



INFORMATIONAL MEMORANDUM

TO: City Council

FROM: David Cline, City Administrator

**BY: Nora Gierloff, Community Development Director
Kari Sand, City Attorney**

CC: Mayor Ekberg

DATE: December 6, 2023

SUBJECT: Temporary Encampment Ordinance

ISSUE

Should the City regulate temporary encampments for homeless individuals through adoption of an ordinance creating a process and procedures for this use?

BACKGROUND

SHELTERS AND TRANSITIONAL HOUSING

[RCW 35A.21.430](#) (approved as HB 1220) required cities to permit indoor emergency shelters and indoor emergency housing in any zones where hotels are allowed. Additionally, it required permanent supportive housing and transitional housing to be permitted in all zones that allow residences or hotels. To align with these requirements, Tukwila adopted definitions, zoning use categories, and procedural requirements for these uses. Tukwila's code is written with the expectation that these shelter and housing uses would occur within buildings.

At the time these regulations were implemented, there was no guidance from the State about how many shelter beds/housing units Tukwila would be required to accommodate. Subsequently, the Affordable Housing Committee of the Growth Management Planning Council provided a 20-year target of 1,200 emergency beds in Tukwila. This is ambitious and will be difficult to meet under the current size limitations and spacing requirements in our zoning code, so we may need to revise these regulations at some point.

TENT ENCAMPMENTS

Tukwila has a decades long history of allowing Tent Cities to locate at sites within the City for up to 3 months at a time without permitting, as we have considered hosting of these within the mission of religious institutions. [RCW 35A.21.360](#) was updated in 2020 to give religious institutions expansive rights to host various types of accommodation for homeless populations including encampments, indoor shelters, tiny house villages, and safe parking lots.

While cities may require permits and impose some conditions, there are limitations. Any local regulations:

- Are limited to protecting public health and safety
- Cannot substantially burden the proposed use
- May not require that the religious organization obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise require the religious organization to indemnify the city against liability

- Must allow encampments for 4 consecutive months or up to 6 months during a calendar year (code cities may require a separation of up to three months between encampments at a particular site)
- May require a 1,000-foot separation between encampments
- Prior to the opening of an outdoor encampment, the organization must host a neighborhood meeting for which the city provides public notice.

DISCUSSION

Many cities in the Puget Sound region, such as Issaquah, Kirkland, Normandy Park, Edmonds, Olympia, Seattle, Bainbridge Island, Des Moines, Redmond, Renton, Sammamish, and SeaTac, have adopted ordinances regulating tent encampments. These ordinances generally follow the requirements outlined in RCW 35A.21.360 and summarized above. Staff has developed a similar ordinance for Tukwila, see Attachment A.

This draft ordinance requires a permit application and fee, appropriately sized sanitation facilities, a screening fence, limitation of 100 residents, a code of conduct, a transportation plan, sex offender and warrant checks, fire safety, and a requirement to follow all applicable state and agency regulations. It also requires that encampments follow the Tent City model and rotate to different sites every four months. It is unclear whether Riverton Park United Methodist Church will honor these requirements, as the current encampment vastly exceeds 100 residents and includes children.

In regards to timing, an ordinance usually takes effect five days after the date of its publication. This proposed encampment regulation ordinance may be effective immediately on an emergency basis if the Council finds an immediate effective date to be in the best interest of the City and to protect the public health, safety and welfare of its citizens. If the Council desires an immediate effective date, then five affirmative yes votes (a majority plus one of the whole membership of the council) are required by [RCW 35A.12.130](#). Significant violations of the code requirements may result in suspension or revocation of the permit at the City's discretion.

Policy Questions

1. Cities are not required to allow tent encampments on sites not owned by religious institutions. Should the City allow encampments operated by non-profit organizations or other jurisdictions such as King County?
2. Prior encampments in Tukwila organized by groups such as Tent City and SHARE/WHEEL have been limited to only adults. Other cities' ordinances prohibit children from staying in tent camps. Should Tukwila's ordinance bar children from encampments?

FINANCIAL IMPACT

There will be no direct financial impacts due to adoption of the ordinance. The City already has incurred costs related to the current encampment at Riverton Park United Methodist Church.

RECOMMENDATION

The Council is being asked to answer the policy questions and decide whether to adopt the ordinance tonight at the Special Meeting.

ATTACHMENTS

- A. Draft Tent Encampment Ordinance
- B. Text of RCW 35A.21.360

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, ADOPTING NEW INTERIM ZONING REGULATIONS REGARDING TEMPORARY ENCAMPMENTS PURSUANT TO RCW 35A.21.360; ESTABLISHING TUKWILA MUNICIPAL CODE (TMC) CHAPTER 18.48, "TEMPORARY HOMELESS ENCAMPMENTS"; AMENDING VARIOUS ORDINANCES AS CODIFIED AT TMC SECTION 18.104.010, "CLASSIFICATION OF PROJECT PERMIT APPLICATIONS"; AMENDING ORDINANCE NO. 2718 §7 AS CODIFIED AT TABLE 18-6, "LAND USES ALLOWED BY DISTRICT"; ADOPTING PRELIMINARY SUPPORTIVE FINDINGS; PROVIDING FOR SEVERABILITY; SCHEDULING A POST-ADOPTION PUBLIC HEARING; DECLARING A PUBLIC EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, a regional housing shortage and unaffordable housing costs have led to an increase in the unhoused population in our region; and

WHEREAS, some religious institutions find it within their mission to offer support and shelter to unhoused persons; and

WHEREAS, the City Council desires to develop reasonable occupancy, spacing, and intensity of use requirements for encampments to protect public health and safety so long as the conditions do not preclude the siting of encampments by religious institutions per RCW 35A.21.360; and

WHEREAS, on October 6, 2023, a state of emergency was proclaimed regarding the asylee encampment at Riverton Park United Methodist Church; and

WHEREAS, an emergency exists necessitating immediate adoption of interim encampment regulations and processing requirements to preserve and protect public health and safety and prevent danger to public or private property; and

WHEREAS, interim zoning controls enacted under RCW 36.70A.390 and/or RCW 35.63.200 are methods by which local governments may preserve the status quo so that new plans and regulations will not be rendered moot by intervening development; and

WHEREAS, RCW 36.70A.390 and RCW 35.63.200 both authorize the enactment of an interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing, provided the public hearing is held within at least sixty days of its enactment;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Adoption of Findings of Fact. The City Council finds as follows:

- A. The above recitals, set forth as “WHEREAS” clauses, are hereby adopted as Findings of Fact in support of the adoption of this ordinance on an emergency basis, effective immediately.
- B. The amendments that are established below comply with the requirements of the Washington State Growth Management Act and the Tukwila Municipal Code.

Section 2. TMC Chapter 18.48 Established. Tukwila Municipal Code (TMC) Chapter 18.48 is hereby established to read as follows:

CHAPTER 18.48
TEMPORARY HOMELESS ENCAMPMENTS

Sections:

- 18.48.010 Purpose
- 18.48.020 Application for temporary homeless encampment permit
- 18.48.030 Requirements for approval and operation
- 18.48.040 Revocation of permit

Section 3. Regulations Established. TMC Section 18.48.010 is hereby established to read as follows:

18.48.010 Purpose

The purpose of this chapter is to regulate temporary homeless encampments within the city of Tukwila in compliance with the requirements and definitions of RCW 35A.21.360. The standards and requirements in this chapter are the minimum necessary to protect the public health and safety and do not substantially burden the decisions or actions of religious organizations regarding the location of housing or shelter for homeless persons on property owned by such religious organizations.

Section 4. Regulations Established. TMC Section 18.48.020 is hereby established to read as follows:

18.48.020 Application for temporary homeless encampment permit

A. A temporary homeless encampment is an allowed use only on property owned or controlled by a religious organization or government agency that is acting as either the host agency or the managing agency, or both, for the temporary homeless encampment.

B. An application for a temporary homeless encampment permit shall be processed as a Type 1 decision. The application shall contain, at a minimum, all of the following information:

1. The name, address, and telephone number of the host agency, and the telephone number and e-mail address for a designated representative of the host agency; and

2. The name, address, and telephone number of the managing agency, and the telephone number and e-mail address for a designated representative of the managing agency; and

3. The proposed location of the temporary homeless encampment on property owned or controlled by the host agency; and

4. The date on which temporary homeless encampment is proposed to move onto the proposed location and the date on which the temporary homeless encampment is proposed to vacate the proposed location; and

5. The maximum number of residents proposed; and

6. A site plan showing the proposed location of the facilities required by TMC Section 18.48.030; and

7. A statement demonstrating how the temporary homeless encampment will meet the requirements of TMC Section 18.48.030.

C. The application for a temporary homeless encampment permit must be accompanied by an application fee established by resolution of the City Council. The application fee shall be based on actual costs associated with the review and approval of the application. The application shall not be considered complete unless and until the application fee is paid.

D. An application for a temporary homeless encampment permit must be filed at least 30 days before the date on which the temporary homeless encampment is proposed to move onto the proposed location; provided, that the City may agree to a shorter period in the case of an emergency beyond the control of the host agency and managing agency.

E. An application for a temporary homeless encampment permit shall be processed as a Type I temporary use permit under TMC Chapter 18.104.

F. Appropriate city staff and public agencies shall review the permit, including, but not limited to, Public Health – Seattle and King County and the Puget Sound Regional Fire Authority. The City may issue the temporary homeless encampment permit if the application demonstrates that:

1. All of the requirements of TMC Section 18.48.030 are met; and

2. The temporary homeless encampment will not be materially injurious to the public health, safety, and welfare or materially injurious to the property or improvements in the immediate vicinity.

G. *Informational Meeting and Notice Thereof.* The sponsor and/or managing agency shall participate in a community information meeting organized by the City. Notice of the community informational meeting shall be mailed at least 10 days before the meeting to residents and businesses within 500 feet of the boundary of the proposed encampment. The purpose of the meeting is to provide the surrounding community with information regarding the proposed duration and operation of the temporary homeless encampment, conditions that will likely be placed on the operation of said encampment, requirements of the written code of conduct, and to answer questions regarding the temporary homeless encampment. The community informational meeting is not intended to be part of the official record of the application.

H. A decision granting, granting with conditions, or denying a temporary homeless encampment permit shall be subject to appeal as provided in TMC Chapter 18.116 for Type I permit decisions.

Section 5. Regulations Established. TMC Section 18.48.030 is hereby established to read as follows:

18.48.030 Requirements for approval and operation

A. A temporary homeless encampment must meet all of the following requirements in addition to any other requirements imposed by this chapter:

1. The property or building must be of sufficient size to accommodate the proposed number of tents and residents and the on-site facilities required by this section.

2. Adequate provision must be made for the provision of drinking water, disposal of human waste, disposal of garbage and other solid waste, and the provision of other services, including, but not limited to, the following facilities:

a. Sanitary portable toilets or other restroom facilities in the number required to meet health regulations for the residents and staff of the temporary homeless encampment; and

b. Hand washing stations by the toilets or restrooms and by food service areas; and

c. Refuse receptacles meeting the requirements of the City's solid waste hauler; and

d. A food service tent or other food service building or facility meeting health department and fire safety requirements; and

e. A management tent or other management office or facility providing administrative and security services and readily identifiable to residents and visitors.

3. The temporary homeless encampment shall meet all setbacks for the zoning district in which the property is located; provided, that where the temporary homeless encampment abuts property containing residential uses, the temporary homeless encampment shall be set back 20 feet from the property line.

4. A six-foot-tall sight obscuring fence shall be provided around the perimeter of the temporary homeless encampment unless the City determines that there is sufficient vegetation, topographic variation, or other site conditions to provide equivalent screening of the use from adjacent properties. Entry points into the site should be limited and monitored.

5. Exterior lighting must be directed downward and contained within the temporary homeless encampment.

6. The maximum number of occupants within a temporary homeless encampment shall be determined by taking into consideration the size and conditions of the proposed site; however, it may not exceed 100 regardless of size or condition.

7. Required minimum on-site parking for the host site's permanent/other uses shall not be either displaced by said encampment or used to meet said encampment's parking requirements, unless a shared parking agreement is executed with adjacent properties to compensate.

8. No children under the age of 18 shall be allowed in the temporary homeless encampment. If a child under the age of 18 attempts to reside at the temporary homeless encampment, the managing agency or the host agency shall immediately contact Child Protective Services.

9. No animals shall be permitted in the temporary homeless encampment, except for service animals.

10. The managing agency and/or the host agency shall submit a code of conduct for the temporary homeless encampment and a statement describing how the code of conduct will be enforced. The code of conduct shall, at a minimum, contain the following:

- a. A prohibition on the possession or use of illegal drugs or alcohol.
- b. A prohibition on the possession of guns, knives with blades in excess of three inches, and weapons of all kinds.
- c. A prohibition on violence.
- d. A prohibition on open flames.
- e. A prohibition on trespassing into private property in the surrounding neighborhood.
- f. A prohibition on loitering in the surrounding neighborhood.
- g. Hours during which quiet is to be observed.

11. A transportation plan must be submitted by the managing agency and/or the host agency providing for access to transit. All temporary homeless encampments must be located within one-half mile of transit service.

12. The temporary homeless encampment must comply with all regulations of Washington State, the City of Tukwila, and the best practices listed in the King County Public Health Sanitation and Hygiene Guide for Homeless Service Providers. The temporary homeless encampment shall comply with the requirements of the International Fire Code and Washington Cities Electrical Code as adopted by the City of Tukwila. The managing agency and host agency shall permit inspections at all reasonable times by appropriate public officials from the agencies enforcing these codes for code compliance.

13. The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective residents of the temporary homeless encampments and use the identification to obtain sex offender and warrant checks from the appropriate agency. If the warrant and sex offender check reveals that a prospective resident or existing resident is a sex offender who is required to register with police or that the prospective resident has an outstanding warrant, the managing agency shall reject the prospective resident or evict the existing resident. The managing agency and sponsor shall immediately contact the Tukwila Police Department if someone is rejected or ejected from the temporary homeless encampment where the reason for rejection or ejection is an active warrant or a match on a sex offender check, or if, in the reasonable opinion of the on-duty member or on-duty security staff, the rejected/ejected person is a potential threat to the community.

14. Adequate access for fire and emergency medical apparatus shall be provided.

15. Adequate separation between tents and other structures shall be maintained in order to limit fire exposure and provide for emergency exiting by residents.

16. The managing agency and sponsor may not allow in said encampment, without first obtaining a building permit, any structure, other than tents, canopies or other membrane structures, that is greater than 120 square feet or provides shelter for more than nine persons.

17. Temporary homeless encampment permits may be approved for a time period not to exceed four consecutive months. The encampment must vacate the site for at least three months before another permit may be issued. No temporary homeless encampment shall be permitted on any single property for more than 6 months in any calendar year.

18. The managing agency and sponsor shall appoint a member to serve as a point of contact for the Tukwila Police Department. At least one member must be on duty at all times at said encampment. The names of the on-duty members shall be posted daily.

Section 6. Regulations Established. TMC Section 18.48.040 is hereby established to read as follows:

18.48.040 Revocation of permit

The City may suspend or revoke a temporary homeless encampment permit for serious violations of any of the requirements of this chapter. The length of suspension shall be based on the time needed to correct the violation. A decision of the City to revoke a temporary homeless encampment permit is a Type I decision that may be appealed to the hearing examiner. The decision of the City to revoke a temporary homeless encampment permit shall be stayed during any appeal to the hearing examiner, but the stay will be lifted if the hearing examiner upholds the revocation. Decisions of the hearing examiner on a temporary homeless encampment permit revocation may be appealed to the King County Superior Court as provided in chapter 36.70C RCW.

Section 7. TMC Section 18.104.010 Amended. Ordinance Nos. 2119 §1, 2135 §19, 2235 §19, §2251 §75, 2368 §70, 2442 §6, 2627 §32, 2649 §11, 2678 §22, and 2718 §6 as codified at TMC Section 18.104.010, “Classification of Project Permit Applications,” **subparagraph 1**, are hereby amended to read as follows:

1. **TYPE 1 DECISIONS** are made by City administrators who have technical expertise, as designated by ordinance. Type 1 decisions may be appealed to the Hearing Examiner who will hold a closed record appeal hearing based on the information presented to the City administrator who made the decision. Public notice is not required for Type 1 decisions or for the appeals of those decisions.

TYPE 1 DECISIONS

TYPE OF PERMIT	DECISION MAKER
Administrative Variance for Noise – 30 days or less (TMC Section 8.22.120)	Community Development Director
Any land use permit or approval issued by the City, unless specifically categorized as a Type 2, 3, 4, or 5 decision by this chapter	As specified by ordinance
Boundary Line Adjustment, including Lot Consolidation (TMC Chapter 17.08)	Community Development Director
Minor Modification of a Boundary Line Adjustment or Lot Consolidation Preliminary Approval (TMC Section 17.08.030)	Community Development Director
Development Permit	Building Official
Minor modification to design review approval (TMC Section 18.60.030)	Community Development Director
Minor Modification to PRD (TMC Section 18.46.130)	Community Development Director
Temporary Homeless Encampment (TMC Chapter 18.48)	Community Development Director
Tree Permit (TMC Chapter 18.54)	Community Development Director
Wireless Communication Facility, Eligible Facilities (TMC Chapter 18.58)	Community Development Director

Section 8. Table 18-6 Amended. Ordinance No. 2718 §7, as codified at Table 18-6, “Land Uses Allowed by District,” is hereby amended as set forth in the amended Table

18-6 attached as Exhibit A, to add Temporary Homeless Encampments as an accessory use to all zones that allow religious facilities.

Section 9. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Clerk is hereby authorized and directed to schedule a public hearing on the interim regulations adopted under this ordinance within 60 days.

Section 10. Corrections by City Clerk or Code Reviser Authorized. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 11. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 12. Declaration of Emergency; Effective Date. This ordinance, as a public emergency ordinance necessary for the protection of the public health, safety, and welfare, shall take effect and be in full force immediately upon its adoption. A non-exhaustive list of facts supporting this emergency declaration are included in the recitals above, which are adopted by reference as findings of fact as if fully set forth herein. and shall sunset automatically six (6) months from December 11, 2023, unless terminated earlier or extended by subsequent Council action A summary of this ordinance may be published in lieu of publishing the ordinance in its entirety.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Special Meeting thereof this _____ day of _____, 2023.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____

Passed by the City Council: _____

Published: _____

Effective Date: _____

Ordinance Number: _____

Office of the City Attorney

Attachment: Exhibit A, Table 18-6: "Land Uses Allowed by District"

Exhibit A – Table 18-6: Land Uses Allowed by District

See Table 18-2 for uses allowed in TUC and Figure 18-1 for uses allowed in Shoreline.

For properties zoned LDR, MDR and HDR that are designated as Commercial Redevelopment Areas (see figure 18-9 or 18-10), the uses and development standards of the adjacent commercial zone are permitted and shall apply, subject to the specific criteria and procedures defined in TMC 18.60.060

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use) ; C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S = Special Permission (Administrative approval by the Director)																	
Adult day care	A	A	A	A	A			A	A							P	
Adult entertainment (subject to location restrictions ¹)										P	P	P	P	P	P	P	
Airports, landing fields and heliports (except emergency sites)										U	U	U	U	U	U	U	
Amusement Parks								C	C	C	C	C			C	P	
Animal rendering											U					P	
Animal shelters and kennels, subject to additional State and local regulations (less than 4 cats/dogs = no permit)								C	C	C	C	C			C		
Animal Veterinary, including associated temporary indoor boarding; access to an arterial required	P	P	P	P	P	P	P	P	P	P						P	
Bed and breakfast lodging for not more than twelve guests ⁵	C	C	C														
Bed and breakfast lodging (no size limit specified)				C												P	
Bicycle repair shops				P	P	P	P	P	P	P	P	P	P	P	P	P	
Boarding Homes		C	C														
Brew Pubs				P	P	C	P	P	P	P	P	P	P	P	P	P	
Bus stations							P	P	P	P	P	P	P	P	P	P	
Cargo containers (*see also TMC 18.50.060)	A&S	A&S	A&S					A&S	A&S	A&S	P	P	P	P	P		
Cement manufacturing										U	U	U	U	U	U		
Cemeteries and crematories	C	C	C	C	C			C	C	C	C	C			C	C	
Colleges and universities				C	C		C	C	C	C	C	C	C6	C6	C6	P	
Commercial laundries								P	P	P	P	P	P	P	P		
Commercial Parking (Commercial parking is a use of land or structure for the parking of motor vehicles as a commercial enterprise for which hourly, daily, or weekly fees are charged. TMC Section 18.06.613)				P7	P7			P7	P7	P7	P8	P8				P8	

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use) ; C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S = Special Permission (Administrative approval by the Director)																	
Contractor storage yards										P	P	P	P	P	P		
Continuing care retirement facility				C	C		C	C	C	C					C	P	
Convalescent & nursing homes & assisted living facility for not more than twelve patients		C	P	P	P	C	P	P	P	P					P	P	
Convalescent & nursing homes & assisted living facility for more than twelve patients				C	C		C	C	C	C					C	P	
Convention facilities								P	P	P	P	P			P	P	
Correctional institutes					U11						U	U		U			
Daycare Centers (not home-based)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Daycare Family Home (Family Child Care Home) ¹²	A	A	A	A	A	A	A	A	A						A	A	
Diversion facilities and diversion interim services facilities south of Strander Blvd										U							
Domestic Shelter	P	P	P	P	P												
Dormitory	C	C	C	A13	A13	A13	A13	A13	A13	A13	A13	A13			A13	A13	
Drive-in theatres								C	C	C	C	C			C		
Dwelling – Detached single family (Includes site built, modular home or new manufactured home). One detached single family dwelling per existing lot permitted in MUO, O, RCC, NCC, TVS.	P	P	P	P	P	P	P								P	P	
Dwelling- Detached Zero-Lot Line Units		P															
Dwelling- Duplex, triplex or fourplex or townhouse up to four attached units		P														P	
Dwelling- Townhouses			P													P	
Dwelling –Multi-family			P					P14								P	
Dwelling – Multi-family units above office and retail uses				P		P	P	P	P						C15	P	
															22/		
															ac		
Dwelling – Senior citizen housing, including assisted living facility for seniors *see purpose section of chapter, uses sections, and development standards		P	P	P			P	P	P						C15	P	
		meeting density and all other MDR standards	60/ac	60/ac			60/ac	60/ac	60/ac						100/		
															ac		
Dwelling unit – Accessory ¹⁶	A	A	A														
Electrical Substation – Distribution	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
Electrical Substation – Transmission/Switching												U			U	U	U

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TWS	TSO	PRO
P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use) ; C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S = Special Permission (Administrative approval by the Director)																	
Electric Vehicle Charging Station – Level 1 and Level 2	A	A	A	P	P	P	P	P	P	P	P	P	P	P	P	P	
Electric Vehicle Charging Station – Level 3, battery exchange stations, and rapid charging stations. (TMC 18.50.140)	A	A	A	A	A	A	P	P	P	P	P	P	P	P	P	P	
Emergency Housing								P37	P37	P37	P37	P37	P37	P37	P37	P37	
Emergency Shelter								P37	P37	P37	P37	P37	P37	P37	P37	P37	
Essential public facilities, except those uses listed separately in any of the other zones								U	U	U	U	U	U	U	U	U	
Extended-stay hotel								P34	P	P	P	P			P	P	
Farming and farm-related activities																P	
Fire & Police Stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Fraternal organizations				P	P	C	P	P	P	P	P	P			P	P	
Garage or carport (private) not exceeding 1,500 sq.ft. on same lot as residence and is subject to the regulations affecting the main building	A	A															
Greenhouses (noncommercial) and storage sheds not exceeding 1,000 sq/ft	A	A	A	A													
Greenhouses or nurseries (commercial)						P	P	P	P	P	P	P			P	P	
Hazardous waste treatment and storage facilities (off-site) subject to compliance with state siting criteria (RCW Chapter 70.105) (See TMC 21.08)												C		C			
Heavy equipment repair and salvage										P	P	P	P	P	P	P	
Helipads, accessory																	C
Home Occupation (Permitted in dwellings as covered in TMC Section 18.06.430.)	A	A	A	A	A	A	A	A	A						A	A	
Hospitals				C	C			C	C	C	C	C			C	P	
Hotels								P34	P	P	P	P	C	C	C	P	
Hydroelectric and private utility power generating plants								U	U	U	U	U	U	U	U	U	
Industries involved with etching, film processing, lithography, printing and publishing								P	P	P	P	P	P	P	P	P	
Internet Data/Telecommunication Centers								C		P	P	P	P	P	P	P	
Landfills and excavations which the responsible official, acting pursuant to the State Environmental Policy Act, determines are significant environmental actions	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
Laundries; self-serve, dry cleaning, tailor, dyeing				P	P	P	P	P	P	P	P	P	P	P	P	P	
Libraries, museums, or art galleries (public)	C	C	P	P	P	C	P	P	P	P	P	P	P	P	P	P	
Manuf./Mobile home park ¹⁷		C	P														

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use); C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S = Special Permission (Administrative approval by the Director)																	
<i>Manufacturing and industrial uses that have little potential for creating off-site noise, smoke, dust, vibration or other external environmental impacts or pollution:</i>																	
A) Manufacturing, processing and/or packaging pharmaceuticals and related products, such as cosmetics and drugs							P18	P	P	P	P	P	P	P	P	P	
B) Manufacturing, processing and/or packaging previously prepared materials including, but not limited to, bags, brooms, brushes, canvas, clay, clothing, fur, furniture, glass, ink, paint, paper, plastics, rubber, tile, and wood							P18	P	P	P	P	P	P	P	P	P	
C) Manufacturing, processing, assembling, packaging and/or repairing electronic, mechanical or precision instruments such as medical and dental equipment, photographic goods, measurement and control devices, and recording equipment							P18	P	P	P	P	P	P	P	P	P	
D) Manufacturing, processing, packaging of foods, such as baked goods, beverages, candy, canned or preserved foods, dairy products and byproducts, frozen foods, instant foods, and meats (no slaughtering)											P	P	P	P			
i) Fermenting and distilling included																	
ii) No fermenting and distilling							P18	P	P	P					P	P	
<i>Manufacturing and industrial uses that have moderate to substantial potential for creating off-site noise, smoke, dust, vibration or other external environmental impacts:</i>																	
(A) Manufacturing, processing and/or assembling chemicals, light metals, plastics, solvents, soaps, wood, coal, glass, enamels, textiles, fabrics, plaster, agricultural products or animal products (no rendering or slaughtering)									C	C	C	P	C	P	C		
(B) Manufacturing, processing and/or assembling of previously manufactured metals, such as iron and steel fabrication; steel production by electric arc melting, argon oxygen refining, and consumable electrode melting; and similar heavy industrial uses									C	C	C	P	C	P	C		
(C) Manufacturing, processing and/or assembling of previously prepared metals including, but not limited to, stamping, dyeing, shearing or punching of metal, engraving, galvanizing and hand forging								C	C	C	P	P	P	P	C		
D) Manufacturing, processing, assembling and/or packaging of electrical or mechanical equipment, vehicles and machines including, but not limited to, heavy and light machinery, tools, airplanes, boats or other transportation vehicles and equipment										P	P	P	P	P	C		
E) Heavy metal processes such as smelting, blast furnaces, drop forging or drop hammering													C	P			

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use); C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S = Special Permission (Administrative approval by the Director)																	
Manufacturing that includes rock crushing, asphalt or concrete batching or mixing, stone cutting, brick manufacture, marble works, and the assembly of products from the above materials										C	C	P	C	P	C	C	
Manufacturing, refining or storing highly volatile noxious or explosive products (less than tank car lots) such as acids, petroleum products, oil or gas, matches, fertilizer or insecticides; except for accessory storage of such materials												U		U	U	U	
Marijuana producers, processors, or retailers (with state issued license)												P			P	P19	
Mass transit facilities	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
Medical and dental laboratories				P	P			P	P	P	P	P			P	P	
Minor expansion of an existing warehouse ²⁰																	S
Mortician and funeral homes								P	P	P	P	P			P	C	
Motels								P	P	P	P	P	C	C	P	P	
Offices including: medical, dental, government (excluding fire & police stations), professional, administrative, computer software development, business, e.g. travel, real estate & commercial				P22	P	P22	P23	P	P	P	P	P	P9 C10	P24 C25	P	P	
Office or sample room for wholesale or retail sales, with less than 50% storage or warehousing							P										
Park & ride lots				C	C	C	C	C	C	C	C	C	C	C	C	C	
Parking areas	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Parking areas, for municipal uses and police stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Parks, trails, picnic areas and playgrounds (public), but not including amusement parks, golf courses, or commercial recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Pawnbroker/Payday lender								C	C	C	C	C			P	P	
Permanent Supportive Housing	P38	P38	P38	P38	P38	P38	P38	P38	P38	P38	P38	P38	P38	P38	P38	P38	
Planned Shopping Center (mall)								P	P	P	P	P			P	P26	
Radio, television, microwave, or observation stations and towers	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Railroad freight or classification yards												U	U	U	U		
Railroad tracks (including lead, spur, loading or storage)										P	P	P	P	P	P		

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use) ; C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S = Special Permission (Administrative approval by the Director)																	
Recreation facilities (commercial – indoor) – athletic or health clubs				P	P		P	P	P	P	P	P	C3	P	P	P	
Recreation facilities (commercial – indoor), including bowling alleys, skating rinks, shooting ranges							C	P	P	P	P				P	P	
Recreation facilities (commercial – outdoor), including golf courses, golf driving ranges, fairgrounds, animal race tracks, sports fields										C	C	C				C	
Recreation facilities (public), including, but not limited to sports fields, community centers and golf courses	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	P
Recreational area and facilities for employees																	
Religious facilities with an assembly area less than 750 sq. ft.	C	C	C	P	A	A	A	A	A	A	A	A	A	A	A	A	
Religious facilities with an assembly area greater than 750 sq. ft. and associated community center buildings	C	C	C	C	C	C	C	C	C	C	C	C				C	C
Removal and processing of sand, gravel, rock, peat, black soil and other natural deposits together with associated structures										U	U	U	U	U	U		
Rental of vehicles not requiring a commercial driver's license									P36	P	P	P	P	P	P	P	
Rental of commercial trucks and fleet rentals requiring a commercial driver's license										P	P	P	P	P	P	P	
Research and development facilities																P	P
Residences for security or maintenance personnel				A	A	A	A	A	A	A	A	A	A	A	A	A	
Restaurants, drive-through permitted																P35	P
Restaurants, drive-through not permitted				P	P	C	P										
Retail, General				P	P4	P	P35	P35	P	P	P	P	C3	C3	P	P	
Sales and rental of heavy machinery and equipment subject to landscaping requirements of TMC Chapter 18.52*										P	P	P	P	P	P	P	
Salvage and wrecking operations												P		P	C		
Salvage and wrecking operations which are entirely enclosed within a building										P	P	P	P	P	P		
Sanitariums, or similar institutes																	
Schools and studios for education or self-improvement				P	P	P	P	P	P	P	P	P	P9 C10	P27	P	P	
Schools, preschool, elementary, junior & senior high schools (public), and equivalent private schools	C	C	C	C	C	C	C	C	C						C	C	P (public only)
Secure community transition facility ²⁸																	

P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use); C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S = Special Permission (Administrative approval by the Director)	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
Self-storage facilities								P	P	P	P	P	P	P	P	P	
Sewage lift station	U	U	U	U	U	U	U										P
Shelter	P	P	P	P	P												
Stable (private)	A29	A29	A29														P
Storage (outdoor) of materials allowed to be manufactured or handled within facilities conforming to uses under this chapter; and screened pursuant to TMC Chapter 18.52								P	P	P	P	P	P	P	P	P	
Storage (outdoor) of materials is permitted up to a height of 20 feet with a front yard setback of 25 feet, and to a height of 50 feet with a front yard setback of 100 feet; security required												P	P	P	C	C	
Storm water - neighborhood detention + treatment facilities	U	U	U	U	U	U	U										P
Storm water pump station	U	U	U	U	U	U	U										
Studios – Art, photography, music, voice and dance				P	P	P	P	P	P	P					P	P	
Taverns, nightclubs								P	P	P	P	P	P30	P30	P	P	
Telephone exchanges								P	P	P	P	P	P	P	P	P	
Temporary Homeless Encampment	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Theaters, except those theaters which constitute “adult entertainment establishments” as defined by this Zoning Code							P	P	P	P	P	P			P	P	P31
Tow-truck operations, subject to all additional State and local regulations										P	P	P	P	P	P	P	
Transfer stations (refuse and garbage) when operated by a public agency												U	U	U	U	U	
Transitional Housing	P38	P38	P38	P38	P38	P38	P38	P38	P38	P38	P38	P38	P38	P38	P38	P38	P38
Truck terminals										P	P	P	P	P	P	P	
Utilities, regional																	C
Vehicle sales lot ²								P32	P	P	P	P			P	P	
Vehicle service station							P33	P33	P	P	P	P	P	P	P	P	
Vehicle storage (no customers onsite, does not include park-and-fly operations)																	P
Warehouse storage and/or wholesale distribution facilities								P	P	P	P	P	P	P	P	P	
Water pump station	U	U	U	U	U	U	U										P
Water utility reservoir and related facilities	U	U	U	U	U	U	U										
Wireless Telecommunications Facilities (*see TMC Ch. 18.58)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Note: The Director of Community Development will make a determination for uses not specifically listed in the Zoning Code. The Director will consider whether the proposed use is:

- a. Similar in nature to and compatible with other uses permitted out right within a similar zone; and
- b. Consistent with the stated purpose of the zone; and
- c. Consistent with the policies of the Tukwila Comprehensive Plan.

1. Adult entertainment establishments are permitted, subject to the following location restrictions:
 - a. No adult entertainment establishment shall be allowed within the following distances from the following specified uses, areas or zones, whether such uses, areas or zones are located within or outside the City limits:
 - (1) In or within 1,000 feet of any LDR, MDR, HDR, MUO, O, NCC, RC, RCM or TUC zone districts or any other residentially-zoned property;
 - (2) In or within one-half mile of:
 - (a) Public or private school with curricula equivalent to elementary, junior or senior high schools, or any facility owned or operated by such schools; and
 - (b) Care centers, preschools, nursery schools or other child care facilities;
 - (3) In or within 1,000 feet of:
 - (a) public park, trail or public recreational facility; or
 - (b) church, temple, synagogue or chapel; or
 - (c) public library.
 - b. The distances specified in TMC Section 18.30.020.1.a shall be measured by following a straight line from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.
 - c. No adult entertainment establishment shall be allowed to locate within 1,000 feet of an existing adult entertainment establishment. The distance specified in this section shall be measured by following a straight line between the nearest points of public entry into each establishment.
2. No dismantling of cars or travel trailers or sale of used parts allowed.
3. Retail sales and services are limited to uses of a type and size that clearly intend to serve other permitted uses and/or the employees of those uses.
4. Retail sales as part of a planned mixed-use development where at least 50% of gross leasable floor area development is for office use; no auto-oriented retail sales (e.g. drive-ins, service stations).
5. Bed and breakfast facilities, provided:
 - a. the manager/owner must live on-site,
 - b. the maximum number of residents, either permanent or temporary, at any one time is twelve,
 - c. two on-site parking spaces for the owner and permanent residents and one additional on-site parking space is provided for each bedroom rented to customers,
 - d. the maximum length of continuous stay by a guest is 14 days,
 - e. breakfast must be offered on-site to customers, and
 - f. all necessary permits or approvals are obtained from the Health Department.
6. Colleges and universities with primarily vocational curriculum if associated with an established aviation, manufacturing or industrial use.
7. Commercial parking, provided it is:
 - a. a structured parking facility located within a structure having substantial ground floor retail or commercial activities and designed such that the pedestrian and commercial environments are not negatively impacted by the parking use; or
 - b. a surface parking facility located at least 175 feet from adjacent arterial streets and behind a building that, combined with appropriate Type III landscaping, provides effective visual screening from adjacent streets.
8. Commercial parking subject to TMC Chapter 18.56, Off-Street Parking and Loading Regulations.

9. Offices including, but not limited to, software development and similar uses, financial services, schools for professional and vocational education if associated with an established aviation, manufacturing or industrial use, less than 20,000 square feet. This category does not include outpatient medical and dental clinics.
10. Offices including, but not limited to, software development and similar uses, financial services, schools for professional and vocational education if associated with an established aviation, manufacturing or industrial use, 20,000 square feet and over.
11. Correctional institution operated by the City of Tukwila.
12. Family child care homes, provided the facility shall be licensed by the Department of Early Learning or its successor agency and shall provide a safe passenger loading zone.
13. Dormitory as an accessory use to other uses that are otherwise permitted or approved conditional uses such as churches, universities, colleges or schools.
14. Dwelling - multi-family units on a lot that does not front on Tukwila International Boulevard South, subject to the HDR requirements of TMC Section 18.50.083, Maximum Building Length, and TMC Section 18.52.060, 2-4, Recreation Space Requirements.
15. Dwelling - Multi-family units (Max. 22.0 units/acre except senior citizen housing which is allowed to 100 units/acre, as a mixed-use development that is non-industrial in nature); must be located on property adjacent to and not greater than 500 feet from the Green River, Tukwila Pond, or Minkler Pond.
16. See TMC Section 18.50.220 for accessory dwelling unit standards.
17. Manufactured/mobile home park, meeting the following requirements:
 - a. the development site shall comprise not less than two contiguous acres;
 - b. overall development density shall not exceed eight dwelling units per acre;
 - c. vehicular access to individual dwelling units shall be from the interior of the park; and
 - d. emergency access shall be subject to the approval of the Tukwila Fire Department.
18. NCC allows businesses that include a retail component in conjunction with their manufacturing operation and meeting other performance standards of Chapter 18.22. These businesses may manufacture, process, assemble and/or package the following:
 - a. foods, including but not limited to baked goods, beverages, candy, canned or preserved foods, dairy products and by products, frozen foods, instant foods and meats (no slaughtering);
 - b. pharmaceuticals and related products such as cosmetics and drugs;
 - c. bags, brooms, brushes, canvas, clay, clothing, fur, furniture, glass, ink, paints, paper, plastics, rubber, tile and wood;
 - d. electronic, mechanical, or precision instruments;
 - e. other manufacturing and assembly of a similar light industrial character;
 - f. industries involved with etching, lithography, printing, and publishing, meeting the City's performance standards and offering their services to the local populace on a walk-in basis;
 - g. businesses that service and repair the above products, that are entirely enclosed within a building, offering their services to the local populace on a walk-in basis and meeting the City's performance standards.
19. Where the underlying zoning is HI or TVS.

20. Minor expansion of an existing warehouse if the following criteria are met:
- The area of the proposed expansion may not exceed 5% of the floor area of the existing warehouse;
 - The proposed expansion will not increase any building dimension that is legally non-conforming;
 - Only one minor expansion may be permitted per warehouse in existence as of the date of adoption of the Tukwila South Project Development Agreement;
 - The proposed expansion must be constructed within two years of the date of approval;
 - The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
 - All measures have been taken to minimize the possible adverse impacts the proposed expansion may have on the area in which it is located.
21. Movie theaters with more than three screens if the following criteria are met:
- The applicant must demonstrate through an economic analysis that the theater will not have a significant financial impact on any other theater in Tukwila;
 - The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
 - The proposed theater must demonstrate substantial conformance with the goals and policies of the Comprehensive Land Use Policy Plan and the Tukwila South Master Plan;
 - All measures have been taken to minimize the possible adverse impacts the proposed theater may have on the area in which it is located.
22. Offices, when such offices occupy no more than the first two stories of the building or basement and floor above.
23. Offices, when such offices occupy no more than the first two stories of the building, or basement and floor above, or three stories, in the Urban Redevelopment Area along Tukwila International Boulevard.
24. Offices; must be associated with another permitted use (e.g., administrative offices for a manufacturing company present within the MIC).
25. Offices not associated with other permitted uses and excluding medical/dental clinics, subject to the following location and size restrictions:
- New Office Developments:
 - New office developments shall not exceed 100,000 square feet of gross floor area per lot that was legally established prior to 09/20/2003.
 - No new offices shall be allowed on lots that abut the Duwamish River and are north of the turning basin. The parcels that are ineligible for stand-alone office uses are shown in Figure 18-12.
 - An existing office development established prior to 12/11/1995 (the effective date of the Comprehensive Plan) that exceeds the maximum size limitations may be recognized as a conforming Conditional Use under the provisions of this code. An existing office development established prior to 12/11/1995 (the effective date of the Comprehensive Plan) may convert to a stand-alone office use subject to the provisions of this code.
26. Planned shopping center (mall) up to 500,000 square feet.
27. Schools for professional and vocational education if associated with an established aviation, manufacturing or industrial use.
28. Secure community transition facility, subject to the following location restrictions:
- No secure community transition facility shall be allowed within the specified distances from the following uses, areas or zones, whether such uses, areas or zones are located within or outside the City limits:
 - In or within 1,000 feet of any residential zone.
 - Adjacent to, immediately across a street or parking lot from, or within the line of sight of a "risk potential activity/facility" as defined in RCW 71.09.020 as amended, that include:
 - Public and private schools;
 - School bus stops;

- (c) Licensed day care and licensed preschool facilities;
 - (d) Public parks, publicly dedicated trails, and sports fields;
 - (e) Recreational and community centers;
 - (f) Churches, synagogues, temples and mosques; and
 - (g) Public libraries.
- (3) One mile from any existing secure community transitional facility or correctional institution.
- b. No secure community transition facility shall be allowed on any isolated parcel which is otherwise considered eligible by applying the criteria listed under TMC 18.38.050-12.a, but is completely surrounded by parcels ineligible for the location of such facilities.
- c. The distances specified in TMC 18.38.050-12.a shall be measured as specified under Department of Social and Health Services guidelines established pursuant to RCW 71.09.285, which is by following a straight line from the nearest point of the property parcel upon which the secure community transitional facility is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.
- d. The parcels eligible for the location of secure community transition facilities by applying the siting criteria listed above and information available as of August 19, 2002, are shown in Figure 18-11, "Eligible Parcels for Location of Secure Community Transition Facilities." Any changes in the development pattern and the location of risk sites/facilities over time shall be taken into consideration to determine if the proposed site meets the siting criteria at the time of the permit application.
29. Private stable, if located not less than 60 feet from front lot line nor less than 30 feet from a side or rear lot line. It shall provide capacity for not more than one horse, mule or pony for each 20,000 square feet of stable and pasture area, but not more than a total of two of the above mentioned animals shall be allowed on the same lot.
30. No night clubs.
31. Theaters for live performances, not including adult entertainment establishments and movie theaters with three or fewer screens are permitted. Movie theaters with more than three screens will require a Special Permission Permit.
32. Automotive sales must have an enclosed showroom with no outdoor storage of vehicles. Pre-existing legally established uses in the TIB Study Area, as set forth in Figure 18-60, on December 15, 2020, are exempt from the enclosed showroom requirement, provided the use is limited to the existing parcel(s) currently occupied on that date. Pre-existing legally established automotive sales where existing parking lots abut the public frontage must provide effective visual screening of the parking lot from sidewalks (or street if no sidewalk currently exists) using Type II landscaping when any of the following occurs: an expansion or alteration of the structure, a change of ownership, or when the business is vacated or abandoned for more than 24 consecutive months and a new business is proposed.
33. Allowed; however, if in the TIB Study Area, as set forth in Figure 18-60, the following conditions apply: Outdoor storage of vehicles, tires, or other materials used for service is not permitted. Gas stations are permitted if the pumps and parking are located behind the building, the pumps meet the setback requirements, and the pumps comply with building and fire codes. Queuing lanes are not permitted between buildings and back of sidewalk. Wholesale distribution and storage of fuel (e.g. natural gas, propane, gasoline) are not permitted in the TIB Study Area. Pre-existing legally established automotive service uses with outdoor storage or parking abutting the public frontage must provide effective visual screening of the parking and outdoor stored materials from sidewalks (or street if no sidewalk currently exists) using Type II landscaping when any of the following occurs: an expansion or alteration of the structure, a change of ownership, or when the business is vacated or abandoned for more than 24 consecutive months and a new business is proposed.
34. Allow if the following are provided: a full-service restaurant and a Class A liquor license, 24-hour staffed reception, all rooms accessed off interior hallways or lobby, and a minimum 90 rooms.
35. Allowed, however if in the TIB Study area, as set forth in Figure 18-60, the following conditions apply: Drive-through facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks. Where the use is located on a corner or with access to an alley, drive-throughs must exit to a side street or an alley that connects to a side street, where feasible.
36. Automotive rentals must have an enclosed showroom with no outdoor storage of vehicles. Pre-existing legally established uses in the TIB Study Area, as set forth in Figure 18-60, on December 15, 2020, are exempt from the enclosed showroom requirement, provided the use is limited to the existing parcel(s) currently occupied on that date.

37. Subject to the criteria and conditions at TMC 18.50.250 and 18.50.270.

38. Subject to the criteria and conditions at TMC 18.50.260 and 18.50.270.

RCW 35A.21.360 Hosting the homeless by religious organizations—When authorized—Requirements—Prohibitions on local actions. (1) 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.

(2) Except as provided in subsection (7) of this section, a code city may not enact an ordinance or regulation or take any other action that:

(a) Imposes conditions other than those necessary to protect public health and safety and that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter, such as an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, for homeless persons on property owned or controlled by the religious organization;

(b) Requires a religious organization to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on property owned by a religious organization or otherwise requires the religious organization to indemnify the municipality against such liability;

(c) Imposes permit fees in excess of the actual costs associated with the review and approval of permit applications. A code city has discretion to reduce or waive permit fees for a religious organization that is hosting the homeless;

(d) Specifically limits a religious organization's availability to host an outdoor encampment on its property or property controlled by the religious organization to fewer than six months during any calendar year. However, a code city may enact an ordinance or regulation that requires a separation of time of no more than three months between subsequent or established outdoor encampments at a particular site;

(e) Specifically limits a religious organization's outdoor encampment hosting term to fewer than four consecutive months;

(f) Limits the number of simultaneous religious organization outdoor encampment hostings within the same municipality during any given period of time. Simultaneous and adjacent hostings of outdoor encampments by religious organizations may be limited if located within one thousand feet of another outdoor encampment concurrently hosted by a religious organization;

(g) Limits a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, except for limitations that are in accord with the following criteria that would govern if enacted by local ordinance or memorandum of understanding between the host religious organization and the jurisdiction:

(i) No less than one space may be devoted to safe parking per ten on-site parking spaces;

(ii) 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

(iii) 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 the code city, but a code city may enter into a memorandum of understanding with a religious organization that reduces the minimum number of on-site parking spaces required;

(h) Limits a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that:

(i) If a code city fire official finds that fire-related concerns associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the code city may take action to limit the religious organization's availability to host the indoor overnight shelter; and

(ii) A code city may require a host religious organization to enter into a memorandum of understanding for fire safety that includes local fire district inspections, an outline for appropriate emergency procedures, a determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage, panic bar exit doors, and a completed fire watch agreement indicating:

(A) Posted safe means of egress;

(B) Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers;

(C) 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 local fire department; or

(i) Limits a religious organization's ability to host temporary small houses on land owned or controlled by the religious organization, except for recommendations that are in accord with the following criteria:

(i) A renewable one-year duration agreed to by the host religious organization and local jurisdiction via a memorandum of understanding;

(ii) Maintaining a maximum unit square footage of one hundred twenty square feet, with units set at least six feet apart;

(iii) Electricity and heat, if provided, must be inspected by the local jurisdiction;

(iv) Space heaters, if provided, must be approved by the local fire authority;

(v) Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;

(vi) Each unit must have a fire extinguisher;

(vii) Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;

(viii) A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

(3) (a) A code city may enact an ordinance or regulation or take any other action that requires a host religious organization and a distinct managing agency using the religious organization's property, owned or controlled by the religious organization, for hostings to include outdoor encampments, temporary small houses on-site, indoor overnight shelters, or vehicle resident safe parking to enter into a memorandum of understanding to protect the public health and safety of both the residents of the particular hosting and the residents of the code city.

(b) At a minimum, the agreement must include information regarding: The right of a resident in an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter to seek public health and safety assistance, the resident's ability to access social services on-site, and the resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization; a written code of conduct agreed to by the managing agency, if any, host religious organization, and all volunteers working with residents of the outdoor encampment, temporary small house on-site, indoor overnight shelter, or vehicle resident safe parking; and when a publicly funded managing agency exists, the ability for the host religious organization to interact with residents of the outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking using a release of information.

(4) If required to do so by a code city, any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, or indoor overnight shelter, or the host religious organization's managing agency, must ensure that the code city or local law enforcement agency has completed sex offender checks of all adult residents and guests. The host religious organization retains the authority to allow such offenders to remain on the property. A host religious organization or host religious organization's managing agency performing any hosting of vehicle resident safe parking must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers, and provide a written code of conduct consistent with area standards.

(5) Any host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, temporary small house on-site, or indoor overnight shelter, with a publicly funded managing agency, must work with the code city to utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180. When the religious organization does not partner with a managing agency, the religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system. Temporary, overnight, extreme weather shelter provided in religious organization buildings does not need to meet this requirement.

(6) For the purposes of this section:

(a) "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a homeless outdoor encampment, temporary small houses on-site, indoor overnight shelter, and a vehicle resident safe parking program.

(b) "Outdoor encampment" means any temporary tent or structure encampment, or both.

(c) "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

(d) "Temporary" means not affixed to land permanently and not using underground utilities.

(7) (a) Subsection (2) of this section does not affect a code city policy, ordinance, memorandum of understanding, or applicable consent decree that regulates religious organizations' hosting of the homeless

if such policies, ordinances, memoranda of understanding, or consent decrees:

(i) Exist prior to June 11, 2020;

(ii) Do not categorically prohibit the hosting of the homeless by religious organizations; and

(iii) Have not been previously ruled by a court to violate the religious land use and institutionalized persons act, 42 U.S.C. Sec. 2000cc.

(b) If such policies, ordinances, memoranda of understanding, and consent decrees are amended after June 11, 2020, those amendments are not affected by subsection (2) of this section if those amendments satisfy (a) (ii) and (iii) of this subsection.

(8) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470 is immune from civil liability for (a) damages arising from the permitting decisions for a temporary encampment for the homeless as provided in this section and (b) any conduct or unlawful activity that may occur as a result of the temporary encampment for the homeless as provided in this section.

(9) A religious organization hosting outdoor encampments, vehicle resident safe parking, or indoor overnight shelters for the homeless that receives funds from any government agency may not refuse to host any resident or prospective resident because of age, sex, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, as these terms are defined in RCW 49.60.040.

(10) (a) Prior to the opening of an outdoor encampment, indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, a religious organization hosting the homeless on property owned or controlled by the religious organization must host a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns, unless the use is in response to a declared emergency. The religious organization must provide written notice of the meeting to the code city legislative authority at least one week if possible but no later than ninety-six hours prior to the meeting. The notice must specify the time, place, and purpose of the meeting.

(b) A code city must provide community notice of the meeting described in (a) of this subsection by taking at least two of the following actions at any time prior to the time of the meeting:

(i) Delivering to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of special meetings;

(ii) Posting on the code city's website. A code city is not required to post a special meeting notice on its website if it: (A) Does not have a website; (B) employs fewer than ten full-time equivalent employees; or (C) does not employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the website;

(iii) Prominently displaying, on signage at least two feet in height and two feet in width, one or more meeting notices that can be placed on or adjacent to the main arterials in proximity to the location of the meeting; or

(iv) Prominently displaying the notice at the meeting site.

[2020 c 223 § 4; 2010 c 175 § 4.]

Findings—Intent—2020 c 223: See note following RCW 36.01.290.

Findings—Intent—Construction—Prior consent decrees and negotiated settlements for temporary encampments for the homeless not superseded—2010 c 175: See notes following RCW 36.01.290.