

## ORDINANCE NO. 370

**AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING ORDINANCE NO. 369 AND CHAPTERS 21.32 AND 12.50 OF THE WOODINVILLE MUNICIPAL CODE; CLARIFYING THE TEMPORARY USE PERMIT EXEMPTION ESTABLISHED UNDER ORDINANCE NO. 369 FOR UTILIZATION OF PUBLIC PROPERTY PURSUANT TO A VALID WRITTEN AGREEMENT WITH THE CITY; AMENDING CHAPTER 12.50 WMC TO EXEMPT WASHING, RESERVATIONS AND OVERNIGHT CAMPING ON PUBLIC PARK PROPERTY FROM CAMPING PERMIT AND RESERVATION REQUIREMENTS WHEN AUTHORIZED BY A VALID WRITTEN AGREEMENT WITH THE CITY; SETTING FORTH FINDINGS AND CONCLUSIONS; DECLARING AN EMERGENCY; SETTING A PUBLIC HEARING DATE; PROVIDING FOR SEVERABILITY; AND ALLOWING FOR IMMEDIATE EFFECT.**

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WHEREAS, the Woodinville City Council adopted Ordinance No. 369 at its August 10, 2004 special meeting; and

WHEREAS, Ordinance No. 369 authorized the City Manager to negotiate an agreement for the use of certain City-owned park property located north of Little Bear Creek on 134th Avenue NE and north of 177th Place NE as a temporary homeless encampment; and

WHEREAS, Ordinance No. 369 also effected an interim amendment to WMC 21.32.110 for the purpose of establishing an exception to the City's temporary use permit requirement where the proposed use at issue has been authorized through a valid, written agreement with the City; and

WHEREAS, the City Council now desires to amend Ordinance No. 369 and the Woodinville Municipal Code revisions effected thereunder as provided herein, as well as to clarify and amend other relevant provisions of the WMC; NOW, THEREFORE,

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

Section 1. Findings. The findings of fact contained in Ordinance No. 369, including but not limited to those expressed under Section 1 thereof, are hereby reaffirmed and incorporated herein by this reference as if set forth in full. The City Council also hereby enters the following additional findings of fact in support of the actions authorized, directed or otherwise undertaken by this ordinance:

A. The temporary homeless encampment sponsored by SHARE/WHEEL and known generally as Tent City4 is currently occupying the City-owned park property located north of Little Bear Creek on 134th Avenue NE and north of 177th Place NE.

B. On August 13, 2004, Ordinance No. 369 was challenged by two separate plaintiffs in King County Superior Court. Both lawsuits alleged legal defects in the adoption process for and/or the substantive provisions of Ordinance No. 369.

C. Given SHARE/WHEEL's sponsorship by one or more local religious organizations, the City's ability to effectively regulate Tent City4 during the pendency of a temporary use permit application may have been affected by applicable statutory and constitutional provisions.

D. The City's adoption of Ordinance No. 369 as an emergency, which effectively authorized the use of designated City-owned park property by SHARE/WHEEL, was required in order to protect the public health, safety and welfare of the Woodinville community by ensuring that any temporary homeless encampment established by SHARE/WHEEL within the City's jurisdiction would remain subject to contractually-imposed conditions and limitations during the pendency of the temporary use permit application process.

E. Locating SHARE/WHEEL's temporary homeless encampment upon the City-owned park property designated under Ordinance No. 369 and preserving the result reached under Ordinance No. 369 is necessary to protect the public health, safety and welfare.

F. Use of the City-owned park property designated under Ordinance No. 369 for a temporary homeless encampment is consistent with applicable provisions of the Woodinville Comprehensive Plan, including but not limited to Chapter 7 thereof.

G. An emergency exists requiring that this ordinance become effective immediately upon passage.

H. The City is authorized under RCW 35A.13.190, RCW 35A.63.220 and RCW 36.70A.390 to adopt emergency and/or interim zoning ordinances and grant immediate effect to the same.

Section 2. Conclusions. Based upon the findings contained in Section 1 of this ordinance, the City Council reaffirms the validity of Ordinance No. 369, and hereby makes the following conclusions:

A. The existence of an emergency requires this ordinance to take effect immediately upon adoption.

B. Passage of this ordinance will further insulate the City from legal challenge.

C. The public health, safety and welfare of the Woodinville community will be served by adoption of this ordinance.

Section 3. Repeal of Section 10 of Ordinance No. 369. Section 10 of Ordinance No. 369 is hereby repealed.

Section 4. Interim Amendment of WMC 21.32.110. Section 21.32.110 of the Woodinville Municipal Code is hereby amended by the addition of a new subsection (4) to provide in its entirety as follows:

(4) Any use of City-owned property authorized by a valid, written agreement executed by the City shall be exempt from the requirements for a temporary use permit.

Section 5. Sunset. The code amendment established under Section 4 hereof is adopted as an interim regulation pursuant to RCW 35A.63.220 and RCW 36.70A.390, and shall sunset automatically six months after the effective date of this ordinance if not expressly extended by the City Council.

Section 6. Amendment of WMC 12.50.070. Section 12.50.070 of the Woodinville Municipal Code is hereby amended to provide in its entirety as follows:

**12.50.070 Overnight camping.**

Unless authorized by a valid, written agreement executed by the City, it is unlawful to camp overnight in any park or park facility, except at places set aside and posted for such purposes by the Director or his or her designee, or by permit issued by the Director or his or her designee.

Section 7. Amendment of WMC 12.50.430. Section 12.50.430 of the Woodinville Municipal Code is hereby amended to provide in its entirety as follows:

**12.50.430 Groups or assemblies - Park reservations.**

Unless authorized by a valid, written agreement executed by the City, no park or portion of a park facility may be reserved by a group or assembly unless it is designated in this section as an area that may be reserved with an approved permit. Reservation applications for the following park facilities shall be taken on a first come, first served basis: Woodin Creek Park picnic shelter; the covered picnic area at Wilmot Gateway Park and the City sportsfields. No other City of Woodinville parks may be reserved

except for City-sponsored events. No other City of Woodinville parks may be reserved for "special commercial events" as that term is defined in WMC 8.12.020(2). It shall be unlawful to refuse to leave an area reserved for another party after being asked to do so and being presented with a copy of the permit or reservation.

Section 8. Amendment of WMC 12.50.420. Section 12.50.420 of the Woodinville Municipal Code is hereby revised to provide in its entirety as follows:

**12.50.420 Washing.**

Unless authorized by a valid, written agreement executed by the City, it is unlawful to clean oneself, wash any clothing or other articles for personal or household use, or any dog or other animal in any park or public facility except in a restroom facility designed for such purpose.

Section 9. Public Hearing. A public hearing on this ordinance and Ordinance No. 369 is hereby set for September 20, 2004 at 7:30 p.m. in the City Council Chambers of Woodinville City Hall.

Section 10. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 11. Effective Date. This ordinance, having been declared an emergency by a vote of the majority plus one of the entire City Council, shall take effect and be in full force immediately upon its passage as authorized under state law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

PASSED by the City Council of the City of Woodinville this 23rd day of August, 2004.

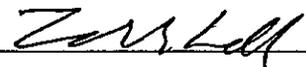
APPROVED:

  
MAYOR DON BROCHA

ATTEST/AUTHENTICATED:

  
CITY CLERK, SANDRA PARKER

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY 

FILED WITH THE CITY CLERK: ~~8.20.2004~~  
PASSED BY THE CITY COUNCIL: ~~8.23.2004~~  
PUBLISHED: ~~8.30.2004~~  
EFFECTIVE DATE: ~~8.23.2004~~  
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