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**COMMUNITY PLANNING &
ECONOMIC DEVELOPMENT DEPARTMENT**

Creating Solutions for Our Future

Joshua Cummings, Director

MEMORANDUM

TO: Thurston County Planning Commission
FROM: Maya Teeple, Senior Planner
Leah Davis, Associate Planner
DATE: July 6, 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. This docket item would amend the code to allow for a quick permitting response and increase flexibility for permit applicants of homeless encampments in the event of a declared public health emergency. These changes to the regulations would aid in getting unsheltered people in unauthorized, makeshift camps into a permitted shelter more quickly. Additionally, changes would clarify the application and permitting process of homeless encampments for the public, permitting staff, and applicants.

Commented [MT1]: E&O feedback?

Homeless encampments have been permitted since 2010 under Ordinance No. 14402 within the rural county and three Urban Growth Areas of Lacey, Tumwater and Olympia. Interim regulations to allow for permitting criteria flexibility within the Homeless Encampments Chapters of the Thurston County Code and have been allowed since June 2019.

The amendments being considered under this docket item are not intended to eliminate all unsanctioned homeless camps in the rural county or urban growth areas or to serve as a standalone solution to the homelessness crisis. They also do not establish any homeless encampments in Thurston County; all hosts would still need to apply for a permit and meet requirements within the code before establishing an encampment. The proposed amendments only clarify processes and facilitate quicker permitting during an emergency and are one of many tools in combatting homelessness in Thurston County.

History of Regulations for Homeless Encampments in the Thurston County Code

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

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

To date, Thurston County has not permitted any homeless encampments in either the rural county or urban growth areas. Only one application has been submitted to the County for a temporary homeless encampment in Fall 2021.

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

Since its initial adoption in 2010, the only amendments to the Homeless Encampments Chapters of the Thurston county Code have been through the interim regulations adopted in 2019 and renewed consistently afterward (referred to as the “Emergency Housing Ordinance”). The interim regulations provide the Director of Community Planning and Economic Development, along with the Thurston County Health Officer, the optional flexibility to waive specific permitting requirements for temporary homeless encampments when there is the adoption of an emergency resolution by the Thurston County Board of Health, or the Thurston County BoCC declaring a public health emergency. This is to facilitate a quick permitting response. Under current interim regulations, any waiver of requirements is only permitted for six months. To renew waived requirements, the Board of Health/BoCC must hold a public hearing and determine that a public health emergency continues to exist at least every six months. Not all requirements can be waived, only specific requirements unrelated to public health and safety. Significant input was received from legal counsel and other county departments, including the Sheriff’s Office and Public Health and Social Services, in developing the interim regulations.

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Staff also reviewed resources from the other local communities of Lacey, Olympia and Tumwater.

To remain effective, interim regulations must be renewed every six months following a BoCC public hearing and majority vote. Otherwise, they expire. The timeline for the interim regulations has been:

- June 25, 2019 – Interim regulations first adopted under Ordinance 15792
- June 9, 2020 – Interim regulations renewed under Ordinance 15902
- Dec. 1, 2020 (effective Dec. 9, 2020) – Interim regulations renewed and amended to allow a waiver for RVs to utilize integrated cooking systems under Ordinance 15948
- May 25, 2021 (effective June 9, 2021) – Interim regulations renewed under Ordinance 16026
- November 30, 2021 (effective Dec. 9, 2021) – Interim regulations renewed and amended under Ordinance 16093 to provide further clarification in the emergency waiver as to which sections are waivable, and require Director consultation with stakeholders before waiving requirements
- May 24, 2022 (effective June 9, 2022) - Interim regulations renewed under [Ordinance 16161](#)

What Cannot Be Waived Under the Interim Regulations

- Upon adoption of an emergency resolution by the Board, the Director of Community Planning and Economic Development can waive specific requirements.
- Any waiver of requirements is allowed for a six month period, and may allow more residents in the encampment.
- The waiver may be extended if the Board holds a public hearing and finds a public health emergency continues to exist. The waiver can be extended for an additional six-month period.
- As proposed, any requirement may be waived at the discretion of the Director or designee except for the following requirements:
 - All portable sanitary toilets shall be screened from adjacent properties and rights-of-way.
 - All temporary structures within the homeless encampment shall conform to all building codes.
 - The homeless encampment shall conform to fire safety requirements, except they may be waived only to allow Recreational Vehicles in RV encampments to utilize their integrated cooking and heating units within the RV.
 - The host agency shall provide residents of the homeless encampment a "Code of Conduct" for living at the encampment.
 - All homeless encampment residents must sign an agreement to abide by the code of conduct. Failure to abide by the code of conduct and the operations and security plan shall result in the noncompliant resident's immediate and permanent expulsion from the property.
 - The sponsoring agency may use verifiable identification to obtain sex offender and warrant checks for prospective and existing homeless encampment residents.

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

What Are Other Jurisdictions in Thurston County Doing?

Other jurisdictions within Thurston County also have existing regulations for homeless encampments. The City of Olympia, City of Lacey, and City of Tumwater all allow for homeless encampments as a temporary permitted use. All jurisdictions require advance notification, an informational public meeting, and signage. Additionally, all jurisdictions have similar criteria for approval, like sanitary portable toilets, hand washing station, refuse receptacles, food tent and security, no permanent structures, limitation to 40 residents, adequate on-site parking, screening from adjacent right-of-way and residential properties, security requirements, and other criteria.

Currently, the City of Olympia also allows for an emergency waiver of regulations. The City of Olympia allows for a waiver of any requirements within the Chapter for a period of 6 months, and requires that the City Council hold a public hearing to determine a public health emergency still exists in order to continue waiving requirements for any additional six month period. Thurston County modeled the interim regulations after the City of Olympia; however, the County differs from the City in that the County does have some regulations that cannot be waived even with a declared emergency.

Comprehensive Plan Policies

The Comprehensive Plan includes language and policy that addresses homelessness in Thurston County, primarily within Chapter 4 – “Housing”. One of the critical issues identified in the last periodic update for the Thurston County Comprehensive Plan (2019) was an increasing number of homeless families and households. These individuals may require affordable alternatives to traditional homes. Most goals and policies are aimed at alleviating cost burden and increasing an adequate affordable housing inventory, as being severely cost burdened dramatically increases the risk of experiencing homelessness. Emergency housing is one type of housing for homeless individuals mentioned in the comprehensive plan, with other types including rapid rehousing, permanent housing, and permanent supportive housing.

Relevant “Thurston County Comprehensive Plan” goals include:

- (Goal 2, Objective B, Policy 2, p. 4-23) The county should encourage social, housing, and health services organizations which offer support programs for those with special needs, by providing technical assistance, when possible, and assisting in efforts to seek funds or coordinate between agencies and groups, for areas including, but not limited to, the construction and operation of emergency housing.
- (Goal 2, Objective B, Policy 5, p. 4-23) The county should support the implementation and continued revision of the Thurston County Homeless Housing Five Year Plan and associated goals and action items.

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The “2018-2022 Thurston County and Olympia Regional Consolidated Plan” and the “Thurston County Homeless Crisis Response Plan 2019-2024” also include several strategies to address the needs of the homeless and those at-risk of homelessness, mentioned in the section below.

Tentative Schedule

In order to accommodate review and final action by the BoCC before the interim regulations expire on December 9, 2022, Community Planning proposes the following schedule (subject to change) for review of this item:

- July 20 – Work session to review proposed code amendment language and schedule hearing
- August 17 – Public Hearing
- September 7 – Work session for additional discussion and possible recommendation