



**MEMORANDUM**

**To:** Kurt Triplett, City Manager

**From:** Adam Weinstein, Director of Planning and Building  
Dawn Nelson, Planning Manager

**Date:** September 10, 2024

**Subject:** Authorized Encampments Potential Code Changes

**RECOMMENDATION:**

Staff recommends that the Council reviews this memorandum for information about the City’s existing regulations concerning authorized homeless encampments and ideas for future amendments.

**EXECUTIVE SUMMARY**

The City’s current regulations for authorized homeless encampments are fairly flexible and generally consistent with recent State law, particularly considering the duration extensions adopted by Council in May 2024 that allow for the Planning and Building Director to allow encampments to persist beyond 92 days, subject to meeting certain criteria. This memorandum describes the City’s existing regulations and suggests a few amendments that could be considered in the future to improve the efficacy of the code.

**BACKGROUND:**

Figure 1: Kirkland Homelessness Continuum of Care

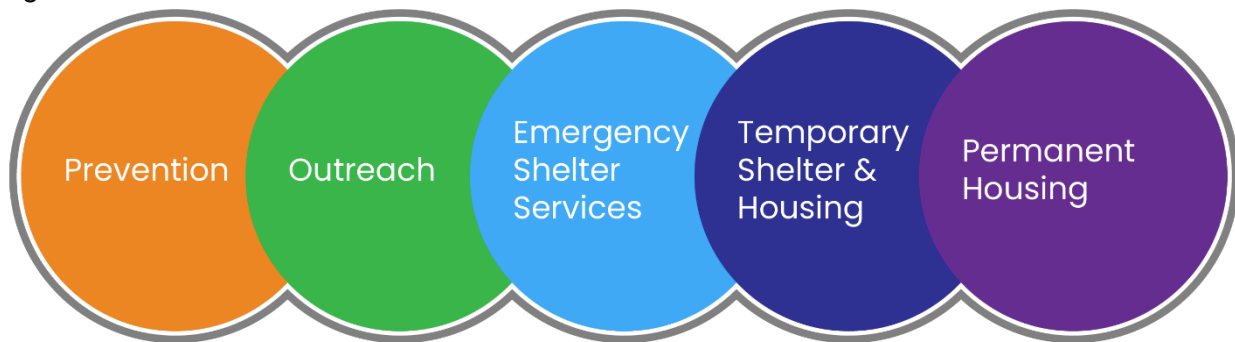


Figure 1 demonstrates the five overarching stages of Kirkland’s current Homelessness Continuum of Care. One important element of the City’s temporary shelter and housing response is the allowance of authorized homeless encampments at locations where they can be managed by a local religious organization or other community-based organization. This provision has been part of the Kirkland Zoning Code (KZC) since 2006, suggesting that Kirkland may have been one of the first cities in Washington to permit authorized encampments as a means of addressing the homelessness crisis. Homeless encampments

are regulated in the Temporary Use chapter of the KZC (Chapter 127)<sup>1</sup>, which establishes a variety of standards that encampments must meet in order to be granted a temporary use permit. These standards encompass everything from requirements for a sponsor and managing agency for the encampment, to required fencing around the encampment, to the maximum occupancy of each encampment, and requirements regarding transit proximity.

### **Current Regulations Under KZC Chapter 127**

Temporary uses are allowed at a site once per 365-day period. While most temporary uses regulated by the code are limited to operating 60 days within a 365-day period, homeless encampments may have a duration up to 92 days within a 365-day period. In addition, pursuant to Zoning Code amendments adopted by City Council on May 13, 2024, the Planning and Building Director may grant an extension to allow the homeless encampment beyond 92 days if:

1. The use is compliant with the performance standards in Chapter 127;
2. The operating organization demonstrates that the encampment needs to stay for longer than 92 days;
3. The extension is no more than 92 days in duration beyond the original approved duration; and
4. The applicant for the encampment provides documentation that the property owner, and sponsor, and/or managing agency, agree to the extension.

Applications for homeless encampments require noticing of neighbors at least two weeks prior to the anticipated start of the encampment, and new locations require a public informational meeting. The encampment must have a “managing agency” (an organization that has the capacity to organize and manage an encampment) and a “sponsor” (the entity that has an agreement with the managing agency to provide services and support to the residents of the encampment, and communicates with the surrounding community), but the managing agency and sponsor can be the same agency. Under the current code, a church (defined broadly in the Zoning Code as a religious institution used primarily as a place of worship, which would include a variety of religions) or other community-based organization must be a sponsor or managing agency.

Over the last several years, the City has issued, on average, a permit for one homeless encampment per year. Camp United We Stand, the most recent authorized encampment, operated at the Kirkland Congregational United Church of Christ (106 5<sup>th</sup> Avenue), just to the north of City Hall, from August 4 through November 4, 2023. This particular encampment was limited to 35 people and operated without incident.

### **State and Local Context**

In recent years, the State Legislature has also been interested in making it easier for authorized encampments to operate. Engrossed Substitute House Bill (ESHB) 1754, which went into effect on June 11, 2020, amends three statutes related to “temporary encampments” and seeks to make it easier for authorized encampments hosted by religious organizations to operate in cities and counties. It does this by establishing restrictions on how local governments can regulate such encampments. Most notably, the bill states that local governments may not limit a religious organization’s outdoor encampment to fewer than 4 consecutive months, or limit the cumulative amount of time an encampment is hosted by an organization to fewer than 6 months in any calendar year. Kirkland and other cities with pre-existing authorized encampment regulations (allowing for

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<sup>1</sup> [www.codepublishing.com/WA/Kirkland/html/KirklandZ127/KirklandZ127.html](http://www.codepublishing.com/WA/Kirkland/html/KirklandZ127/KirklandZ127.html)

religious organizations to operate encampments) were not required to amend their regulations under the provisions of the bill.

Other nearby cities have regulations that approximate those of the KZC and the recent State requirements. Bellevue (Bellevue Land Use Code 20.30U) issues temporary use permits to religious organizations to operate encampments for periods of up to 90 days, with the ability to modify based on a hardship. Redmond (Redmond Zoning Code 21.46) grants permits to religious and secular organizations for a 5-year period, allowing authorized encampments on a site for a maximum of 4 consecutive months, with at least 3 consecutive months between encampments, and for not more than 6 months in any calendar year.

#### **DISCUSSION/ANALYSIS:**

Staff believes the current code provides substantial flexibility for the operation of authorized encampments, particularly considering the duration extensions adopted by Council in May 2024. However, additional amendments to the current code that could be considered to improve the efficacy of the regulations include:

- Allowing the City or other organizations that are not “community-based organizations” to function as a sponsor or managing agency.
- Extending the initial authorized operation period from 92 days to 4 months.
- Allowing authorized encampments to be established on a recurring basis over a period of several years in the same location, similar to the City of Redmond’s regulations.

An expansion of the City’s regulations could consider allowing authorized encampments on designated public property. An analysis of City-owned property would be needed, with development of criteria for what would make a location appropriate for encampments. For example, what infrastructure or improvements would need to be in place and what environmental factors, such as streams, wetlands, or steep slopes, might preclude a location from being used for an encampment. KZC 127 outlines basic site requirements for any encampment including, but not limited to, being a minimum of 20 feet from the property line, having fencing or vegetation around the perimeter, having parking for at least five vehicles, and being close to transit. Additionally, based on recent experience, beneficial site conditions include, but are not limited to, a paved space, mostly flat terrain, easy access to electricity and restrooms, and proximity to public transit.

#### **NEXT STEPS:**

This background information about Kirkland’s existing regulations for authorized homeless encampments and additional local context provides Council with additional understanding about current practices and some potential amendments to consider. Should Council have any questions or thoughts for staff, they can be communicated to the City Manager, Planning and Building Director, and PCS Management Analyst.