

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, FACILITATING THE ESTABLISHMENT AND SELF MANAGEMENT OF HOMELESS ENCAMPMENTS PROVIDED BY ~~BY~~ RELIGIOUS FAITH BASED ORGANIZATIONS ~~AND~~ BY AMENDING OMC CHAPTER 18.50-OMC, DECLARING AN EMERGENCY SO THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION, REFERRING THE AMENDMENTS TO THE PLANNING COMMISSION, AND PROVIDING FOR A PUBLIC HEARING WITHIN SIXTY (60) DAYS

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WHEREAS, the City of Olympia recognizes the unique role and rights of religious faith based organizations under the United States Constitution; and

WHEREAS, Olympia Municipal Code (OMC) Chapter 18.50 allows for temporary emergency homeless encampments, hosted by a faith based religious organization which provides temporary housing to homeless persons, subject to certain criteria and requirements; and

WHEREAS, OMC 18.50.020 defines a "Host Agency" for a temporary homeless encampment as a religious faith based organization which owns or has an ownership interest in the property that is the subject of an application for a Temporary Homeless Encampment Permit for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals and coordination of other needed donations and services; and

WHEREAS, a Host Agency may request a permit for an encampment of up to forty (40) residents; and

WHEREAS, the existing provisions in OMC 18.50 provide more freedom to the Host Agency to draft safety plans according to its interests, plans, and needs; and

WHEREAS, this Ordinance allows both high barrier and low barrier camps; and

WHEREAS, this Ordinance allows a Host Agency to provide camps for families, adults, and people transitioning out of facilities; and

WHEREAS, this Ordinance may reduce harm to homeless persons and provide services to assist residents with clean and sober living; and

WHEREAS, homeless encampments permitted under OMC 18.50 ideally should be located in areas where there is easy access to services and affordable food, either by walking or by using public transit; and

WHEREAS, the City encourages self-management of homeless encampments and other efforts to create community among their residents; and

WHEREAS, this Ordinance removes certain restrictions on homeless encampments, although the Host Agency is still allowed to place restrictions of their choice on the encampment; and

WHEREAS, the City Council determines it to be in the best interest of the City of Olympia to amend OMC 18.50 to more easily facilitate the establishment and self-management of temporary homeless encampments by ~~faith based~~religious organizations;

WHEREAS, the City Council also determines that this Ordinance is to immediately address a public emergency due to growing homelessness in the City of Olympia, and also finds said Ordinance is necessary for the immediate protection and preservation of public health, public safety, public property or public peace, and that this Ordinance should be made effective upon adoption; and

WHEREAS, the interim zoning regulations, as amended herein, should be referred to the Olympia Planning Commission for review and recommendation. The Olympia City Council shall hold a public hearing on these amendments to OMC Chapter 18.50 within sixty (60) days of the adoption of this Ordinance;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC Chapter 18.50. Olympia Municipal Code Chapter 18.50 is hereby amended to read as follows:

Chapter 18.50 HOMELESS ENCAMPMENTS

18.50.000 Chapter Contents

Sections:

- 18.50.010 Homeless Encampment
- 18.50.020 Host Agency
- 18.50.030 Sponsoring Agency
- 18.50.040 Who May Apply
- 18.50.050 Applicable Procedures
- 18.50.060 Homeless Encampment - Criteria/Requirements for Approval

18.50.010 Homeless Encampment

"Homeless Encampment" means temporary emergency homeless encampment, hosted by a ~~faith based~~religious organization, or ~~a unit of government~~County Homeless Encampment which provides temporary housing to homeless persons.

18.50.020 Host Agency

A. Temporary Homeless Encampment. "Host Agency" means the ~~faith based~~religious organization which owns the property or has an ownership interest in the property that is the subject of an application for a Temporary Homeless Encampment Permit for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals and coordination of other needed donations and services.

B. ~~Unit of Government~~County Homeless Encampment. "Host Agency" means ~~a unit of government~~Thurston County, which owns the property that is the subject of an application for a ~~unit of government~~County Homeless Encampment Permit to provide service to support emergency homeless encampment residents, such as hot meals and coordination of other needed donations and services.

18.50.030 Sponsoring Agency

"Sponsoring Agency" means the Host Agency or another agency that assists the Host Agency and that joins in an application with a Host Agency for a Temporary or ~~unit of government~~County Homeless Encampment Permit and assumes responsibility for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals and coordination of other needed donations and services.

18.50.040 Who May Apply

A. Temporary Homeless Encampment. Temporary homeless encampments shall be permitted only as an accommodation of ~~faith based~~religious exercise by a Host Agency and Sponsoring Agency. Each Host Agency and Sponsoring Agency shall jointly apply for a permit under this Section and shall jointly certify compliance with all applicable requirements for approval and conditions of this Chapter and the application.

B. ~~Unit of Government~~County Homeless Encampment. A ~~unit of government~~County Homeless Encampment shall be permitted only to ~~a unit of government such as the City or Thurston County~~Thurston County. A Sponsoring Agency may join ~~a unit of government~~the County to apply for a permit under this Section. Only ~~a unit of government~~Thurston County shall certify compliance with all applicable requirements for approval and conditions of this Chapter and the application.

18.50.050 Applicable Procedures

A. Temporary Homeless Encampment. A Temporary Encampment Permit is an administrative decision. In addition to the requirements for administrative decisions found elsewhere in the Olympia Municipal Code, the following procedures apply:

1. Advance Notice Required. The Host Agency and Sponsoring Agency shall notify the City of the proposed homeless encampment a minimum of thirty (30) days in advance of the proposed date of establishment for the homeless encampment. The advance notification shall be in the form of an application for a Temporary Encampment Permit and shall contain the following information:

- a. The date the homeless encampment will commence;
- b. The length of ~~time the~~ encampment ~~will continue~~;
- c. The maximum number of residents proposed ~~for the encampment~~;
- d. The host location;

e. The names of the Host and Sponsoring Agencies; and

f. The manner in which the homeless encampment will comply with the requirements of this Chapter.

2. Informational Meeting Required. The Host Agency and/or Sponsoring Agency shall conduct at least one (1) informational meeting within, or as close to, the location where the proposed homeless encampment will be located, a minimum of two (2) weeks prior to the issuance of the temporary use permit. The time and location of the meeting shall be agreed upon between the City and the Host Agency and/or Sponsoring Agency. All property owners within three hundred (300) feet of the proposed homeless encampment shall be notified by mail ten (10) days in advance of the meeting by the Host Agency and/or Sponsoring Agency. In lieu of notice by mail, an alternative means of notice may be provided that is reasonably calculated to notify the neighboring property owners within three hundred (300) feet of the proposed encampment.

3. Signs Required. The applicant shall also provide notice of the application within the same timeframe identified above by posting two signs or placards on the site or in a location immediately adjacent to the site that provides visibility of the signs to motorists using adjacent streets. The Director of Community Planning and Development or his or her~~their~~ designee shall establish standards for size, color, layout, design, working, placement, and timing of installation and removal of the signs or placards.

B. Unit of Government~~County~~ Homeless Encampment. A unit of government~~County~~ Homeless Encampment requires a Conditional Use Permit subject to OMC 18.82. In addition to the requirements for Conditional Use Permits found elsewhere in the Olympia Municipal Code, the following procedures apply:

1. Application. A unit of government~~Thurston County~~ shall submit an application for a unit of government~~County~~ Homeless Encampment Permit that contains the following information:

a. The date the homeless encampment is proposed to commence;

b. The maximum number of residents proposed for the encampment;

c. The names of any Host or Sponsoring Agencies;

d. The manner in which the homeless encampment will comply with the requirements of this Chapter;

e. A Site Plan drawn to scale.

2. Informational Meeting Required. A unit of government~~Thurston County~~ shall conduct at least one (1) informational meeting within a minimum of thirty (30) days of application of the homeless encampment permit. The time and location of the meeting shall be agreed upon between the City and

~~other unit of government~~~~the County~~. All property owners, residents and business owners within ~~three hundred (300)~~ feet of the proposed homeless encampment shall be notified by mail at least ten (10) business days in advance of the meeting. In lieu of notice by mail, an alternative means of notice may be provided that is reasonably calculated to notify the neighboring property owners, residents and business owners within ~~three hundred (300)~~ feet of the proposed encampment.

3. Signs Required. ~~A unit of government~~~~Thurston County~~ shall also provide notice of the application within the same time frame identified above by posting two ~~(2)~~ public notice signs in locations determined by the Director that provide visibility of the signs to motorists using adjacent streets. The Director of Community Planning and Development or ~~his or her~~~~their~~ designee shall provide the Public Notice signs.

18.50.060 Homeless Encampment - Criteria/Requirements for Approval

The Director of the Community Planning and Development Department or ~~his or her~~~~their~~ designee may issue a temporary and revocable permit for a homeless encampment subject to the following criteria and requirements.

A. Site Criteria.

1. Temporary Homeless Encampment

a. If the Sponsoring Agency is not the Host Agency of the site, the Sponsoring Agency shall submit a written agreement from the Host Agency allowing the homeless encampment and clarifying the obligations of the Sponsoring Agency.

b. The property must be sufficient in size to accommodate the tents and necessary on-site facilities, including, but not limited to the following:

i. Sanitary portable toilets in the number required to meet capacity guidelines ~~for the population of the encampment~~;

ii. Hand washing stations by the toilets and by the food areas;

iii. Refuse receptacles ~~for trash and garbage, and~~

~~iv. Food tent and security tent.~~

d. No homeless encampment shall be located within a Sensitive/Critical Area or its buffer as defined under ~~OMC Chapter 18.32 except on existing developed sites, of the Olympia Municipal Code.~~

- e. No permanent structures will be constructed for the homeless encampment.
- f. No more than forty (40) residents shall be allowed at any one encampment. The City may further limit the number of residents as site conditions dictate.
- g. Adequate on-site parking shall be provided for the homeless encampment. No off-site parking will be allowed. The number of vehicles used by homeless encampment residents shall be provided in the permit application. If the homeless encampment is located on a site that has another preexisting use, it shall be shown that the homeless encampment parking will not create a shortage of on-site parking for the other use/s on the property.
- h. The homeless encampment shall be located within a quarter (1/4) mile of a bus stop with seven (7) days per week service, whenever possible. If not located within a quarter mile of a bus stop, the Host or Sponsoring Agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).
- i. The homeless encampment shall be adequately buffered and screened from adjacent right-of-way and residential properties. Screening shall be a minimum height of six (6) feet and may include, but is not limited to, a combination of fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the City.
- j. All sanitary portable toilets shall be screened from adjacent properties and rights-of-way. The type of screening shall be approved by the City and may include, but is not limited to, a combination of fencing and/or landscaping.
- k. At the time of the City's approval, there shall be no other homeless encampment located approved within one thousand (1,000) feet of the approved encampment. Approved encampments must be separated by a buffer of at least one thousand (1,000) feet under this Chapter. within 1000 feet.

2. Unit of Government~~County~~ Homeless Encampment

- a. The property must be owned by a unit of government~~Thurston County~~ ~~and located in a Light-Industrial/Commercial (LI/C) zoning district.~~ The property shall not be located adjacent to residentially zoned property, and the Conditional Use Permit shall not allow more than thirty (30) tents or cottage structures. The necessary on-site shared community facilities shall include but not be limited to the following:
 - i. Adequate potable water source and sanitary restrooms in the number required to meet capacity guidelines for the encampment's population;

ii. Hand washing stations by the restrooms and by the food preparation areas;

iii. Refuse receptacles for trash and garbage; and

iv. Community Building(s) providing kitchen, dining, shower, laundry, offices for management and security.

b. If proposed, any recreational areas, garden areas or other on-site provisions should be designed as shared community facilities.

c. At least six (6) on-site vehicular parking stalls and a covered bike shelter shall be provided for the unit of government~~County~~ homeless encampment.

d. The homeless encampment shall be located within a quarter (1/4) mile of a bus stop or have public bus services provided.

e. The homeless encampment shall be adequately buffered and screened from adjacent right-of-way and surrounding properties. Screening shall be a fence with a minimum height of six (6) feet and may include landscaping.

f. At the time of the City's approval, there shall be no other homeless encampment located within one thousand (1,000) feet of the approved encampment. approved under this chapter within 1000 feet. Approved encampments must be separated by a buffer of at least one thousand (1,000) feet under this Chapter.

1. Temporary Homeless Encampment

a. An operations and security plan for the homeless encampment shall be submitted to the City at the time of application. The security plan shall include consideration of potential impacts within five hundred (500) feet of the encampment site.

b. The Host Agency shall provide to all residents of the homeless encampment a Code of Conduct for living at the homeless encampment. A copy of the Code of Conduct shall be submitted to the City at the time of application and shall be in substantially the following form or address the following issues:

i. Possession or use of illegal drugs is prohibited~~not permitted~~.

ii. ~~No alcohol is permitted.~~

~~vii. No open flames are prohibited.~~ ~~permitted without pre-approval by the Department of Community Planning and Development.~~

~~viii. No trespassing on~~ into private property in the surrounding neighborhood is ~~permitted.~~ prohibited.

~~viii. No loitering in the surrounding neighborhood is permitted.~~

~~ix. No littering on the Temporary Encampment site or in the surrounding neighborhood is~~ prohibited. ~~permitted.~~

~~vii. Noise or music in excess of the limits set forth in OMC 18.40.080 is prohibited.~~ No loud disturbances.

Nothing in this Section shall prohibit the Host Agency, Sponsoring Agency or Encampment Manager from imposing and enforcing additional Code of Conduct conditions not otherwise inconsistent with this Section.

c. All homeless encampment residents must sign an agreement to abide by the Code of Conduct and failure to do so ~~shall~~ may result in the noncompliant resident's immediate expulsion from the property.

d. The Host or Sponsoring Agency shall keep a log of all people who stay overnight in the encampment, including names, ~~dates of birth and birth dates~~, and dates of stay in the encampment. Logs shall be kept and retained for a minimum of six (6) months.

e. The Host or Sponsoring Agency shall take all reasonable and legal steps to obtain verifiable ~~identification~~, such as a driver's license, government-issued identification card, military identification, ~~or~~ passport, or other reasonable forms of identification from prospective and existing encampment residents.

f. The Host or Sponsoring Agency will use identification received from prospective and existing encampment residents to obtain sex offender and warrant checks from the Washington State Patrol, the Thurston County Sheriff's Office or ~~relevant~~ local police department.

i. If ~~the said~~ warrant and sex offender checks reveal either (1) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (2) the subject of the check is a sex offender, required to register with the County Sheriff or their county of residence pursuant to RCW 9A.44.130, then the Host or Sponsoring Agency ~~may~~ will reject the subject of the check for residency ~~to~~ in the homeless encampment or may eject the subject of the check if that person is already a homeless encampment resident.

ii. The Host or Sponsoring Agency shall immediately contact the police department if the reason for rejection or ejection of an individual from the homeless encampment is an active warrant. In other cases of rejection or ejection, the designated representative of the Host or Sponsoring Agency ~~may shall~~ immediately ~~contact provide the facts leading to such action to~~ the Olympia Police Department and the Thurston County Sheriff's Office.

g. The Host or Sponsoring Agency shall self-manage its residents and prohibit ~~alcohol, illegal~~ drugs, ~~weapons, fighting violence,~~ and abuse of any kind, littering, or ~~noise disturbances~~ ~~of disturbing the other residents or adjacent~~ neighbors while located on the ~~encampment~~ property.

h. The Host or Sponsoring Agency will appoint a designated representative to serve "on-duty" as an Encampment Manager at all times ~~to serve as a point of contact for the~~ Olympia Police Department and will orient ~~law enforcement the Police as to~~ how the security tent operates ~~for the homeless encampment~~. The name of the on-duty designated representative will be posted daily in the security tent. The City shall provide contact numbers of non-emergency personnel which shall be posted at the security tent.

2. ~~Unit of Government~~ ~~County~~ Homeless Encampment. An operations and security plan for the homeless encampment shall be established and enforced by ~~a unit of government~~ ~~Thurston County~~. The operations plan shall provide for ensuring that potential residents are provided notice that the homeless encampment is within a property zoned light industrial.

C. Timing.

~~1. Temporary Homeless Encampment~~

~~b. No additional temporary homeless encampments may be allowed on the same parcel of property in any 12-month period beginning on the date the homeless encampment locates on a parcel of property.~~

1. Temporary Homeless Encampment. The homeless encampment shall conform to the following fire requirements:

a. There shall be no open fires for cooking without pre-approval by the Olympia Fire Department and no open fires for heating;

b. No heating appliances within the individual tents are allowed without pre-approval by the Olympia Fire Department;

c. No cooking appliances, other than microwave appliances, are allowed in individual tents;

- d. An adequate number, with appropriate rating, of fire extinguishers shall be provided as approved by the [Olympia](#) Fire Department;
 - e. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the [Olympia](#) Fire Department;
 - f. Adequate separation between tents and other structures shall be maintained as determined by the [Olympia](#) Fire Department; and
 - g. Electrical service shall be in accordance with recognized and accepted practice [and codes](#). Electrical cords ~~shall~~ [are](#) not to be strung together, ~~and any~~ [electrical](#) cords used must be approved for [outdoor](#) exterior use.
2. ~~A Unit of Government~~[County](#) Homeless Encampment. ~~A unit of government~~[The County](#) homeless encampment shall conform to the City engineering, building and fire codes.
3. The Host Agency and Sponsoring Agency shall permit inspections by City staff and the Thurston County Health Department at reasonable times without prior notice of compliance with the conditions of the Temporary and ~~County~~[unit of government](#) Homeless Encampment Permit.

E. Director's Decision.

1. Temporary Homeless Encampment

- a. Purpose. The Director shall review the proposal to ensure compliance with the provisions of this ~~e~~[Chapter](#) and all other applicable law~~s~~ to ensure that the health, safety and welfare of the citizens of the City is preserved, and to provide an expedient and reasonable land use review process for decisions and interpretations of this ~~e~~[Chapter](#).
- b. Director Authority. The Director may modify the submittal requirements as deemed appropriate.
- c. Notice of Decision. The Director shall notify the Sponsoring and Host Agencies of his or her decision to approve, modify or deny the application within a timely manner, but not prior to [fourteen \(14\)](#) days after the neighborhood informational meeting. ~~The is Director's D~~[his](#) decision is a final decision of the City. Appeals of decisions to approve or deny a Temporary Encampment Permit shall be to Thurston County Superior Court.

2. ~~Unit of Government~~[County](#) Homeless Encampment

- a. Purpose. The Director shall review the proposal and make a recommendation to the Hearing Examiner regarding compliance with applicable law.

b. Hearing Examiner Authority. The Hearing Examiner may issue a unit of government~~County~~ Homeless Encampment Permit pursuant to Hearing Examiner OMC Chapter 18.82. The Director will forward the application and a recommendation to the Hearing Examiner subject to the provisions of this OMC Chapter 18.50, the "Conditional Uses OMC Chapter 18.48," and Hearing Examiner OMC Chapter 18.82.

c. Notice of Decision. The Director shall provide notice of the Olympia Hearing Examiner's Decision pursuant to OMC 18.60. The Hearing Examiner's Decision is a final decision of the City. Appeals of the Hearing Examiner's decisions to approve or deny a unit of government~~County~~ Homeless Encampment Permit shall be to Thurston County Superior Court.

F. Temporary Homeless Encampment Permit Termination. If the Host Agency or Sponsoring Agency fails to take action against a resident who violates the terms and conditions of this~~its~~ permit, it may result in immediate termination of the permit issued to the Host Agency or Sponsoring Agency. If the City learns of uncontrolled violence~~or~~ acts of violence by residents of the encampment and the Host Agency or Sponsoring Agency has not adequately addressed the situation to protect residents, the temporary use permit may be immediately terminated.

G. Temporary Homeless Encampment Permit Revocation. Upon determination that there has been a violation of any approval criteria or condition of application, the Director of Community Planning and Development or his or her~~their~~ designee, may give written notice to the permit holder describing the alleged violation. Within fourteen (14) days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the fourteen (14)-day period, the Director of Community Planning and Development or his or her~~their~~ designee, shall sustain or revoke the permit. When a Temporary Homeless Encampment Permit is revoked, the Director of Community Planning and Development or his or her~~their~~ designee shall notify the permit holder by first class and certified mail of the revocation and the findings upon which revocation is based. Appeals from~~of the Director's decisions~~ to revoke a Temporary Encampment permit shall be to Thurston County Superior Court.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance is for the immediate preservation of public peace, health, safety, and welfare of the public, and shall take effect upon adoption ~~shall take effect five (5) days after publication~~, as provided by law.

Section 6. Public Hearing. The zoning amendments herein shall be referred to the Olympia Planning Commission for review and recommendation. The Olympia City Council shall hold a public hearing on

the amendments to OMC Chapter 18.50 within sixty (60) days of the adoption of this Ordinance. Following the public hearing, the Council shall make findings of fact to either ratify, amend, or repeal the amendments herein to OMC Chapter 18.50.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: