



COUNTY COMMISSIONERS

Carolina Mejia-Barahona
District One

Gary Edwards
District Two

Tye Menser
District Three

**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

Creating Solutions for Our Future

Joshua Cummings, Director

MEMORANDUM

TO: Thurston County Planning Commission
FROM: Leah Davis, Associate Planner
Maya Teeple, Senior Planner
DATE: November 17, 2021
SUBJECT: Introduction to 2020-2021 Development Code Docket Item A-24:
Emergency Housing Ordinance, Permitting Criteria Flexibility (Titles 20, 21, 22, 23)

Background

Development Code Docket Item A-24 is referred to as the “Emergency Housing Ordinance: Permitting Criteria Flexibility”, and is a board-initiated proposal to consider making current interim regulations that allow permitting criteria flexibility within the Homeless Encampments Chapters (20.35, 21.64, 22.51, and 23.45 TCC) permanent. Homeless encampments have been permitted since 2010 under Ordinance No. 14402 within the rural county and three Urban Growth Areas of Lacey, Tumwater and Olympia. Currently adopted interim regulations have been in place since June 2019, and allow for permitting criteria flexibility within the Homeless Encampments Chapter of the Thurston County Code when there is a declared emergency by the BoCC or Board of Health. The current interim regulations are one of several tools in combatting homelessness in Thurston County.

History of Regulations for Homeless Encampments in the Thurston County Code

Homeless encampments are currently allowed as a permitted temporary use in unincorporated Thurston County (Chapters 20.35, 21.64, 22.51, 23.45 TCC). Regulations for homeless encampments were first adopted in 2010 under Ordinance No. 14402. This ordinance was adopted in part to implement changes made to the Thurston County Comprehensive Plan and the Consolidated Plan for Housing in Thurston County (CPHTC) to addressing housing needs, and also to meet requirements under [RCW 43.185C.160](#) that requires jurisdictions to include provisions for regulating homeless encampments. Before Resolution No. 14401 and Ordinance No. 14402, the CPHTC addressed homeless encampments, but the Thurston County Comprehensive Plan and associated development regulations did not.

Ordinance No. 14402, adopted September 7, 2010, updated the Thurston County Zoning Ordinance (Title 20), the Zoning Ordinance for the Lacey Urban Growth Area (Title 21), the Tumwater Urban Growth Area (Title 22), and the Olympia Urban Growth Area (Title 23) to include temporary homeless encampment regulations. These regulations were reviewed by the Planning Commission and the public at a public hearing in March of 2010, and the Planning Commission recommended adoption on April 7, 2010. The Board of County Commissioners (BoCC) also reviewed the amendments and held a public hearing in June of 2010.

Emergency Housing Ordinance –Interim Amendments to the Homeless Encampments Chapters in 2019 and Beyond

Since its initial adoption in 2010, the only amendments to the Homeless Encampments Chapters of the Thurston county Code have been through the interim regulations adopted in 2019 and renewed consistently afterwards (referred to as the “Emergency Housing Ordinance”). The interim regulations provide the Director of Community Planning and Economic Development, along with the Thurston County Health Officer, the optional flexibility to waive certain permitting requirements for homeless encampments when there is adoption of an emergency resolution by the Thurston County Board of Health, and/or the Thurston County BoCC declaring a public health emergency. Any waiver of requirements is only permitted for 6 months, and in order to renew waived requirements, the Board of Health/BoCC must hold a public hearing and determine that a public health emergency continues to exist at least every 6 months. Not all requirements can be waived, only specific requirements that are not related to public health and safety. Significant input was received from legal counsel and other county departments, including the Sheriff’s Office and Public Health and Social Services, in developing the interim regulations. Staff also reviewed resources from the other local communities of Lacey, Olympia and Tumwater.

In order to remain effective, interim regulations must be renewed every 6 months following a BoCC public hearing and majority vote, otherwise they expire. The timeline for the interim regulations to date has been:

- June 25, 2019 – Interim regulations first adopted under Ordinance 15792
- June 9, 2020 – Interim regulations renewed under Ordinance 15902
- Dec. 1, 2020 (effective Dec. 9, 2020) – Interim regulations renewed and amended to allow a waiver for RVs to utilize integrated cooking systems under Ordinance 15948
- May 25, 2021 (effective June 9, 2021) – Interim regulations renewed under Ordinance 16026
- Nov. 30, 2021 (Proposed, Dec. 9, 2021) – Interim regulations currently under consideration for renewal and minor amendment to provide further clarification in the emergency waiver as to which sections are non-waivable related to fire standards, and added requirement that Director consults with stakeholders prior to waiving any requirements

- If permanent regulations are not adopted before June 9, 2022, subsequent renewals of interim regulations would be necessary to keep them effective.

What Cannot be Waived under the Interim Regulations

- Upon adoption of an emergency resolution by the BoCC, the Director of Community Planning and Economic Development can waive certain requirements.
- Any waiver of requirements is allowed for a six (6) month period, and may allow more residents in the encampment.
- The waiver may be extended if the BoCC holds a public hearing and finds a public health emergency continues to exist. The waiver can be extended for an additional six (6) month period.
- As proposed, any requirement may be waived at the discretion of the Director or designee except for the following requirements:
 - All sanitary portable toilets shall be screened from adjacent properties and rights-of-way.
 - All temporary structures within the homeless encampment shall conform to all building codes.
 - The homeless encampment shall conform to fire safety requirements, except they may be waived only to allow for Recreational Vehicles in RV encampments to utilize their integrated cooking and heating units within the RV.
 - The host agency shall provide to all residents of the homeless encampment a "Code of Conduct" for living at the encampment.
 - All homeless encampment residents must sign an agreement to abide by the code of conduct. Failure to abide by the code of conduct and the operations and security plan shall result in the noncompliant resident's immediate and permanent expulsion from the property.
 - The sponsoring agency may use verifiable identification to obtain sex offender and warrant checks for prospective and existing homeless encampment residents.
 - The sponsoring agency shall self police and self manage its residents and shall prohibit alcohol, illegal drugs, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.
- Examples of some of the requirements that could be waived at the discretion of the Director include the number of residents allowed in an encampment (otherwise limited to 40), the length of the encampment (otherwise limited to 180 days), requirement for public meetings, on-site parking requirements, visitor regulations, and more.

Affected Parties & Past Department Input

The proposal affects County residents, Community Planning & Economic Development, Thurston County Public Health and Social Services, the Thurston County Sheriff's Office, and neighboring jurisdictions. In developing the interim regulations in 2019, Thurston County Community Planning worked with Olympia Planning staff, the Thurston County's Sheriff's Office, Thurston County Public Health and Social Services, CPED staff, and individual property owners to develop regulations. Below is a summary of main considerations that were provided in 2019.

Public Health and Social Services Comments

In 2019, Public Health and Social Services requested the BoCC to consider changes to identification and residency requirements, and to not allow a waiver of basic sanitary requirements. Ultimately, the interim regulations adopted in 2019 and beyond allowed for basic sanitary requirements to only be waived at the discretion of the Director with concurrence by the Thurston County Health Officer (20.35.130 TCC), and several changes aligned with PHSS recommendations were made to identification and residency requirements (20.35.090(5) and (7) TCC).

Thurston County Sheriff's Department Comments

During the 2019 discussions to adopt interim regulations, the Sheriff's Department indicated they were not in favor of changing the current wording of the ordinance to allow for an emergency waiver. Concerns were expressed over impact to response times and staffing availability.

Previous BoCC Comments

During initial review of the interim regulations in 2019, the BoCC requested that additional methods be considered for identification purposes. Fingerprinting was added specifically under 20.35.090(5) TCC. Additional language was added to 20.35.090(8) TCC to include “illegal” before “drugs”, to clarify which substances are prohibited. Weapons were also removed as something to be prohibited under the same clause as this is consistent with what the City of Olympia does, and due to the fact that individuals could have state-issued permits that allow for weapons (open-carry or concealed).

Next Steps

Development Code Docket Item A-24 is referred to as the “Emergency Housing Ordinance: Permitting Criteria Flexibility”, and is a board-initiated proposal to consider making current interim regulations that allow permitting criteria flexibility within the Homeless Encampments Chapters (20.35, 21.64, 22.51, and 23.45 TCC) permanent. As part of this docket item, the BoCC has also directed staff to look at additional changes beyond the interim regulations that may make the ordinance more effective.

Staff are currently working with CPED Development Services, PHSS, and the Sheriff's Department to develop alternative amendments beyond those in the interim regulations. Staff expect to bring this item back for full Planning Commission review in 2022.

Attachments

- Attachment A – Current Chapter 20.35, 21.64, 22.51, and 23.45 TCC (“Homeless Encampments Chapters”)
- Attachment B – Interim Ordinance (Draft for renewal, BoCC 11-30-21)

ATTACHMENT A

Current Homeless Encampment Regulations in the Thurston County Code

Chapter 20.35 - HOMELESS ENCAMPMENTS

20.35.020 - Purpose.

The purpose of this chapter is to provide standards to assure that homeless encampments can be accommodated while maintaining conformance with minimum health and safety standards.

(Ord. No. 14402, § 2, 9-7-2010)

20.35.040 - Approval authority.

Emergency homeless encampments are permitted as a temporary use for which the approval authority shall be the director, subject to the requirements of this chapter when sponsored by a church or other organization.

(Ord. No. 14402, § 2, 9-7-2010)

20.35.060 - Homeless encampment—Initiation—Procedure—Notice.

1. The host and/or sponsoring agency shall send a notice of application to the county to establish the proposed homeless encampment a minimum of thirty days prior to the proposed date of establishment for the homeless encampment.
2. The public informational meeting as described TCC 20.35.070 shall be held within ten days of filing the notice of application.
3. The notice of application and public informational meeting shall contain the following information:
 - a. Host and sponsoring agency contact and location information;
 - b. The maximum number of residents;
 - c. The proposed opening date of the homeless encampment; and
 - d. The proposed location of the public informational meeting.
4. 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.
5. All Public Schools Notified. Upon receipt of an application, the department shall send a copy of the application to the administrative office of the school district in which the homeless encampment will be located for its review and consideration.
6. The host and/or sponsoring agency shall provide notice of the application by posting two signs or placards on the site, or in a location immediately adjacent to the site, that provide visibility to motorists using adjacent streets. Timing for placing signs shall coincide with other notification requirements described above. The director shall establish standards for size, color, layout, design, placement, and timing of installation and removal of the signs or placards.

(Ord. No. 14402, § 2, 9-7-2010)

20.35.070 - Public informational meeting.

1. The sponsoring agency shall conduct at least one neighborhood meeting at the location of the proposed

homeless encampment, or at a location close to the proposed homeless encampment site.

2. The time and location of the meeting shall be agreed upon between the department, host agency, and sponsoring agency.
3. The host and/or sponsoring agency shall provide notice of the neighborhood meeting by publishing in a newspaper of general circulation within the affected neighborhood not less than fourteen days prior to the date of the neighborhood meeting. The publication shall specify the time and place of the neighborhood meeting, and the information required for the notice of application under Section 20.35.060(C) to establish a homeless encampment.
4. At minimum, all property owners within one thousand feet of the proposed homeless encampment location shall be notified a minimum of fourteen days in advance of the meeting by the host and/or sponsoring agency.

(Ord. No. 14402, § 2, 9-7-2010)

20.35.080 - Requirements for approval.

1. Each homeless encampment shall be a minimum of one thousand square feet in size, and each camping unit separated by a minimum of ten feet from any property line and have necessary onsite facilities, including, but not limited to the following:
 - a. Sanitary portable toilets in the number and pumping interval required to meet capacity guidelines;
 - b. Hand washing stations by the toilets and by the food areas;
 - c. Refuse receptacles with capacity to handle pickup intervals without overflowing and vector proof;
 - d. Food tent and security tent. Food needs to be stored in vector proof containers.
2. The host and sponsoring agencies shall provide adequate potable water source with backflow prevention to the homeless encampment, as approved by the local water district and the county.
3. No homeless encampment shall be located within a critical area or its buffer.
4. No permanent structures shall be constructed for the homeless encampment.
5. No more than forty residents shall be allowed. The county may further limit the number of residents as site conditions dictate.
6. Adequate onsite parking shall be provided for the homeless encampment. No offsite parking will be allowed. The number of vehicles used by homeless encampment residents shall be provided. If the homeless encampment is located on a site with another use, it shall be shown that the homeless encampment parking will not create a shortage of onsite parking for the other use/s on the property as estimated by the host.
7. The homeless encampment shall be within a quarter mile of a bus stop with seven days per week service, whenever possible. If not located within a quarter mile of a bus stop, the sponsoring agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).
8. The homeless encampment shall be adequately screened from any adjacent right of way and residence. Screening shall be a minimum height of six feet and may include, but is not limited to, a combination of sight obscuring fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the department.
9. All sanitary portable toilets shall be screened from adjacent properties and rights-of-way. The type of

screening shall be approved by the County and may include, but is not limited to, a combination of fencing and/or landscaping.

10. All temporary structures within the homeless encampment shall conform to all building codes.
11. At minimum, the homeless encampment shall conform to the following Fire requirements:
 - a. Material used as roof covering and walls shall be of flame retardant material;
 - b. There shall be no open fires;
 - c. No heating appliances, except electric heaters, within the individual camping units or temporary structures are allowed;
 - d. No cooking appliances other than microwave appliances are allowed within the individual camping units or temporary structures;
 - e. An adequate number and appropriate rating of fire extinguishers shall be provided as approved by the fire department;
 - f. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the fire department;
 - g. Adequate separation between camping units and other structures shall be maintained as determined by the fire department, but in no case, less than ten feet; and
 - h. Electrical service shall be in accordance with recognized and accepted practice; Electrical cords are not to be strung together and any cords used must be approved for exterior use.
12. No homeless encampment shall be permitted on public rights-of-way.
13. Because a homeless encampment is a non-traditional living arrangement and therefore provides less privacy and more complex living arrangements than traditional homes, a distance requirement that provides visual separation and buffering from other sensitive land use activities is considered appropriate. To satisfy this concern, no shelter shall be permitted within three hundred feet of a licensed child daycare facility or any public or private pre-school or elementary, middle, or high school. However, in the event that a daycare or school is located within the property of a potential host agency, this requirement may be waived by the director if the owner of the daycare or principal of the school agrees to the waiving of the distance requirement.

(Ord. No. 14402, § 2, 9-7-2010)

20.35.090 - Operations and security plan required.

1. The host and/or sponsoring agency shall submit an operations and security plan to the department as part of the permit application for the homeless encampment.
2. The host agency shall provide to all residents of the homeless encampment a "Code of Conduct" for living at the encampment. A copy of the "Code of Conduct" shall be submitted as part of the operations and security plan.
3. All homeless encampment residents must sign an agreement to abide by the code of conduct. Failure to abide by the code of conduct and the operations and security plan shall result in the noncompliant resident's immediate and permanent expulsion from the property.
4. The sponsoring agency shall keep a log of all people who stay overnight in the encampment, including names, birth dates, and dates of stay. Logs shall be kept for a minimum of six months and made available to

the county and the sheriff's Office upon request.

5. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID. The sponsoring agency may require presentation of identification such as a driver's license, government issued identification card, military identification or passport, fingerprinting technologies, or other reasonable forms of identification from prospective and existing encampment residents.
6. The host agency shall ensure there is a security tent that is labeled with a visible sign indicating it is the security tent. The security tent shall have an operational telephone or cell phone that is manned twenty-four hours a day seven days a week and must provide the phone number to CAPCOM (county dispatch center). The security tent shall be located near the entrance of the encampment and be staffed by a volunteer, encampment resident, designated representative of the host agency, or other responsible person.
7. The sponsoring agency may use verifiable identification listed in this section (20.35.090 TCC), to obtain sex offender and warrant checks for prospective and existing homeless encampment residents.
 - a. If 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 sponsoring agency may reject the subject to the check for residency to homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.
 - b. The sponsoring agency shall immediately contact the Thurston County Sheriff's office if the reason for rejection or ejection of an individual from the homeless encampment is an active warrant or if, in the opinion of the on duty designated representative of the host agency or the on duty security staff, the rejected/ejected person is a potential threat to the community.
8. The sponsoring agency shall self police and self manage its residents and shall prohibit alcohol, illegal drugs, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.
9. The sponsoring agency will appoint a designated representative of the host agency to serve on duty at all times to serve as a point of contact for the Thurston County Sheriff's Office and will orient the deputies as to how the security tent operates. The names of the on duty designated representative of the host agency will be posted daily in the security tent. The county shall provide contact numbers of non-emergency personnel which shall be posted at the security tent.
10. Visitors: Visitors to the encampment must meet the following procedures and requirements:
 - a. Visitors to the encampment must be invited and accompanied by a resident and must be able to show picture ID.
 - b. Visitors may be at the encampment only between the hours of 9:00 a.m. and 10:00 p.m.
 - c. Visitors may not stay overnight unless they get permission from the host and complete the same background check requirements as required for residents.
11. The homeless encampment shall have a numbering system to easily identify each of the tents. A map of the homeless encampment indicating the general location and the numbering of the tents shall be posted at the security tent.
12. The host agency shall provide proof of general liability insurance with minimum limits of one million dollars per occurrence.

(Ord. No. 14402, § 2, 9-7-2010; Ord. No. 15792, § 1.A, 6-25-2019; Ord. No. 15902, § 1.A, 6-9-2020; Ord. No. 15948 § 1.A, 12-1-2020)

Editor's note— Ord. No. 15948, adopted and effective December 1, 2020, extended interim regulations previously adopted by Ord. No. 15792, amending certain portions of § 20.35.090, above, pertaining to emergency homeless encampments, establishing a one year work plan to study related regulations, and to determine final appropriate regulations. As established in Section 6 of said ordinance, "this ordinance shall expire six months after the effective date of this ordinance, or earlier by board action."

20.35.100 - Timing.

1. No more than one homeless encampment may be located in each of the sheriff districts in Thurston County at any time but never more than two homeless encampments may be located within unincorporated Thurston County at any one time.
2. Duration of the homeless encampment shall not exceed one hundred eighty days.
3. No host agency shall host a homeless encampment on the same or nearby lot, as defined at TCC 20.03.040(83)(d), more than one time in any twelve-month period, beginning on the date the homeless encampment locates on a parcel of property.

(Ord. No. 14402, § 2, 9-7-2010; Ord. No. 14517, § 1, 5-10-2011)

20.35.110 - Inspections.

The sponsoring and host agencies shall permit inspections by Thurston County, the applicable fire district, public health, environmental health, and the sheriff's Office at reasonable times without prior notice for compliance with the conditions of the permit for the homeless encampment.

(Ord. No. 14402, § 2, 9-7-2010)

20.35.120 - Termination.

If the sponsoring agency fails to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of the permit. If the county learns of acts of violence by residents of the encampment and the sponsoring agency has not adequately addressed the situation, the permit may be immediately terminated.

(Ord. No. 14402, § 2, 9-7-2010)

20.35.130 - Emergency waiver.

Upon adoption of an emergency resolution by the Thurston County board of health and/or the Thurston County board of commissioners declaring a public health emergency, the requirements of this chapter may be waived by the director or his or her designee for faith-based organizations, not-for-profit organizations and units of government, except for the requirements in TCC Section 20.35.080(9) and (10) and TCC Section 20.35.090(2), (3), (7), and (8). TCC Section 20.35.080(11)(c) and (d) may also be waived for recreational vehicle individual camping units only, allowing recreational vehicles to utilize the integrated heating and cooking systems common to recreational vehicles if there is no additional risk to health and safety. TCC Section 20.35.080(1) and (2) may be waived or modified at the discretion of

the director or his or her designee with concurrence by the Thurston County health officer. Any waiver of the requirements of this chapter shall be for a period not to exceed six months, except when the board finds a public health emergency continues to exist after holding a public hearing, then the requirements of this chapter may be waived for an additional six-month period. Further waivers of this chapter's requirements shall only occur after the board holds a public hearing and finds that the public health emergency is continuing.

(Ord. No. 15792, § 1.B, 6-25-2019; Ord. No. 15902, § 1.B, 6-9-2020; Ord. No. 15948, § 1.B, 12-1-2020)

Editor's note— Ord. No. 15948, adopted and effective December 1, 2020, extended interim regulations previously adopted by Ord. No. 15792, amending certain portions of § 20.35.130, above, pertaining to emergency homeless encampments, establishing a one year work plan to study related regulations, and to determine final appropriate regulations. As established in Section 6 of said ordinance, "this ordinance shall expire six months after the effective date of this ordinance, or earlier by board action."

Chapter 21.64 - HOMELESS ENCAMPMENTS

21.64.020 - Purpose.

The purpose of this chapter is to provide standards to assure that homeless encampments can be accommodated while maintaining conformance with minimum health and safety standards.

(Ord. No. 14402, § 3, 9-7-2010)

21.64.040 - Approval authority.

Emergency homeless encampments are permitted as a temporary use for which the approval authority shall be the director, subject to the requirements of this chapter when sponsored by a church or other organization.

(Ord. No. 14402, § 3, 9-7-2010)

21.64.060 - Homeless encampment—Initiation—Procedure—Notice.

- A. The host and/or sponsoring agency shall send a notice of application to the county to establish the proposed homeless encampment a minimum of thirty days prior to the proposed date of establishment for the homeless encampment.
- B. The public informational meeting as described TCC 20.35.070 shall be held within ten days of filing the notice of application.
- C. The notice of application and public informational meeting shall contain the following information:
 1. Host and sponsoring agency contact and location information;
 2. The maximum number of residents;
 3. The proposed opening date of the homeless encampment; and
 4. The proposed location of the public informational meeting.
- D. 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.

- E. All Public Schools Notified. Upon receipt of an application, the department shall send a copy of the application to the administrative office of the school district in which the homeless encampment will be located for its review and consideration.
- F. The host and/or sponsoring agency shall provide notice of the application by posting two signs or placards on the site, or in a location immediately adjacent to the site, that provide visibility to motorists using adjacent streets. Timing for placing signs shall coincide with other notification requirements described above. The director shall establish standards for size, color, layout, design, placement, and timing of installation and removal of the signs or placards.

(Ord. No. 14402, § 3, 9-7-2010)

21.64.070 - Public informational meeting.

- A. The sponsoring agency shall conduct at least one neighborhood meeting at the location of the proposed homeless encampment, or at a location close to the proposed homeless encampment site.
- B. The time and location of the meeting shall be agreed upon between the department, host agency, and sponsoring agency.
- C. The host and/or sponsoring agency shall provide notice of the neighborhood meeting by publishing in a newspaper of general circulation within the affected neighborhood not less than fourteen days prior to the date of the neighborhood meeting. The publication shall specify the time and place of the neighborhood meeting, and the information required for the notice of application under Section 20.35.060(C) to establish a homeless encampment.
- D. At minimum, all property owners within one thousand feet of the proposed homeless encampment location shall be notified a minimum of fourteen days in advance of the meeting by the host and/or sponsoring agency.

(Ord. No. 14402, § 3, 9-7-2010)

21.64.080 - Requirements for approval.

- A. Each homeless encampment shall be a minimum of one thousand square feet in size, and each camping unit separated by a minimum of ten feet from any property line and have necessary onsite facilities, including, but not limited to the following:
 - 1. Sanitary portable toilets in the number and pumping interval required to meet capacity guidelines;
 - 2. Hand washing stations by the toilets and by the food areas;
 - 3. Refuse receptacles with capacity to handle pickup intervals without overflowing and vector proof;
 - 4. Food tent and security tent. Food needs to be stored in vector proof containers.
- B. The host and sponsoring agencies shall provide adequate potable water source with backflow prevention to the homeless encampment, as approved by the local water district and the county.
- C. No homeless encampment shall be located within a critical area or its buffer.
- D. No permanent structures shall be constructed for the homeless encampment.
- E. No more than forty residents shall be allowed. The county may further limit the number of residents as site conditions dictate.

- F. Adequate onsite parking shall be provided for the homeless encampment. No offsite parking will be allowed. The number of vehicles used by homeless encampment residents shall be provided. If the homeless encampment is located on a site with another use, it shall be shown that the homeless encampment parking will not create a shortage of onsite parking for the other use/s on the property as estimated by the host.
- G. The homeless encampment shall be within a quarter mile of a bus stop with seven days per week service, whenever possible. If not located within a quarter mile of a bus stop, the sponsoring agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).
- H. The homeless encampment shall be adequately screened from any adjacent right of way and residence. Screening shall be a minimum height of six feet and may include, but is not limited to, a combination of sight obscuring fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the department.
- I. All sanitary portable toilets shall be screened from adjacent properties and rights of way. The type of screening shall be approved by the county and may include, but is not limited to, a combination of fencing and/or landscaping.
- J. All temporary structures within the homeless encampment shall conform to all building codes.
- K. At minimum, the homeless encampment shall conform to the following fire requirements:
 - 1. Material used as roof covering and walls shall be of flame retardant material;
 - 2. There shall be no open fires;
 - 3. No heating appliances, except electric heaters, within the individual camping units or temporary structures are allowed;
 - 4. No cooking appliances other than microwave appliances are allowed within the individual camping units or temporary structures;
 - 5. An adequate number and appropriate rating of fire extinguishers shall be provided as approved by the fire department;
 - 6. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the fire department;
 - 7. Adequate separation between camping units and other structures shall be maintained as determined by the fire department, but in no case, less than ten feet; and
 - 8. Electrical service shall be in accordance with recognized and accepted practice. Electrical cords are not to be strung together and any cords used must be approved for exterior use.
- L. No homeless encampment shall be permitted on public rights-of-way.
- M. Because a homeless encampment is a non-traditional living arrangement and therefore provides less privacy and more complex living arrangements than traditional homes, a distance requirement that provides visual separation and buffering from other sensitive land use activities is considered appropriate. To satisfy this concern, no shelter shall be permitted within three hundred feet of a licensed child daycare facility or any public or private pre-school or elementary, middle, or high school. However, in the event that a daycare or school is located within the property of a potential host agency, this requirement may be waived by the director if the owner of the daycare or principal of the school agrees to the waiving of the distance requirement.

(Ord. No. 14402, § 3, 9-7-2010)

21.64.090 - Operations and security plan required.

- A. The host and/or sponsoring agency shall submit an operations and security plan to the department as part of the permit application for the homeless encampment.
- B. The host agency shall provide to all residents of the homeless encampment a "Code of Conduct" for living at the encampment. A copy of the "Code of Conduct" shall be submitted as part of the operations and security plan.
- C. All homeless encampment residents must sign an agreement to abide by the code of conduct. Failure to abide by the code of conduct and the operations and security plan shall result in the noncompliant resident's immediate and permanent expulsion from the property.
- D. The sponsoring agency shall keep a log of all people who stay overnight in the encampment, including names, birth dates, and dates of stay. Logs shall be kept for a minimum of six months and made available to the county and the sheriff's office upon request.
- E. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID. The sponsoring agency may require presentation of identification such as a driver's license, government issued identification card, military identification or passport, fingerprinting technologies, or other reasonable forms of identification from prospective and existing encampment residents.
- F. The host agency shall ensure there is a security tent that is labeled with a visible sign indicating it is the security tent. The security tent shall have an operational telephone or cell phone that is manned twenty-four hours a day seven days a week and must provide the phone number to CAPCOM (county dispatch center). The security tent shall be located near the entrance of the encampment and be staffed by a volunteer, encampment resident, designated representative of the host agency, or other responsible person.
- G. The sponsoring agency may use verifiable identification listed in this section (21.64.090 TCC), to obtain sex offender and warrant checks for prospective and existing homeless encampment residents.
 - 1. If 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 sponsoring agency may reject the subject to the check for residency to homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.
 - 2. The sponsoring agency shall immediately contact the Thurston County Sheriff's office if the reason for rejection or ejection of an individual from the homeless encampment is an active warrant or if, in the opinion of the on duty designated representative of the host agency or the on duty security staff, the rejected/ejected person is a potential threat to the community.
- H. The sponsoring agency shall self police and self manage its residents and shall prohibit alcohol, illegal drugs, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.
- I. The sponsoring agency will appoint a designated representative of the host agency to serve on duty at all times to serve as a point of contact for the Thurston County Sheriff's Office and will orient the deputies as to how the security tent operates. The names of the on duty designated representative of the host agency will

be posted daily in the security tent. The county shall provide contact numbers of non-emergency personnel which shall be posted at the security tent.

J. Visitors: Visitors to the encampment must meet the following procedures and requirements:

1. Visitors to the encampment must be invited and accompanied by a resident and must be able to show picture ID.
2. Visitors may be at the encampment only between the hours of 9:00 a.m. and 10:00 p.m.
3. Visitors may not stay overnight unless they get permission from the host and complete the same background check requirements as required for residents.

K. The homeless encampment shall have a numbering system to easily identify each of the tents. A map of the homeless encampment indicating the general location and the numbering of the tents shall be posted at the security tent.

L. The host agency shall provide proof of general liability insurance with minimum limits of one million dollars per occurrence.

(Ord. No. 14402, § 3, 9-7-2010; Ord. No. 15792, § 2.A, 6-25-2019; Ord. No. 15902, § 2.A, 6-9-2020; Ord. No. 15948, § 2.A, 12-1-2020)

Editor's note— Ord. No. 15948, adopted and effective December 1, 2020, extended interim regulations previously adopted by Ord. No. 15792, amending certain portions of § 21.64.090, above, pertaining to emergency homeless encampments, establishing a one year work plan to study related regulations, and to determine final appropriate regulations. As established in Section 6 of said ordinance, "this ordinance shall expire six months after the effective date of this ordinance, or earlier by board action."

21.64.100 - Timing.

- A. No more than one homeless encampment may be located in each of the sheriff districts in Thurston County at any time but never more than two homeless encampments may be located within unincorporated Thurston County at any one time.
- B. Duration of the homeless encampment shall not exceed one hundred eighty days.
- C. No host agency shall host a homeless encampment on the same or nearby lot, as defined at TCC 20.03.040 (83) (d), more than one time in any twelve-month period, beginning on the date the homeless encampment locates on a parcel of property.

(Ord. No. 14402, § 3, 9-7-2010; Ord. No. 14517, § 2, 5-10-2011)

21.64.110 - Inspections.

The sponsoring and host agencies shall permit inspections by Thurston County, the applicable fire district, public health, environmental health, and the sheriff's office at reasonable times without prior notice for compliance with the conditions of the permit for the homeless encampment.

(Ord. No. 14402, § 3, 9-7-2010)

21.64.120 - Termination.

If the sponsoring agency fails to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of the permit. If the county learns of acts of violence by residents of the encampment and the sponsoring agency has not adequately addressed the situation, the permit may be immediately terminated.

(Ord. No. 14402, § 3, 9-7-2010)

21.64.130 - Emergency waiver.

Upon adoption of an emergency resolution by the Thurston County board of health and/or the Thurston County board of commissioners declaring a public health emergency, the requirements of this chapter may be waived by the director or his or her designee for faith-based organizations, not-for-profit organizations and units of government, except for the requirements in TCC Section 21.64.080(I), (J), and (K) and TCC Section 21.64.090(B), (C), (G), and (H). TCC Section 21.64.080(K)(3) and (4) may also be waived for recreational vehicle individual camping units only, allowing recreational vehicles to utilize the integrated heating and cooking systems common to recreational vehicles if there is no additional risk to health and safety. TCC Section 21.64.080(A) and (B) may be waived or modified at the discretion of the director or his or her designee with concurrence by the Thurston County health officer. Any waiver of the requirements of this chapter shall be for a period not to exceed six months, except when the board finds a public health emergency continues to exist after holding a public hearing, then the requirements of this chapter may be waived for an additional six-month period. Further waivers of this chapter's requirements shall only occur after the board holds a public hearing and finds that the public health emergency is continuing.

(Ord. No. 15792, § 2.B, 6-25-2019; Ord. No. 15902, § 2.B, 6-9-2020; Ord. No. 15948, § 2.B, 12-1-2020)

Editor's note— Ord. No. 15948, adopted and effective December 1, 2020, extended interim regulations previously adopted by Ord. No. 15792, amending certain portions of § 21.64.130, above, pertaining to emergency homeless encampments, establishing a one year work plan to study related regulations, and to determine final appropriate regulations. As established in Section 6 of said ordinance, "this ordinance shall expire six months after the effective date of this ordinance, or earlier by board action."

Chapter 22.51 - HOMELESS ENCAMPMENTS

22.51.020 - Purpose.

The purpose of this chapter is to provide standards to assure that homeless encampments can be accommodated while maintaining conformance with minimum health and safety standards.

(Ord. No. 14402, § 4, 9-7-2010)

22.51.040 - Approval authority.

Emergency homeless encampments are permitted as a temporary use for which the approval authority shall be the director, subject to the requirements of this chapter when sponsored by a church or other organization.

(Ord. No. 14402, § 4, 9-7-2010)

22.51.060 - Homeless encampment—Initiation—Procedure—Notice.

- A. The host and/or sponsoring agency shall send a notice of application to the county to establish the proposed homeless encampment a minimum of thirty days prior to the proposed date of establishment for the homeless encampment.
- B. The public informational meeting as described TCC 20.35.070 shall be held within ten days of filing the notice of application.
- C. The notice of application and public informational meeting shall contain the following information:
 - 1. Host and sponsoring agency contact and location information;
 - 2. The maximum number of residents;
 - 3. The proposed opening date of the homeless encampment; and
 - 4. The proposed location of the public informational meeting.
- D. 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.
- E. All Public Schools Notified. Upon receipt of an application, the department shall send a copy of the application to the administrative office of the school district in which the homeless encampment will be located for its review and consideration.
- F. The host and/or sponsoring agency shall provide notice of the application by posting two signs or placards on the site, or in a location immediately adjacent to the site, that provide visibility to motorists using adjacent streets. Timing for placing signs shall coincide with other notification requirements described above. The director shall establish standards for size, color, layout, design, placement, and timing of installation and removal of the signs or placards.

(Ord. No. 14402, § 4, 9-7-2010)

22.51.070 - Public informational meeting.

- A. The sponsoring agency shall conduct at least one neighborhood meeting at the location of the proposed homeless encampment, or at a location close to the proposed homeless encampment site.
- B. The time and location of the meeting shall be agreed upon between the department, host agency, and sponsoring agency.
- C. The host and/or sponsoring agency shall provide notice of the neighborhood meeting by publishing in a newspaper of general circulation within the affected neighborhood not less than fourteen days prior to the date of the neighborhood meeting. The publication shall specify the time and place of the neighborhood meeting, and the information required for the notice of application under Section 20.35.060(C) to establish a homeless encampment.
- D. At minimum, all property owners within one thousand feet of the proposed homeless encampment location shall be notified a minimum of fourteen days in advance of the meeting by the host and/or sponsoring agency.

(Ord. No. 14402, § 4, 9-7-2010)

22.51.080 - Requirements for approval.

- A. Each homeless encampment shall be a minimum of one thousand square feet in size, and each camping unit shall be a minimum of ten feet from any property line and have necessary onsite facilities, including, but not limited to the following:
1. Sanitary portable toilets in the number and pumping interval required to meet capacity guidelines;
 2. Hand washing stations by the toilets and by the food areas;
 3. Refuse receptacles with capacity to handle pickup intervals without overflowing and vector proof;
 4. Food tent and security tent. Food needs to be stored in vector proof containers.
- B. The host and sponsoring agencies shall provide adequate potable water source with backflow prevention to the homeless encampment, as approved by the local water district and the county.
- C. No homeless encampment shall be located within a critical area or its buffer.
- D. No permanent structures shall be constructed for the homeless encampment.
- E. No more than forty residents shall be allowed. The county may further limit the number of residents as site conditions dictate.
- F. Adequate onsite parking shall be provided for the homeless encampment. No offsite parking will be allowed. The number of vehicles used by homeless encampment residents shall be provided. If the homeless encampment is located on a site with another use, it shall be shown that the homeless encampment parking will not create a shortage of onsite parking for the other use/s on the property as estimated by the host.
- G. The homeless encampment shall be within a quarter mile of a bus stop with seven days per week service, whenever possible. If not located within a quarter mile of a bus stop, the sponsoring agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).
- H. The homeless encampment shall be adequately screened from any adjacent right of way and residence. Screening shall be a minimum height of six feet and may include, but is not limited to, a combination of sight obscuring fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the department.
- I. All sanitary portable toilets shall be screened from adjacent properties and rights-of-way. The type of screening shall be approved by the County and may include, but is not limited to, a combination of fencing and/or landscaping.
- J. All temporary structures within the homeless encampment shall conform to all building codes.
- K. At minimum, the homeless encampment shall conform to the following fire requirements:
1. Material used as roof covering and walls shall be of flame retardant material;
 2. There shall be no open fires;
 3. No heating appliances, except electric heaters, within the individual camping units or temporary structures are allowed;
 4. No cooking appliances other than microwave appliances are allowed within the individual camping units or temporary structures;
 5. An adequate number and appropriate rating of fire extinguishers shall be provided as approved by the fire department;
 6. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined

7. Adequate separation between camping units and other structures shall be maintained as determined by the fire department, but in no case, less than ten feet; and
 8. Electrical service shall be in accordance with recognized and accepted practice; Electrical cords are not to be strung together and any cords used must be approved for exterior use.
- L. No homeless encampment shall be permitted on public rights-of-way.
- M. Because a homeless encampment is a non-traditional living arrangement and therefore provides less privacy and more complex living arrangements than traditional homes, a distance requirement that provides visual separation and buffering from other sensitive land use activities is considered appropriate. To satisfy this concern, no shelter shall be permitted within three hundred feet of a licensed child daycare facility or any public or private pre-school or elementary, middle, or high school. However, in the event that a daycare or school is located within the property of a potential host agency, this requirement may be waived by the director if the owner of the daycare or principal of the school agrees to the waiving of the distance requirement.

(Ord. No. 14402, § 4, 9-7-2010)

22.51.090 - Operations and security plan required.

- A. The host and/or sponsoring agency shall submit an operations and security plan to the department as part of the permit application for the homeless encampment.
- B. The host agency shall provide to all residents of the homeless encampment a "Code of Conduct" for living at the encampment. A copy of the "Code of Conduct" shall be submitted as part of the operations and security plan.
- C. All homeless encampment residents must sign an agreement to abide by the code of conduct. Failure to abide by the code of conduct and the operations and security plan shall result in the noncompliant resident's immediate and permanent expulsion from the property.
- D. The sponsoring agency shall keep a log of all people who stay overnight in the encampment, including names, birth dates, and dates of stay. Logs shall be kept for a minimum of six months and made available to the county and the sheriff's office upon request.
- E. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID. The sponsoring agency may require presentation of identification such as a driver's license, government issued identification card, military identification or passport, fingerprinting technologies, or other reasonable forms of identification from prospective and existing encampment residents.
- F. The host agency shall ensure there is a security tent that is labeled with a visible sign indicating it is the security tent. The security tent shall have an operational telephone or cell phone that is manned twenty-four hours a day seven days a week and must provide the phone number to CAPCOM (county dispatch center). The security tent shall be located near the entrance of the encampment and be staffed by a volunteer, encampment resident, designated representative of the host agency, or other responsible person.
- G. The sponsoring agency may use verifiable identification listed in this section (22.51.090 TCC), to obtain sex offender and warrant checks for prospective and existing homeless encampment residents.
 1. If 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 sponsoring agency may reject the subject to the check for residency to homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.

2. The sponsoring agency shall immediately contact the Thurston County Sheriff's office if the reason for rejection or ejection of an individual from the homeless encampment is an active warrant or if, in the opinion of the on duty designated representative of the host agency or the on duty security staff, the rejected/ejected person is a potential threat to the community.
- H. The sponsoring agency shall self police and self manage its residents and shall prohibit alcohol, illegal drugs, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.
- I. The sponsoring agency will appoint a designated representative of the host agency to serve on duty at all times to serve as a point of contact for the Thurston County Sheriff's Office and will orient the deputies as to how the security tent operates. The names of the on duty designated representative of the host agency will be posted daily in the security tent. The county shall provide contact numbers of non-emergency personnel which shall be posted at the security tent.
- J. Visitors: Visitors to the encampment must meet the following procedures and requirements:
1. Visitors to the encampment must be invited and accompanied by a resident and must be able to show picture ID.
 2. Visitors may be at the encampment only between the hours of 9:00 a.m. and 10:00 p.m.
 3. Visitors may not stay overnight unless they get permission from the host and complete the same background check requirements as required for residents.
- K. The homeless encampment shall have a numbering system to easily identify each of the tents. A map of the homeless encampment indicating the general location and the numbering of the tents shall be posted at the security tent.
- L. The host agency shall provide proof of general liability insurance with minimum limits of one million dollars per occurrence.

(Ord. No. 14402, § 4, 9-7-2010; Ord. No. 15792, § 3.A, 6-25-2019; Ord. No. 15902, § 3.A, 6-9-2020; Ord. No. 15948, § 3.A, 12-1-2020)

Editor's note— Ord. No. 15948, adopted and effective December 1, 2020, extended interim regulations previously adopted by Ord. No. 15792, amending certain portions of § 22.51.090, above, pertaining to emergency homeless encampments, establishing a one year work plan to study related regulations, and to determine final appropriate regulations. As established in Section 6 of said ordinance, "this ordinance shall expire six months after the effective date of this ordinance, or earlier by board action."

22.51.100 - Timing.

- A. No more than one homeless encampment may be located in each of the sheriff districts in Thurston County at any time but never more than two homeless encampments may be located within unincorporated Thurston County any one time.
- B. Duration of the homeless encampment shall not exceed one hundred eighty days.
- C. No host agency shall host a homeless encampment on the same or nearby lot, as defined at TCC 20.03.040 (83) (d), more than one time in any twelve-month period, beginning on the date the homeless encampment

locates on a parcel of property.

(Ord. No. 14402, § 4, 9-7-2010; Ord. No. 14517, § 3, 5-10-2011)

22.51.110 - Inspections.

The sponsoring and host agencies shall permit inspections by Thurston County, the applicable fire district, public health, environmental health, and the sheriff's office at reasonable times without prior notice for compliance with the conditions of the permit for the homeless encampment.

(Ord. No. 14402, § 4, 9-7-2010)

22.51.120 - Termination.

If the sponsoring agency fails to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of the permit. If the county learns of acts of violence by residents of the encampment and the sponsoring agency has not adequately addressed the situation, the permit may be immediately terminated.

(Ord. No. 14402, § 4, 9-7-2010)

22.51.130 - Emergency waiver.

Upon adoption of an emergency resolution by the Thurston County board of health and/or the Thurston County Board of Commissioners declaring a public health emergency, the requirements of this chapter may be waived by the director or his or her designee for faith-based organizations, not-for-profit organizations and units of government, except for the requirements in TCC Section 22.51.080(I) and (J) and TCC Section 22.51.090(B), (C), (G), and (H). TCC Section 22.51.080(K)(3) and (4) may also be waived for recreational vehicle individual camping units only, allowing recreational vehicles to utilize the integrated heating and cooking systems common to recreational vehicles if there is no additional risk to health and safety. TCC Section 22.51.080(A) and (B) may be waived or modified at the discretion of the director or his or her designee with concurrence by the Thurston County health officer. Any waiver of the requirements of this chapter shall be for a period not to exceed six months, except when the board finds a public health emergency continues to exist after holding a public hearing, then the requirements of this chapter may be waived for an additional six-month period. Further waivers of this chapter's requirements shall only occur after the board holds a public hearing and finds that the public health emergency is continuing.

(Ord. No. 15792, § 3.B, 6-25-2019; Ord. No. 15902, § 3.B, 6-9-2020; Ord. No. 15948, § 3.B, 12-1-2020)

Editor's note— Ord. No. 15948, adopted and effective December 1, 2020, extended interim regulations previously adopted by Ord. No. 15792, amending certain portions of § 22.51.130, above, pertaining to emergency homeless encampments, establishing a one year work plan to study related regulations, and to determine final appropriate regulations. As established in Section 6 of said ordinance, "this ordinance shall expire six months after the effective date of this ordinance, or earlier by board action."

Chapter 23.45 - HOMELESS ENCAMPMENTS

23.45.020 - Purpose.

The purpose of this chapter is to provide standards to assure that homeless encampments can be accommodated while maintaining conformance with minimum health and safety standards.

(Ord. No. 14402, § 5, 9-7-2010)

23.45.040 - Approval authority.

Emergency homeless encampments are permitted as a temporary use for which the approval authority shall be the director, subject to the requirements of this chapter when sponsored by a church or other organization.

(Ord. No. 14402, § 5, 9-7-2010)

23.45.060 - Homeless encampment—Initiation—Procedure—Notice.

- A. The host and/or sponsoring agency shall send a notice of application to the county to establish the proposed homeless encampment a minimum of thirty days prior to the proposed date of establishment for the homeless encampment.
- B. The public informational meeting as described TCC 20.35.070 shall be held within ten days of filing the notice of application.
- C. The notice of application and public informational meeting shall contain the following information:
 1. Host and sponsoring agency contact and location information;
 2. The maximum number of residents;
 3. The proposed opening date of the homeless encampment; and
 4. The proposed location of the public informational meeting.
- D. 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.
- E. All Public Schools Notified. Upon receipt of an application, the department shall send a copy of the application to the administrative office of the school district in which the homeless encampment will be located for its review and consideration.
- F. The host and/or sponsoring agency shall provide notice of the application by posting two signs or placards on the site, or in a location immediately adjacent to the site, that provide visibility to motorists using adjacent streets. Timing for placing signs shall coincide with other notification requirements described above. The director shall establish standards for size, color, layout, design, placement, and timing of installation and removal of the signs or placards.

(Ord. No. 14402, § 5, 9-7-2010)

23.45.070 - Public informational meeting.

- A. The sponsoring agency shall conduct at least one neighborhood meeting at the location of the proposed homeless encampment, or at a location close to the proposed homeless encampment site.
- B. The time and location of the meeting shall be agreed upon between the department, host agency, and sponsoring agency.

- C. The host and/or sponsoring agency shall provide notice of the neighborhood meeting by publishing in a newspaper general circulation within the affected neighborhood not less than fourteen days prior to the date of the neighborhood meeting. The publication shall specify the time and place of the neighborhood meeting, and the information required for the notice of application under Section 20.35.060(C) to establish a homeless encampment.
- D. At minimum, all property owners within one thousand feet of the proposed homeless encampment location shall be notified a minimum of fourteen days in advance of the meeting by the host and/or sponsoring agency.

(Ord. No. 14402, § 5, 9-7-2010)

23.45.080 - Requirements for approval.

- A. Each homeless encampment shall be a minimum of one thousand square feet in size, and each camping unit separated by a minimum of ten feet from any property line and have necessary onsite facilities, including, but not limited to the following:
 - 1. Sanitary portable toilets in the number and pumping interval required to meet capacity guidelines;
 - 2. Hand washing stations by the toilets and by the food areas;
 - 3. Refuse receptacles with capacity to handle pickup intervals without overflowing and vector proof;
 - 4. Food tent and security tent. Food needs to be stored in vector proof containers.
- B. The host and sponsoring agencies shall provide adequate potable water source with backflow prevention to the homeless encampment, as approved by the local water district and the county.
- C. No homeless encampment shall be located within a critical area or its buffer.
- D. No permanent structures shall be constructed for the homeless encampment.
- E. No more than forty residents shall be allowed. The county may further limit the number of residents as site conditions dictate.
- F. Adequate onsite parking shall be provided for the homeless encampment. No offsite parking will be allowed. The number of vehicles used by homeless encampment residents shall be provided. If the homeless encampment is located on a site with another use, it shall be shown that the homeless encampment parking will not create a shortage of onsite parking for the other use/s on the property as estimated by the host.
- G. The homeless encampment shall be within a quarter mile of a bus stop with seven days per week service, whenever possible. If not located within a quarter mile of a bus stop, the sponsoring agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).
- H. The homeless encampment shall be adequately screened from any adjacent right of way and residence. Screening shall be a minimum height of six feet and may include, but is not limited to, a combination of sight obscuring fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the department.
- I. All sanitary portable toilets shall be screened from adjacent properties and rights-of-way. The type of screening shall be approved by the county and may include, but is not limited to, a combination of fencing and/or landscaping.
- J. All temporary structures within the homeless encampment shall conform to all building codes.
- K. At minimum, the homeless encampment shall conform to the following fire requirements:

1. Material used as roof covering and walls shall be of flame retardant material;
 2. There shall be no open fires;
 3. No heating appliances, except electric heaters, within the individual camping units or temporary structures are allowed;
 4. No cooking appliances other than microwave appliances are allowed within the individual camping units or temporary structures;
 5. An adequate number and appropriate rating of fire extinguishers shall be provided as approved by the fire department;
 6. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the fire department;
 7. Adequate separation between camping units and other structures shall be maintained as determined by the fire department, but in no case, less than ten feet; and
 8. Electrical service shall be in accordance with recognized and accepted practice; Electrical cords are not to be strung together and any cords used must be approved for exterior use.
- L. No homeless encampment shall be permitted on public rights-of-way.
- M. Because a homeless encampment is a non-traditional living arrangement and therefore provides less privacy and more complex living arrangements than traditional homes, a distance requirement that provides visual separation and buffering from other sensitive land use activities is considered appropriate. To satisfy this concern, no shelter shall be permitted within three hundred feet of a licensed child daycare facility or any public or private pre-school or elementary, middle, or high school. However, in the event that a daycare or school is located within the property of a potential host agency, this requirement may be waived by the director if the owner of the daycare or principal of the school agrees to the waiving of the distance requirement.

(Ord. No. 14402, § 5, 9-7-2010)

23.45.090 - Operations and security plan required.

- A. The host and/or sponsoring agency shall submit an operations and security plan to the department as part of the permit application for the homeless encampment.
- B. The host agency shall provide to all residents of the homeless encampment a "Code of Conduct" for living at the encampment. A copy of the "Code of Conduct" shall be submitted as part of the operations and security plan.
- C. All homeless encampment residents must sign an agreement to abide by the code of conduct. Failure to abide by the code of conduct and the operations and security plan shall result in the noncompliant resident's immediate and permanent expulsion from the property.
- D. The sponsoring agency shall keep a log of all people who stay overnight in the encampment, including names, birth dates, and dates of stay. Logs shall be kept for a minimum of six months and made available to the county and the sheriff's office upon request.
- E. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID. The sponsoring agency may require presentation of identification such as a driver's license, government issued identification card, military identification or passport, fingerprinting technologies, or other reasonable forms of identification

from prospective and existing encampment residents.

- F. The host agency shall ensure there is a security tent that is labeled with a visible sign indicating it is the security tent. The security tent shall have an operational telephone or cell phone that is manned twenty-four hours a day seven days a week and must provide the phone number to CAPCOM (county dispatch center). The security tent shall be located near the entrance of the encampment and be staffed by a volunteer, encampment resident, designated representative of the host agency, or other responsible person.
- G. The sponsoring agency may use verifiable identification listed in this section (23.45.090 TCC), to obtain sex offender and warrant checks for prospective and existing homeless encampment residents.
 - 1. If 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 sponsoring agency may reject the subject to the check for residency to homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.
 - 2. The sponsoring agency shall immediately contact the Thurston County Sheriff's office if the reason for rejection or ejection of an individual from the homeless encampment is an active warrant or if, in the opinion of the on duty designated representative of the host agency or the on duty security staff, the rejected/ejected person is a potential threat to the community.
- H. The sponsoring agency shall self police and self manage its residents and shall prohibit alcohol, illegal drugs, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.
- I. The sponsoring agency will appoint a designated representative of the host agency to serve on duty at all times to serve as a point of contact for the Thurston County Sheriff's Office and will orient the deputies as to how the security tent operates. The names of the on duty designated representative of the host agency will be posted daily in the security tent. The county shall provide contact numbers of non-emergency personnel which shall be posted at the security tent.
- J. Visitors: Visitors to the encampment must meet the following procedures and requirements:
 - 1. Visitors to the encampment must be invited and accompanied by a resident and must be able to show picture ID.
 - 2. Visitors may be at the encampment only between the hours of 9:00 a.m. and 10:00 p.m.
 - 3. Visitors may not stay overnight unless they get permission from the host and complete the same background check requirements as required for residents.
- K. The homeless encampment shall have a numbering system to easily identify each of the tents. A map of the homeless encampment indicating the general location and the numbering of the tents shall be posted at the security tent.
- L. The host agency shall provide proof of general liability insurance with minimum limits of one million dollars per occurrence.

(Ord. No. 14402, § 5, 9-7-2010; Ord. No. 15792, § 4.A, 6-25-2019; Ord. No. 15902, § 4.A, 6-9-2020; Ord. No. 15948, § 4.A, 12-1-2020)

Editor's note— Ord. No. 15948, adopted and effective December 1, 2020, extended interim regulations previously adopted by Ord. No. 15792, amending certain portions of § 23.45.090, above, pertaining to emergency homeless encampments, establishing a one year work plan to study related regulations, and to determine final appropriate regulations. As established in Section 6 of said ordinance, "this ordinance shall expire six months after the effective date of this ordinance, or earlier by board action."

23.45.100 - Timing.

- A. No more than one homeless encampment may be located in each of the sheriff districts in Thurston County at any time but never more than two homeless encampments may be located within unincorporated Thurston County at any one time.
- B. Duration of the homeless encampment shall not exceed one hundred eighty days.
- C. No host agency shall host a homeless encampment on the same or nearby lot, as defined at TCC 20.03.040 (83) (d), more than one time in any twelve-month period, beginning on the date the homeless encampment locates on a parcel of property.

(Ord. No. 14402, § 5, 9-7-2010; Ord. No. 14517, § 4, 5-10-2011)

23.45.110 - Inspections.

The sponsoring and host agencies shall permit inspections by Thurston County, the applicable fire district, public health, environmental health, and the sheriff's office at reasonable times without prior notice for compliance with the conditions of the permit for the homeless encampment.

(Ord. No. 14402, § 5, 9-7-2010)

23.45.120 - Termination.

If the sponsoring agency fails to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of the permit. If the county learns of acts of violence by residents of the encampment and the sponsoring agency has not adequately addressed the situation, the permit may be immediately terminated.

(Ord. No. 14402, § 5, 9-7-2010)

23.45.130 - Emergency waiver.

Upon adoption of an emergency resolution by the Thurston County board of health and/or the Thurston County board of commissioners declaring a public health emergency, the requirements of this chapter may be waived by the director or his or her designee for faith-based organizations, not-for-profit organizations and units of government, except for the requirements in TCC Section 23.45.080(I) and (J) and TCC Section 23.45.090(B), (C), (G), and (H). TCC Section 23.25.080(K)(3) and (4) may also be waived for recreational vehicle individual camping units only, allowing recreational vehicles to utilize the integrated heating and cooking systems common to recreational vehicles if there is no additional risk to health and safety. TCC Section 23.45.080(A) and (B) may be waived or modified at the discretion of the director or his or her designee with concurrence by the Thurston County health officer. Any waiver of the requirements of this chapter shall be for a period not to exceed six months, except when the board finds a public health

emergency continues to exist after holding a public hearing, then the requirements of this chapter may be waived for an additional six-month period. Further waivers of this chapter's requirements shall only occur after the board holds a public hearing and finds that the public health emergency is continuing.

(Ord. No. 15792, § 4.B, 6-25-2019; Ord. No. 15902, § 4.B, 6-9-2020; Ord. No. 15948, § 4.B, 12-1-2020)

Editor's note— Ord. No. 15948, adopted and effective December 1, 2020, extended interim regulations previously adopted by Ord. No. 15792, amending certain portions of § 23.45.130, above, pertaining to emergency homeless encampments, establishing a one year work plan to study related regulations, and to determine final appropriate regulations. As established in Section 6 of said ordinance, "this ordinance shall expire six months after the effective date of this ordinance, or earlier by board action."

ATTACHMENT B

Interim Ordinance,
Draft for Renewal (BoCC
11-30-2021)

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AMENDMENTS TO AND RENEWING ORDINANCE 15792, AS RENEWED BY ORDINANCE 15902, 16026, AND RENEWED AND AMENDED BY ORDINANCE 15948, WHICH ADOPTED INTERIM REGULATIONS FOR EMERGENCY HOMELESS ENCAMPMENTS BY AMENDING THE THURSTON COUNTY CODE, INCLUDING THE THURSTON COUNTY ZONING ORDINANCE (TITLE 20 TCC), THE ZONING ORDINANCE OF THE LACEY URBAN GROWTH AREA (TITLE 21 TCC), THE TUMWATER UGA ZONING ORDINANCE (TITLE 22 TCC), AND THE OLYMPIA UGA ZONING ORDINANCE (TITLE 23 TCC) BY AMENDING SECTIONS 20.35.090, 21.64.090, 22.51.090, AND 23.45.090, AND BY ADDING SECTIONS 20.35.130, 21.64.130, 22.51.130, AND 23.45.130.

WHEREAS, pursuant to RCW 36.70A.390 and other lawful authority, the Board of Thurston County Commissioners (Board) has the authority to enact interim zoning controls; and **WHEREAS**, pursuant to RCW 36.70A.390 the Board shall hold a public hearing on this interim zoning control within sixty (60) days of its adoption; and

WHEREAS, homelessness is a national, state, regional, and local issue affecting all of Thurston County, in both urban and rural areas, with the majority of those experiencing homelessness originating from Thurston County; and

WHEREAS, homelessness has devastating effects on human lives and severe health, safety, social, economic, and environmental impacts on cities, towns, neighborhoods, families, schools, businesses, healthcare facilities, and social service agencies; and

WHEREAS, the Board recognizes that many people seeking shelter, social services, transportation, and housing do so in urban areas where services and transportation are most accessible; and supports and joins the City of Olympia, which has the largest concentration of unsheltered residents, in working together and collaborating with all partners to find solutions; and

WHEREAS, Thurston County, through the Public Health and Social Services Department, provides approximately 5.8 million dollars each year to 35 nonprofit agencies that provide emergency shelter, coordinated entry, rental assistance, affordable housing, and other supportive services, and yet funding is inadequate to meet the growing population and demand; and

WHEREAS, the Board is working to coordinate efforts between County departments and finds it necessary to amend existing emergency homeless encampment regulations to address the current crisis declared by approving Resolution No. H-2-2018 on June 14, 2018, supported by the findings therein and adopted herein this reference; and

WHEREAS, the Board recognizes the vital contributions of nonprofits, faith-based organizations, community groups, advocates, and private citizens who provide temporary, permanent, and supportive housing, and other social and health services to those in need utilizing best practice approaches; and

WHEREAS, in a Thurston County survey conducted by Berk Consulting, homelessness was identified as the top concern and priority for citizens; and

WHEREAS, the cost of housing is rising, the vacancy rate for rental housing is nearing record lows, and there is not sufficient affordable housing in Thurston County all of which contribute to growing homelessness along with economic and family instability factors; and

WHEREAS, the Board is committed to pursuing additional sources of affordable housing in Thurston County, and this commitment is reflected by the Board's December 15, 2020 adoption of regulations to allow rural accessory dwelling units (ADUs);

WHEREAS, the number of people known to be experiencing homelessness in Thurston County on a given day has significantly risen in the past year with 835 persons counted in the Annual Point in Time Census; and

WHEREAS, in 2017, there were 1,670 children who experienced homelessness in Thurston County public schools, 38% of those experiencing homelessness are families with children, and young adults, children and families make up the majority of those without stable housing in our community; and

WHEREAS, domestic violence is also a serious public health issue that is the fourth ranking cause of homelessness, with survivors fleeing domestic violence representing ¼ of those experiencing homelessness in Thurston County; and

WHEREAS, 38% of those identified were unsheltered, living in outdoor places not fit for human habitation, including streets, parks, wooded areas, and cars, putting people at risk of serious health conditions, communicable diseases, and even death; and

WHEREAS, there are record numbers of people living in encampments where lack of access to drinking water, handwashing, toilets, proper food and medicine storage, and waste disposal poses a serious risk to all people and the environment; and

WHEREAS, physical health was the most commonly reported disability among those in our community experiencing homelessness, and people without housing have high rates of chronic physical and mental health conditions and are three times more likely to die early. Physical health complications commonly experienced by those without stable housing and shelter include hypothermia, injuries, chronic pain, musculoskeletal disorders, hunger, malnutrition, skin diseases, foot disorders, infectious diseases such as hepatitis A, B, & C, shigella, tuberculosis, influenza, immune disorders, HIV/AIDS, sexually transmitted diseases, dental problems, respiratory illnesses such as asthma, chronic obstructive pulmonary disease, RSV, pneumonia, hypertension, diabetes, cancer, depression, post-traumatic stress disorder, and other illnesses; and

WHEREAS, nearly 1/3 of people experiencing homelessness were people of color which is disproportionate to the Thurston County population indicating serious racial disparities that need to be addressed; and

WHEREAS, vulnerable populations such as those that are disabled, and those that suffer from substance use disorders and mental illnesses need supportive housing options that are currently not sufficient to meet the needs; and

WHEREAS, the Board seeks to address practices and conditions that cause a threat to the public's health and the safety and welfare of our community; and

WHEREAS, the Board has reassessed the amendments to the Housing Chapter of the Thurston County Comprehensive Plan, and believes further amendments to the homeless encampment regulations are necessary to implement the amendments to the Comprehensive Plan and provide for the safety and welfare of our community; and

WHEREAS, the interim ordinance will remain in place for six (6) months while the County works with its citizens and interested parties to devise appropriate measures to address the homelessness crisis, and consider amendments to its comprehensive plan and the Thurston County Code; and

WHEREAS these appropriate measures may include amendments to the Thurston County Code to allow additional housing options in rural Thurston County; and

WHEREAS, it is the intent of the Board to lift the interim regulations following the completion of the work; and

WHEREAS, the Board believes adopting the interim ordinance is necessary for the preservation of the public health, safety, and general welfare of Thurston County residents, and that this Ordinance should be made effective upon adoption.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, AS FOLLOWS:

SECTION 1. THURSTON COUNTY ZONING ORDINANCE (TITLE 20 TCC). Thurston County Code Chapter 20.35 TCC is hereby amended to read as follows:

- A. Renew amendments to the operations and security plan requirements of Section 20.35.090, as previously adopted by ordinance 15792, and renewed by ordinance 15902, 15948, and 16026, as follows:

Section 20.35.090 (5) – Operations and Security Plan required.

...

5. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID. The sponsoring agency may require presentation of identification such as a driver's license, government issued identification card, military identification or passport, fingerprinting technologies, or other reasonable forms of identification from prospective and existing encampment residents.

...

Section 20.35.090 (7) – Operations and Security Plan required.

...

7. The sponsoring agency ~~will~~ may use verifiable identification listed in this section (20.35.090 TCC), to obtain sex offender and warrant checks from the Thurston County Sheriff's Office for prospective and existing homeless encampment residents.

- a. If 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 sponsoring agency ~~will~~ may reject the subject to the check for residency to homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.

...

Section 20.35.090 (8) – Operations and security plan required.

...

8. The sponsoring agency shall self police and self manage its residents and shall prohibit alcohol, illegal drugs, ~~weapons~~, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.

...

- B. Amend Chapter 20.35 to renew a new section to allow the director of Community Planning and Economic Development to waive specified requirements in a public health emergency, as previously adopted by ordinance 15792, renewed by ordinance 15902 and 16026, and renewed and amended by Ordinance 15948, and further amend as follows:

Section 20.35.130 – Emergency Waiver.

Upon adoption of an emergency resolution by the Thurston County Board of Health and/or the Thurston County Board of Commissioners declaring a public health emergency and after consultation with stakeholders, the requirements of this Chapter may be waived by the Director or his or her designee for faith- based organizations, not-for-profit organizations and units of government, except for the requirements in TCC 20.35.080 (9), (10), and (11)(a), (11)(b), (11)(e), (11)(f), (11)(g), and (11)(h); and TCC 20.35.090 (2), (3), (7), and (8). TCC 20.35.080(11) (c) and (d) may only be waived for Recreational Vehicle individual camping units only, allowing Recreational Vehicles to utilize the integrated heating and cooking systems common to recreational vehicles if there is no additional risk to health and safety. TCC 20.35.080 (1) and (2) may be waived or modified at the discretion of the Director or his or her designee with concurrence by the Thurston County Health Officer. Any waiver of the requirements of this Chapter shall be for a period not to exceed six (6) months, except when the Board finds a public health emergency continues to exist after holding a public hearing, then the requirements of this Chapter may be waived for an additional six (6) month period. Further waivers of this Chapter's requirements shall only occur after the Board holds a public hearing and finds that the public health emergency is continuing.

SECTION 2. LACEY UGA ZONING ORDINANCE (Title 21 TCC). Thurston County Code Chapter 21.64 TCC is hereby amended to read as follows:

- A. Renew amendments to the operations and security plan requirements of Section 21.64.090, as previously adopted by ordinance 15792, and renewed by ordinance 15902, 15948, and 16026, as follows:

Section 21.64.090 (E) – Operations and Security Plan required.

...

E. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID. The sponsoring agency may require presentation of identification such as a driver's license, government issued identification card, military identification or passport, fingerprinting technologies, or other reasonable forms of identification from prospective and existing encampment residents.

...

Section 21.64.090 (G) – Operations and Security Plan required.

...

G. The sponsoring agency ~~will~~ may use verifiable identification listed in this section (21. 64.090 TCC), to obtain sex offender and warrant checks from the Thurston County Sheriff's Office for prospective and existing homeless encampment residents.

1. If 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 sponsoring agency ~~will~~ may reject the subject to the check for residency to homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.

...

Section 21.64.090 (H) – Operations and security plan required.

...

H. The sponsoring agency shall self-police and self-manage its residents and shall prohibit alcohol, illegal drugs, ~~weapons~~, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.

...

- B. Amend Chapter 21.64 to renew a new section to allow the director of Community Planning and Economic Development to waive specified requirements in a public health emergency, as previously adopted by ordinance 15792, renewed by ordinance 15902 and 16026, and renewed and amended by Ordinance 15948, and further amend as follows:

Section 21.64.130 – Emergency Waiver.

Upon adoption of an emergency resolution by the Thurston County Board of Health and/or the Thurston County Board of Commissioners declaring a public health emergency and after consultation with stakeholders, the requirements of this Chapter may be waived by the Director or his or her designee for faith- based organizations, not-for-profit organizations and units of government, except for the requirements in TCC 21.64.080 (I), (J), and (K)(1), (K)(2), (K)(5), (K)(6), (K)(7), and (K)(8); and TCC 21.64.090 (B), (C), (G), and (H). TCC 21.64.080(K) (3) and (4) may only be waived for Recreational Vehicle individual camping units only, allowing Recreational Vehicles to utilize the integrated heating and cooking systems common to recreational vehicles if there is no additional risk to health and safety. TCC 21.64.080 (A) and (B) may be waived or modified at the discretion of the Director or his or her designee with concurrence by the Thurston County Health Officer. Any waiver of the requirements of this Chapter shall be for a period not to exceed six (6) months, except when the Board finds a public health emergency continues to exist after holding a public hearing, then the requirements of this Chapter may be waived for an additional six (6) month period. Further waivers of this Chapter's requirements shall only occur after the Board holds a public hearing

and finds that the public health emergency is continuing.

SECTION 3. TUMWATER UGA ZONING ORDINANCE (TITLE 22 TCC). Thurston County Code Chapter 22.51 TCC is hereby amended to read as follows:

- A. Renew amendments to the operations and security plan requirements of Section 22.51.090, as previously adopted by ordinance 15792, and renewed by ordinance 15902, 15948, and 16026, as follows:

Section 22.51.090 (E) – Operations and Security Plan required.

...

E. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID, The sponsoring agency may require presentation of identification such as a driver's license, government issued identification card, military identification or passport, fingerprinting technologies, or other reasonable forms of identification from prospective and existing encampment residents.

...

Section 22.51.090 (G) – Operations and Security Plan required.

...

G. The sponsoring agency ~~will~~ may use verifiable identification listed in this section (22. 51.090 TCC), to obtain sex offender and warrant checks ~~from the Thurston County Sheriff's Office for prospective and existing homeless encampment residents.~~

1. If 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 sponsoring agency ~~will~~ may reject the subject to the check for residency to homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.

...

Section 22.51.090 (H) – Operations and security plan required.

...

H. The sponsoring agency shall self-police and self-manage its residents and shall prohibit alcohol, illegal drugs, ~~weapons~~, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.

...

- B. Amend Chapter 22.51 to renew a new section to allow the director of Community Planning and Economic Development to waive specified requirements in a public health emergency, as

previously adopted by ordinance 15792, renewed by ordinance 15902 and 16026, and renewed and amended by Ordinance 15948, and further amend as follows:

Section 22.51.130 – Emergency Waiver.

Upon adoption of an emergency resolution by the Thurston County Board of Health and/or the Thurston County Board of Commissioners declaring a public health emergency and after consultation with stakeholders, the requirements of this Chapter may be waived by the Director or his or her designee for faith-based organizations, not-for-profit organizations and units of government, except for the requirements in TCC 22.51.080 (I), (J), and (K)(1), (K)(2), (K)(5), (K)(6), (K)(7), and (K)(8); and TCC 22.51.090 (B), (C), (G), and (H). TCC 22.51.080(K) (3) and (4) may only be waived for Recreational Vehicle individual camping units only, allowing Recreational Vehicles to utilize the integrated heating and cooking systems common to recreational vehicles if there is no additional risk to health and safety. TCC 22.51.080 (A) and (B) may be waived or modified at the discretion of the Director or his or her designee with concurrence by the Thurston County Health Officer. Any waiver of the requirements of this Chapter shall be for a period not to exceed six (6) months, except when the Board finds a public health emergency continues to exist after holding a public hearing, then the requirements of this Chapter may be waived for an additional six (6) month period. Further waivers of this Chapter's requirements shall only occur after the Board holds a public hearing and finds that the public health emergency is continuing.

SECTION 4. OLYMPIA UGA ZONING ORDINANCE (TITLE 23 TCC). Thurston County Code Chapter 23.45 TCC is hereby amended to read as follows:

- A. Renew amendments to the operations and security plan requirements of Section 23.45.090, as previously adopted by ordinance 15792, and renewed by ordinance 15902, 15948, and 16026, as follows:

Section 23.45.090 (E) – Operations and Security Plan required.

...

E. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID. The sponsoring agency may require presentation of identification such as a driver's license, government issued identification card, military identification or passport, fingerprinting technologies, or other reasonable forms of identification from prospective and existing encampment residents.

...

Section 23.45.090 (G) – Operations and Security Plan required.

...

G. The sponsoring agency ~~will~~ may use verifiable identification listed in this section (23.45.090 TCC), to obtain sex offender and warrant checks ~~from the Thurston County Sheriff's Office for~~ prospective and existing homeless encampment residents.

1. If 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 sponsoring agency ~~will~~ may reject the subject to the check for residency to homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.

...

Section 23.45.090 (H) – Operations and security plan required.

...

H. The sponsoring agency shall self-police and self-manage its residents and shall prohibit alcohol, illegal drugs, ~~weapons~~, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.

...

- B. Amend Chapter 23.45 to renew a new section to allow the director of Community Planning and Economic Development to waive specified requirements in a public health emergency, as previously adopted by ordinance 15792, renewed by ordinance 15902 and 16026, and renewed and amended by Ordinance 15948, and further amend as follows:

Section 23.45.130 – Emergency Waiver.

Upon adoption of an emergency resolution by the Thurston County Board of Health and/or the Thurston County Board of Commissioners declaring a public health emergency and after consultation with stakeholders, the requirements of this Chapter may be waived by the Director or his or her designee for faith- based organizations, not-for-profit organizations and units of government, except for the requirements in TCC 23.45.080 (I), (J), and (K)(1), (K)(2), (K)(5), (K)(6), (K)(7), and (K)(8); and TCC 23.45.090 (B), (C), (G), and (H). TCC 23.45.080(K) (3) and (4) may only be waived for Recreational Vehicle individual camping units only, allowing Recreational Vehicles to utilize the integrated heating and cooking systems common to recreational vehicles if there is no additional risk to health and safety. TCC 23.45.080 (A) and (B) may be waived or modified at the discretion of the Director or his or her designee with concurrence by the Thurston County Health Officer. Any waiver of the requirements of this Chapter shall be for a period not to exceed six (6) months, except when the Board finds a public health emergency continues to exist after holding a public hearing, then the requirements of this Chapter may be waived for an additional six (6) month period. Further waivers of this Chapter's requirements shall only occur after the Board holds a public hearing and finds that the public health emergency is continuing.

SECTION 5. DURATION. This ordinance shall expire six (6) months after the effective date of this ordinance, *or earlier by Board action.*

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase or other portion of this Ordinance or its application to any person is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect *on December 9, 2021 the date of expiration of Ordinance 16026.*

SECTION 8. CORRECTIONS. Upon approval of the Prosecuting Attorney's Office, the Clerk of the Board is authorized to make any necessary corrections to any section, subsection, sentence, clause, phrase or other portion of this Ordinance for scriveners or clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

ADOPTED: _____

ATTEST:

BOARD OF COUNTY COMMISSIONERS

Thurston County, Washington

Clerk of the Board

Chair

APPROVED AS TO FORM:

JON TUNHEIM

PROSECUTING ATTORNEY

Vice-Chair

TRAVIS BURNS

Deputy Prosecuting Attorney

Commissioner