

STAFF MEMORANDUM

TO: Everett Planning Commission
FROM: Rebecca McCrary, Long Range Planning Manager
DATE: June 17, 2022
MEETING DATE: June 21, 2022
SUBJECT: Homeless Shelters and Housing Code Amendments – Briefing

INTRODUCTION

The planning commission received briefings on April 19 and May 17 including background and an overview of the city’s policies, regulations, legislative history on homeless shelters and housing, and on recent state legislation affecting this policy area.

Staff has continued to work on proposed regulations and will provide a final briefing at the June 21 meeting on proposed code amendments in advance of an anticipated public hearing on July 19 and a planning commission recommendation to the city council.

See the [April 15 staff memo](#) and [May 17 staff memo](#) for information on the scope of the project, policy guidance, recent changes to state law and proposed amendments.

PROPOSED CODE AMENDMENTS

Staff has updated the proposed amendments presented at the last planning commission meeting to streamline regulations and requirements, ensure internal code consistency, account for current practices and terminology, and correct typos. Where proposed amendments have changed since the May 17 staff memorandum, they are indicated by colors ([green](#) for added text and ~~red-strikethrough~~ for deleted text)

Definitions

Updates to the definitions include adding “behavioral health” to the social services definition. Specific strikethrough language is in Exhibit A.

Review process and zones allowed

Changes to the proposed code amendments include clarification of social services as an accessory use in shelters provided by religious organizations in footnote 6 to the use matrix in EMC [19.05.080](#). Specific strikethrough language is in Exhibit E.

A reference to the code of conduct has been replaced with a reference to the management plan in EMC [15.02.140](#) (Exhibit D) related to processing land use permits and modification requests for outdoor emergency shelters.

Regulations

The primary changes made from the proposed amendments of May 17 include:

- Applying the standards for emergency shelters in EMC [19.08.200\(D\)](#) to emergency housing facilities as well



- Removing specific code of conduct rules and instead deferring to the specific needs and context of a proposed facility as long as adverse impacts are limited (EMC [19.08.200\(D\)\(2\)\(f\)](#) and [\(D\)\(4\)](#)), and requiring updated management plans for changes of operations
- Wordsmithing for clarity

Specific strikethrough language is in Exhibit C.

Technical Corrections

An update of code sections EMC [19.13.030](#) adaptive reuse of nonresidential buildings and [19.13.050](#) adult use business requirements to be consistent with the new “social services” definition term. Specific strikethrough language is in Exhibits G (new since May 17).

REQUEST OF THE PLANNING COMMISSION

Review the information in this memo, which builds on the [April 15 staff memo](#) and the [May 17 staff memo](#), prepare feedback, questions, and points of discussion for the planning commission’s meeting on June 21. Staff proposes scheduling a public hearing and commission recommendation on July 19.

EXHIBITS

Exhibit A	EMC 19.04 Definitions
Exhibit B	EMC 19.05.068 Temporary uses
Exhibit C	EMC 19.08.200 Homeless Shelters and Housing
Exhibit D	EMC 15.02 Land Use and Project Review Procedures
Exhibit E	EMC 19.05 Use Matrices
Exhibit F	EMC 19.13.190 Temporary Extreme Weather Shelters (NEW)
Exhibit G	Technical corrections

Note: changes from the May 17 memo are marked in ~~red~~ (deleted) or ~~green~~ (added)

EXHIBIT A – EMC 19.04 DEFINITIONS

Existing	Proposed
<p>“Clinic” means a building or portion of a building designed and used for the medical, dental or surgical diagnosis or treatment of patients under the care of doctors.</p>	<p>No change proposed to the definition of “Clinic”.</p>
<p>“Community services” means a use operated by a public agency, nonprofit, or other organizations of a charitable nature generally providing a service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Examples include drug and alcohol centers, social service facilities, soup kitchens, food banks, and surplus food distribution centers.</p> <p>“Social service facility” means a facility housing a public or nonprofit agency that provides counseling, therapy or other social or human services to persons needing such services. This definition does not include schools, hospitals, clinics, day care, or residential uses.</p>	<p>“Social services” means a use operated by a public agency, nonprofit, or other organizations of a charitable nature generally providing a service to people of the community. <u>Staff may be located primarily on site or may be based off site and provide regular hours or visits on site.</u> Generally, they provide the service on the site or have employees at the site on a regular basis. <u>The service is ongoing, not just for special events.</u> Examples include <u>services for behavioral health, counseling, therapy, drug and alcohol rehabilitation, and prepared meal distribution centers, social service facilities, soup kitchens, food banks, and surplus food distribution centers.</u> <u>This definition does not include schools, hospitals, clinics, day care, food banks, or residential uses.</u></p>
<p>“Group housing, temporary shelter” means a shelter providing temporary housing accommodations (ninety days or less) that includes a sponsor and managing agency, the primary purpose of which is to provide temporary shelter for people experiencing homelessness in general or for specific populations of the homeless, or temporary shelter for people experiencing domestic violence. In addition to shelters which provide shelter for up to ninety days, temporary shelters may also include temporary building encampments, temporary safe parking areas, temporary outdoor encampments or vehicle resident safe parking for the homeless, and temporary tiny house encampments.</p>	<p>“Emergency Housing” has the same meaning as RCW 36.70A.030(9):</p> <p style="padding-left: 40px;">“Emergency housing” means any facility that is constructed for the primary purpose of providing temporary indoor accommodations for individuals or families who are homeless, or at imminent risk of becoming homeless, that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families consistent with RCW 36.70A.030(9). Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.</p> <p>“Emergency shelter, indoor” means a facility that is constructed for the primary purpose of providing shelter for people experiencing homelessness in general or for specific populations of people experiencing homelessness consistent with RCW 36.70A.030(10). People may be granted admittance on a nightly or extended stay basis. Indoor emergency shelters may include day centers that do not provide overnight accommodations. Supportive services may or</p>



EXHIBIT A – EMC 19.04 DEFINITIONS

Existing	Proposed
	<p>may not be provided in addition to the provision of sheltering.</p> <p>“Emergency shelter, outdoor” means a facility that provides shelter in temporary structures for people experiencing homelessness in general or for specific populations of people experiencing homelessness. Temporary structure means not affixed to land permanently and not using underground utilities, including tents, vehicles, or other structures not regulated under the building code. or structure encampment, or both, and “temporary” meaning not affixed to land permanently and not using underground utilities, temporary vehicle resident safe parking for people experiencing homelessness, or temporary tiny home communities. People may be granted admittance on a nightly or extended stay basis.</p> <p>“Extreme weather shelter, temporary” means a facility intended to temporarily shelter people during dangerous weather or environmental events, such as extreme cold, heat, or smoke. People may be granted admittance either for an overnight stay, during the day, or both.</p>
<p>“Permanent supportive housing” has the same meaning as RCW 36.70A.030(16): subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident’s health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent</p>	<p>“Permanent supportive housing”, also referred to as supportive housing, has the same meaning as RCW 36.70A.030(16):</p> <p>“Permanent supportive housing” is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident’s health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing</p>



EXHIBIT A – EMC 19.04 DEFINITIONS

Existing	Proposed
<p>supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.</p> <p>“Supportive housing” means a combination of housing, including low barrier housing, and services intended as a cost-effective way to help people live more stable and productive lives. The housing type is a multiple-family dwelling owned or sponsored by a qualified nonprofit provider or government entity, designed for occupancy by persons that are either (1) experiencing or at risk of experiencing homelessness; (2) are experiencing a disability that presents barriers to employment and housing stability; or (3) generally require structured supportive services such as case management and twenty-four-hour on-site facility management to be successful living in the community and is intended to provide long-term, rather than transitional, housing.</p>	<p>is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.</p>
<p><i>Everett municipal code does not currently include a definition for transitional housing</i></p>	<p>“Transitional housing” has the same meaning as RCW 84.36.043(2)(c):</p> <p>“Transitional housing” means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.</p>



EXHIBIT B – EMC 19.05.068 TEMPORARY USES

19.05.068 Temporary uses.

A. *User Guide.* This section establishes a mechanism whereby the city may, on a short-term basis, permit a use to be conducted that would not otherwise be allowed in the zone in which it is located. This section is intended to permit certain inherently temporary uses, such as community festivals and fresh vegetable stands, that would not be allowed in the zone in which they are proposed, but which, if limited in time and strictly controlled, may be in the best interest of the Everett community.

B. *Process for Deciding Upon a Proposed Temporary Use.* The city will use the review process as described in Chapter 15.02 EMC, Local Project Review Procedures, to review and decide upon an application for a temporary use permit.

C. *Application Information.* The applicant shall provide the following information to the planning department:

1. A completed application on the form provided by the planning department, along with all information requested in that form;
2. An irrevocable, signed and notarized statement granting the city permission to summarily abate the temporary use and all physical evidence of that use if it is not removed by the applicant within the period specified as part of the permit, and agreeing to reimburse the city for any expenses incurred by the city in abating the temporary use; and
3. Written permission from the owner of the property upon which the temporary use is proposed to be located authorizing the proponent to use the subject property for the stated purposes and time period.

D. *Criteria for Granting a Temporary Use Permit.* The city may grant a temporary use permit only if it finds that:

1. The proposed temporary use will not be materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity; and
2. The proposed temporary use is compatible in terms of location, access, traffic, noise, nuisance, dust control and hours of operation with existing land uses in the immediate vicinity; and
3. The proposed temporary use is not otherwise allowable in the zone in which it is proposed.

E. *Dimensional Requirements and Development and Performance Standards.* The city shall establish dimensional requirements and development and performance standards as part of the approval of each temporary use permit. The city will use the nature of the proposed use and character of the surrounding area as guides in establishing these requirements and standards.

F. *Frequency and Duration of Temporary Use.* The city may not grant a temporary use permit to the same user for the same use more frequently than once in every three-hundred-sixty-five-day period. The city may only grant a temporary use permit for a specified period of time, not to exceed sixty days except as otherwise provided in this section. The temporary use permit shall specify a date by which the use shall be terminated.

G. *Removal of a Temporary Use.* The city shall designate, as part of the temporary use permit, a period following the expiration of the permit within which the temporary use must be terminated and all

EXHIBIT B – EMC 19.05.068 TEMPORARY USES

physical evidence of the use must be removed by the applicant. If the temporary use and all physical evidence of the use are not removed within the time specified, it will constitute a violation of this title. Further, the city is authorized to abate the temporary use in accordance with subsection (C)(2) of this section.

H. *Exception to Permit Requirement.*

1. *Garage Sales.* Garage sales shall be limited to two events per year with a maximum duration not to exceed four days per event.
2. *Commercial and Industrial Zones.* The following temporary uses, when located in commercial and industrial zones for not longer than the time periods specified below, are exempt from the permit requirements of this section:
 - a. Not to exceed forty-five days:
 - (1) Christmas tree lots;
 - b. Not to exceed ten consecutive days:
 - (1) Amusement rides;
 - (2) Carnivals and circuses;
 - (3) Parking lot sales which are ancillary to the indoor sale of the same goods and services.

I. *Prohibited on Public Right-of-Way.* See EMC 13.30.010 for permit requirements to use public right-of-way.

J. ~~Temporary outdoor encampments, safe parking areas or tiny home communities.~~

- ~~1. See EMC 19.08.200 regarding standards for temporary outdoor encampments, safe parking areas or tiny home communities.~~
- ~~2. See EMC 15.02.140 regarding notice requirements, review process and appeal procedures for temporary outdoor encampments, safe parking areas or tiny home communities.~~

EXHIBIT C – EMC 19.08.200 HOMELESS SHELTER AND HOUSING

19.08.200 ~~Group housing, temporary shelters.~~ Homeless shelter and housing.

A. *Applicability*

1. This section applies to the following uses: ~~group housing, temporary shelters:~~
 - a. Emergency Housing
 - b. Indoor Emergency Shelter
 - c. Outdoor Emergency Shelter
 - a. ~~Outdoor encampments, including any temporary tent or structure encampment, or both, and “temporary” meaning not affixed to land permanently and not using underground utilities;~~
 - b. ~~Temporary safe parking areas; or~~
 - c. ~~Temporary tiny home communities.~~
2. This section shall not apply to:
 - a. Emergency or disaster situations as defined by RCW 38.52.010(9); provided, however, that the inability of a sponsor or managing agency to locate a site shall not be deemed to constitute an emergency or disaster.
 - b. Placement of a tiny house or a tiny house with wheels used as a primary residence in a manufactured/mobile home community; provided, that each tiny house contains at least one internal toilet and at least one internal shower or the manufactured/mobile home community provides for the toilets and showers.

B. *General provisions.*

1. Applications for facilities which provide shelter for persons experiencing domestic violence ~~are allowed as a permitted use without a requirement for~~ do not require notice to adjacent property owners.
2. A religious organization may host individuals or families experiencing homelessness pursuant to RCW 35.21.915, including extreme weather shelters, on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in this section.
3. The city may require an organization to enter into a memorandum of understanding for fire safety that includes inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside a site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire water agreement indicating: (1) posted safe means of egress; (2) operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers; (3) a plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the fire department.

C. *Standards for indoor emergency shelters and emergency housing.*

Indoor emergency shelters and emergency housing are subject to development standards of the zone in which the facility is proposed.

EXHIBIT C – EMC 19.08.200 HOMELESS SHELTER AND HOUSING

D. Standards for indoor emergency shelters, outdoor emergency shelters, and emergency housing

1. 3. Encampment Management Responsibility Plan. Prior to or upon filing their a land use application, the managing agency and sponsor shall prepare an encampment emergency shelter management responsibility plan, which shall be included with their permit application. If children under 18 are allowed in the facility, such as for family shelters, specific provisions must be identified in the management responsibility plan to ensure safety, security, and wellbeing of the minor.

2. 14. Managing Agency Responsibilities.

a. The managing agency and ~~temporary encampment~~ residents of the facility shall ensure compliance with Washington State statutes and the Everett Municipal Code concerning, but not limited to, drinking water connections, solid waste disposal, human waste, electrical systems, and fire-resistant materials.

b. The managing agency shall appoint a member to serve as a point of contact for the Everett police department. At least one member must be on duty at all times. ~~The names of the on-duty members shall be posted daily.~~

c. The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective ~~encampment~~ residents of the facility and use the identification to obtain sex offender and warrant checks from the appropriate agency. The managing agency will not be conducting the sex offender and warrant checks but will submit to the appropriate agency the verified identification information obtained through such steps. All of the Everett police department's requirements with respect to identified sex offenders or prospective residents with warrants shall be met.

d. The managing agency shall immediately contact the Everett police department if someone is rejected or ejected from the ~~temporary encampment~~ facility where the reason for rejection or ejection is an active warrant or a match on a sex offender check, or if, in the opinion of the on-duty member or on-duty security staff, the rejected/ejected person is a potential threat to the community.

e. The managing agency shall permit inspections of the ~~temporary encampment~~ facility by the city's code compliance officers, building inspector, permit services manager, fire marshal or their designee without prior notice. The managing agency shall implement all directives resulting from such inspections within forty-eight hours of notice.

~~g. The managing agency and temporary encampment emergency shelter residents shall cooperate with other providers of shelters and services for homeless persons within the city and shall make inquiry with these providers regarding the availability of existing resources.~~

f. The managing agency shall submit an updated management plan to the planning department within thirty days of any changes in operations that are covered in the plan.

3. 11. Transit Services Transportation Plan.

a. A transportation plan is required ~~which shall include provision for transit services.~~

b. The ~~temporary encampment~~ emergency shelter shall be located within one-half mile of transit service.

EXHIBIT C – EMC 19.08.200 HOMELESS SHELTER AND HOUSING

~~4. 12. Code of Conduct.~~ A code of conduct shall be required for the emergency shelter and shall be is required to be enforced by the managing agency. The code shall contain the following as a minimum: address expected acceptable conduct required by all shelter residents. The code of conduct shall contain rules that limit adverse impacts within the shelter and the surrounding neighborhood(s).

~~a. No drugs or alcohol are permitted.~~

~~b. No weapons are permitted.~~

~~c. No violence is permitted.~~

~~d. No open flames are permitted.~~

~~e. No trespassing into private property in the host neighborhood is permitted.~~

~~f. No loitering in the host neighborhood is permitted.~~

~~g. Disturbing neighbors is not permitted.~~

~~h. No verbal abuse, intimidating remarks, yelling or degrading remarks against member(s) of the host or host neighborhood are permitted.~~

~~i. No verbal abuse, intimidating remarks, yelling or degrading remarks between members of the temporary encampment emergency shelter or managing agency are permitted.~~

~~j. No littering on the encampment emergency shelter site or in the host neighborhood is permitted; a weekly trash patrol in the host neighborhood shall be required.~~

~~k. Quiet hours shall be observed daily from nine p.m. to seven a.m.~~

~~5. 15. Additional Requirements for Applications Requesting Modification of Standards.~~

~~a. The applicant may request in their application for standards that differ from those in this section only where the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe ~~temporary encampment~~ emergency shelter under the specific circumstances of the application in accordance with EMC 15.02.140(D).~~

E. Standards for outdoor emergency shelters.

~~B. Standards for Temporary Outdoor Encampments, Safe Parking Areas or Tiny Home Communities.~~

~~1. 2. Frequency and Duration. Outdoor emergency shelters may be approved for a period not to exceed one year. The permit shall specify a date by which the use shall be terminated, and the site returned to pre-shelter conditions. The planning director may grant extensions for up to one year provided that all conditions have been complied with and circumstances associated with the use have not changed. A request for an extension should be submitted in writing no less than 60 days prior to the end of the expiration date of the permit to ensure continued operations. Temporary outdoor encampments may be approved for a period not to exceed four consecutive months or six months during any calendar year; provided however, that a separation of ninety days between subsequent or established outdoor encampments at a particular site is required. The temporary use permit shall specify a date by which the use shall be terminated. Temporary outdoor encampments may be approved for a period not to exceed four consecutive months or six months during any calendar year; provided however, that a separation of ninety days between subsequent or~~

EXHIBIT C – EMC 19.08.200 HOMELESS SHELTER AND HOUSING

~~established outdoor encampments at a particular site is required. The temporary use permit shall specify a date by which the use shall be terminated.~~

2. ~~Maximum size.~~

- a. Outdoor emergency shelters are limited to forty (40) units per site.
- b. The maximum number of residents within a ~~temporary encampment~~ outdoor emergency shelter is one hundred.

3. ~~6. Setbacks.~~

- a. The ~~temporary encampment~~ outdoor emergency shelters shall be located a minimum of forty feet from the property line of abutting properties containing residential uses.

b. Outdoor emergency shelter units shall meet all setbacks; any tent, canopy or membrane structure, as defined in required by the International Fire Code, ~~must be located at least twenty feet away from any building, parked vehicle, internal combustion engines or other tent, canopy or membrane structure.~~

- b. The ~~temporary encampment~~ outdoor emergency shelters shall be located a minimum of forty feet from the property line of abutting properties in commercial or industrial zones, unless the planning director determines that there is sufficient vegetation, topographic variation, or other site conditions that would justify a lesser setback.

4. ~~7. Fencing.~~ Sight-obscuring fencing is required around the perimeter of the ~~temporary encampment~~ outdoor emergency shelters unless the planning director determines that there is sufficient vegetation, topographic variation, or other site condition such that fencing would not be needed effective.

5. ~~8. Lighting.~~ Exterior lighting must be directed downward and contained within the ~~temporary encampment~~ outdoor emergency shelter.

6. ~~9. Residents.~~

~~a. No children under eighteen are allowed in the temporary encampment. If a child under the age of eighteen attempts to stay at the temporary encampment, the managing agency shall immediately contact Child Protective Services.~~

~~b. The maximum number of residents within a temporary encampment shelter is one hundred.~~

~~c. All temporary encampment~~ outdoor emergency shelter residents must sign an agreement to abide by the code of conduct and acknowledge that failure to do so shall result in the noncompliant resident's immediate and permanent expulsion from the ~~temporary encampment~~ outdoor emergency shelter by the managing agency.

7. ~~13. Inspections.~~

- a. The managing agency shall permit inspections of the ~~temporary encampment~~ outdoor emergency shelter by the Snohomish health district without prior notice and implement all directives of the health district within the time period specified by the health district.

EXHIBIT C – EMC 19.08.200 HOMELESS SHELTER AND HOUSING

b. The managing agency shall permit access, without prior notice, to the temporary encampment outdoor emergency shelter site at all times for the Everett police department and Snohomish County sheriff.

~~c. If the city fire marshal finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the city may take action to limit the availability to host indoor overnight shelter for religious organizations or any other entity. In addition, the city may require an organization to enter into a memorandum of understanding for fire safety that includes inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside a site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire water agreement indicating: (1) posted safe means of egress; (2) operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers; (3) a plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the fire department.~~

8. *Other:*

- a. ~~The planning director may impose a maximum~~ Units are limited to square footage of one hundred twenty square feet ~~per structure, with units set~~ and must be spaced at least six feet apart;
- b. Electricity and heat, if provided, must be inspected and approved by the city's building official;
- c. Space heaters, if provided, must be approved by the city fire marshal;
- d. Each unit must have a fire extinguisher;
- e. Adequate restrooms must be provided, including restrooms solely for families if present, along with hand-washing and potable running water to be available if not provided within the individual units, including accommodating black water; and

~~1. *Applicability.* These standards apply to any temporary outdoor encampment, safe parking area or tiny home community shelters, hereinafter referred to as "temporary encampments," meeting the frequency and duration standard in subsection (B)(2) of this section.~~

~~4. *Safe Parking for Religious Organization.* Pursuant to RCW 35.21.915, a regional organization may host safe parking efforts at its on-site parking lot without limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations as follows:~~

- ~~a. No less than one space may be devoted to safe parking per ten on-site parking spaces;~~
- ~~b. Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste if recreational vehicles are hosted; and~~
- ~~c. Religious organizations providing spaces for safe parking must continue to abide by any existing on-site parking minimum requirement so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by Chapter 19.34 EMC.~~

EXHIBIT C – EMC 19.08.200 HOMELESS SHELTER AND HOUSING

~~5. *Temporary Tiny Home Communities.* In addition to other provisions of this section, the following requirements must be met for a temporary tiny home community:~~

- ~~a. The review authority may impose a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;~~
- ~~b. Electricity and heat, if provided, must be inspected and approved by the city's building official;~~
- ~~c. Space heaters, if provided, must be approved by the city fire marshal;~~
- ~~d. Doors and windows must be included and be lockable;~~
- ~~e. Each unit must have a fire extinguisher;~~
- ~~f. Adequate restrooms must be provided, including restrooms solely for families if present, along with hand-washing and potable running water to be available if not provided within the individual units, including accommodating black water; and~~
- ~~g. The review authority may recommend that the organization partner with the regional homeless service providers to develop pathways to permanent housing.~~

~~10. *Off-street Parking.* Parking for five vehicles shall be provided.~~

EXHIBIT D – EMC 15.02 LAND USE AND PROJECT REVIEW PROCEDURES

EMC 15.02.140 ~~Temporary Outdoor encampments, safe parking areas or tiny home communities~~ emergency shelters.

~~Temporary Outdoor encampments emergency shelters, safe parking areas or tiny home communities~~ are subject to the following notice requirements, review process and appeal procedures.

A. *Public Meeting.*

1. A minimum of forty-five calendar days prior to the anticipated start of the ~~encampment~~ outdoor emergency shelter, the sponsor and/or managing agency shall submit an application for an ~~temporary~~ administrative use permit to the planning department and shall participate in a public information meeting organized by the city. The city shall provide mailed notice of the public informational meeting at least ten calendar days before the meeting to the following: (1) owners of property within five hundred feet of the subject property; (2) office of neighborhoods; and (3) any neighborhood organization in the vicinity of the ~~temporary outdoor encampment, safe parking areas or tiny home communities~~ emergency shelter site whose contact information is known to or made known to the managing agency. The sponsor and/or managing agency shall provide to the city the names and addresses of all owners of property within five hundred feet of the subject property. The purpose of the meeting is to provide the surrounding community with information regarding the proposed duration and operation of the ~~temporary outdoor encampment, safe parking areas or tiny home communities~~ emergency shelter, conditions that will likely be placed on the operation of the ~~temporary outdoor encampment, safe parking areas or tiny home communities~~ emergency shelter, ~~requirements of the written code of conduct~~ management plan, and to answer questions regarding the ~~temporary outdoor encampment, safe parking areas or tiny home communities~~ emergency shelter.

2. A public meeting is not required for shelters provided for persons experiencing domestic violence.

B. *Notice of Application for Temporary Outdoor Encampments, Safe Parking Areas or Tiny Home Communities Emergency Shelter.*

1. A notice of application and copy of the application for ~~temporary~~ an outdoor encampment, safe parking areas or tiny home communities emergency shelter shall be provided prior to the decision regarding the issuance of the permit. The purpose of the notice is to inform the surrounding community of the application. ~~Due to the administrative and temporary nature of the permit, there is no comment period.~~ The notice shall contain, at a minimum, the date of application, comment period date, project location, proposed duration and operation of the ~~temporary outdoor encampment, safe parking areas or tiny home communities~~ emergency shelter, number of residents for the ~~encampment shelter~~, conditions that will likely be placed on the operation of the ~~temporary outdoor encampment, safe parking areas or tiny home communities~~ emergency shelter, and the management plan. ~~requirements of the written code of conduct.~~

2. The completed application shall contain at a minimum contact information for the applicant and detailed information regarding how the applicant will meet the requirements of the ~~temporary~~ administrative use permit and the requirements of the International Fire Code. The managing agency of any ~~encampment~~ temporary outdoor emergency shelter that includes a tent or

EXHIBIT D – EMC 15.02 LAND USE AND PROJECT REVIEW PROCEDURES

membrane structure ~~shall comply with the requirements of the International Fire Code as adopted in excess of two hundred square feet, and canopies in excess of four hundred square feet, as defined by the International Fire Code, shall also obtain a permit and approval for the tent, canopy or membrane structure from the fire marshal.~~ The form of the notice and the application shall be provided by the planning department upon request by the sponsor and/or managing agency. The planning department shall distribute this notice as follows:

- a. A copy of the notice and application, or summary thereof, will be published in the official newspaper of the city at least ten calendar days prior to the decision regarding the issuance of the permit.
- b. A copy of the notice and application, or summary thereof, will be mailed to:
 - (1) Owners of all property within five hundred feet of any boundary of the subject property;
 - (2) Office of neighborhoods; and
 - (3) Any neighborhood organization in the vicinity of the ~~temporary outdoor encampment, safe parking areas or tiny home communities~~ emergency shelter site whose contact information is known to or made known to the managing agency, at least ten calendar days prior to the decision regarding the issuance of the permit.
 - (4) Public notices are not required for shelters provided for persons experiencing domestic violence.

C. *Review Process, Notice of Decision Regarding Issuance of Permit, and Appeal Procedure.* After review of the application for a ~~temporary outdoor encampment, safe parking areas or tiny home communities~~ outdoor emergency shelter, the planning director shall make a decision regarding the issuance of an ~~temporary use permit~~ together with any modifications requested. A notice of such decisions stating whether the permit is granted or denied, along with information regarding the procedure for appeal of the decision, shall be mailed as required for the notice of application within three business days after the decision. The information regarding the procedure for appeal shall state at a minimum as follows:

1. The deadline for filing a notice of appeal of the planning director's decision is fifteen calendar days from the date the decision is mailed; and
2. The notice of appeal of the planning director's decision shall be filed with the city clerk.
3. The planning director's decision may be appealed to the city's hearing examiner, who has jurisdiction to hear this matter and who will issue the final decision of the city after a public hearing. The notice of the time and place of the public hearing shall be provided to the applicant and to any person who, prior to the rendering of the decision on the permit, made a written request for notice or submitted substantial comments on the application for the permit.
4. The public hearing procedures shall be as specified in Section 15.24.400. The hearing examiner shall issue findings within ten business days of the conclusion of the hearing. Within three business days of rendering the written decision, copies shall be mailed to the applicant and all who have requested notice by signing a register provided at the hearing. The hearing examiner's decision shall constitute the city's final decision. Any appeal of the city's final decision may only be made to Snohomish County superior court in accordance with Chapter 36.70 RCW. The burden of proof on appeal shall be on the appellant.

EXHIBIT D – EMC 15.02 LAND USE AND PROJECT REVIEW PROCEDURES

D. *Additional Requirements for Applications Requesting Modification of Standards for ~~Temporary Outdoor-Encampment, Safe Parking Areas or Tiny Home Communities~~ Emergency Shelter.*

1. The applicant may apply for a ~~temporary~~ use permit that applies standards that differ from those in Section 19.08.200(B) only where, ~~in addition to satisfying the requirements in Section 19.05.068,~~ the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe ~~temporary outdoor-encampment, safe parking areas or tiny home communities~~ emergency shelter under the specific circumstances of the application. Such requests shall be reviewed by the city's ~~hearing examiner~~ planning director ~~at a public hearing~~. The ~~hearing examiner~~ planning director shall make a decision regarding the issuance of a ~~temporary~~ use permit and modification of standards. ~~The~~

2. Notice ~~of the request for modification of standards of the time and place of the public hearing~~ shall be provided with a ten-day comment period ~~to the applicant and to any person who, prior to the rendering of the decision on the permit, made a written request for notice or submitted substantial comments on the application for the permit. The public hearing procedures shall be as specified in Section 15.02.200.~~

23. The ~~hearing examiner~~ planning director shall issue findings ~~within ten business days of the conclusion of the hearing following the notice comment period.~~ Within three business days of rendering the written decision, copies shall be mailed to the applicant and all who have requested notice ~~to the planning director, by signing a register provided at the hearing. The hearing examiner's planning director's decision shall constitute the city's final decision. Any~~ An appeal of the ~~city's final decision~~ planning director' decision may be ~~to the hearing examiner in accordance with EMC 15.02.600(D)(2), only be made to Snohomish County superior court in accordance with Chapter 36.70 RCW.~~

3. In considering whether the modification should be granted, the city shall first consider the effects on the health and safety of residents and the community. The burden of proof shall be on applicant.

EMC 15.02.070 Review Process II—Planning director review.

B. *REV II Decisions Included.* The following permit applications are included as REV II decisions:

2. *Modification of Development Standards.* The following modification of development standards allowed by this title are included as REV II decisions:

- a. Accessory dwelling units (Section 19.08.100);
- b. Modification of lot width requirements or on-site open space standards (Chapter 19.08);
- c. Modification of specific use standards (Chapter 19.13); and
- d. Modification of structured parking standards (Section 19.12.110).
- e. Modification to specific standards for outdoor emergency shelters (Sections 15.02.140(D) and 19.08.200(E)).

C. *Public Notice Requirements.* Public notice of REV II decisions shall include notice of application and notice of decision.

2. *Specific Land Use Notice Requirements.* In addition to the general requirements outlined above, the following notices are required as set forth below:

EXHIBIT D – EMC 15.02 LAND USE AND PROJECT REVIEW PROCEDURES

d. Buildings which provide shelter for persons experiencing domestic violence are exempt from notice to adjacent property owners.

Note: changes from the May 17 memo are marked in **red** (deleted) or **green** (added)

EXHIBIT E – EMC 19.05 USE MATRICES

USE		R-S	R-1	R-2	R-2 (A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG
Dwelling	1-unit	P	P	P	P	p ^{2, 5}	p ^{2, 5}	p ⁵	p ⁵	p ⁵			P
	2-unit	C ⁴	p ³	p ³	P	P	p ^{2, 5}	p ⁵	p ⁵	p ⁵			P
	3- to 4-unit				P	P	P	p ¹	p ¹	p ¹	A ⁶		
	Multiple-family					P	P	p ¹	p ¹	p ¹	p ⁶		
Group housing, temporary shelter <i>See EMC 19.08.200</i>	12 or fewer persons	9	9	9	9	€ ¹⁰	€ ¹⁰	€ ¹⁰	€ ^{8, 10}	€ ¹⁰	8, 9, 10	9, 10	A ¹⁰
	More than 12 persons	9	9	9	9	€	€	€	A ⁸	A	9	9	9
Emergency housing (<i>see EMC 19.08.200</i>) ¹⁰		A ⁹	A ⁹	A ⁹	A ⁹	A	A	A	A	A	A	A ⁹	A ⁹
Emergency shelter, indoor (<i>see EMC 19.08.200</i>) ¹⁰		A ⁹	A ⁹	A ⁹	A ⁹	A	A	A	A	A	A	A ⁹	A ⁹
Emergency shelter, outdoor (<i>see EMC 19.08.200</i>) ¹⁰		A ⁹	A ⁹	A ⁹	A ⁹	A	A	A	A	A	A	A ⁹	A ⁹
Temporary Extreme Weather Shelter (<i>see EMC 19.13.190</i>)		A ⁹	A ⁹	A ⁹	A ⁹	A	A	P	P	P	P	A ⁹	A ⁹
Lodging—hotels, motels									P	P	P		
<i>Reference notes for residential uses only</i>													
1 TOD streets: Residential use on the ground floor cannot exceed 25% of the street frontage of the block.													
2 Allowed on property within a historic overlay zone.													
3 See Chapter 19.08 EMC for limitations on 2-unit dwellings in the R-1 and R-2 zones.													
4 Allowed only through the unit lot process for subdividing, as provided by Chapter 19.27 EMC.													
5 Allowed if meeting the minimum density requirements set forth in EMC 19.06.100.													
6 Prohibited in the LI2 zone and allowed in the LI1 zone only within Metro Everett. If on a TOD street, residential use on the ground floor cannot exceed 25% of the street frontage of the block.													
7 Permitted only within an existing dwelling unit.													
8 TOD or pedestrian streets: prohibited use on the ground floor.													
9 <u>Use prohibited, except that pursuant to RCW 35.21.915, a religious organization may host the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the conditions set forth in EMC 19.08.200 and an administrative use permit (REV II).</u>													
10 <u>Buildings which provide shelter for persons experiencing domestic violence are allowed as a permitted use in all zones without a requirement for notice to adjacent property owners.</u>													



EXHIBIT E – EMC 19.05 USE MATRICES

USE	R-S	R-1	R-2	R-2 (A)	UR3	UR4	NB	B	MU	LI1 LI2	HI	AG
Offices—Clinics, social or human service facility, community services						A ¹	p ¹⁶	P	p ¹⁷	A ¹⁷		
Social Services	p ⁶	p ⁶	p ⁶	p ⁶	p ⁶	A ¹	p ¹⁶	P	p ¹⁷	A ¹⁷		
Offices—excluding clinics, social or human service facility, community services						A ¹	P	P	P	p ¹⁵	p ¹⁵	
	<i>Reference notes for Offices—clinics, social or human service facility, community services only</i>											
	¹ Permitted only on designated residential mixed-use corridor or TOD streets. The use must be located on the ground floor of a residential mixed-use development with no less than fifty percent of the gross floor area used for single-family or multifamily residential uses.											
	⁶ Reserved. Social services permitted as an accessory use only in permanent supportive housing facilities, and transitional housing facilities, and shelters hosted by a religious organization pursuant to RCW 35.21.915. Services provided on-site shall be limited to residents of the shelter or housing.											
	¹⁶ NB zone: permitted to occupy a maximum of fifty percent of the gross floor area.											
	¹⁷ In Metro Everett on TOD or pedestrian streets: Clinics, or social or human service facilities, or community services are a prohibited use on the ground floor; provided, however, that the following are not considered clinics for the purpose of this restriction: dentists, psychiatrists, chiropractors, physical therapists, optometrists or ophthalmologists. <ul style="list-style-type: none"> a) Government public health agency uses providing clinical services shall be deemed to be a permitted use on the ground floor within the MU or LI1/LI2 zone. b) Health events on a property within the MU or LI1/LI2 zone providing clinical health services to the general public, not exceeding three days in duration and occurring not more than once every ninety days, shall be exempt from the prohibition of clinics on the ground floor. <u>(c) Social services may be permitted on the ground floor as an accessory use to indoor emergency shelters, outdoor emergency shelters, and emergency housing.</u> 											



EXHIBIT F – EMC 19.13.190 TEMPORARY EXTREME WEATHER SHELTERS (NEW)

EMC 19.13.190 Temporary Extreme Weather Shelters

Temporary extreme weather shelters are limited to temporary use for the duration of a dangerous weather or environmental event, such as extreme cold, heat, or smoke.

EXHIBIT G – TECHNICAL CORRECTIONS

When a defined term changes in one section of municipal code, uses of the term elsewhere in municipal code need to change along with it. Below are a few technical corrections for code consistency.

EMC 19.13.030 Adaptive reuse of nonresidential buildings.

A. *Purpose.* The purpose of this section is to allow for adaptive reuse of nonresidential buildings in residential zones that are functionally obsolete in order to improve the economic feasibility of a property by considering uses that are not otherwise permitted, but which, if properly designed and managed, would not create unacceptable impacts on surrounding properties or the immediate vicinity in general. This process differs from the unlisted use process listed in EMC 19.05.070(B) in that uses that are not specifically authorized in the underlying residential zone may be considered using the process described herein.

B. *Procedures.* Any request for adaptive reuse of nonresidential buildings shall be reviewed as set forth in Table 5-5 in EMC 19.05.120. If the property is outside a historic overlay zone but listed on a historic register or as a contributing structure in a historic register district, the historical commission shall review the proposal and make a recommendation to the review authority.

C. *Circumstances.* The city may allow a use in a residential zone that is not specifically allowed in that zone if it is necessary to encourage adaptive reuse of a building under the following circumstances:

1. It is unlikely that the primary building on the subject property could be preserved if only uses permitted in the underlying zone were allowed.
2. Allowing a different use would enhance the character of the building and immediate vicinity.
3. The use would not have a detrimental effect upon surrounding properties or the immediate vicinity.

D. *Uses.* The following uses may be considered for adaptive reuse of an existing building in a residential zone:

1. Dwelling units. Density based on underlying zoning plus one additional dwelling unit;
2. Assisted living facilities;
3. Libraries;
4. Museums and art galleries;
5. Social services **facilities;**
6. Public services;
7. Business incubators;
8. Artist studios;
9. Music venues;
10. Cafes and bistros;
11. Live/work units;

EXHIBIT E – EMC 19.05 USE MATRICES

12. Bed and breakfasts;

13. Other uses not listed above if determined through the review process to be compatible with surrounding properties and the immediate vicinity.

E. *Review Criteria.* The following criteria shall be used as the basis for determining compatibility with surrounding uses and approving, denying, or conditionally approving a request to allow the adaptive reuse of a nonresidential building in a residential zone:

1. Evaluation criteria set forth in EMC [15.03.100](#).

2. The adaptive reuse would promote or aid in the preservation or rehabilitation of the primary building.

3. No significant adverse impacts to public safety.

4. Compliance with building and fire codes.

5. Hours of the day of proposed use or activity.

6. Proposed management and operational procedures to minimize and mitigate potential impacts.

7. Expansions to the primary building shall not exceed ten percent of the existing footprint or five hundred square feet, whichever is greater, and will not detrimentally affect the outside character of the building.

8. Other factors not specified herein that would create adverse impacts to the immediate vicinity.

9. Any proposal that would adversely affect properties in the immediate vicinity shall be denied. The city shall retain the right to revoke a permit issued under this section that fails to comply with any conditions of approval of said permit, or which operates in a manner inconsistent with representations made in the application, pursuant to Chapter [1.20](#) EMC.

EMC 19.13.050 Adult use business requirements.

An “adult use business” as defined by this title shall be permitted within the city limits only if it meets all of the locational requirements set forth in this section.

A. Adult use businesses shall be prohibited within one thousand feet of:

1. Any area of the city zoned for residential purposes; residential zones shall include the R-S, R-1, R-2, R-2(A), UR3 and UR4 zones and any other residential zone hereafter adopted by the city.

2. Any religious facility or place of worship. For purposes of this section, land uses for which the principal use is not a religious facility or place of worship but which include such a use as an accessory or incidental use to the principal use, such as a chapel within a hospital, a social service **facility use** which provides religious services such as the Everett Gospel Mission, or other similar arrangement, shall not be deemed to be a religious facility or place of worship.

3. Any public or private school offering general education for students between the years kindergarten through twelfth grade. For purposes of this section, athletic training facilities such as gymnastics, judo, karate, and dance and similar uses shall not be deemed to be a school.

EXHIBIT E – EMC 19.05 USE MATRICES

4. Any public park or playground operated by the city; for purposes of this section, bike paths, trails, waterways and boat launches shall not be deemed to be a public park.
 5. Any designated community development block grant neighborhood.
- B. Adult use businesses shall be prohibited from locating within five hundred feet of:
1. Any other adult use business.
 2. Any existing establishment selling alcoholic beverages for consumption on premises.
- C. Distances provided for herein shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed adult use business is or is to be located, to the nearest point of the parcel of property or the zoning district boundary line from which the proposed adult use business is or is to be separated.
- D. Nothing within locational requirements set forth in this chapter shall preclude an adult use business from conducting more than one adult use activity within a single structure; provided, the adult use business shall comply with provisions of this title and all other city ordinances.
- E. In the event an adult use business is legally established in accordance with the requirements of this title and does not constitute a nonconforming use as defined in subsection (B) of this section, and a sensitive land use described in subsections (A)(2) through (A)(3) of this section locates within the required separation distance, the zoning conformity of the legally established adult use shall not be affected.
- F. Adult use businesses, panoram premises and public places of adult entertainment shall not be permitted within the area defined in Map 13-1.