

Emergency Housing Facilities Ordinance

Olympia Planning Commission Recommendation – November 19, 2018

The Planning Commission makes the following recommendations:

Revisiting the Ordinance

1. OPC recommends the City revisit the ordinance approximately one year after the pilot projects with the faith community go into effect. The recommendation is to include a work item on the Planning Commission's 2019-2020 work plan to consider any potential revisions following evaluation of the pilot projects. Additional specific items to revisit include potential for allowing facilities on private property, and screening requirements for facilities.

Staff Comment: *Some members of the public testified that the ordinance should be expanded to allow for emergency housing facilities on all private property. The Commission discussed this and agreed this is worth considering at a future date, however such an expansion would warrant additional public notification and outreach. They agreed that once the outcomes of the current amended ordinance are more clear, these outcomes would be valuable information to communicate with the public along with adequate notice that expanding allowance to private properties was under consideration.*

Parking

2. Include a parking plan for review by a planner as an element of the facility application; do not require minimum parking.
3. Provide flexibility in meeting parking needs.

Staff Comment: *This OPC recommendation is reflected in the proposed ordinance. A provision has been removed which required that the emergency housing may not cause parking for the primary use to fall below its required minimum. Onsite parking needs will be determined as part of the permit review.*

Screening

4. Eliminate the requirement for screening the view of the facility from the public right-of-way and adjacent residential properties.
5. Don't require screening for the restrooms.
6. Recommend placing restrooms to minimize odor impacts to adjacent properties.

Staff Comment: *The OPC recommendation is reflected in the proposed ordinance. Following is OPC's rationale for removing the screening requirements:*

- *Screening may actually pose a safety risk – you want to have visibility, eyes on the street*
- *Community should acknowledge these exist*
- *Could be a cost barrier if fencing is needed*
- *Not seen as fair since other residential facilities do not require fencing*

Security Tent

7. Remove all references to a security tent.

Staff Comment: *The OPC recommendation is reflected in the proposed ordinance. A security tent is not a required element, therefore old references to this element were removed in the proposed ordinance.*

Permit Process

8. Remove Conditional Use Permit (CUP) process, and replace with establishing that a temporary use permit which may be granted for one year and can be renewed on a yearly basis.

Staff Comment: *The OPC recommendation is reflected in the proposed ordinance. OPC heard testimony (and staff heard from faith community partners) that the CUP process (which current ordinance requires after one year) is too onerous; potential site hosts are hesitant to commit to the investment and then a year later be presented with a lengthy, expensive process with unknown outcomes. Requiring a CUP after one year also changes the nature of the permit from temporary to permanent, as no time limit for the CUP approval was stated.*

Staff supports OPC's recommendation. The proposed ordinance has the emergency housing facilities as temporary use permits that can be extended by letter of request each year for two years; after that, a temporary use permit can be applied for again, and there is no limit to the number of temporary use permits that a site host can apply for.

*Also in the proposed ordinance, an **option** of applying for a CUP is retained, so as not to eliminate the potential of approving a site similar to Quixote Village.*

Crime Rate

9. Remove the crime rate language under "Timing" section.

Staff Comment: *The OPC recommendation is reflected in the proposed ordinance. Previously, the ordinance stated that after 180 days the temporary use permit could be extended another 185 days "upon proof that the site did not have on site criminal violations greater than the crime rate of the surrounding neighborhood." It is not clear what the boundaries of the surrounding neighborhood are intended to be, and this provision is not practical to implement. Another area of the ordinance (18.50.060.G) provides that the City may revoke the permit upon violation of approval criteria or condition, and that should suffice.*

Fire Department Comments

10. Recommend approval of fire department recommended revisions.

11. Asked Fire Department to provide more specificity about allowed/approved cooking fires and heating appliances; for example, guidelines for what would be automatically allowed, what may need review and approval, and what would not be allowed.

Staff Comment: *The OPC recommendation, which is the same as the Fire Department's recommendation, is reflected in the proposed ordinance. The requested additional guidance about allowed cooking and heating is attached.)*

Code of Conduct

12. Recommend the host organization include a draft code of conduct in the application.

Staff Comment: *This was initially recommended by staff to OPC, to acknowledge that a code of conduct may not be finalized at time of application, since best practice dictates that residents are involved in creating these. Upon review of the ordinance language, staff has proposed keeping it as written, and including instruction in the application that a draft is acceptable for the above reason.*

Olympia Fire Department, Office of the Fire Marshal

Fire safety in sanctioned homeless camps. Items a – g, are from the Health and Safety section of the Emergency Housing Ordinance. Indented, italicized, comments are clarifications concerning safety from the Fire Marshal. Safety guidance is applicable in sanctioned and unsanctioned camps.

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

It is safer if camp occupants use legitimate single burner camping-type cook stoves (white gas or small propane cylinders). Single burner propane, white gas, propane, or charcoal bar-b-que are not considered open flame cooking applications.

OFD will not extinguish small, non-hazardous cooking fires.

Do not enter homeless encampments to extinguish cooking fires unless the fire seems threatening to structures, wildland, or people. Call law enforcement immediately if the situation seems threatening for Olympia Fire Department members.

Olympic Air Pollution Authority rules in the Urban Growth Area ban open wood fires in the City of Olympia. This includes campfires in pits or campground type burning enclosures. Other than fires for cooking, OFD could be called upon to extinguish fires in camps, especially if smoke is present in the surrounding area.

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

To be determined on a site visit.

No cooking or heating devices using any flame, propane burner or bar-b-que should be used inside tents, due to the potential for carbon monoxide poisoning and/or potential fire spread.

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

No cooking or heating devices using any flame propane burner or bar-b-que should be used inside, including inside tents, due to the potential for carbon monoxide poisoning and/or fire spread.