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**ORDINANCE NO. 369**

AN EMERGENCY ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AUTHORIZING THE CITY MANAGER TO PERMIT THE USE OF UNDEVELOPED CITY-OWNED PARK LAND AS A TEMPORARY LOCATION FOR TENT CITY 4 USE FOR UP TO 40-DAYS; REQUIRING LOCAL SPONSORSHIP AND ESTABLISHING CONDITIONS FOR THE ESTABLISHMENT OF A HOMELESS CAMP; REQUIRING TENT CITY 4 TO APPLY FOR TEMPORARY USE PERMIT(S) PRIOR TO ESTABLISHMENT OF FUTURE HOMELESS CAMPS ON PUBLIC OR PRIVATE PROPERTY WITHIN THE CITY, AND DECLARING AN EMERGENCY.

**THE CITY COUNCIL OF THE CITY OF WOODINVILLE,  
WASHINGTON, DO ORDAIN AS FOLLOWS:**

**SECTION 1.**            **Findings of fact.** The council hereby finds:

A. The City of Woodinville funds essential human services through its adopted annual budget, providing subsidized assistance for child care, legal aid, crisis intervention, basic medical and dental health, domestic violence prevention, sexual assault and traumatic stress treatment, senior care, family counseling services, emergency shelter and affordable housing to qualified residents. In partnership with other cities and King County, the City of Woodinville contracts with twenty-three regional human service providers to make essential human services available to those residents of Woodinville in need of community support and public assistance. The provision of essential human services is vital to the health, safety and well-being of all Woodinville residents.

B. Homelessness and the lack of affordable housing are very real problems throughout King County, including the Eastside. In Woodinville, an average home now costs more than \$400,000; exceeding the average home cost of \$361,200 on the Eastside. King County has estimated that a wage-earner needs to make more than twice the minimum wage to afford a rental unit on the Eastside. In 2003, the regional Crisis Clinic Community Information Line received 506 calls from people from North and East King County who identified themselves as homeless. The largest multi-service center in East County reports an average turn-away rate of 6 families for every family helped into transitional housing.

C. The 2003 Seattle King County Coalition for the Homeless "One Night Count" estimated nearly 8,000 homeless people in King County on any given night; with 4,600 people living in shelters and transitional programs; 1,900 people living on Seattle streets without shelter; and an additional 1,260 people unsheltered throughout King County outside of Seattle. Halfway through 2004, at least eleven homeless deaths have occurred in Kirkland, Clyde Hill, Lake Forest Park, Tukwila, Maple Valley, Kent, and Auburn.

D. The City of Woodinville participates in regional programs to provide permanent

40 affordable housing or shelter opportunities, but these efforts have not been sufficient to meet  
41 existing needs. The City of Woodinville is one of fifteen member cities of "A Regional  
42 Coalition for Housing" (ARCH), which won the first-ever Fannie Mae Foundation Innovations  
43 in American Government Award in Affordable Housing on July 28, 2004 from the Ash  
44 Institute for Democratic Governance and Innovation at Harvard University. ARCH was  
45 created twelve years ago to help suburban cities meet local housing needs including affordable  
46 housing and to combat homelessness with innovative solutions.

47 E. On May 15, 2004 the City of Woodinville opened its first affordable housing project at  
48 Greenbrier Heights. The publicly-owned property was once intended as the site for a solid  
49 waste transfer station, but was used instead for innovative affordable housing. Greenbrier  
50 Heights includes 170 new units of marketplace and affordable housing, with fifty rental units,  
51 fifty senior apartments, and seventy ownership units (with twenty units priced for the  
52 affordable housing market). Greenbrier Heights was a partnership between the City of  
53 Woodinville, private developer Cam West, ARCH, King County, Shelter Resources Inc, (SRI)  
54 and Downtown Action to Save Housing (DASH).

55 F. Various regional groups are also working to create long-term solutions to the problem  
56 of homelessness and many of them have come together to form the Committee to End  
57 Homelessness - a partnership of King County, United Way of King County, the Church  
58 Council of Greater Seattle, the City of Seattle, the Seattle-King County Coalition for the  
59 Homeless, Eastside and North Urban Human Service Alliances, and the South King County  
60 Council of Human Services. This coalition intends to develop plans to end homelessness in  
61 King County within ten years.

62 G. SHARE/WHEEL, an advocacy organization comprised of the Seattle-Housing and  
63 Resource Effort (SHARE) and the Women's Housing Equality and Enhancement League  
64 (WHEEL), has operated transitional housing as well as tent cities in the City of Seattle and  
65 other local cities in cooperation with the faith-based community for several years. The  
66 temporary encampments are intended to provide safe shelter for homeless individuals not able  
67 to relocate into transitional shelter and unable to obtain permanent housing.

68 H. Congregations at the Woodinville Alliance Church and the Northshore United Church  
69 of Christ contemplated sponsorships of Tent City 4 in locations adjacent to or within the City of  
70 Woodinville. The Northshore United Church of Christ applied for a temporary use permit to  
71 host Tent City 4 on August 2, 2004, approximately twelve days before the intended relocation  
72 of the homeless encampment.

73 I. The timeline for reviewing the Northshore United Church of Christ application for a  
74 temporary use permit does not allow for an adequate public process and does not respect the  
75 legitimate concerns and interests of numerous adjacent property owners. As has been  
76 evidenced since the King County Executive's failed attempt to permit a homeless camp on the  
77 Brickyard Park & Ride transit land on April 29, 2004, an abrupt notice is demeaning to host  
78 community and Tent City residents alike. The lack of notification impedes dialogue among all  
79 perspectives on an important regional issue, prevents adequate planning and proper mitigation  
80 and perpetuates conflict over problem-solving.

81 J. Recent court decisions help define the permitting process pending before the City of  
82 Woodinville. On May 17, 2004 Tent City 4 was established at St. Brendan Catholic Church  
83 property in Bothell, without the benefit of proper permits from the City of Bothell. The City of  
84 Bothell sued the church and organizers to evict Tent City 4 and also to require several critical

85 permit conditions. On June 10, 2004 King County Superior Court Judge Steven Scott denied  
86 the city of Bothell's request for a cease-and-desist order that would have removed Tent City 4,  
87 but ruled that Bothell had a right to require a permit for the homeless encampment and could  
88 enforce certain conditions on tent-city residents. On June 15, 2004 Judge Scott also ruled that  
89 the City of Bothell could not violate the privacy rights of citizens of Tent City with stringent  
90 identification checks, denied the city's request that St. Brendan post a \$1 million bond or proof  
91 of liability insurance, and denied the city's request for the church to pay for police overtime for  
92 additional city security patrols.

93 K. Under these circumstances, the interests of the people of Woodinville are best served  
94 through pursuit of alternative proposals which provide a permitted or city-sanctioned, interim  
95 location for Tent City 4 and also allow for an effective and reasonable public process; and  
96 which prevent lawless squatting within city boundaries. The City Council finds that the  
97 temporary use of city property can accomplish these objectives, and declares an emergency to  
98 enable the immediate, lawful occupancy of a homeless encampment on one specific city  
99 property, subject to the terms and conditions of this ordinance.  
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102 **SECTION 2: Authorization for Temporary Location of Tent City 4.** The City Manager is  
103 authorized to negotiate an agreement with SHARE/WHEEL for a temporary, homeless  
104 encampment for up to 40 days at the future city park property located north of Little Bear Creek  
105 on 134<sup>th</sup> Avenue NE north of 177<sup>th</sup> Place NE and adjacent to commercial/industrial-based  
106 businesses, subject to the following terms and conditions, together with such additional terms and  
107 conditions as the City Manager may in his sole discretion require:

- 108 a. SHARE/WHEEL and at least one, Woodinville-based church sponsor must jointly agree to  
109 the offer for use of the city property on or before 11:00 pm on Saturday, August 14, 2004.
- 110 b. SHARE/WHEEL must agree not to establish or support in any way any other unpermitted  
111 homeless encampments anywhere in the City of Woodinville. SHARE/WHEEL and one or  
112 more Woodinville-based church sponsor(s) may jointly submit an application to locate a  
113 future Tent City at some other church-owned location, but (1) must allow sufficient time in  
114 the application process for public notice, public comment and due process of the permit  
115 application; and (2) must agree not to establish a Tent City within the City of Woodinville  
116 without a valid temporary use permit issued by the city. The City has identified the  
117 Temporary Use Permit (TUP) application process as the appropriate means to review the  
118 use of private or public property for a temporary homeless encampment. The TUP process  
119 involves administrative review by the Planning Director and possibly a public hearing by an  
120 independent Hearing Examiner who renders a final decision on the permit application.  
121 Following receipt of a TUP application, the City will issue a public Notice of Application at  
122 which time a 15-day comment period commences.
- 123 c. SHARE/WHEEL and one or more Woodinville-based church sponsor(s) may also jointly  
124 submit an application to maintain Tent City 4 at the future city park site for an additional 60  
125 days, provided that a valid city permit is issued within the initial occupancy period of up to  
126 40 days. If such extension is intended, an application for a city temporary use permit must  
127 be submitted no later than close-of-business on August 12, 2004 to allow for expedited  
128 processing and adequate public process. If such extension is agreed to between the parties,  
129 SHARE/WHEEL must agree not to return to Woodinville before November 1, 2005 unless

130 invited sooner by the City of Woodinville and one or more Woodinville-based church  
131 sponsor(s).

- 132 d. Woodinville-based church sponsorship means that one or more local faith-based  
133 communities will help sustain the successful operation of the Tent City 4 community for the  
134 duration of its visit in Woodinville, evidenced with a commitment to ensure contributions  
135 of food, counseling, donations, transportation, and other general support to the residents of  
136 Tent City 4. A sponsorship agreement with the City of Woodinville should include the  
137 provision of shared liability coverage, cost-sharing and sufficient volunteer support to  
138 ensure a successful encampment.
- 139 e. The City Manager shall negotiate an agreement with SHARE/WHEEL and one or more  
140 Woodinville-based church sponsor(s) which establishes operating rules for Tent City 4 at  
141 the future city park site. The rules shall also include SHARE/WHEEL and Woodinville-  
142 based church sponsor acknowledgement of WMC 12.50 pertaining to public facilities rules  
143 and regulations. The City of Woodinville acknowledges and incorporates herein the Tent  
144 City 4 "Code of Conduct", wherein Tent City 4 pledges to self-police and self-manage its  
145 residents and prohibits alcohol, drugs, weapons, fighting, abuse of any kind, littering or  
146 disturbing neighbors. All Tent City residents must sign an agreement to abide by this code  
147 of conduct and failure to do so can be cause for immediate expulsion.
- 148 f. If the parties agree to extend the Tent City 4 encampment in the City of Woodinville  
149 through the initial period of up to 40 days authorized by the City Council and an additional  
150 60 days allowed by a valid temporary use permit; on or before September 25, 2004,  
151 SHARE/WHEEL - Tent City 4 should demonstrate to the City Manager that it has  
152 identified and is seeking to legally obtain appropriate permits in other potential host  
153 communities for the relocation of Tent City 4. The City of Woodinville intends to assist in  
154 the process of the orderly and lawful relocation of Tent City 4 to another jurisdiction, with  
155 the benefit of due process and public input for the next community.
- 156 g. The City Manager shall establish procedures to monitor extraordinary police, fire and  
157 medical assistance requests and workloads in the event Tent City 4 is located in  
158 Woodinville.
- 159 h. The City Manager, or his designee, shall consult with and establish on-going  
160 communication protocols with businesses adjacent to the future city park site in the  
161 Woodinville Business Center, so that community concerns may be closely monitored and  
162 swiftly responded to.
- 163 i. The City Manager shall seek to obtain assurances from SHARE/WHEEL - Tent City 4 that  
164 Woodinville will have agreements at least comparable to those reached between  
165 SHARE/WHEEL - Tent City 4 and the City of Bothell regarding "verifiable identification"  
166 for current and incoming residents.
- 167 j. The City Manager shall consult with Public Health Seattle-King County and obtain  
168 assurances that adequate regional environmental health-related services will be provided to  
169 Tent City 4 in order to promote a safe and healthy living environment for the residents of  
170 tent city and to ensure the protection of residents of the surrounding neighborhoods
- 171 k. The City Manager shall consult with Tent City 4 and King County Metro (Department of  
172 Transportation) to evaluate the adequacy of bus service to the encampment.
- 173 l. The City Manager shall encourage city staff to make every effort to ensure the success of  
174 Tent City 4, should the necessary agreements be reached, with priority given to community

175 outreach and problem solving with adjacent property owners; and by informing employees  
176 of the options for donations of personal time, talent and resources to the residents of the  
177 encampment. City employees are to be informed of the opportunity to network with camp  
178 residents to provide employment information, resume assistance, housing placement  
179 assistance, food and personal items, or other aid as appropriate on a voluntary basis.

180 **SECTION 3. Compliance with City Development Regulations.** City Council authorization  
181 of the proposed temporary use of the future park site owned by the city and located north of  
182 Little Bear Creek on 134<sup>th</sup> Avenue NE north of 177<sup>th</sup> Place NE and surrounded by  
183 commercial/industrial-based businesses is contingent on compliance with applicable city  
184 development codes and regulations. The seven acre, city-owned site contains environmentally  
185 sensitive areas regulated under WMC 21.24. Based on a wetland delineation map of the site,  
186 the City Council has determined that there is adequate room to temporarily locate Tent City 4 on  
187 upland areas outside of the 100-year flood plain and beyond the critical wetlands of Little Bear  
188 Creek without significant adverse environmental impact.

189 **SECTION 4. Public Facilities Rules and Regulations.** In accordance with Ordinance 181,  
190 and Woodinville Municipal Code (WMC) Section 12.50, the City Council affirms that the city  
191 property, located north of Little Bear Creek on 134<sup>th</sup> Avenue NE north of 177<sup>th</sup> Place NE and  
192 surrounded by industrial-based businesses, is a future park site and as such is a public facility  
193 regulated by city public facilities rules and regulations.

194 **A.** Nothing in WMC 12.50.070 shall be construed as preventing SHARE/WHEEL -  
195 Tent City 4 from utilizing the City-owned future park property referenced in Section 2 of  
196 this ordinance pursuant to the terms hereof, or as requiring SHARE/WHEEL - Tent City  
197 4 to obtain a permit from the Parks and Recreation Director for such use.

198 **B.** For the duration of the temporary location of Tent City 4 permitted either by the  
199 City Council or through a temporary use permit issued by the Planning Director,  
200 residents of Tent City 4 shall not be considered to be trespassing on the future city park  
201 property under WMC 12.50.140; PROVIDED that persons evicted from Tent City 4 by  
202 SHARE/WHEEL or persons without membership in the Tent City 4 community shall be  
203 considered to be trespassing and shall be subject to the provisions of WMC 12.50.410.

204 **C.** For the duration of the temporary location of Tent City 4, permitted either by the  
205 City Council or through a temporary use permit issued by the Planning Director,  
206 Woodinville Police shall be considered designees of the Director of the Department of  
207 Parks and Recreation at the future park site, for purposes of enforcement of provisions of  
208 Section 12.50.360, pertaining to expulsion from parks and public facilities.

209 Violation of any applicable City regulation, including but not limited to the provisions of  
210 this ordinance, shall subject the violator to penalties and enforcement procedures as  
211 provided in Title 1 of the Woodinville Municipal Code.

212 **SECTION 5. Appropriation of Funds.** The City Council does hereby authorize the City  
213 Manager to expend up to \$5,000 in funds from the Human Services accounts to improve city  
214 property to facilitate the temporary establishment of Tent City 4 at the future park site located  
215 north of Little Bear Creek on 134<sup>th</sup> Avenue NE north of 177<sup>th</sup> Place NE and surrounded by  
216 industrial-based businesses; PROVIDED THAT the City Manager shall encourage

217 SHARE/WHEEL to participate in the city volunteer program to provide donated community  
218 service and volunteer labor to offset city host costs; PROVIDED FURTHER THAT any  
219 improvements made are consistent with plans for the future development of the park site. The  
220 City Manager, in consultation with the Police Chief, shall develop a security plan within two  
221 weeks of occupancy and shall advise the City Council of further funding requirements, if  
222 needed, to support adequate police patrols and to ensure community safety.

223 **SECTION 6. No City Endorsement / Expiration of Offer.** The City of Woodinville  
224 actively supports and participates in regional efforts to provide permanent affordable housing  
225 opportunities to end homelessness. The offer by the City Council for limited use of future city  
226 park property is intended solely to protect the interests and needs of Woodinville  
227 neighborhoods, which otherwise would not have the benefit of public process and due process  
228 protection, pending resolution of regional policy decisions for locating homeless encampments  
229 by King County. The City Council does not endorse the Tent City encampment concept, nor  
230 does it establish a precedent or provide assurance that future homeless encampments will be  
231 permitted on public or private property anywhere in the city. The offer for use of the future park  
232 property along Little Bear Creek for Tent City 4 shall expire at 11:00 pm on Saturday, August  
233 14, 2004, or with the unpermitted establishment of a homeless encampment anywhere else in  
234 the city. Illegal encampments on city-owned properties by other individuals or groups are  
235 expressly prohibited. In partnership with other affected local jurisdictions, the City of  
236 Woodinville will pursue effective, long-term legal and political strategies to prevent the abrupt  
237 and chaotic relocation of temporary homeless encampments which threaten the peace, safety  
238 and well-being of city residents.

239 **SECTION 7. Severability.** If any section, sentence, clause or phrase of this ordinance should  
240 be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
241 unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,  
242 clause or phrase of this ordinance.

243 **SECTION 8. Declaration of Emergency.** The council finds as a fact and declares that an  
244 emergency exists and that the enactment of this ordinance as an emergency ordinance is  
245 necessary for the immediate preservation of public peace, health or safety or for the support of  
246 city government and its existing public institutions:

247 **SECTION 9. Effective Date.** This ordinance or a summary thereof consisting of the  
248 title shall be published in the official newspaper of the City, and shall take effect August 11,  
249 2004.

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251 **SECTION 10. Temporary Use Permit.** Solely for purposes of this ordinance, WMC  
252 21.32.110 is hereby amended by the addition of a new subsection (4) to provide in its entirety as  
253 follows:

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255 (4) Any use of a public park authorized by a valid written agreement executed by the City  
256 shall be exempt from the requirements for a temporary use permit.

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258 **SECTION 11. Superseding Effect.** To the extent that any provision of this  
259 ordinance conflicts or is otherwise inconsistent with any provision of the Woodinville  
260 Municipal Code, the provisions of this ordinance shall control, and said conflicting or  
261 inconsistent provision of the Woodinville Municipal Code shall be deemed amended to, but  
262 only to, the extent of such conflict or inconsistency.  
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266 PASSED by the City Council of the City of Woodinville this 10<sup>th</sup> day of August, 2004.

267 APPROVED:

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269 \_\_\_\_\_  
270 MAYOR, DON BROCHA

271 ATTEST/AUTHENTICATED:

272   
273 \_\_\_\_\_  
274 CITY CLERK, SANDRA PARKER

275 APPROVED AS TO FORM:  
276 OFFICE OF THE CITY ATTORNEY:

277  
278  
279 BY   
280 \_\_\_\_\_

281 FILED WITH THE CITY CLERK: 8.10.2004  
282 PASSED BY THE CITY 8.10.2004  
283 COUNCIL: PUBLISHED: 8.16.2004  
284 EFFECTIVE DATE: 8.11.2004  
285 ORDINANCE NO. 369