



City Council

Ordinance Adopting a Permanent Homeless Encampment Amendment to Comprehensive Plan

Agenda Date: 8/21/2012
Agenda Item Number: 4.J
File Number: 12-0415

Type: ordinance **Version:** 1 **Status:** Passed

Agenda Item:

Ordinance Adopting a Permanent Homeless Encampment Amendment to Comprehensive Plan

Issue:

Whether to adopt proposed Comprehensive Plan amendments (see Attachment 1) to further clarify that one permanent homeless encampment is allowed within Industrial Zoning Districts; that permanent homeless encampments are consistent with the Growth Management Act and the rest of the Comprehensive Plan; and whether the current regulations implement these Comprehensive Plan amendments.

Planning Commission Recommendation:

Move to approve on first reading and advance to second and final reading the proposed Comprehensive Plan amendments to LU 18.4 and LU 18.5 in the attached ordinance addressing a homeless encampment in industrial zones; with the finding 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.

City Manager's Recommendation:

Move to approve the recommendation from the Planning Commission.

Staff Contact:

Steven Friddle, Community Services Manager, 360.753.8591

Presenter(s):

None. Consent Calendar Item.

Background and Analysis:

There has been extensive review of Zoning Code Amendments and now Comprehensive Plan amendments addressing a permanent Homeless encampment. On May 21 the Commission received a briefing, on June 4 the Planning Commission conducted a public hearing, and the public record was left open until June 8, 2012 on the proposed Comprehensive Plan amendments (see Attachment 2 and 3 - Staff Reports). Following deliberations on July 9, the Planning Commission voted unanimously to recommend to the City Council adoption of amendments to LU 18.4 and 18.5 of the Comprehensive Plan (see Attachment 4). As outlined in the analysis below and in the attachments to this staff report:

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Zoning Code Amendments: On Sept 6, 2011 the Council approved zoning code amendments (see Attachment 5 - Ordinance 6771) to allow a permanent homeless encampment, subject to conditions in Light Industrial Zoned areas. That ordinance was appealed to the Washington State Growth Management Hearings Board (GMHB). The GMHB rendered a decision (Case NO. 11-2-0011 - see Attachment 6) 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)." Pursuant to a subsequent "Request for Guidance and Supplementation of the Record" the GMHB issued a "Clarification" that the City could amend the Comprehensive Plan (and not just the zoning regulations) by the August 28 deadline (see Attachment 7 - GMHB June 21, 2012 Clarification).

Conditional Use Permit: Also included in the record is the County's Conditional Use Permit request and Hearings Examiner Decision. In summary, following two nights of public hearing, on April 30, 2012 the Olympia Hearings Examiner issued a Decision approving the Thurston County Conditional Use Permit for Quixote Village (see Attachment 8). A request for reconsideration was filed on May 11 (see Attachment 9) and Denied by the Hearings Examiner on May 29 (see Attachment 10). On June 15 a Land Use Appeal Petition was filed in Lewis County (see Attachment 11).

Comprehensive Plan Amendments: The GMHB Decision and Order specifically identified Comprehensive Plan policies LU 18.4 and LU 18.5 as the only two areas of inconsistency with the zoning amendment. Staff drafted proposed Comprehensive Plan amendments that specifically address the two areas of inconsistency identified in the GMHB Decision and Order. Following the required public hearing, the Planning Commission voted unanimously to recommend to the City Council adoption of amendments.

Neighborhood/Community Interests (if known):

The public record contains a wide array of support and opposition as expressed by members of the neighborhood and community during the zoning code amendments, the Conditional Use Permitting process and now the Comprehensive Plan amendment process. Generally, opponent's concerns address compatibility that range from support of the camp by finding an alternative location more conducive to residential uses; to harmful impacts on camp residents; and impacts on current and future industrial uses. Supporters generally believe that the proposed Quixote Village as proposed by the County and Panza will be compatible. Attachment12 includes the written Public Hearing Testimony. Attachment 13 provides a brief overview of nine specific concerns related to the Comprehensive Plan amendment and staff responses.

Included with the list of attachments are links to the audio records of the public comment made at the June 4, 2012 public hearing and also of the Planning Commission's July 9, 2012 deliberations on the proposed amendments.

Options:

1. The Council can approve the proposed amendments as recommended unanimously by the Planning Commission. Under this option the motion is to approve on first reading and advance to second and final reading.
2. Although not required, the Council can hold its own Public Hearing before taking action. Holding an additional Public Hearing would result in not meeting the August 28 deadline set by the Growth Hearings Board.

Financial Impact:

None.

Attachments:

As identified above, the record is extensive:

List of Attachments:

1. Recommended Ordinance
2. Staff Report 05-21-12 Planning Commission Briefing
3. Staff Report 06-04-12 Planning Commission Briefing
4. Staff Report 07-12-12 Commission Deliberations
5. County Homeless Encampment Ordinance
6. Growth Hearings Board Decision 05-04-12
7. Growth Hearings Board Clarification 06-21-12
8. Hearing Examiner Decision 04-31-12
9. Request for Reconsideration 05-11-12
10. Hearing Examiner Decision to Deny Reconsideration Request
11. Land Use Appeal Petition 06-15-12 Filed in Lewis County
12. Written Public Hearing Testimony
13. Overview of Comprehensive Plan Amendment Concerns and Staff Responses
14. SEPA Addendum
15. Additional Information on Record

Audio Links:

Planning Commission June 4, 2012 Public Hearing:

[<http://olympia.granicus.com/MediaPlayer.php?publish_id=86>](http://olympia.granicus.com/MediaPlayer.php?publish_id=86)

Planning Commission July 9, 2012 Deliberations:

[<http://olympia.granicus.com/MediaPlayer.php?publish_id=85>](http://olympia.granicus.com/MediaPlayer.php?publish_id=85)