



City Council Special Meeting/Study Session

AGENDA

REVISED

January 14, 2014

6:30 pm – 10:00 pm

Call to Order

Roll Call

Pledge of Allegiance

Approval of Agenda

Public Comment

This is an opportunity for the public to address the Council. Three-minutes limit per person or 5 minutes if representing the official position of a recognized community organization.

Executive Session – Potential Litigation pursuant to RCW 42.30.110 (1)(i)

New Business

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

Topics

- Commission Applicant Interviews
- Fire Services Discussion

Executive Session – Potential Litigation pursuant to RCW 42.30.110 (1)(i)

Adjournment

City Council meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request. Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.

City Council meetings are wheelchair accessible. American Sign Language (ASL) interpretation is available upon request. Please phone (425) 295-0500 at least 48 hours in advance. Assisted Listening Devices are also available upon request.



City Council Agenda Bill

Meeting Date: January 14, 2014

Date Submitted: January 13, 2014

Originating Department: Community Development

Clearances:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> City Manager | <input checked="" type="checkbox"/> Community Development | <input type="checkbox"/> Parks & Recreation |
| <input checked="" type="checkbox"/> Attorney | <input type="checkbox"/> Finance & IT | <input type="checkbox"/> Police |
| <input type="checkbox"/> Admin Services | <input type="checkbox"/> Fire | <input type="checkbox"/> Public Works |

Subject: Emergency Ordinance to Adopt a Six-Month Moratorium for Homeless Encampments

Action Required: Adopt Ordinance

Exhibits: 1. Proposed Ordinance

Budget: N/A

Summary Statement

As authorized by state law, the proposed ordinance would enact by emergency action a six-month moratorium on the acceptance, processing, or approval of any application for a temporary use permit or any other approval for a temporary homeless encampment. The ordinance would also convey City Council direction to the City Manager and his staff to produce regulations for City Council consideration as soon as possible following Planning Commission review. As required by state law, a public hearing will be held regarding this ordinance at the City Council's March 4, 2014 meeting in order to take public testimony and to consider adopting further findings of fact.

Background

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 (TC4) to locate on the Mary, Queen of Peace (MQP) church property from October 19, 2013 through January 17, 2014. TC4 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).

State law authorizes religious organizations to host temporary homeless encampments 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.



City Council Agenda Bill

In Ordinance O2013-364, the City Council previously provided direction to staff to develop permanent regulations for homeless encampments to better accommodate and balance the legitimate interests of the occupants of homeless encampments, their host churches, and the citizens of Sammamish. The proposed ordinance would further the public interest, health, safety, and welfare by establishing a moratorium for a brief period of time on homeless encampments within the City in order to establish such permanent regulations.

The review process for permanent development regulations will 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 stay in Sammamish at MQP, the related experiences of peer jurisdictions regarding homeless encampments, recommendations from the Planning Commission, and input from stakeholders and members of the public.

Financial Impact: N/A

Recommended Motion: Adopt Ordinance

**CITY OF SAMMAMISH
WASHINGTON**

ORDINANCE NO. O2014-_____

**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:

Michael R. Kenyon, City Attorney

Filed with the City Clerk: January 13, 2014
First Reading:
Passed by the City Council:
Date of Publication:
Effective Date:



Memorandum

Date: January 14, 2014

To: Ben Yazici, City Manager

From: Melonie Anderson, City Clerk

Re: City Council Commission Interviews

Every year the city recruits applicants for the Arts Commission, Parks & Recreation Commission, Planning Commission and the Beaver Lake Management District Advisory Board. The recruitment period began in October with a December 27, 2013 deadline. Notice of the vacancies and application process were posted on the city's website as well as in the two local papers. Notice for the Arts Commission vacancies were also sent out via the city's GovAlert system.

Each applicant is asked to provide a letter of interest or a request to be reappointed, along with a resume and the appropriate questionnaire. This information was delivered to Councilmembers with their January 7, 2013 meeting packet materials. Appointments to the various commissions will occur at the January 21, 2013 Council meeting. All terms begin on February 1.

The results of the recruitment are as follows:

Arts Commission

There are currently six vacant positions on the Arts Commission. These vacancies are the result of four resignations and two terms expiring. There are two 4-year terms, two 2-year terms and two 1-year terms vacant.

Applicants

Barbara Jirsa (current Commissioner)
Priti Joshi
Ramu Iyer
Margaret Rosenow (unavailable for interview)
Steve Wright
Vicki Baggette (withdrew)

Due to time constraints, and the fact that there are less candidates than there are vacancies, Council elected not to interview these candidates. Arts Commission Chair Anne Schaefer will

contact each applicant to ensure that they are able to commit the necessary time to the commission. Recruitment will continue until all the vacant positions are filled.

Parks & Recreation Commission

There are two vacancies on the commission, both are four-year terms. Interview each candidate. Evaluations and appoints will take place on January 21.

Applicants

Ann Precup
Steve Wright (current Commissioner)
Doug Eglinton (late submittal)

Planning Commission

There are two vacancies on the commission, both are four year terms. . Interview each candidate. Evaluations and appoints will take place on January 21.

Applicants

Frank Blau
Cynthia Krass
Katherine Low
Thomas Mudayankavil
Manuel Soto (current Commissioner) (unavailable for interview)
Melinda Hall Wieder

Beaver Lake Management District Board

There is one two-year vacancy on the board. There were no applicants for this board. Recruitment will continue until the position is filled. Applicants for this board must live within the boundaries of the Management District.