



Mercer Island's Tent City Temporary Use Agreement

On June 16, 2008 the City of Mercer Island entered into an agreement with the Seattle Housing and Resource Effort (SHARE), the Women's Housing and Resource Effort Enhancement League (WHEEL) and the Mercer Island United Methodist Church. The agreement was developed through research into conditions that have been applied by other Eastside cities. Following is a comparison of those conditions. To view Mercer Island's Temporary Use Agreement, please visit the City website: www.mercergov.org/tentcity.

	Mercer Island	Bellevue	Bothell	Issaquah	Kirkland	Redmond	Woodinville
<i>Length of Stay.</i>	Cannot exceed 93 days. Temp. Use Agreement Sec. 2.	Cannot exceed 60 days. LUC 20.30U.125.	90 days. Agreement Sec. III.B.1.	90 days. Special Event/Use Permit SPE07-00032.	Cannot exceed 92 days. KZC 127.30.	Cannot exceed 110 days. Temp. Use Permit Sec. II.1.	40 days with possible increase to 100 days. Temp Use Agreement Sec. 2 and 3.
<i>Encampment Setback from Abutting Properties.</i>	20 feet or more, Agreement Sec. 3(i).	20 feet or more, LUC 20.30U.125.	20 feet or more. Agreement Sec. III.B.5.	No setback requirement in Permit.	20 feet or more. KZC 127.25.	No setback requirement in Permit.	No setback requirement in Agreement.
<i>Sight Obscuring Fence or Screening Required?</i>	Yes. Agreement Sec. 3(ii).	Yes. LUC 20.30U.125.	Yes. Agreement Sec. III. B. 5.	Yes, Use Permit # SPE07-00032.	Yes, KZC 127.25.	Yes. In Permit decision criteria, found to be met by City.	No.
<i>Lighting Regulation.</i>	Lighting must be directed inward toward camp. Agreement Sec. 3(iii).	Glare and reflections must be contained within Camp. LUC 20.30U.125.	No.	None in Permit.	Lighting must be directed downward and containing within camp. KZC 127.25.	None specified.	No.
<i>Maximum Number of Residents at Encampment.</i>	100 persons. Agreement Sec. 3(iv).	100 persons. LUC 20.30U.125.	100 persons, Agreement Sec. II.B.3.	100 persons. Use Permit # SPE07-00032.	100 persons. KZC 127.25.	100 persons. Temp. Use Permit Sec. II.1.	100 persons. Agreement Sec. C.
<i>Parking Requirements at Site?</i>	Yes. Agreement Sec. 3(v).	Yes. LUC 20.30U.125.	Yes. Agreement Sec. III. B.6.	Yes. Use Permit Condition 5.	Yes. KZC 127.25.	Yes. Temp Use Permit Sec. II.2.	None in Agreement.
<i>Proximity to transit Required?</i>	Yes. Shall be within walking distance of transit service (a stop is immediately across the street from Church). Agreement Sec. (vi)	Yes. Within ½ mile of a transit stop. LUC 20.30U.125.	No requirement in Agreement.	No requirement in Permit # SPE07-00032.	Yes, Within ½ mile of a transit stop. KZC 127.25.	No requirement in Temp Use Permit.	No requirement in Agreement.

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<i>Children Prohibited from Staying in Encampment?</i>	Yes. Cannot stay overnight, except under exigent circumstances. Agreement Sec. (vii).	Yes. LUC 20.30U.125.	Yes. Agreement Sec. III. B.4.	No. Not under Permit # SPE07-00032.	Yes. KZC 127.25.	No. Not in Temp Use Permit.	No. Not in Agreement.
<i>Code of Conduct for Persons in Encampment?</i>	Yes. Temp. Use Agreement Sec.. 3(viii) & Exhibit A.	Yes, LUC 20.30U.125.	Yes. Agreement Sec. III. B. 10-11.	Not mentioned in Permit # SPE07-00032.	Yes. KZC 127.25 .	No. Not part of Temp Use Permit conditions.	Yes. Temp. Use Agreement Sec. 5.
<i>Specific Health, Safety and Fire Protections Apply?</i>	Yes. Temp. Use Agreement Sec. 3(ix), incorporates by reference City and State Codes related to drinking water, human waste, solid waste disposal, electrical systems, cooking and food handling and fire. See, e.g., City of Mercer Island Codes 8.04.120, 8.30.030, 17.14, 17.15, and 19.15.030. RCW 70.95.240(2). WAC 51-50-3103. Agreement Sec. 3(ix), requires fire resistant materials. Mercer Island Fire Department will do inspection and specific Fire Codes apply independent of the Agreement.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
<i>Identification, and Warrant and Sex Offender Checks Required For Persons at Encampment?</i>	Yes. Temp Use Agreement Sec. 3(x).	Yes. 20.30U.121.	Yes. See Temp Use Agreement.	Not mentioned in Permit # SPE07-00032. (may be in separate agreement with Police Depart.).	Yes. KZC 127.25.	Yes. Permit Condition 8.	Yes. Temp Use Agreement Sec. 5.

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<i>Inspections Required?</i>	Yes. Temp Use Agreement Sec. 3(xi), requires regular inspections by City and King County Health Department and City Fire Department.	Not addressed in 20.30U.	Yes. Temp Use Agreement. Sec. III.B.9.	Yes. Temp Use Permit.	Yes. KZC 127.25.	Not addressed in Temp. Use Permit.	Yes. Temp Use Agreement Sec. 8.
<i>Was Notice Provided to Neighbors Prior to Decision?</i>	Yes. Notice of Council Meeting where Agreement Considered, and public meeting at the host church.	Yes. LUC 20.35.510 & 525.	?	?	Yes. KZC 127.42.	No.	Yes. Notice of Council Meeting.
<i>Must Notify, and Meet and Confer with Nearby Schools and Daycares?</i>	Yes. Any within 600 feet of the encampment. More conditions can be added. In Mercer Island, no schools or daycares nearby.	Yes. Any within 600 feet of site. LUC 20.30U.122.	No. Not in Agreement.	No. Not in Temporary Use Permit.	No. (does require compatibility with surrounding uses).	Temp Use Permit II. 9. during certain hours, requires sidewalk monitors at nearby schools.	No. Not in Agreement.
<i>Can There be Immediate Enforcement of Violations?</i>	Yes. Mercer Island Codes 8.04.120, 8.30.030, 17.14, 17.15, and 19.15.030; incorporated in Agreement by reference.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.
<i>Are There Any Penalties for Violating Codes or Agreement?</i>	Yes. Terminate Tent City. Agreement Sec. 5. Civil fines and penalties for City and State Code violations. Mercer Island Codes 8.04.120, 8.30.030, 17.14.113,17.14.115, 17.15.030, and 19.15.030, & RCW 70.95.240(2)(b)-(c). incorporated into the Agreement by reference.	Yes.	Yes.	Yes.	Yes.	Yes.	Yes.

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<i>Is there a provision for hold harmless / indemnification for City taxpayers?</i>	Yes, City is held harmless and indemnified.	No.	No.	Yes, Permit Sec. 14.	No.	No.	No.
<i>Process For People Evicted From Tent City?</i>	Yes. Process for eviction or unlawful detainer. RCW 59.12. See RWC 59.16-59.20. See also Mercer Island City Code 9.14, Trespass, to which usual police procedures apply.	Yes.	Yes. Temp Use Agreement Sec. 11(b)-(c).	Yes.	Yes. In Temp Use Permit ZOzn08-00001.	Yes.	Yes.