

PLANNING COMMISSION
Olympia, Washington
June 4, 2012

County Permanent Homeless Encampment Amendment to Comprehensive Plan

STAFF RECOMMENDATION: Conduct a public hearing to receive testimony concerning the proposed amendment to the Comprehensive Plan to clarify a permanent homeless encampment within the Light Industrial Zoning District.

STAFF CONTACTS: Steve Friddle, Community Services Manager, (360) 753-8591

ORIGINATED BY: Washington State Growth Hearings Board and City Council

PRESENTERS AND OTHERS NOTIFIED: Steve Friddle
Public Hearing Notice of tonight's meeting was provided on City website and parties of record in compliance with OMC 18.78

ATTACHMENTS:

1. Permanent encampment ordinance, amending zoning code
2. Growth Management Hearings Board Order
3. Proposed Draft Amendments to Comprehensive Plan

PRIOR COUNCIL/ COMMITTEE REVIEW: None on proposed Comprehensive Plan Amendment.

However, there was extensive Commission and Council review of a recent zoning code amendment to allow a permanent homeless encampment that included:

- **June 21, 2010**, the Land Use & Environment Committee discussed "Homelessness and Homeless Camps and Shelters" with representatives from Camp Quixote.
- **June 22, 2010**, Council referred the issue of finding a permanent site for the homeless back to the Land Use & Environment Committee for discussion.
- **November 15, 2010**, the Land Use & Environment Committee considered Panza and Thurston County request to establish a permanent site for homeless on County-owned property in the Light-Industrial area along Mottman Road. The Committee recommended to the Council that the Planning Commission be directed to expedite zoning code amendments that would allow a permanent homeless encampment as envisioned by Panza and Thurston County.
- **November 23, 2010**, Council agreed and directed staff to expedite zoning code amendments to the Planning Commission that would allow a permanent homeless encampment.

- **March 7, 2011**, the Planning Commission received a briefing of proposed amendments to allow a permanent homeless encampment on County-owned property in the Mottman Road Industrial District.
- **May 2, 2011**, the Commission held a public hearing and extended the public comment period to 5:00 p.m., Friday, May 6, 2011.
- **June 6, 2011**, the Commission deliberated and forwarded recommendations to allow a permanent homeless encampment on County-owned, Light Industrial zoned property that is not adjacent to residentially zoned lands.
- **August 15, 2011**, the Council conducted public hearing.
- **September 6, 2011**, Council approved the proposed amendments to development regulations, which authorized a County permanent homeless encampment in the Light Industrial zone.

BACKGROUND:

In summary, Thurston County and Panza requested zoning code amendments to allow a permanent homeless encampment on County-owned property in a Light Industrial District. Following the lengthy public process outlined above, the City Council amended development regulations that now allow a permanent homeless encampment on County-owned property in a Light Industrial District. (See Attachment 1). That Decision was appealed to the Washington State Growth Management Hearings Board (GMHB).

A complete copy of the record that was sent to the Hearings Board is available for public inspection. If any Planning Commissioner desires a copy, please contact staff.

The GMHB rendered a Decision (Case NO. 11-2011) stating among other things “The City of Olympia is ordered to bring its development regulations into compliance with the Growth Management Act pursuant to this Decision within 120-days (August 28, 2012). A copy of that Decision is Attachment 2 and should be reviewed prior to the Planning Commission deliberation.

ANALYSIS AND OPTIONS:

Procedural: The Planning Commission’s schedule has been adjusted to accommodate this remand from the Growth Management Hearings Board. According to the compliance schedule, the Council must adopt an ordinance that complies with the order not later than August 28, 2012. Pursuant to City’s Code, there must be at least one hearing in front of the Planning Commission. Although not required under the Olympia Municipal Code, the Council also has the option of holding a hearing.

Substantive: The GMHB identified LU 18.4 and LU 18.5 as the areas of inconsistency. There are several ways to address the issues identified by the Growth Management Hearings Board. Staff drafted proposed Comprehensive Plan amendments to address the issues raised in the GMHB Decision and Order. (See Attachment #3).

The amendments are intended to be narrowly drawn so as to not undermine the overall strength of the City’s industrial land use policies. It is within the purview of the Planning Commission to revisit

the adequacy of the City's encampment regulations to ensure consistency. Staff is of the professional opinion that there is consistency. Staff bases this opinion in part on several years of experience with the City's temporary encampment regulations as well as the City's recent experience with the Hearing Examiner approval of the Quixote Village conditional use permit.

The Hearing Examiner did not find, based on the record, that the County permanent encampment proposal generated substantial impacts. Moreover, the Hearing Examiner did not find that encampment residents would object to impacts on them from the industrial area, such as sound, noise or traffic. The encampment residents are accustomed to living in noisy conditions, such as under a bridge, in the vegetation near the freeway or at the locations of the current temporary encampments. For these reasons, it is staff's opinion that the current regulations appropriately implement and are consistent with the proposed amendments to the Comprehensive Plan.

Option 1:

Conduct the public hearing on proposed amendments to the Comprehensive Plan that further clarify that a County permanent homeless encampment is allowed within the Light Industrial Zoning District. Staff has tentatively scheduled Planning Commission deliberation on the proposed amendments for June 18, 2012.
