PLANNING COMMISSIONERS
CHAPTER 4 HOUSING DRAFT ORDINANCE
PUBLIC HEARING

Individuals wishing to speak on public hearing items need to sign in on the sheet provided for that purpose upon entering the public hearing room, and mark the appropriate box indicating a desire to speak. When the Planning Commission addresses that specific item, anyone wishing to offer comments will be permitted up to three (3) minutes to offer his or her statement to the Commission regarding the proposed amendment. Any deviation of the above time limit must be approved by the Commission before commencing any presentation by members of the general public.

At the conclusion of the public hearing, the Planning Commission may discuss the applications, make changes, or make a decision.

Any meetings, open houses, or public hearings will be advertised as required by the Thurston County Code, RCW 36.70A The Growth Management Act, or other applicable state laws.
Creating Solutions for Our Future

COUNTY COMMISSIONERS

Cathy Wolfe  
District One

Sandra Romero  
District Two

Karen Valenzuela  
District Three

PLANNING DEPARTMENT

Scott Clark  
Director

Tab 1. Staff Report

Tab 2. Attachment A

Tab 3. Attachment B

Tab 4. Public Hearing Notice
Tab 1. Staff Report
STAFF REPORT

Thurston County’s Comprehensive Plan Chapter 4 Housing update

Date: February 24, 2010
Public Hearing Date: March 3, 2010
Prepared by: Olivia Terwilleger
Proponent/Applicant: Thurston County

Action Requested: Review proposed amendments to the Comprehensive Plan and development regulations shown in Attachments A and B to the document.

Proposal Description: Update Chapter 4 of the Comprehensive Plan to ensure consistency with the Housing Plan, and address homeless encampments.

☐ Map Changes ☒ Text Changes ☐ Both ☒ Affects Comprehensive Plans/documents ☐ Affected Jurisdictions

PURPOSE:
The intent of the preliminary staff report is to:

- Provide the Planning Commission (PC) with sufficient background information to objectively hear public testimony in the context of proposed amendments,
- Stimulate request by the PC for additional information from the staff as necessary,
- Facilitate focused deliberations by the PC, and
- Allow the PC to make informed recommendations to the Board of County (BoCC) Commissioners in either a final staff report or report from the PC directly to the BoCC.

BACKGROUND:
The Thurston County Comprehensive Plan and the Consolidated Plan for Housing in Thurston County (CPHTC) address housing needs in the county and the cities. The Comprehensive Plan outlines the county’s objectives; the CPHTC is more detailed and lists specific goals and deadlines that must be followed in order to receive grant and other funding through the United States Department of Housing and Urban Development (HUD).
The CPHTC is a sub plan of the Comprehensive Plan and as required by RCW 30.70A, must be consistent with the Comprehensive Plan. Outlined below are the inconsistencies between the
two plans and suggested updates to the Comprehensive Plan that if adopted would make the two plans consistent.

Additionally, RCW 43.185C.160 requires jurisdictions include provisions for regulating homeless encampments. While the CPHTC addresses homeless encampments as required by RCW 43.185C.160, the Comprehensive Plan does not. Staff has reviewed homeless encampment ordinances throughout western Washington jurisdictions. Through that review, staff has drafted a homeless encampment ordinance (Attachment A) based on precedents set throughout western Washington.

**COMPARISON OF COMPREHENSIVE PLANS AND CONSOLIDATED PLAN FOR HOUSING:**

**Special Needs Definitions:**
Special needs are defined differently in the Comprehensive Plan and the CPHTC. In the Comprehensive Plan, (Page 4-15, 4-15) special needs include:
- Low income
- Development disabilities
- Homeless
- Frail and elderly
- Single parents
- HIV/AIDS
- Battered women

In the CPHTC, (Pages 49-55) special needs include:
- Mobility impairments or disabilities
  - Mental
  - Physical
  - Developmental
- Alcohol/drug addiction
- Low income
- Extra elderly
- Young adults
- Linguistically isolated
- HIV/AIDS
- Veterans
- Domestic violence victims

The proposed text change would update the Comprehensive Plan to include the populations that are not listed as special needs. These would include: Adding mental and physical disabilities, veterans, linguistically isolated, young adults, and renaming “battered women” to “domestic violence victims.”

**Income levels:**
Income levels have different standards between the two documents. The CPHTC includes a low-to-moderate category, while the Comprehensive Plan does not. “Moderate” appears in both plans; however, the Comprehensive Plan has an 81%-95% range, while the Consolidated Plan’s
range is “not over 80%”. Staff recommends updating the Comprehensive Plan to match the
CPHTC which uses the most recent definitions from HUD. The proposed text change would add
the words “to moderate” in the low definition, and add the words “does not exceed” to the
moderate definition, and remove the maximum limit of 95%.

**Fair Share Housing:**
The Comprehensive Plan cites the importance of locating affordable housing in close proximity
to transportation and services, as well as the need for fair share of housing. Staff proposes
adding the word “affordable” to the fair share housing sections. This addition will make the
terms of the CPHTC and the Comprehensive Plan the equivalent.

**Homeless Encampments**
In an effort to establish health and safety standards for homeless encampments associated with
religious ministries, staff recommends adopting the attached text (Attachment A) to the
development code. Such encampments established by a church can be regulated but not
prohibited.

While not allowing or offering permitting requirements is in violation of The Religious Land Use
and Institutionalized Persons Act (RLUIPA), providing permitting requirements for a homeless
encampment will satisfy the Act.

**OPTIONS:**
Option 1: Approve text change to ensure consistency between the Thurston County
Comprehensive Plan and the Consolidated Plan. And approve the proposed additions to the
development code to include homeless encampment standards.

Option 2: No change

**STAFF RECOMMENDATION:**
Option 1: Approve text change

**ATTACHMENTS:**
Attachment A  Draft text change to the Comprehensive Plan
Attachment B  Draft text to Thurston County Code

Superscript Key:
1  Required by regulation
2  Required by law
3  Consistent with RCW or other
4  Approved definition
5  Moved from another section
6  Consistent with GMA
7  Consistent with CAO
8  Inaccurate data or wording
Tab 2. Attachment A
ATTACHMENT A

PROPOSED TEXT CHANGE FOR THE COMPREHENSIVE PLAN:
Chapter 4 Housing of the Comprehensive Plan is hereby amended to read as follows:

Deleted Text: Strikethrough Proposed Changes: Underlined
Staff Comments: Italics Unaffected Omitted Text: (…)

New housing development should be directed into the most suitable areas. The most intensive, for example, should be located where public facilities and services can be provided most economically and where rural and sensitive areas will be least impacted. There is also a need for a variety of housing types to meet the requirements of special needs populations such as low-income, elderly and handicapped residents, while generally providing a broad range of units for family sizes, age groups, and income levels characteristic of the county.

As the previous tables show there is sufficient land within the rural county and to accommodate the expected population increases through 2025. Land, however, is not the only consideration. The challenge lies in adequately providing for the low- and moderate-income households. For these households, location is social, health, transportation, and housing services, and proximity to jobs, shopping, and businesses, become much more integral to determining housing affordability. For example, it costs approximately $6,000 yearly to own and operate a vehicle. If a household's gross annual income is $19,300 (see Table 4-4), this cost for transportation becomes prohibitive. If a household is able to reduce this cost, more money is available for housing and other essentials. When located in or near town, a household is able to avail itself more easily of transportation alternatives and subsidized housing. This can reduce the need for an automobile, or at least, multiple vehicles. Necessarily, more housing is being focused into the urban areas (which also addresses other GMA requirements, such as containing urban sprawl) where public services and facilities can more cost-effectively be provided.

Affordability: According to federal guidelines, housing is affordable when it costs no more than 30 percent of gross household income, including the cost of utilities. Finding affordable housing is not a problem when income levels are substantially higher than average. However, low- and moderate-income households are increasingly challenged to find housing within their budgets.

The U.S. Department of Housing and Urban Development (HUD) established national definitions of low- and moderate-income levels. They are based on percentages of county median incomes. People most likely to have difficulty finding housing are within the following income ranges:

Extremely Low: 0 percent to 30 percent of the median income
Very Low: 31 percent to 50 percent of the median income
Low to moderate: 51 percent to 80 percent of the median income
Moderate: does not exceed 80 percent to 95 percent of the median income

Substandard housing is a large consideration when discussing affordable housing. Typically, as housing costs go down so do amenities and basic features. Housing may be affordable to someone but may be lacking basic features (electricity, heat source, complete kitchen or plumbing) or may be overcrowded, dilapidated, or unfit for habitation. The following table shows those housing units that are lacking basic features or are of substandard condition:

**Fair Share Affordable Housing:** The Fair Share Affordable Housing targets, required by the County-Wide Planning Policies, were adopted January 31, 1994. The Urban Growth Management Committee of the Thurston Regional Planning Council established these regional numbers prescribing the amount of low-income housing the County and its jurisdictions would need to provide through the year 2015. The categories are based on the HUD income levels discussed above.

The following table estimates the needs for affordable housing which have been unmet but by the current housing stock. As shown, there is still a lack of affordable housing units for Thurston County residents who make below 50% of the median household income.

This being the case, it is very likely that the county will not be able to accommodate its full share of the Fair Share Affordable Housing targets within the rural area. Therefore, the county will need to identify any potential shortfalls and work with the cities and towns to explore ways to accommodate a portion of the county's targeted share within urban growth areas. The Goals, Objectives, and Policies section below outlines ways to accomplish this.

- Single family
- Manufactured housing
- Duplex
- Mixed residential/commercial
- Special needs housing
- Family member units
- Farm housing
- Group homes
- Subsidized housing
- Foster care facilities
- Transitional housing
- Accessory dwelling units
- Homeless encampments

Additional types of housing, such as accessory dwelling units, are also allowed within urban growth areas around cities and towns. Co-housing, community land trusts, and other housing alternatives are not precluded in the rural area. At the same time, the Joint Plans provide more housing diversity near services in the urban growth areas.
IV. SPECIAL NEEDS

Special needs populations, as identified in the Consolidated Plan Thurston County, include low-income households, people with developmental disabilities, the homeless, the frail elderly, and others who have particular difficulty securing housing due to unusual circumstances (i.e., single parents, HIV/AIDS-infected citizens, battered women, etc.). Rising costs and limited housing choices are especially hard on low-income households and other people with special needs.

...
Tab 3. Attachment B
ATTACHMENT B PROPOSED AMENDMENTS TO THURSTON COUNTY CODE

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Section 20.03.040 of the Thurston County Code is hereby amended to add new definitions to read as follows:

... 67.5 “Homeless encampment” means an outdoor area used for a transitional emergency shelter for homeless people, hosted by a church or other organization.

... 68.1 “Host agency” means a property owner such as the County, a church, or other organization that provides property for a homeless encampment. A host agency may join in an application with a sponsoring agency, or also be a sponsoring agency if it is assuming responsibility for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals, coordination of other needed donations and services.

... 129.5 “Sponsoring Agency” means an agency such as the County, a church, or other organization that joins in an application with a host agency for an application for a homeless encampment and assumes responsibility for providing basic services and support to temporary emergency homeless encampment residents, such as hot meals, coordination of other needed donations and services.

... SECTION 2. Title 20 of the Thurston County Code is hereby amended to read as follows:

A. Add to the table of contents of Title 20 as follows:

Chapters:

... 20.35 Homeless Encampments.

... B. Add a new chapter to read as follows:

Chapter 20.35, 21.35, 22.35, 23.35

HOMELESS ENCAMPMENTS

Sections:
20.35.020 Purpose.
20.35.040 Approval Authority.
20.35.060 Homeless Encampment – Initiation – Procedure.
20.35.070 Neighborhood Meeting Required.
20.35.080 Requirements for Approval.
20.35.090 Operations and Security Plan Required.
20.35.100 Timing.
20.35.110 Inspections.
20.35.120 Termination.

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.

20.35.040 Approval Authority.

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

20.35.060 Homeless Encampment – Initiation - Procedure – Notice.

A. The host and/or sponsoring agency shall send a notice of application and a notice of the public informational meeting to establish the proposed homeless encampment a minimum of thirty (30) days prior to the proposed date of establishment for the homeless encampment.

B. The public informational meeting as described TCC 20.35.070 shall be held within 10 days of the notice of application.

C. The notice of application and public informational meeting shall contain the following information:

   1. Host and sponsoring agency contact and location information;

   2. The maximum number of residents;

   3. The proposed opening date of the homeless encampment; and

   4. The proposed location of the public informational meeting.

D. If the sponsoring agency is not the host agency of the site, the sponsoring agency shall submit a written agreement from the host agency allowing the homeless encampment.

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

20.35.070 Public informational meeting.

A. The sponsoring agency shall conduct at least one (1) neighborhood meeting at the location of the proposed homeless encampment, or at a location close to the proposed homeless encampment site.

B. The time and location of the meeting shall be agreed upon between the department, host agency, and sponsoring agency.

C. The host and/or sponsoring agency shall provide notice of the neighborhood meeting by publishing in a newspaper of general circulation within the affected neighborhood not less than fourteen (14) days prior to the date of the neighborhood meeting. The publication shall specify the time and place of the neighborhood meeting, and the information required for the notice of application under 20.35.060(C) to establish a homeless encampment.

D. At minimum, all property owners within one thousand (1,000) feet of the proposed homeless encampment location shall be notified a minimum of fourteen (14) days in advance of the meeting by the host and/or sponsoring agency.

20.35.080 Requirements for Approval.

A. Each camping site shall be a minimum of 1,000 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 required to meet capacity guidelines;

2. Hand washing stations by the toilets and by the food areas;

3. Refuse receptacles;

4. Food tent and security tent.

B. The host and sponsoring agencies shall provide adequate water source 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 100 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 (1/4) mile of a bus stop with seven days per week service, whenever possible. If not located within a quarter mile of a bus stop, the sponsoring agency must demonstrate the ability for residents to obtain access to the nearest public transportation stop (such as carpools or shuttle buses).

H. The Homeless Encampment shall be adequately screened from any adjacent right of way and residence. Screening shall be a minimum height of six feet and may include, but is not limited to, a combination of sight obscuring fencing, landscaping, or the placement of the homeless encampment behind buildings. The type of screening shall be approved by the department.

I. All sanitary portable toilets shall be screened from adjacent properties and rights of way. The type of screening shall be approved by the County and may include, but is not limited to, a combination of fencing and/or landscaping.

J. All temporary structures within the Homeless Encampment shall conform to all Building Codes.

K. At minimum, the homeless encampment shall conform to the following Fire requirements:

1. Material used as roof covering and walls shall be of flame retardant material;

2. There shall be no open fires for cooking or heating;

3. No heating appliances, except electric heaters, within the individual camping units or temporary structures are allowed;

4. No cooking appliances other than microwave appliances are allowed within the individual camping units or temporary structures;
5. An adequate number and appropriate rating of fire extinguishers shall be provided as approved by the Fire Department;

6. Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the Fire Department;

7. Adequate separation between camping units and other structures shall be maintained as determined by the Fire Department, but in no case, less than ten (10) 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 300 feet of a licensed child daycare facility or any public or private pre-school or elementary, middle, or high school. However, in the event that a daycare or school is located within the property of a potential Host Agency, this requirement may be waived by the Director if the owner of the daycare or principal of the school agrees to the waiving of the distance requirement.


A. The host and/or sponsoring agency shall submit an Operations and Security plan to the department as part of the permit application for the homeless encampment.

B. The host agency shall provide to all residents of the Homeless Encampment a “Code of Conduct” for living at the Encampment. A copy of the “Code of Conduct” shall be submitted as part of the Operations and Security Plan.

C. All Homeless Encampment residents must sign an agreement to abide by the Code of Conduct. Failure to abide by the Code of Conduct and the Operations and Security Plan shall result in the noncompliant resident’s immediate and permanent expulsion from the property.

D. The sponsoring agency shall keep a log of all people who stay overnight in the encampment, including names and birth dates, and dates of stay. Logs shall be kept for a minimum of 6 months and made available to the County upon request.
E. The sponsoring agency shall take all reasonable and legal steps to obtain verifiable ID, such as a driver’s license, government issued identification card, military identification or passport from prospective and existing encampment residents.

F. The Host Agency shall ensure there is a security tent with an operational telephone or cell phone that is manned 24 hours a day 7 days a week. The security tent shall be staffed by a volunteer, encampment resident, Executive Committee member, or other responsible person.

G. The sponsoring agency will use identification to obtain sex offender and warrant checks from the Thurston County Sheriff’s Office.

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 reject the subject of the check for residency to Homeless Encampment or eject the subject of the check if that person is already a Homeless Encampment resident.

2. The sponsoring agency shall immediately contact the Thurston County Sheriff’s office if the reason for rejection or ejection of an individual from the Homeless Encampment is an active warrant or if, in the opinion of the on duty Executive Committee member 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, drugs, weapons, fighting, and abuse of any kind, littering or disturbing neighbors while located on the property.

I. The sponsoring agency will appoint an Executive Committee member to serve on duty at all times to serve as a point of contact for the Thurston County Sheriff’s Office and will orient the deputies as to how the security tent operates. The names of the on duty Executive Committee members 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 Host Agency shall show proof of general liability insurance with minimum limits of $1,000,000.00 per occurrence.

20.35.100 Timing.
A. No more than one Homeless Encampment may be located in unincorporated Thurston County at any time.

B. Duration of the homeless encampment shall not exceed ninety (90) days.

C. No Host Agency shall host a homeless encampment on the same or nearby lot, as defined at TCC 20.03.040 (83) (d), more than one time in any 12 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, and other health and safety agencies at reasonable times without prior notice for compliance with the conditions of the permit for the homeless encampment.

20.35.120 Termination.
If the sponsoring agency fails to take action against a resident who violates the terms and conditions of this permit, it may result in immediate termination of the permit. If the County learns of acts of violence by residents of the encampment and the sponsoring agency has not adequately addressed the situation, the permit may be immediately terminated.
Tab 4. Public Hearing Notice
NOTICE OF PUBLIC HEARING
FOR THE THURSTON COUNTY PLANNING COMMISSION

The Thurston County Planning Commission will hold two public hearings on Wednesday, March 3, 2010 at 7:00 p.m., or soon thereafter, in Room 152, Building 1 of the Thurston County Courthouse Complex, 2000 Lakeridge Dr. SW, Olympia, WA 98502. The hearings are to accept public comment on proposed amendments to the Thurston County Comprehensive Plan, siting of asphalt batch plants, and for other matters properly related thereto. The Comprehensive Plan amendments are part of an annual update process to the Comprehensive Plan, pursuant to RCW 36.70A.130. The Planning Commission may act on the proposals at the close of the hearing. The Planning Commission may recommend changes to the proposed amendments following the hearing. The proposed amendments to the Comprehensive Plan subject to this hearing are summarized as follows:

1-F Chapter 4 Housing and Homeless Encampment Regulations. Amendments to ensure consistency between the Thurston County Consolidated Plan for Housing and the Comprehensive Plan. Add health and safety requirements to the Thurston County Zoning Ordinance (Title 20), Zoning Ordinance of the Lacey Urban Growth Area (Title 21), Tumwater UGA Zoning Ordinance (Title 22), and the Olympian UGA Zoning Ordinance (Title 23) for homeless encampments. Contact Olivia Terwilleger, Assistant Planner, terwilo@co.thurston.wa.us, 360-754-3355 ext. 5477.

2-D Chapter 3 Natural Resources. Minor amendments to support the implementation of the proposed Working Lands Plan Strategic Plan. Contact Corina Hayes, Assistant Planner, hayesc@co.thurston.wa.us, 360-754-3355 ext. 7011.

3-A Olympia Joint Plan Parks and Recreation Chapter. Consider a previously adopted policy by the City of Olympia to define parks service area as including the City of Olympian and the Urban Growth Area. Contact Jeremy Davis, Associate Planner, davisj@co.thurston.wa.us, (360) 754-3355 ext. 7010.

3-B Yelm Transportation Plan. Updates to the transportation plan and trail and bicycle maps to show projects planned over the next 20 years in the unincorporated Urban Growth Area. Contact Jeremy Davis, Associate Planner, davisj@co.thurston.wa.us, (360) 754-3355 ext. 7010.
3-D Lacey Updates – Land Use, Housing and Utilities Elements. Updates include housekeeping and demographic updates already adopted by the City of Lacey to reflect new information and to ensure consistency with the Thurston County Comprehensive Plan. Contact Jeremy Davis, Associate Planner, davisj@co.thurston.wa.us, (360) 754-3355 ext. 7010

Hard copies of referenced documents and zoning information are available at the Thurston County Resource Stewardship Department, Permit Assistance Center, 2000 Lakeridge Drive SE, Olympia, Washington and online at the Thurston County Planning Department Website, http://www.co.thurston.wa.us/planning/comp_plan/comp_plan_docket.htm.

Those wishing to testify should appear and be heard. If unable to attend, mailed and email written comments may be submitted by March 3, 2010 by 4:00 P.M. to Olivia Terwilleger, Assistant Planner, Planning Department, 2000 Lakeridge Drive SW, Olympia, Washington, 98502. If you need special accommodations to participate in this meeting, call (360) 786-5489 and ask for the ADA Coordinator. Citizens with hearing impairments may call the TDD line at (360) 754-2933.

DO NOT PUBLISH BELOW THIS LINE