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**COMMUNITY PLANNING &  
ECONOMIC DEVELOPMENT DEPARTMENT**

Joshua Cummings, Director

*Creating Solutions for Our Future*

**MEMORANDUM**

**TO:** Thurston County Planning Commission

**FROM:** Maya Teeple, Senior Planner  
Leah Davis, Associate Planner

**DATE:** September 7, 2022

**SUBJECT:** 2022-2023 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](#), [23.45](#) TCC) permanent.

On August 17, 2022, the Planning Commission held a public hearing to accept comments on the proposed amendments. No comment was received. Several changes were discussed, and questions were provided for staff to investigate further.

**Questions from the Last Meeting**

Below is a summary of responses to Commissioner questions from the last meeting on August 17, 2022, and feedback from the County Prosecuting Attorney’s Office. It also summarizes what changes have been made to the draft code included in this packet and alternative options for the Planning Commission to consider.

**A. Changing “Shall” to “May” Regarding Prohibition of Alcohol and Illegal Drugs**

Currently the draft code states that alcohol and illegal drugs shall be prohibited. This requirement is not eligible for an emergency waiver. The Planning Commission discussed changing “shall” to “may” regarding prohibiting illegal drugs and alcohol. This change would make a prohibition on alcohol and illegal drugs discretionary, left to the host and sponsoring agency to decide. It could result in some encampments prohibiting, whereas others may not.

The county PAO does not recommend making this discretionary. The draft code language within this packet maintains the language that requires alcohol and illegal drugs be prohibited.

Should the Planning Commission still want to consider the prohibition on alcohol and illegal drugs discretionary, staff has provided the alternative language below (TCC 20.35.090(8), TCC 21.64.090(H), 22.51.090(H), and 23.45.090(H)):

“...and ~~shall~~may prohibit alcohol, and illegal drugs, and shall prohibit~~weapons,~~ fighting...”

### **B. Prohibiting Weapons, or Requiring Safe-Storage On-Site**

The draft code currently strikes language requiring hosts and sponsoring agencies to prohibit weapons, thereby allowing weapons in permitted encampments. The Planning Commission discussed if the prohibition on weapons could be added back as a requirement or if the County could require safe storage on-site.

The prohibition on weapons was removed during the development of the original interim ordinance because of concerns of 2nd amendment rights and at the direction of the BoCC.

The county PAO recommends against a prohibition on weapons. The draft code language within this packet is written to reflect that.

Additionally, requiring safe storage on site would be fine but may not get used. Mandating that weapons are stored may have concerns with 2nd amendment rights as well.

Cost & staffing requirements to provide safe storage may be overly burdensome and costly to a host agency.

If the Planning Commission would like to still consider requiring safe storage, staff has provided the language below for consideration (TCC 20.35.090(8), TCC 21.64.090(H), 22.51.090(H), and 23.45.090(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. Safe-storage must be provided for weapons on the property.”

### **C. General Liability Insurance as a Waivable Criterion Under a Homelessness Emergency**

Currently, general liability insurance is included as a waivable criterion in the emergency waiver section, and may be waived during a homelessness emergency. This was initially a waivable requirement because it does not necessarily impact health and safety. The Planning Commission asked whether maintaining this as a waivable requirement could make the county liable if a crime happened at a permitted camp.

Per the County PAO, whether general liability insurance should be waived (or the minimum lowered) would come down to a risk assessment. Unlike service contracts, Inter-Local

Agreements, or other significant agreements that require ongoing County involvement, issuing a land use permit poses a lesser risk to the County. That said there may be reasons to be more cautious in this context, given that there is minimal experience in this area, and accidents happen. The need for extra caution must be weighed against the practicality of a sponsor’s ability to afford the insurance and meet the urgency of bringing in guests.

The alternative language suggested based on the County PAO’s feedback has been developed and included in the draft packet that maintains general liability insurance as a waivable criterion but only after consultation with County Risk Management. This allows for maximum flexibility and can be thoughtfully considered on a case-by-case basis.

The revised draft code language as included within this packet (TCC 20.35.130, TCC 21.64.130, TCC 22.51.130, TCC 23.45.130):

“Waiver or modification of TCC 20.35.090 (12) also requires concurrence from Thurston County Risk Management in addition to the other requirements necessary for a waiver under this Section.”

#### **D. Making the Public Informational Meeting a Requirement**

The Planning Commission asked staff to draft language that makes the public informational meeting a requirement under all circumstances, and remove it as something that can be waived in an emergency.

The revised draft code language included in this packet adds TCC 20.35.070 (and respective sections in other Titles) as a requirement that may not be waived under the emergency waiver sections, TCC 20.35.130, TCC 21.64.130, TCC 22.51.130, TCC 23.45.130.

#### **E. Capping the Maximum Number of Residents Permitted with a Waiver**

The Planning Commission asked staff to draft language limiting the maximum number of residents allowed with an emergency waiver.

The revised draft code language as included within this packet adds language that limits the number of residents to a 100% increase with a waiver (TCC 20.35.130, TCC 21.64.130, TCC 22.51.130, TCC 23.45.130):

“Waiver or modification of TCC 20.35.080 (5) may only be made to allow a one hundred percent (100%) increase in the number of residents.”

### **Attachments**

- Attachment A – Draft Code Amendment

**Thurston County Community Planning and Economic Development  
Department  
Community Planning Division**

**THURSTON COUNTY PLANNING  
COMMISSION**

**POST-PUBLIC HEARING DRAFT**

September 7, 2022

**A-24 Emergency Housing Ordinance.**

**Chapters:**                      **Title 20, Chapter 20.35 and 20.60 (attachment-A)**  
   **Title 21, Chapter 21.64 and 21.81 (attachment-B)**  
   **Title 22, Chapter 22.51 and 22.62 (attachment-C)**  
   **Title 23, Chapter 23.54 and 23.72 (attachment-D)**

Deleted Text:                      ~~Strikethrough~~                      Proposed Changes:                      Underlined  
Staff Comments:                      *Italics*                      Unaffected Omitted Text                      ...

*The proposed amendments contained herein are included on the 2022-2023 Official Development Code Docket (Item A-24). This docket item is a board-initiated amendment to consider making current interim regulations for permitting criteria flexibility of homeless encampments, permanent. The amendments apply to unincorporated county, both rural (Title 20) and the three urban growth areas of Lacey (Title 21), Tumwater (Title 22), and Olympia (Title 23).*

*Changes made since the Planning Commission public hearing are **highlighted in blue.***

## **ATTACHMENT A: Thurston County Zoning Ordinance (Title 20)**

*Proposed amendments to Chapter 20.35 include amendments that clarify application procedures, approval authority, procedural and public informational meeting requirements, operation and security plan requirements, and addition of new sections that clarify application review procedures (Section 20.35.065) and allow the director of Community Planning and Economic Development to waive specific requirements in a public health emergency (Section 20.35.130).*

### **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. Additionally, the purpose of this chapter is to facilitate a quick response in permitting of homeless encampments as needed during a declared crisis or emergency.

#### **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~~ faith-based organization, not-for-profit organization, or other organization.

#### **20.35.060 Homeless encampment—Initiation—Procedure—Notice.**

1. Advance Notice Required. The host and/or sponsoring agency shall ~~send a notice of application to~~ notify the county to establish of the proposed homeless encampment a minimum of thirty days prior to the proposed date of establishment for the homeless encampment. The advance notification shall be in the form of an application for a permit for a temporary homeless encampment and shall contain the following information:
  - a. Host and sponsoring agency contact and location information;
  - b. The maximum number of residents;
  - c. The estimated length of time the homeless encampment will continue, not to exceed the requirements under this chapter;
  - d. The proposed opening date of the homeless encampment;
  - e. The proposed location of the public informational meeting; and
  - f. The manner in which the homeless encampment will comply with the requirements of this Chapter and which requirements, if any, are requested to be waived as considered under TCC 20.35.130.
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.~~~~
42. 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.
53. 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.
64. 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~~ occur no later than nine (9) days after receiving an application that is deemed complete or at the same time for which the public informational meeting is noticed under 20.35.070(3) and (4), whichever comes first. The director shall establish standards for size, color, layout, design, placement, and timing of installation and removal of the signs or placards. The county shall provide the sign to the host and/or sponsoring agency along with a date by which the sign must be posted. The sign shall include the name and general description of the proposed project, proposed opening date, the sponsoring agency and a contact name and phone number for more information.
  - a. The sign shall be installed in a place visible to the public, midpoint along the site street frontage at a location five (5) feet inside the property line, or as otherwise directed by the responsible official to maximize visibility.
  - b. The sign board shall be secured to at least one (1) four (4) inch by four (4) inch posts. Bracing shall be used in order for the sign board to withstand high wind conditions that may occur. Posts shall be dug twenty-four (24) to thirty-six (36) inches into the ground for stability. The top of the sign board shall be designed to be between four (4) and six (6) feet above grade.
  - c. The applicant shall maintain the sign board in good condition throughout the application review period, which shall extend through the time of the final county decision on the proposal including the expiration of the applicable appeal period. If the sign board is removed, county review of the land use application may be discontinued until the board is replaced and has remained in place for the required period of time.
  - d. The applicant shall remove the sign board within fourteen (14) calendar days after final county decision on the application, including expiration of applicable appeal periods, and return the sign board to the county.
  - e. Affidavit of Installation. The applicant shall execute an affidavit certifying where and when the sign board was posted and submit to the responsible official for inclusion in the project file at least seven (7) days prior to the hearing.

5. Within nine (9) days after the application is received and deemed complete, the department shall mail a notice of application to all owners of the property within one-thousand feet of the project site. This may be done concurrently with the notice required for the public informational meeting under 20.35.070(4). It shall also be mailed to the applicant and other interested parties. The notice of application shall include the information required under 20.35.060(1), and the additional following:
  - a. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings if applicable, request a copy of the decision once made, and any appeal rights;
  - b. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency;
  - c. A map showing the project site in relation to other properties; and
  - d. Any other information determined appropriate by the department.

#### **20.35.065 Homeless encampment—Application Review Procedures.**

A homeless encampments permit is a temporary use permit that is an administrative decision by the Director or Director’s designee. The Director may issue a temporary and revocable permit for a Homeless Encampment subject to the requirements of this Chapter.

1. Homeless encampments are permitted as a temporary use through and administrative special use permit, Type I. Where regulations differ between Chapter 20.60 TCC and this Chapter, the regulations for processing the permit of this chapter apply. This includes timing and procedure for notice of application, public informational meeting requirements, and appeal procedures.
  - a. Advanced Notice is required as outlined under Section 20.35.060(1) TCC.
  - b. A public informational meeting is required as outlined under Section 20.35.070 TCC.
  - c. Proper noticing is required by both the host and/or sponsoring agency, and the department to provide notice of the application and notice of the public meeting, as stated in this Chapter.
  - d. Homeless encampments are subject to the requirements of approval and operations and security plan requirements as outlined in this Chapter. Certain requirements may be waived subject to Section 20.35.130 TCC.
  - e. Director’s Decision on Homeless Encampments.
    - i. The Director shall review the proposal to ensure compliance with the provisions of this Chapter and all other applicable laws to ensure that the health, safety and welfare of the citizens of the County are preserved, and to provide an expedient and reasonable land use review process for decisions and interpretations of this Chapter.
    - ii. Director Authority. The Director may modify the submittal requirements as deemed appropriate.

- iii. The Director will review the decision on the permit application with the Thurston Board of County Commissioners. Upon review, the Thurston Board of County Commissioners shall either confirm or reverse the recommendation of the Director, or remand the decision back to the Director with instructions. The Director shall issue a final decision following review with the Board of County Commissioners.
- iv. Notice of Decision. The Director shall notify the Sponsoring and Host Agencies of the Director's decision to approve, modify or deny the application within a timely manner, but not prior to fourteen (14) days after the public informational meeting. The Director's decision as reviewed by the Thurston County Board of County Commissioners is a final decision of the County.
- f. Appeal Procedures. Notwithstanding appeal procedures under 20.60.060 TCC, or any other Thurston County procedure, the Director's decision is final and no reconsideration requests, appeals to the Hearings Examiner, nor appeals to the Board of County Commissioners shall be considered. The Director's final decision under this Chapter may be appealed to a Superior Court with competent jurisdiction. The filing of an appeal to Superior Court will not result in an automatic stay absent a court order.

#### **20.35.070 Public Informational Meeting.**

1. The sponsoring agency shall conduct at least one ~~neighborhood~~ public informational meeting at the location of the proposed homeless encampment, or at a location close to the proposed homeless encampment site. A virtual meeting may be considered in combination with a public informational meeting. However, a virtual meeting may only serve in lieu of an in-person public informational meeting at the discretion of the Director if there are existing concerns related to public health and safety.
2. The time and location of the meeting shall be agreed upon between the department, host agency, and sponsoring agency. The public informational meeting shall be held a minimum of fourteen (14) days prior to the issuance of the temporary use permit.
3. The host and/or sponsoring agency shall provide notice of the ~~neighborhood~~ public informational meeting by publishing in a newspaper of general circulation within the affected neighborhood not less than ~~fourteen~~ ten days prior to the date of the ~~neighborhood~~ public informational meeting. The publication shall specify the time and place of the ~~neighborhood~~ public informational meeting, and the information required for the ~~advanced notification of application notice of application~~ under Section 20.35.060(1)(C) to establish a homeless encampment. This may be done concurrently with the notice of application required under 20.35.060(5).
4. At minimum, all property owners within one thousand feet of the proposed homeless encampment location shall be notified by mail a minimum of ~~fourteen~~ ten (10) days in advance of the public informational meeting by the host and/or sponsoring agency. In lieu of notice by mail, an alternative means of notice may be provided that is reasonably calculated to notify the neighboring property owners within one thousand feet of the proposed homeless encampment.

5. The public informational meeting shall at a minimum include general information of the proposed project, maximum number of residents, proposed opening date, contact information for the sponsoring agency, and availability of the host and/or sponsoring agency to answer questions.

**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~~ that close and keep out flies, rodents and other animals;
  - d. Food tent and security tent. Food needs to be stored in ~~vector proof~~ closed containers (or receptacles) that keep out flies, rodents and other animals.
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. Indoor encampments and 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, except for those common to and located inside recreational vehicles or tiny homes if there is no additional risk to health and safety;
  - d. No cooking appliances other than microwave appliances are allowed within the individual camping units or temporary structures, except for those common to and located inside recreational vehicles or tiny homes if there is no additional risk to health and safety;
  - 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 from the property line 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.

#### **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. The security plan shall address potential security and neighborhood impacts within five hundred (500) feet of the temporary site.
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~~TCOMM (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 ~~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.
  - b. The sponsoring agency shall immediately contact the ~~Thurston County Sheriff's office~~TCOMM 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, ~~weapons~~, 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~~ responding agency and will orient the officers or 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.

#### **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~~ three hundred and sixty-five (365) days. One (1) one-year permit extension may be granted by the Director upon the submittal of a letter from the Host Agency requesting said extension. Extension of any waived requirements under TCC 20.35.130 must also be requested. After one (1) extension has been granted, a new temporary use permit under this Chapter shall be required.
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.

#### **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.

#### **20.35.120 Termination and Revocation.**

1. Homeless Encampment Permit 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.

2. Homeless Encampment Permit Revocation. Upon determination that there has been a violation of any approval criteria or condition of application, the Director or the Director's designee may give written notice to the permit holder describing the alleged violation. Within fourteen (14) days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the fourteen (14) day period, the Director or the Director's designee shall sustain or revoke the permit. When a Homeless Encampment Permit is revoked, the Director or the Director's designee shall notify the permit holder by first class and certified mail of the revocation and the findings upon which revocation is based. Appeals from the Director's decision to revoke a temporary Homeless Encampment permit shall be to Superior Court.

### **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 homelessness emergency or crisis and after consultation with stakeholders, the requirements of this Chapter may be waived or modified 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 20.35.070, TCC 20.35.080 (3), (9), (10), and (11), and TCC 20.35.090 (2), (3), (7), and (8). Waiver or modification of TCC 20.35.080 (1) and (2) also requires concurrence from the Thurston County Health Officer in addition to the other requirements necessary for waiver under this Section. Waiver or modification of TCC 20.35.080 (5) may only be made to allow a one hundred percent (100%) increase in the number of residents. Waiver or modification of TCC 20.35.090 (12) also requires concurrence from Thurston County Risk Management in addition to the other requirements necessary for waiver under this Section. Any waiver of the requirements of this Chapter shall be valid for the duration of the temporary use permit as long as the Thurston County Board of Health and/or the Thurston County Board of Commissioners continues to find that the public health emergency exists. If a public health emergency is rescinded, the applicant has ninety (90) days to remedy any waived conditions consistent with the requirements of this Chapter.

**Chapter 20.60 – Administrative Procedures**

**20.60.020 – Application review procedures.**

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Table 2

Permit Review Matrix

Thurston County Zoning Ordinance

Permit/Review	Staff/ Director	Hearing Examiner (open hearing)	Planning Commission (open hearing)	Board of County Commissioners (closed hearing)	Review Process Timeline			
					Type I	Type II	Type III	Type IV
...								
Other administrative decisions/code interpretations	D	A		A	✓			
<u>Temporary Use Permit for Homeless Encampments (20.35 TCC)<sup>1</sup></u>	<u>D</u>	<u>Appealable directly to Superior Court.</u>			<u>✓</u>			
Amendments to administrative actions	D	A		A	✓			

<sup>1</sup> Permits for homeless encampments are considered a temporary use. Where application requirements and procedures for review differ from those laid out in this chapter, the requirements and procedures in Chapter 20.35 TCC apply. Administrative Decisions made by the Director are considered final and are directly appealable to Superior Court.

\* Decision-making authority mandated by state law.

\*\* Site-specific rezones for which a corresponding joint plan amendment is required, which are approved by the board of county commissioners, follows the process for comprehensive plan amendments, zoning text amendments, and legislative rezones.

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## **ATTACHMENT B: Lacey Urban Growth Area Zoning Ordinance (Title 21)**

*Proposed amendments to Chapter 21.64 include amendments that clarify application procedures, approval authority, procedural and public informational meeting requirements, operation and security plan requirements, and addition of new sections that clarify application review procedures (Section 21.64.065) and allow the director of Community Planning and Economic Development to waive specified requirements in a public health emergency (Section 21.64.130).*

### **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. Additionally, the purpose of this chapter is to facilitate a quick response in permitting of homeless encampments as needed during a declared crisis or emergency.

#### **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, faith-based organization, not-for-profit organization, or other organization.

#### **21.64.060 Homeless encampment—Initiation—Procedure—Notice.**

A. Advance Notice Required. The host and/or sponsoring agency shall ~~send a notice of application to~~ notify the county to establish of the proposed homeless encampment a minimum of thirty days prior to the proposed date of establishment for the homeless encampment. The advance notification shall be in the form of an application for a permit for a temporary homeless encampment and shall contain the following information:

1. Host and sponsoring agency contact and location information;
2. The maximum number of residents;
3. The estimated length of time the homeless encampment will continue, not to exceed the requirements under this chapter;
4. The proposed opening date of the homeless encampment;
5. The proposed location of the public informational meeting; and
6. The manner in which the homeless encampment will comply with the requirements of this Chapter and which requirements, if any, are requested to be waived as considered under TCC 21.64.130.

~~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.~~

~~DB. 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.~~

~~EC. 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.~~

~~FD. 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 occur no later than nine (9) days after receiving an application that is deemed complete or at the same time for which the public informational meeting is noticed under 21.64.070(C) and (D), whichever comes first. The director shall establish standards for size, color, layout, design, placement, and timing of installation and removal of the signs or placards. The county shall provide the sign to the host and/or sponsoring agency along with a date by which the sign must be posted. The sign shall include the name and general description of the proposed project, proposed opening date, the sponsoring agency and a contact name and phone number for more information.~~

1. The sign shall be installed in a place visible to the public, midpoint along the site street frontage at a location five (5) feet inside the property line, or as otherwise directed by the responsible official to maximize visibility.
2. The sign board shall be secured to at least one (1) four (4) inch by four (4) inch posts. Bracing shall be used in order for the sign board to withstand high wind conditions that may occur. Posts shall be dug twenty-four (24) to thirty-six (36) inches into the ground for stability. The top of the sign board shall be designed to be between four (4) and six (6) feet above grade.
3. The applicant shall maintain the sign board in good condition throughout the application review period, which shall extend through the time of the final county decision on the proposal including the expiration of the applicable appeal period. If the sign board is removed, county review of the land use application may be discontinued until the board is replaced and has remained in place for the required period of time.
4. The applicant shall remove the sign board within fourteen (14) calendar days after final county decision on the application, including expiration of applicable appeal periods, and return the sign board to the county.

5. Affidavit of Installation. The applicant shall execute an affidavit certifying where and when the sign board was posted and submit to the responsible official for inclusion in the project file at least seven (7) days prior to the hearing.

E. Within nine (9) days after the application is received and deemed complete, the department shall mail a notice of application to all owners of the property within one-thousand feet of the project site. This may be done concurrently with the notice required for the public informational meeting under 21.64.070(D). It shall also be mailed to the applicant and other interested parties. The notice of application shall include the information required under 21.64.060(A), and the additional following:

1. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings if applicable, request a copy of the decision once made, and any appeal rights;
2. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency;
3. A map showing the project site in relation to other properties; and
4. Any other information determined appropriate by the department.

#### **21.64.065 Homeless encampment—Application Review Procedures.**

A homeless encampments permit is a temporary use permit that is an administrative decision by the Director or Director's designee. The Director may issue a temporary and revocable permit for a Homeless Encampment subject to the requirements of this Chapter.

A. Homeless encampments are permitted as a temporary use through and administrative special use permit, Type I. Where regulations differ between Chapter 21.81 TCC and this Chapter, the regulations for processing the permit of this chapter apply. This includes timing and procedure for notice of application, public informational meeting requirements, and appeal procedures.

1. Advanced Notice is required as outlined under Section 21.64.060(A) TCC.
2. A public informational meeting is required as outlined under Section 21.64.070 TCC.
3. Proper noticing is required by both the host and/or sponsoring agency, and the department to provide notice of the application and notice of the public meeting, as stated in this Chapter.
4. Homeless encampments are subject to the requirements of approval and operations and security plan requirements as outlined in this Chapter. Certain requirements may be waived subject to Section 21.64.130 TCC.
5. Director's Decision on Homeless Encampments.
  - a. The Director shall review the proposal to ensure compliance with the provisions of this Chapter and all other applicable laws to ensure that the health, safety and welfare of the citizens of the County are preserved, and

to provide an expedient and reasonable land use review process for decisions and interpretations of this Chapter.

- b. Director Authority. The Director may modify the submittal requirements as deemed appropriate.
  - c. The Director will review the decision on the permit application with the Thurston Board of County Commissioners. Upon review, the Thurston Board of County Commissioners shall either confirm or reverse the recommendation of the Director, or remand the decision back to the Director with instructions. The Director shall issue a final decision following review with the Board of County Commissioners.
  - d. Notice of Decision. The Director shall notify the Sponsoring and Host Agencies of the Director's decision to approve, modify or deny the application within a timely manner, but not prior to fourteen (14) days after the public informational meeting. The Director's decision as reviewed by the Thurston County Board of County Commissioners is a final decision of the County.
6. Appeal Procedures. Notwithstanding appeal procedures under 21.81.070 TCC, or any other Thurston County procedure, the Director's decision is final and no reconsideration requests, appeals to the Hearings Examiner, nor appeals to the Board of County Commissioners shall be considered. The Director's final decision under this Chapter may be appealed to a Superior Court with competent jurisdiction. The filing of an appeal to Superior Court will not result in an automatic stay absent a court order.

#### **21.64.070 Public Informational Meeting.**

- A. The sponsoring agency shall conduct at least one ~~neighborhood~~ public informational meeting at the location of the proposed homeless encampment, or at a location close to the proposed homeless encampment site. A virtual meeting may be considered in combination with a public informational meeting. However, a virtual meeting may only serve in lieu of an in-person public informational meeting at the discretion of the Director if there are existing concerns related to public health and safety.
- B. The time and location of the meeting shall be agreed upon between the department, host agency, and sponsoring agency. The public informational meeting shall be held a minimum of fourteen (14) days prior to the issuance of the temporary use permit.
- C. The host and/or sponsoring agency shall provide notice of the ~~neighborhood~~ public informational meeting by publishing in a newspaper of general circulation within the affected neighborhood not less than ~~fourteen~~ ten days prior to the date of the ~~neighborhood~~ public informational meeting. The publication shall specify the time and place of the ~~neighborhood~~ public informational meeting, and the information required for the advanced notification of application ~~notice of application~~ under Section 21.64.060(A) ~~20.35.060(C)~~ to establish a homeless encampment. This may be done concurrently with the notice of application required under 21.64.060(E).
- D. At minimum, all property owners within one thousand feet of the proposed homeless encampment location shall be notified by mail a minimum of ~~fourteen~~ ten (10) days in

advance of the public informational meeting by the host and/or sponsoring agency. In lieu of notice by mail, an alternative means of notice may be provided that is reasonably calculated to notify the neighboring property owners within one thousand feet of the proposed homeless encampment.

- E. The public informational meeting shall at a minimum include general information of the proposed project, maximum number of residents, proposed opening date, contact information for the sponsoring agency, and availability of the host and/or sponsoring agency to answer questions.

#### **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~~ that close and keep out flies, rodents and other animals;
  4. Food tent and security tent. Food needs to be stored in ~~vector proof~~ closed containers (or receptacles) that keep out flies, rodents and other animals.
- 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. Indoor encampments and all ~~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, except for those common to and located inside recreational vehicles or tiny homes if there is no additional risk to health and safety;
  - 4. No cooking appliances other than microwave appliances are allowed within the individual camping units or temporary structures, except for those common to and located inside recreational vehicles or tiny homes if there is no additional risk to health and safety;
  - 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 from the property line 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.

#### **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. The security plan shall address potential security and neighborhood impacts within five hundred (500) feet of the temporary site.

- 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 CAPCOMTCOMM (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 ~~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.
  - 2. The sponsoring agency shall immediately contact the ~~Thurston County Sheriff's office~~ TCOMM 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, ~~weapons~~, 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~~ responding agency and will orient the officers or 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.

#### **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~~ three hundred and sixty-five (365) days. One (1) one-year permit extension may be granted by the Director upon the submittal of a letter from the Host Agency requesting said extension. Extension of any waived requirements under TCC 21.64.130 must also be requested. After one (1) extension has been granted, a new temporary use permit under this Chapter shall be required.
- 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.

#### **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.

#### **21.64.120 Termination Termination and Revocation.**

- A. Homeless Encampment Permit 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.

- B. Homeless Encampment Permit Revocation. Upon determination that there has been a violation of any approval criteria or condition of application, the Director or the Director's designee may give written notice to the permit holder describing the alleged violation. Within fourteen (14) days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the fourteen (14) day period, the Director or the Director's designee shall sustain or revoke the permit. When a Homeless Encampment Permit is revoked, the Director or the Director's designee shall notify the permit holder by first class and certified mail of the revocation and the findings upon which revocation is based. Appeals from the Director's decision to revoke a temporary Homeless Encampment permit shall be to Superior Court.

### **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 homelessness emergency or crisis and after consultation with stakeholders, the requirements of this Chapter may be waived or modified 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 21.64.070, TCC 21.64.080 (C), (I), (J), and (K), and TCC 21.64.090 (B), (C), (G), and (H). Waiver or modification of TCC 21.64.080 (A) and (B) also requires concurrence from the Thurston County Health Officer in addition to the other requirements necessary for waiver under this Section. Waiver or modification of TCC 21.64.080 (E) may only be made to allow a one hundred percent (100%) increase in the number of residents. Waiver or modification of TCC 21.64.090 (L) also requires concurrence from Thurston County Risk Management in addition to the other requirements necessary for waiver under this Section. Any waiver of the requirements of this Chapter shall be valid for the duration of the temporary use permit as long as the Thurston County Board of Health and/or the Thurston County Board of Commissioners continues to find that the public health emergency exists. If a public health emergency is rescinded, the applicant has ninety (90) days to remedy any waived conditions consistent with the requirements of this Chapter.

**Chapter 21.81 – Administration and Enforcement Procedures**

**21.81.040 – Application review procedures.**

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Illustration 1.

Permit Review Matrix

Lacey UGA Zoning Ordinance

Permit/Review	Staff/ Director	Hearing Examiner (open hearing)	Planning Commission (open hearing)	Board of County Commissioners (closed hearing)	Review Process Timeline			
					Type I	Type II	Type III	Type IV
...								
Other administrative decisions/code interpretations	D	A		A	✓			
<u>Temporary Use Permit for Homeless Encampments (21.64 TCC)<sup>1</sup></u>	<u>D</u>	<u>Appealable directly to Superior Court.</u>			✓			
Amendments to administrative actions	D	A		A	✓			

<sup>1</sup> Permits for homeless encampments are considered a temporary use. Where application requirements and procedures for review differ from those laid out in this chapter, the requirements and procedures in Chapter 21.64 TCC apply. Administrative Decisions made by the Director are considered final and are directly appealable to Superior Court.

\* Decision-making authority mandated by state law.

\*\* Site-specific rezones for which a corresponding joint plan amendment is required, which are approved by the board of county commissioners, follows the process for comprehensive plan amendments, zoning text amendments, and legislative rezones.

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## **ATTACHMENT C: Tumwater Urban Growth Area Zoning Ordinance (Title 22)**

*Proposed amendments to Chapter 22.51 include amendments that clarify application procedures, approval authority, procedural and public informational meeting requirements, operation and security plan requirements, and addition of new sections that clarify application review procedures (Section 22.51.065) and allow the director of Community Planning and Economic Development to waive specified requirements in a public health emergency (Section 22.51.130).*

### **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. Additionally, the purpose of this chapter is to facilitate a quick response in permitting of homeless encampments as needed during a declared crisis or emergency.

#### **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~~faith-based organization, not-for-profit organization, or other organization.

#### **22.51.060 Homeless encampment—Initiation—Procedure—Notice.**

A. Advance Notice Required. The host and/or sponsoring agency shall ~~send a notice of application to~~notify the county ~~to establish~~of the proposed homeless encampment a minimum of thirty days prior to the proposed date of establishment for the homeless encampment. The advance notification shall be in the form of an application for a permit for a temporary homeless encampment and shall contain the following information:

1. Host and sponsoring agency contact and location information;
2. The maximum number of residents;
3. The estimated length of time the homeless encampment will continue, not to exceed the requirements under this chapter;
4. The proposed opening date of the homeless encampment;
5. The proposed location of the public informational meeting; and
6. The manner in which the homeless encampment will comply with the requirements of this Chapter and which requirements, if any, are requested to be waived as considered under TCC 22.51.130.

~~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.~~

~~DB. 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.~~

~~EC. 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.~~

~~FD. 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 occur no later than nine (9) days after receiving an application that is deemed complete or at the same time for which the public informational meeting is noticed under 22.51.070(C) and (D), whichever comes first. The director shall establish standards for size, color, layout, design, placement, and timing of installation and removal of the signs or placards. The county shall provide the sign to the host and/or sponsoring agency along with a date by which the sign must be posted. The sign shall include the name and general description of the proposed project, proposed opening date, the sponsoring agency and a contact name and phone number for more information.~~

- ~~1. The sign shall be installed in a place visible to the public, midpoint along the site street frontage at a location five (5) feet inside the property line, or as otherwise directed by the responsible official to maximize visibility.~~
- ~~2. The sign board shall be secured to at least one (1) four (4) inch by four (4) inch posts. Bracing shall be used in order for the sign board to withstand high wind conditions that may occur. Posts shall be dug twenty-four (24) to thirty-six (36) inches into the ground for stability. The top of the sign board shall be designed to be between four (4) and six (6) feet above grade.~~
- ~~3. The applicant shall maintain the sign board in good condition throughout the application review period, which shall extend through the time of the final county decision on the proposal including the expiration of the applicable appeal period. If the sign board is removed, county review of the land use application may be discontinued until the board is replaced and has remained in place for the required period of time.~~
- ~~4. The applicant shall remove the sign board within fourteen (14) calendar days after final county decision on the application, including expiration of applicable appeal periods, and return the sign board to the county.~~

5. Affidavit of Installation. The applicant shall execute an affidavit certifying where and when the sign board was posted and submit to the responsible official for inclusion in the project file at least seven (7) days prior to the hearing.

E. Within nine (9) days after the application is received and deemed complete, the department shall mail a notice of application to all owners of the property within one-thousand feet of the project site. This may be done concurrently with the notice required for the public informational meeting under 22.51.070(D). It shall also be mailed to the applicant and other interested parties. The notice of application shall include the information required under 22.51.060(A), and the additional following:

1. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings if applicable, request a copy of the decision once made, and any appeal rights;
2. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency;
3. A map showing the project site in relation to other properties; and
4. Any other information determined appropriate by the department.

#### **22.51.065 Homeless encampment—Application Review Procedures.**

A homeless encampments permit is a temporary use permit that is an administrative decision by the Director or Director’s designee. The Director may issue a temporary and revocable permit for a Homeless Encampment subject to the requirements of this Chapter.

A. Homeless encampments are permitted as a temporary use through and administrative special use permit, Type I. Where regulations differ between Chapter 22.62 TCC and this Chapter, the regulations for processing the permit of this chapter apply. This includes timing and procedure for notice of application, public informational meeting requirements, and appeal procedures.

1. Advanced Notice is required as outlined under Section 22.51.060(A) TCC.
2. A public informational meeting is required as outlined under Section 22.51.070 TCC.
3. Proper noticing is required by both the host and/or sponsoring agency, and the department to provide notice of the application and notice of the public meeting, as stated in this Chapter.
4. Homeless encampments are subject to the requirements of approval and operations and security plan requirements as outlined in this Chapter. Certain requirements may be waived subject to Section 22.51.130 TCC.
5. Director’s Decision on Homeless Encampments.
  - a. The Director shall review the proposal to ensure compliance with the provisions of this Chapter and all other applicable laws to ensure that the health, safety and welfare of the citizens of the County are preserved, and to

provide an expedient and reasonable land use review process for decisions and interpretations of this Chapter.

- b. Director Authority. The Director may modify the submittal requirements as deemed appropriate.
  - c. The Director will review the decision on the permit application with the Thurston Board of County Commissioners. Upon review, the Thurston Board of County Commissioners shall either confirm or reverse the recommendation of the Director, or remand the decision back to the Director with instructions. The Director shall issue a final decision following review with the Board of County Commissioners.
  - d. Notice of Decision. The Director shall notify the Sponsoring and Host Agencies of the Director's decision to approve, modify or deny the application within a timely manner, but not prior to fourteen (14) days after the public informational meeting. The Director's decision as reviewed by the Thurston County Board of County Commissioners is a final decision of the County.
6. Appeal Procedures. Notwithstanding appeal procedures under 22.62.050 TCC, or any other Thurston County procedure, the Director's decision is final and no reconsideration requests, appeals to the Hearings Examiner, nor appeals to the Board of County Commissioners shall be considered. The Director's final decision under this Chapter may be appealed to a Superior Court with competent jurisdiction. The filing of an appeal to Superior Court will not result in an automatic stay absent a court order.

#### **22.51.070 Public Informational Meeting.**

- A. The sponsoring agency shall conduct at least one ~~neighborhood~~ public informational meeting at the location of the proposed homeless encampment, or at a location close to the proposed homeless encampment site. A virtual meeting may be considered in combination with a public informational meeting. However, a virtual meeting may only serve in lieu of an in-person public informational meeting at the discretion of the Director if there are existing concerns related to public health and safety.
- B. The time and location of the meeting shall be agreed upon between the department, host agency, and sponsoring agency. The public informational meeting shall be held a minimum of fourteen (14) days prior to the issuance of the temporary use permit.
- C. The host and/or sponsoring agency shall provide notice of the ~~neighborhood~~ public informational meeting by publishing in a newspaper of general circulation within the affected neighborhood not less than ~~fourteen~~ ten days prior to the date of the ~~neighborhood~~ public informational meeting. The publication shall specify the time and place of the ~~neighborhood~~ public informational meeting, and the information required for the advanced notification of application ~~notice of application~~ under Section 22.51.060(A) ~~20.35.060(C)~~ to establish a homeless encampment. This may be done concurrently with the notice of application required under 22.51.060(E).
- D. At minimum, all property owners within one thousand feet of the proposed homeless encampment location shall be notified by mail a minimum of ~~fourteen~~ ten days in advance

of the public informational meeting by the host and/or sponsoring agency. In lieu of notice by mail, an alternative means of notice may be provided that is reasonably calculated to notify the neighboring property owners within one thousand feet of the proposed homeless encampment.

- E. The public informational meeting shall at a minimum include general information of the proposed project, maximum number of residents, proposed opening date, contact information for the sponsoring agency, and availability of the host and/or sponsoring agency to answer questions.

### **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 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~~ that close and keep out flies, rodents and other animals;
  4. Food tent and security tent. Food needs to be stored in ~~vector proof~~ closed containers (or receptacles) that keep out flies, rodents and other animals.
- 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. Indoor encampments and all ~~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, except for those common to and located inside recreational vehicles or tiny homes if there is no additional risk to health and safety;
  - 4. No cooking appliances other than microwave appliances are allowed within the individual camping units or temporary structures, except for those common to and located inside recreational vehicles or tiny homes if there is no additional risk to health and safety;
  - 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 from the property line 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.

**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. The security plan shall address potential security and neighborhood impacts within five hundred (500) feet of the temporary site.

- 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~~TCOMM (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 ~~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.
  - 2. The sponsoring agency shall immediately contact the ~~Thurston County Sheriff's office~~TCOMM 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, ~~weapons~~, 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~~ responding agency and will orient the officers or 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.

#### **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~~ three hundred and sixty-five (365) days. One (1) one-year permit extension may be granted by the Director upon the submittal of a letter from the Host Agency requesting said extension. Extension of any waived requirements under TCC 22.51.130 must also be requested. After one (1) extension has been granted, a new temporary use permit under this Chapter shall be required.
- 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.

#### **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.

#### **22.51.120 Termination and Revocation.**

- A. Homeless Encampment Permit 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.

B. Homeless Encampment Permit Revocation. Upon determination that there has been a violation of any approval criteria or condition of application, the Director or the Director's designee may give written notice to the permit holder describing the alleged violation. Within fourteen (14) days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the fourteen (14) day period, the Director or the Director's designee shall sustain or revoke the permit. When a Homeless Encampment Permit is revoked, the Director or the Director's designee shall notify the permit holder by first class and certified mail of the revocation and the findings upon which revocation is based. Appeals from the Director's decision to revoke a temporary Homeless Encampment permit shall be to Superior Court.

### **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 homelessness emergency or crisis and after consultation with stakeholders, the requirements of this Chapter may be waived or modified 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 22.51.070, TCC 22.51.080 (C), (I), (J), and (K), and TCC 22.51.090 (B), (C), (G), and (H). Waiver or modification of TCC 22.51.080 (A) and (B) also requires concurrence by the Thurston County Health Officer in addition to the other requirements necessary for waiver under this Section. Waiver or modification of TCC 22.51.080 (E) may only be made to allow a one hundred percent (100%) increase in the number of residents. Waiver or modification of TCC 22.51.090 (L) also requires concurrence from Thurston County Risk Management in addition to the other requirements necessary for waiver under this Section. Any waiver of the requirements of this Chapter shall be valid for the duration of the temporary use permit as long as the Thurston County Board of Health and/or the Thurston County Board of Commissioners continues to find that the public health emergency exists. If a public health emergency is rescinded, the applicant has ninety (90) days to remedy any waived conditions consistent with the requirements of this Chapter.

**Chapter 22.62 – Administration and Appeals**

**22.62.020 – Application review procedures.**

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Table 22.62.

Permit Review Matrix

Tumwater UGA Zoning Ordinance

Permit/Review	Staff/ Director	Hearing Examiner (open hearing)	Planning Commission (open hearing)	Board of County Commissioners (closed hearing)	Review Process Timeline			
					Type I	Type II	Type III	Type IV
...								
Other administrative decisions/code interpretations	D	A		A	✓			
<u>Temporary Use Permit for Homeless Encampments (22.51 TCC)<sup>1</sup></u>	<u>D</u>	<u>Appealable directly to Superior Court.</u>			✓			
Amendments to administrative actions	D	A		A	✓			

<sup>1</sup> Permits for homeless encampments are considered a temporary use. Where application requirements and procedures for review differ from those laid out in this chapter, the requirements and procedures in Chapter 22.51 TCC apply. Administrative Decisions made by the Director are considered final and are directly appealable to Superior Court.

\* Decision-making authority mandated by state law.

\*\* Site-specific rezones for which a corresponding joint plan amendment is required, which are approved by the board of county commissioners, follows the process for comprehensive plan amendments, zoning text amendments, and legislative rezones.

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## **ATTACHMENT D: Olympia Urban Growth Area Zoning Ordinance (Title 23)**

*Proposed amendments to Chapter 23.45 include amendments that clarify application procedures, approval authority, procedural and public informational meeting requirements, operation and security plan requirements, and addition of new sections that clarify application review procedures (Section 23.45.065) and allow the director of Community Planning and Economic Development to waive specified requirements in a public health emergency (Section 23.45.130).*

### **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. Additionally, the purpose of this chapter is to facilitate a quick response in permitting of homeless encampments as needed during a declared crisis or emergency.

#### **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, faith-based organization, not-for-profit organization, or other organization.

#### **23.45.060 Homeless encampment—Initiation—Procedure—Notice.**

- A. Advance Notice Required. The host and/or sponsoring agency shall ~~send a notice of application to~~ notify the county ~~to establish~~ of the proposed homeless encampment a minimum of thirty days prior to the proposed date of establishment for the homeless encampment. The advance notification shall be in the form of an application for a permit for a temporary homeless encampment and shall contain the following information:
1. Host and sponsoring agency contact and location information;
  2. The maximum number of residents;
  3. The estimated length of time the homeless encampment will continue, not to exceed the requirements under this chapter;
  4. The proposed opening date of the homeless encampment;
  5. The proposed location of the public informational meeting; and
  6. The manner in which the homeless encampment will comply with the requirements of this Chapter and which requirements, if any, are requested to be waived as considered under TCC 23.45.130.

~~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.~~

~~DB. 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.~~

~~EC. 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.~~

~~FD. 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 occur no later than nine (9) days after receiving an application that is deemed complete or at the same time for which the public informational meeting is noticed under 23.45.070(C) and (D), whichever comes first. The director shall establish standards for size, color, layout, design, placement, and timing of installation and removal of the signs or placards. The county shall provide the sign to the host and/or sponsoring agency along with a date by which the sign must be posted. The sign shall include the name and general description of the proposed project, proposed opening date, the sponsoring agency and a contact name and phone number for more information.~~

- ~~1. The sign shall be installed in a place visible to the public, midpoint along the site street frontage at a location five (5) feet inside the property line, or as otherwise directed by the responsible official to maximize visibility.~~
- ~~2. The sign board shall be secured to at least one (1) four (4) inch by four (4) inch posts. Bracing shall be used in order for the sign board to withstand high wind conditions that may occur. Posts shall be dug twenty-four (24) to thirty-six (36) inches into the ground for stability. The top of the sign board shall be designed to be between four (4) and six (6) feet above grade.~~
- ~~3. The applicant shall maintain the sign board in good condition throughout the application review period, which shall extend through the time of the final county decision on the proposal including the expiration of the applicable appeal period. If the sign board is removed, county review of the land use application may be discontinued until the board is replaced and has remained in place for the required period of time.~~
- ~~4. The applicant shall remove the sign board within fourteen (14) calendar days after final county decision on the application, including expiration of applicable appeal periods, and return the sign board to the county.~~

5. Affidavit of Installation. The applicant shall execute an affidavit certifying where and when the sign board was posted and submit to the responsible official for inclusion in the project file at least seven (7) days prior to the hearing.

E. Within nine (9) days after the application is received and deemed complete, the department shall mail a notice of application to all owners of the property within one-thousand feet of the project site. This may be done concurrently with the notice required for the public informational meeting under 23.45.070(D). It shall also be mailed to the applicant and other interested parties. The notice of application shall include the information required under 23.45.060(A), and the additional following:

1. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings if applicable, request a copy of the decision once made, and any appeal rights;
2. A statement of the preliminary determination, if one has been made at the time of notice, of those development regulations that will be used for project mitigation and of consistency;
3. A map showing the project site in relation to other properties; and
4. Any other information determined appropriate by the department.

#### **23.45.065 Homeless encampment—Application Review Procedures.**

A. Homeless encampments are permitted as a temporary use through and administrative special use permit, Type I. Where regulations differ between Chapter 23.72 TCC and this Chapter, the regulations for processing the permit of this chapter apply. This includes timing and procedure for notice of application, public informational meeting requirements, and appeal procedures.

1. Advanced Notice is required as outlined under Section 23.45.060(A) TCC.
2. A public informational meeting is required as outlined under Section 23.45.070 TCC.
3. Proper noticing is required by both the host and/or sponsoring agency, and the department to provide notice of the application and notice of the public meeting, as stated in this Chapter.
4. Homeless encampments are subject to the requirements of approval and operations and security plan requirements as outlined in this Chapter. Certain requirements may be waived subject to Section 23.45.130 TCC.
5. Director’s Decision on Homeless Encampments.
  - a. The Director shall review the proposal to ensure compliance with the provisions of this Chapter and all other applicable laws to ensure that the health, safety and welfare of the citizens of the County are preserved, and to provide an expedient and reasonable land use review process for decisions and interpretations of this Chapter.
  - b. Director Authority. The Director may modify the submittal requirements as deemed appropriate.

- c. The Director will review the decision on the permit application with the Thurston Board of County Commissioners. Upon review, the Thurston Board of County Commissioners shall either confirm or reverse the recommendation of the Director, or remand the decision back to the Director with instructions. The Director shall issue a final decision following review with the Board of County Commissioners.
  - d. Notice of Decision. The Director shall notify the Sponsoring and Host Agencies of the Director's decision to approve, modify or deny the application within a timely manner, but not prior to fourteen (14) days after the public informational meeting. The Director's decision as reviewed by the Thurston County Board of County Commissioners is a final decision of the County.
6. Appeal Procedures. Notwithstanding appeal procedures under 23.72.190 TCC, or any other Thurston County procedure, the Director's decision is final and no reconsideration requests, appeals to the Hearings Examiner, nor appeals to the Board of County Commissioners shall be considered. The Director's final decision under this Chapter may be appealed to a Superior Court with competent jurisdiction. The filing of an appeal to Superior Court will not result in an automatic stay absent a court order.

#### **23.45.070 Public Informational Meeting.**

- A. The sponsoring agency shall conduct at least one ~~neighborhood~~ public informational meeting at the location of the proposed homeless encampment, or at a location close to the proposed homeless encampment site. A virtual meeting may be considered in combination with a public informational meeting. However, a virtual meeting may only serve in lieu of an in-person public informational meeting at the discretion of the Director if there are existing concerns related to public health and safety.
- B. The time and location of the meeting shall be agreed upon between the department, host agency, and sponsoring agency. The public informational meeting shall be held a minimum of fourteen (14) days prior to the issuance of the temporary use permit.
- C. The host and/or sponsoring agency shall provide notice of the ~~neighborhood~~ public informational meeting by publishing in a newspaper of general circulation within the affected neighborhood not less than ~~fourteen~~ ten days prior to the date of the ~~neighborhood~~ public informational meeting. The publication shall specify the time and place of the ~~neighborhood~~ public informational meeting, and the information required for the advanced notification of application ~~notice of application~~ under Section 23.45.060(A) ~~20.35.060(C)~~ to establish a homeless encampment. This may be done concurrently with the notice of application required under 23.45.060(E).
- D. At minimum, all property owners within one thousand feet of the proposed homeless encampment location shall be notified by mail a minimum of ~~fourteen~~ ten days in advance of the public informational meeting by the host and/or sponsoring agency. In lieu of notice by mail, an alternative means of notice may be provided that is reasonably calculated to notify the neighboring property owners within one thousand feet of the proposed homeless encampment.

E. The public informational meeting shall at a minimum include general information of the proposed project, maximum number of residents, proposed opening date, contact information for the sponsoring agency, and availability of the host and/or sponsoring agency to answer questions.

### **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~~ that close and keep out flies, rodents and other animals;
  4. Food tent and security tent. Food needs to be stored in ~~vector proof~~ closed containers (or receptacles) that keep out flies, rodents and other animals.
- 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. Indoor encampments and all ~~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, except for those common to and located inside recreational vehicles or tiny homes if there is no additional risk to health and safety;
  4. No cooking appliances other than microwave appliances are allowed within the individual camping units or temporary structures, except for those common to and located inside recreational vehicles or tiny homes if there is no additional risk to health and safety;
  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 from the property line 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.

**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. The security plan shall address potential security and neighborhood impacts within five hundred (500) feet of the temporary site.
- 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~~TCOMM (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 ~~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.
  - 2. The sponsoring agency shall immediately contact the ~~Thurston County Sheriff's Office~~ TCOMM 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, ~~weapons~~, 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~~ responding agency and will orient the officers or 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.

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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.

#### **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~~ three hundred and sixty-five (365) days. One (1) one-year permit extension may be granted by the Director upon the submittal of a letter from the Host Agency requesting said extension. Extension of any waived requirements under TCC 23.45.130 must also be requested. After one (1) extension has been granted, a new temporary use permit under this Chapter shall be required.
- 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.

#### **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.

#### **23.45.120 Termination and Revocation.**

- A. Homeless Encampment Permit 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.

B. Homeless Encampment Permit Revocation. Upon determination that there has been a violation of any approval criteria or condition of application, the Director or the Director's designee may give written notice to the permit holder describing the alleged violation. Within fourteen (14) days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the fourteen (14) day period, the Director or the Director's designee shall sustain or revoke the permit. When a Homeless Encampment Permit is revoked, the Director or the Director's designee shall notify the permit holder by first class and certified mail of the revocation and the findings upon which revocation is based. Appeals from the Director's decision to revoke a temporary Homeless Encampment permit shall be to Superior Court.

### **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 homelessness emergency or crisis and after consultation with stakeholders, the requirements of this Chapter may be waived or modified 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 23.45.070, TCC 23.45.080 (C), (I), (J), and (K), and TCC 23.45.090 (B), (C), (G), and (H). Waiver or modification of TCC 23.45.080 (A) and (B) also requires concurrence by the Thurston County Health Officer in addition to the other requirements necessary for waiver under this Section. Waiver or modification of TCC 23.45.080 (E) may only be made to allow a one hundred percent (100%) increase in the number of residents. Waiver or modification of TCC 23.45.090 (L) also requires concurrence from Thurston County Risk Management in addition to the other requirements necessary for waiver under this Section. Any waiver of the requirements of this Chapter shall be valid for the duration of the temporary use permit as long as the Thurston County Board of Health and/or the Thurston County Board of Commissioners continues to find that the public health emergency exists. If a public health emergency is rescinded, the applicant has ninety (90) days to remedy any waived conditions consistent with the requirements of this Chapter.

**Chapter 23.72 – Administration**

**23.72.040 – Application review procedures.**

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Table 72.01.

Permit Review Matrix

Olympia UGA Zoning Ordinance

Permit/Review	Staff/ Director	Hearing Examiner (open hearing)	Planning Commission (open hearing)	Board of County Commissioners (closed hearing)	Review Process Timeline			
					Type I	Type II	Type III	Type IV
...								
Other administrative decisions/code interpretations	D	A		A	✓			
<u>Temporary Use Permit for Homeless Encampments (23.45 TCC)<sup>1</sup></u>	<u>D</u>	<u>Appealable directly to Superior Court.</u>			✓			
Amendments to administrative actions	D	A		A	✓			

<sup>1</sup> Permits for homeless encampments are considered a temporary use. Where application requirements and procedures for review differ from those laid out in this chapter, the requirements and procedures in Chapter 23.45 TCC apply. Administrative Decisions made by the Director are considered final and are directly appealable to Superior Court.

\*\* Site-specific rezones for which a corresponding joint plan amendment is required, which are approved by the board of county commissioners, follows the process for comprehensive plan amendments, zoning text amendments, and legislative rezones.

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