenced is quasi-judicial should be referred to the City Attorney.

**F. CONTENT GUIDELINES**

For social media sites/tools that are owned or maintained by the city of Lake Stevens, users and visitors of social media sites who submit comments should be clearly notified that the intended purpose of the site is to serve as a mechanism for informal communication between Elected Officials and the public regarding the city-related topics discussed. Any content removed in compliance with the Social Media Use-City Employees Policy Number P-3-14 must be retained, including the time, date, and identity of the poster when available, to the extent required by law. See above Public Records Retention Act Compliance.

**G. EQUAL ACCESS**

Elected Officials are discouraged, in their official capacity, from posting or commenting on social media sites that require membership or subscription. When posting information or soliciting feedback on such a site, Elected Officials should always provide an alternate source for the same information or mechanism for feedback on the city's public web site, so that those who are not members of the social media site may have equal access.



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## **UTILIZATION OF SOCIAL MEDIA – VISITOR TERMS AND CONDITIONS**

**City Policy No.: P-2-18**

**Effective: 6-1-18**

**Revised:**

### **A. APPLICABILITY, PRIVACY POLICY, AND DISCLAIMER**

Any individual accessing, browsing and using a City of Lake Stevens Social Media site accepts without limitation or qualification, the city's social media policies (hereafter "Policies"). These terms and conditions apply only to the social media sites (defined here as third party hosted online technologies that facilitate social interaction and dialogue, such as Facebook, Twitter and YouTube) that are managed by the city of Lake Stevens. The city of Lake Stevens maintains the right to modify these Policies without prior notice.

The city of Lake Stevens' social media sites are limited public forums within the law. The City has the right to monitor the content, remove content in violation of this policy, remove or edit city postings or remove the site without prior notice.

Any modification is effective immediately upon posting the modification on the city website or social media policy page unless otherwise stated. Continued use of a city of Lake Stevens' social media site following the posting of any modification signifies acceptance of such modification.

All users of a city of Lake Stevens' social media site are also subject to the site's own privacy policy. The city of Lake Stevens has no control over a third party site's privacy policy or modifications to their site. The city of Lake Stevens also has no control over content, commercial advertisements, or other postings produced by the social media site that appear on the city of Lake Stevens' social media site as part of the site's environment.

The city of Lake Stevens operates and maintains its social media sites as a public service to provide information about city programs, services, projects, issues, events and activities. The city of Lake Stevens assumes no liability for any inaccuracies these social media sites may contain and does not guarantee that the social media sites will be uninterrupted, permanent, or error-free.

### **B. POSTS POLICY**

Although the city encourages posts and comments on city of Lake Stevens social media sites that allow posts or comments, it is the express policy of the city of Lake Stevens that these sites are limited public forums and are moderated by city employees. All posted content (comments, photos, links, etc.) must be related to the topic at hand.

The city of Lake Stevens reserves the right to remove posted content that does not comply with these Policies. All posts and comments uploaded to city of Lake Stevens' social media sites that allow posts will be periodically reviewed. All posts and comments are public records subject to public disclosure under the Washington State Public Records Act RCW 42.56.

The following are prohibited on the city of Lake Stevens social media sites:

1. Comments that violate the social media's terms of use.
2. Posts and comments that promote or advertise commercial services, entities or products except as stipulated in city marketing plans or determined by the city to be essential to economic development.
3. Political statements, including comments that endorse or oppose political candidates or ballot propositions, are prohibited under state law (RCW 42.52.180).
4. Religious statements, including comments that endorse or oppose any type of religion, religious opinions or activities.
5. Posts and comments that include vulgar, threatening or harassing language.
6. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, socioeconomic status, national origin, physical or mental disability, sexual orientation, or other protected status.
7. Obscene or sexual content or links to obscene or sexual content.
8. Illegal activity or encouragement of illegal activity.
9. Information that may tend to compromise the safety or security of the public or public systems.
10. Comments from children under 13 cannot be posted in order to comply with the Children's Online Privacy Protection Act. By posting on the city social media site, users acknowledge that they are at least 13 years old. Those 12 years old or younger may e-mail the city instead.
11. Content that violates a legal ownership interest of any other party.
12. Anonymous posts.

13. Communications made through city of Lake Stevens' social media sites in no way constitute a legal or official notice or comment of or to the city of Lake Stevens. (For example, a post or comment that asks for public records will not be considered a public records request under RCW 42.56.) To comment about a specific city project or program, please contact the appropriate city department.

#### **C. LINKS POLICY**

1. Links to other social media sites and external websites provided on city of Lake Stevens' social media sites

The city of Lake Stevens may select links to other social media sites and outside websites that offer helpful resources for users. Once an individual links to another page or site, the city's Policies no longer apply and the individual becomes subject to the policies of that page or site. The city of Lake Stevens' social media sites are intended specifically to share information about city programs, events and services. The city of Lake Stevens is not responsible for the content that appears on outside links and provides these links as a convenience only. Users should be aware that such external pages and sites and the information found on those pages and sites are not controlled by, provided by or endorsed by the city of Lake Stevens. The city reserves the right to delete links posted by outside individuals that violate the city's Posts Policy at any time without notice.

2. Links by other entities to city of Lake Stevens' social media sites

It is not necessary to get advance permission to link to city of Lake Stevens' social media sites; however, entities and individuals linking to city of Lake Stevens' social media sites may not capture any of the city's social media sites within frames, present city of Lake Stevens' content as their own or otherwise misrepresent any of the city's social media site content. Furthermore, they shall not misinform users about the origin or ownership of city of Lake Stevens' social media site content. Links to city of Lake Stevens' social media sites should not in any way suggest that the city of Lake Stevens has any relationship or affiliation with that organization or that the city endorses, sponsors or recommends the information, products or services of that site.

#### **D. COPYRIGHT POLICY**

1. All information and materials generated by the city of Lake Stevens and provided on city of Lake Stevens' social media sites are the property of the city of Lake Stevens. The city retains copyright on all text, graphic images and other content that was produced by the city of Lake Stevens and found on the page. You may print copies of information and

material for your own non-commercial use, provided that you retain the copyright symbol or other such proprietary notice intact on any copyrighted materials you copy. Please include a credit line reading: "credit: City of Lake Stevens Facebook (or Twitter or YouTube) Page" or "Courtesy of City of Lake Stevens."

2. Commercial use of text, city logos, photos and other graphics is prohibited without the express written permission of the city of Lake Stevens. Representation or use of the city logo on documents not created by the city of Lake Stevens is prohibited.
3. Any person reproducing or redistributing a third-party copyright must adhere to the terms and conditions of the third-party copyright holder. If you are a copyright holder and you feel that the city of Lake Stevens did not use an appropriate credit line please notify the City Clerk with detailed information about the circumstances, so that the copyright information can be added or the material in question can be removed.



# Memorandum

**Date:** April 26, 2018  
**To:** Lake Stevens City Council  
**From:** Joshua Machen, *Senior Planner* / Russ Wright, *Community Development Director*  
**Subject:** LUA2018-0035- City initiated code amendment regarding Temporary Encampments

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## ***What is a Temporary Encampment?***

"Temporary encampment" means a short-term residence facility for a group of people that is composed of tents or other temporary structures on a site provided or arranged for by a sponsor with services provided by a sponsor and supervised by a managing agency. These encampments are most often sponsored by a church or religious organization.

## ***Purpose of Code Amendment***

The City of Lake Stevens insurance provider, WCIA, performs regular audits of our municipal codes, among other things, to limit the City's potential liability. As part of their last audit, they pointed out that the City needed to develop "temporary encampment" regulations as preemptive measures, providing protection to the City. During a recent City Council meeting discussing the 2018 Long Range Planning Work Program, the Council requested that work on regulations for temporary encampments begin as soon as possible.

## ***Framework for Proposed Regulations***

Attached to this memorandum is a matrix of regulations from cities in the region that have temporary encampment regulations. The regulations typically contain the following regulatory features:

- Limitation on Allowed Locations, Duration and Frequency
- Requirements for Public Notice/Meetings
- Setbacks
- Limitations on the Number of Residents
- Screening Requirements
- Requirements for a Code of Conduct
- No Unaccompanied Minors
- Distance to Transit
- Sanitation Accommodations
- Trash Collection
- Fire Safety/Extinguishers
- Designated Smoking Areas
- Open to Inspections
- Site Restoration Requirements

Based on these regulatory features, staff has drafted new regulations, those regulations are attached (Attachment B).

**Attachments**

- A      Temporary Encampment Code Comparison Table
- B.     Revised Draft Code

## Attachment A

# Temporary Encampments Code Comparison

<u>Code Provisions:</u>	<u>Seattle</u>	<u>Bothell</u>	<u>Lynnwood</u>	<u>Kirkland</u>	<u>Shoreline</u>	<u>Lake Stevens- Proposed)</u>
<i>Permit Type</i>	Type I Master Permit	Type II Transitory Permit	Temporary Use Permit	Temporary Use Permit	Temporary Use Permit	Type II Permit
Permit Fee	\$3240.00 Min (Hourly)	\$2,707.00	\$ 0.00 -no charge	\$231.00	\$ 0.00 -no charge	\$200.00 -Temporary Structures
Allowed locations	Church, Private, Public Property	Any Host Property	Church/religious organization	Church or Community Based organization	Non-profit Church or community organization	Non-profit Church or community organization
Public Notice/ Meeting	Yes, public meeting a min 14 days prior to application	Yes, only with schools and Child Care Facilities (600')	Notice only on Decision	Yes, Public notice and meeting 14 days prior to decision	Yes, Public notice and meeting 14 days prior to decision	Yes, Public notice and meeting 14 days prior to decision
Setbacks	25'-residential property	20'- unless waiver by adjacent property	20' commercial/ Multi family or 40' Single-family unless reduced by director	20' to residential development	10' min to adjacent property 5' min to ROW	20' to adjacent property, unless reduced by director based on topography or screening.
Number of Residents	100	No limit, based on available space	100	100	100	100
Site Size	5,000 sq ft 100 sq ft per occupant	No minimum-adequate	No minimum	No minimum	7,500 useable site area -50 residents then 150 sq ft per addition resident	7,500 useable site area -50 residents then 100 sq ft per addition resident
Screening	6' fence or vegetation	6' fence or vegetation	6' fence or vegetation	Fence or sufficient existing vegetation	Fence /structure or sufficient existing vegetation	6 ' fence or sufficient existing vegetation
Allowed Duration	1-year/ 1 year extension	90 days	90 days	92 days	90 days/90 days extention	90 days

Frequency	At least 12 months	Once every 365 days	Not within 180 days of expiraton or once per calendar year	Once every 365 days	Not within 180 days of expiraton	Once every 365 days
Lighting	No regulation	No regulation	Yes, downward and contained	Yes, downward and contained	No regulation	Yes, downward and contained
Code of Coduct	No regulation	Yes	Yes	Yes	Yes	Yes
No Unaccompanied Minors	Yes	No regulation	Yes	Yes	No regulation	Yes
Distance to Transit	1/2 mile	1/2 mile	No minimum	1/2 mile	No regulation	No regulation, limited transit routes within Lake Stevens
Toilet and running water	Yes, outdoor or access to indoor	Yes	Yes	Refers to State or City Code	Sanitation only	Yes, provision for outdoor or access to indoor
Trash Collection	Yes	Yes	Yes	Refers to State or City Code	Sanitation provision	Yes, includes receptical and patrol language
Animal prohibition	No	No	No	Yes	No	No
Require fire retardant tents / extinguishers	Yes	No	No	Refers to State or City Code for fire-resistant materials	Yes	Yes
Designated Smoking Areas	Yes	No	No	No	Yes	Yes
Open to Inspections	Yes	Yes	Yes	Yes	Yes	Yes
Restoration of Site	No	Yes	Yes	No	No	Yes



## Proposed Changes to the Lake Stevens Municipal Code to regulate Temporary Encampments

The following definitions and code sections shall be added to the municipal code:

### LSMC 14.08 Definitions

*“Temporary tent encampment”* means a short-term residence facility for a group of people that is composed of tents or other temporary structures on a site provided or arranged for by a sponsor with services provided by a sponsor and supervised by a managing agency.

*“Managing agency”* means an organization identified as the manager of a temporary tent encampment that has the capacity to organize and manage a temporary tent encampment. A “managing agency” may be the same entity as the sponsor.

*“Sponsor”* means an organization (1) that is recognized by the Internal Revenue Service as exempt from federal income taxes as a religious organization, and (2) that expresses its religious mission, in part, by organizing living accommodations for the homeless.

**All other definitions in LSMC 14.08 shall remain in full force and effect, unchanged.**

### **14.16C.110 Temporary Use.**

(a) This section provides for certain temporary uses incidental to the principal long-term use of property. Temporary uses are to be permitted only under the conditions as set forth herein, and where it is found to be safe and compatible with the general vicinity and adjacent uses.

(b) Procedure. Applications for a temporary use permit shall follow the procedures for a Type I review pursuant to Chapter [14.16B](#).

(c) Permitted Temporary Uses. The following temporary uses and structures shall be allowed:

(1) A temporary dwelling for use as a residence by the owners of a lot during construction of a permanent residential structure on the lot. The temporary building need not comply with the requirements of the International Building Code but shall meet minimum health and safety standards prescribed by the Building Official. It shall be removed from the lot upon completion of the permanent residential structure.

(2) A temporary structure for use by a contractor as a construction shed or office while building or remodeling a permanent structure on the same lot. The temporary structure shall not be open to the public. The temporary building need not comply with the requirements of the International Building Code but shall meet minimum health and safety standards prescribed by the Building Official. It shall be removed from the lot upon completion of the permanent structure.

(3) A temporary real estate sales office located in a model or display home, subject to the following conditions:

- (i) If situated in a residential zone, the office may only be used for sale activities related to the plat in which it is located.
- (ii) If situated in a commercial zone, the office may only be used for sales related to the model or display home itself.
- (iii) Within a period of one year, the use of the building for a temporary real estate sales office shall terminate, and the building shall be used exclusively thereafter for uses permitted within that zone and shall meet all building and fire codes applicable thereto, or shall be immediately removed.

(4.) Temporary Encampments are to be reviewed as a Type II application pursuant to supplemental regulations contained in LSMC 14.44.038.

(d) Recreational Vehicles as Temporary Dwelling Units. No recreational vehicle shall be occupied for residential or commercial purposes anywhere in the City of Lake Stevens except:

- (1) In the case of temporary uses per subsection (c) of this section; or
- (2) Recreational vehicles may be occupied by visitors within residential zones for a period not to exceed 30 days where a Planning Director approval has been granted for such use, provided:
  - (i) Temporary occupancy shall not exceed 30 days in a calendar year per visitor;
  - (ii) Under no circumstances shall a recreational vehicle be occupied while parked overnight ~~on~~ within a public ~~street~~ right-of-way or within a public park;
  - (iii) No recreational vehicle shall be serviced by a temporary or permanent sewer hook-up emptying into the City's system or a private septic system; and
  - (iv) Space shall not be provided for an occupied recreational vehicle for monetary or other compensation.
- (3) Recreational vehicles and recreational park trailers may be occupied inside manufactured/mobile home parks pursuant to Section [14.44.070](#) as a temporary use.

(e) Decision Criteria. A temporary use permit may be granted by the Planning Director, only if the applicant demonstrates:

- (1) The proposed temporary use will not be materially detrimental to the public welfare;
- (2) The proposed temporary use is compatible with existing land use in the immediate vicinity in terms of noise and hours of operation;
- (3) Adequate public off-street parking and traffic control for the exclusive use of the proposed temporary use can be provided in a safe manner; and
- (4) The proposed temporary use is not otherwise permitted in the zone in which it is proposed.

(f) Duration and Frequency. Unless specified elsewhere in this section, temporary use permits shall be limited in duration and frequency as follows:

- (1) When sudden, unforeseen damage occurs to a residence making it uninhabitable, thus necessitating occupancy in a temporary residence, occupancy may occur immediately provided an application for the temporary use permit is made within seven days from the first day of occupancy in the temporary residence;
- (2) The temporary use permit shall be effective for no more than 180 days from the date of the first occurrence;
- (3) The temporary use permit shall specify a date upon which the use shall be terminated and removed; and
- (4) A temporary use permit shall not be granted for the same temporary use on a property more than once per calendar year, except that for temporary residences the Planning Director may renew such permit for one additional period not to exceed three months if it is determined such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation, or restoration work necessary to make such building habitable.

(g) Temporary Public Structures. Public agencies may erect and use temporary structures (e.g., portable school classrooms, civic uses, emergency command centers, health and social services centers, etc.) upon demonstrating that such a use is for the public benefit and that the use is temporary in nature. Permits for temporary public structures shall expire one year after issuance, but may be renewed annually by the Planning Director upon demonstration of demonstrated public benefit. (Ord. 991, Sec. 4, 2017; Ord. 811, Sec. 4 (Exh. 3), 2010)

LSMC 14.40.090 "More Specific Use Controls" (Table 14.40-I: Table of Permissible Uses by Zones) is hereby amended to add use "1.460 Temporary Encampments" as shown below, **all other uses shall remain in full force and effect, unchanged:**

**TABLE 14.40-I: TABLE OF PERMISSIBLE USES BY ZONES<sup>16</sup>**

A blank box indicates a use is not allowed in a specific zone. Note: Reference numbers within matrix indicate special conditions apply.

P - Permitted Use; A - Administrative Conditional Use; C - Conditional Use (See Section [14.40.020](#) for explanation of combinations)

USE DESCRIPTIONS		SR	WR	UR	HUR	MFR	NC <sup>4</sup>	LB	CBD	MU <sup>1</sup>	PBD <sup>5</sup>	SRC	LI	GI	P/SP
1.460	Temporary Encampments	P	P	P	P	P		P	P	P	P	P			

#### LSMC 14.44.038 Temporary Encampments

(a) Regulations established.

Regulations concerning the establishment and processing of applications for temporary tent encampments in the city are hereby established. Establishing such facilities contrary to the provisions of this chapter is prohibited. Temporary use permits shall be required for temporary tent encampments in the city. If a temporary tent encampment is established in violation of this chapter or if, after temporary use permit is issued for the same, the director of community development determines that the permit holder has violated this chapter or any condition of the permit, the temporary tent encampment, its sponsor and managing agency shall be subject to code enforcement and all activities associated with the temporary tent encampment shall cease, and the site shall be vacated and restored to its pre-encampment conditions.

(b) Criteria for Temporary Encampment.

(1) The site must be owned or leased by either a host or managing agency, which managing agency is a non-profit church or community organization.

(2) A temporary encampment shall be processed as a type II application and submitted with the appropriate fee as set forth in the City of Lake Stevens fee schedule.

(3) A public meeting shall be held in accordance with the procedures of LSMC section 14.16B.325.

(4) The applicant shall have a code of conduct that articulates the rules and regulation of the encampment. These rules shall include, at a minimum the following prohibitions:

- (i) No alcohol and/or drug use
- (ii) No weapons
- (iii) No violence
- (iv) No loitering in the surrounding neighborhood
- (vi) Quiet hours

The applicant shall keep a cumulative list of all residents who stay overnight in the encampment, including names and dates. The list shall be kept on site for the duration of the encampment.

The applicant shall provide an affidavit of assurance with the permit submittal package that this procedure is being met and will continue to be updated during the duration of the encampment.

(5) 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 residents at any one time. Any proposed site shall meet the site requirements in subsection (b)(7) of this section and be of sufficient size to support the activities of the temporary encampment without overcrowding of residents.

(6) Site Requirements.

(i) The minimum useable site area for a temporary encampment shall be: 7,500 square feet for the first 50 residents, plus 100 square feet for each additional resident, up to the maximum allowable of 100 residents. The useable site area may be a combination of contiguous parcels in the same ownership of the host or managing agency.

(ii). Tents and supporting facilities within an encampment must meet 20-foot setbacks from neighboring property lines or rights-of-way except for properties under the same ownership as the host agency. Setbacks to neighboring property lines may be reduced by the Director to a minimum of five feet if it can be determined that the reduction will result in no adverse impact on the neighboring properties, considering site conditions that extend along the entire encampment area, including but not limited to:

- (a) Topography changes from adjoining property;
- (b) Visually solid, minimum six-foot height, intervening structures;
- (c) Distance from nearest structure on neighboring property;
- (d) Vegetation that creates a visual screen.

(iii) The property does not contain a wetland, wetland buffer, known and potential landslide designations, steep slope, steep slope buffer, or fish and wildlife habitat conservation area defined and regulated by Chapter 14.88, Regulations for Environmentally Critical Areas, unless all encampment facilities, improvements, activities, and uses are located outside any critical area and required buffer as provided for in Chapter 14.88.

(iv) The property is not an unopened public right of way; or designated as a park, playground, viewpoint, or multi-use trail by the City or Snohomish County.

(v) Screening of Activities. Where deemed necessary by the community development director, activities of the transitory accommodation shall be obscured from view from adjacent properties, by a constructed minimum six-foot-high solid fence, an existing fence,

existing dense vegetation, an existing topographic difference, distance from exterior property lines, or other means, to the maximum extent feasible.

(vi) Exterior lighting must be directed downward and glare contained within the temporary tent encampment.

(vii) On-site parking of the sponsor shall not be displaced unless sufficient required off-street parking remains available for the host's use to compensate for the loss of on-site parking or unless a shared parking agreement is executed with adjacent properties

(viii) A fire permit is required for all tents over 400 square feet. Fire permit fees are waived.

(ix) All tents must be made of fire resistant materials and labeled as such.

(x) Provide adequate number of 2A-10BC rated fire extinguishers so that they are not more than 75 feet travel distance from any portion of the complex. Recommend additional extinguishers in cooking area and approved smoking area.

(xi) Emergency vehicle access to the site must be maintained at all times.

(xii) Members of the temporary encampment shall monitor entry points at all times. A working telephone shall be available to ensure the safety and security of the temporary encampment at all times.

(7) Health Requirements.

The sponsor and managing agency shall assure all applicable public health regulations, including but not limited to the following, will be met at/for:

(i) Sanitary portable toilets, which shall be set back at least 40 feet from all property lines, or access to indoor facilities;

(ii) Hand-washing stations by the toilets and food preparation areas, or access to indoor facilities;

(iii) Food preparation areas or service tents., or access to indoor facilities; and

(iv) Refuse receptacles-facilities for dealing with trash shall be provided on-site throughout the encampment. A regular trash patrol in the immediate vicinity of the temporary tent encampment site shall be provided.

- (v) Public health guidelines on food donations and food handling and storage, including proper temperature control, shall be followed and homeless encampment residences involved in food donations and storages shall be made aware of these guidelines consistent with the Snohomish health district requirements.
- (vi) Smoking in designated areas only; these areas must be a minimum of 25 feet from any neighboring residential property. Provide ashtrays in areas approved for smoking
- (8) The encampment shall permit inspections by City, Snohomish County Health Department, and Fire Department inspectors at reasonable times during the permit period without prior notice to ensure compliance with the conditions of the permit.
- (9) The encampment shall allow for an inspection by the Lake Stevens Fire Department during the initial week of the encampment's occupancy.
- (10) No children under 18 are allowed in the homeless encampment. If a child under the age of 18 attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.
- (10) Encampments may be allowed to stay under the temporary use permit for up to 90 days.
- (11) Host or managing agencies may only host a temporary encampment on the same site once every 365 days.
- (12) The sponsor and/or managing agency shall provide before-encampment photos of the host site with the application. Upon vacation of the temporary tent encampment, all temporary structures and debris shall be removed from the host site within one calendar week. At expiration of the permit, the host or managing agency shall restore the property to the same or similar condition as at permit issuance.
- (13) Limit on the number of encampments. No more than one temporary use encampments shall be permitted and operating at any one time within the City.