

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING COMPREHENSIVE PLAN LAND USE POLICIES LU 18.4 AND 18.5 RELATING TO A HOMELESS ENCAMPMENT IN INDUSTRIAL ZONING DISTRICTS.

WHEREAS, the City Council adopted the Temporary Homeless Encampments Ordinance in 2008; and

WHEREAS, in 2010, the State Legislature enacted Engrossed Senate House Bill 1956 that provides the City with the authority to address homeless encampments through its Comprehensive Plan and zoning regulations as a way to strike a balance between the wide array of competing interests, which includes siting homeless facilities (whether publically or privately owned or operated) that serve a public interest and that are difficult to site; and

WHEREAS, despite laudable efforts by all levels of government, private individuals, nonprofit organizations, and charitable foundations to end homelessness, the number of homeless persons in Washington continues to be unacceptably high and includes a large number of families with children, youth, and employed persons; and

WHEREAS, the Land Use & Environment Committee considered a request by Thurston County and Panza to establish a permanent site for homeless persons on County-owned property; and

WHEREAS, the City Council adopted zoning code amendments to authorize a permanent County Homeless Encampment (Ordinance No. 6771); and

WHEREAS, on appeal, the Washington State Growth Management Hearings Board identified Comprehensive Plan Policies LU 18.4 and LU 18.5 as two areas of inconsistency with the adopted zoning amendment Ordinance No. 6771 and directed the City to bring its development regulations into compliance with the Growth Management Act within 120 days (August 28, 2012); and

WHEREAS, the Olympia Planning Commission received a briefing on May 21, 2012, held a public hearing on June 4, 2012, held the public record open until June 8, 2012, and deliberated on July 11, 2012; and

WHEREAS, following the public hearing deliberations, the Planning Commission unanimously recommended two amendments to City's the Comprehensive Plan to provide a homeless encampment within industrial zoned areas; and

WHEREAS, the Planning Commission findings are that the amendments are consistent with the Growth Management Act and the Comprehensive Plan; and, also finding that the City currently has regulations that appropriately implement these proposed amendments; and

WHEREAS, the City issued a July 27, 2012 Addendum to the Determination of Non-significance on the Permanent Homeless Encampment Amendments pursuant to the State Environmental Policy Act; and

WHEREAS, the Ordinance is consistent with the Growth Management Act and the City of Olympia Comprehensive Plan; and

WHEREAS, the City currently has regulations that appropriately implement these proposed Comprehensive Plan amendments; and

WHEREAS, the Ordinance is consistent with the City of Olympia Comprehensive Plan to "***Disperse housing for low- and moderate-income and special needs throughout Olympia and its Urban Growth Area, and discourage concentration of such housing in any one geographical area;***" and

WHEREAS, the Ordinance is consistent with the City of Olympia Comprehensive Plan to “*Continue to support homeless prevention, homeless shelters, and transitional programs for homeless households and individuals;*” and

WHEREAS, the Ordinance is consistent with the City of Olympia Comprehensive Plan to “*Promote partnerships between public and private nonprofit organizations to create increased housing and home ownership opportunities for households with special needs and for low- and moderate-income households;*” and

WHEREAS, the Ordinance is consistent with the City of Olympia’s development regulations since it does not alter existing prohibitions or protections on current or future land uses, does not create conflict with current or future industrial operations, or alter enforcement of existing rules and regulations for industrial zoned land; and

WHEREAS, this Ordinance meets the goals and requirements of the Growth Management Act; and

WHEREAS, this Ordinance is authorized under RCW 35A.63, RCW 36.70A and Article 11, Section 11 of the Washington State Constitution; and

WHEREAS, the City staff presenting this Ordinance have many years of administering and have direct experience relating to provision of homeless services, and their curriculum vitae shall be part of the record; and

WHEREAS, the City Council hereby adopts City staff’s analysis in support of the proposed amendments; and

WHEREAS, this Ordinance is supported by the staff report and materials associated with the Ordinance along with documents on file with the City of Olympia;

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

Section 1. Amendment of the Land Use Chapter of the Olympia Comprehensive Plan. Olympia Comprehensive Plan is hereby amended to read as follows:

LU 18.4* Preserve industrial districts for industrial use. Limit non-industrial uses in industrial districts to those uses which complement or support industrial development. This could include associated offices, restaurants, warehouses, day care facilities, parks and recreational facilities, and other similar uses, except a County homeless encampment on County owned property may be allowed through a process designed to impose reasonable compatibility measures. Such encampment on County owned property as well as complementary or supportive uses should be limited in size and number so that they do not unduly deplete the industrial land base, preempt the siting of industrial uses, or elevate land prices to levels that deter industrial development.

LU 18.5* Prohibit land uses in industrial districts which would be incompatible with existing or potential industrial uses. A County permanent homeless encampment on County owned property may be allowed through a process designed to impose reasonable compatibility measures. Consider providing notices on the title of property within a specified distance of industrial districts to make existing and prospective landowners aware of the nature of the industrial district, in an effort to minimize incompatible land uses and nuisance complaints.

Section 2. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 3. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

Section 4. Recitals. The recitals above shall be treated as findings and conclusions in support of this Ordinance.

Section 5. Codification. This Ordinance shall not be codified in the Olympia Municipal Code.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber
DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: