CITY OF SAMMAMISH
WASHINGTON

ORDINANCE NO. O2014-365

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ADOPTING A SIX MONTH MORATORIUM ON THE ACCEPTANCE, PROCESSING, AND/OR APPROVAL OF TEMPORARY USE PERMITS OR OTHER APPROVALS FOR TEMPORARY HOMELESS ENCAMPMENTS; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses; and

WHEREAS, the Sammamish Municipal Code (SMC) Chapter 21A.70 contains requirements for temporary land uses, including but not limited to homeless encampments; and

WHEREAS, the City of Sammamish issued a 60-day temporary use permit, and a 30-day extension of that temporary use permit, authorizing a homeless encampment known as Tent City 4 to locate on church property within the City from October 19, 2013 through January 17, 2014; and

WHEREAS, Tent City 4 is composed of homeless persons who live in a group of tents on the property of a host and are sponsored and managed by the Seattle Housing and Resource Efforts (SHARE) and Women's Housing, Equality, and Enhancement League (WHEEL); and

WHEREAS, RCW Section 35A.21.360 expressly authorizes religious organizations to host temporary encampments for homeless persons on property owned or controlled by the religious organization, and likewise authorizes cities (a) to establish permit or other regulatory conditions necessary to protect public health and safety that do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization, and (b) to establish permit fees for the actual costs associated with the review and approval of the required permit applications; and

WHEREAS, the City Council desires to consider and adopt such conditions and fee provisions in order to better accommodate and balance the legitimate interests of the occupants of homeless encampments, their host churches, and the citizens of Sammamish; and

WHEREAS, it is accordingly in the public interest and in the furtherance of the public health, safety, and welfare to establish a moratorium for a brief period of time on homeless encampments within the City in order to establish such conditions and fee provisions; and

WHEREAS, the review process for interim and permanent development regulations should include an assessment of applicable state and federal statutory and constitutional requirements, the specific experiences of and impacts to the City and the occupants of Tent City 4 arising from its tenure in the City, the related experiences of peer jurisdictions regarding homeless encampments including peer recommendations for best practices, review and recommendations from the Planning Commission as required by the Growth Management Act, and receipt of input from other stakeholders and members of the public; and

WHEREAS, the City Council shall hold a public hearing within sixty days of the adoption of this Ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings of Fact. The recitals set forth above are hereby adopted as the City Council's initial findings of fact in support of the moratorium established by this Ordinance. The City Council may, in its discretion, adopt additional findings after the public hearing referenced in Section 4 below.

The City Council further finds that the Growth Management Act confers the authority to initially establish a moratorium for a period of one year. Nonetheless, the City Council recognizes and respects the First Amendment issues involved with the adoption of regulations applicable to homeless encampments, and accordingly determines to establish this moratorium for six months. The City Council further requests that the City Manager and his staff work diligently to produce regulations for City Council consideration as soon as possible.

Section 2. Moratorium Imposed. As authorized by the Growth Management Act, RCW 35A.63.220, a moratorium is hereby enacted on the acceptance, processing, or approval of any application for a temporary use permit or any other approval for a temporary homeless encampment as described in RCW 35A.21.360 or otherwise.

Section 3. Effective Duration of Moratorium. The moratorium set forth in this Ordinance shall be in effect for a period of six (6) months from the effective date of this Ordinance and shall automatically expire at the conclusion of that six-month period unless sooner repealed.

Section 4. Public Hearing. The City Council will hold a public hearing at the City Council's regular meeting beginning at 6:30 p.m. on March 4, 2014, or as soon thereafter as the business of the City Council shall permit, in order to take public testimony and to consider adopting further findings of fact.

Section 5. Referral to the City Manager. The City Manager is hereby authorized and directed to study the issues related to temporary homeless encampments and to develop appropriate regulations for temporary homeless encampments as authorized by law.

Section 6. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 7. Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, and public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), non-exhaustive underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

ADOPTED BY THE CITY COUNCIL AT A SPECIAL MEETING THEREOF ON THE 14TH DAY OF JANUARY, 2014.

CITY OF SAMMAMISH

Mayor Thomas E. Vance

ATTEST/AUTHENTICATED:

Melonie Anderson, City Clerk

Approved as to form:

for: Michael R. Kenyon, City Attorney

Filed with the City Clerk:	January 13, 2014
First Reading:	January 14, 2014
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