

ORDINANCE NO. 372

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING ORDINANCE NO. 369; AUTHORIZING THE CITY MANAGER TO EXECUTE ONE OR MORE ADDENDA TO THE TEMPORARY PROPERTY USE AGREEMENT BETWEEN THE CITY, SHARE/WHEEL AND THE NORTHSORE UNITED CHURCH OF CHRIST; EXTENDING THE AUTHORIZED DURATION DURING WHICH CERTAIN UNDEVELOPED PARK PROPERTY MAY BE UTILIZED BY A TEMPORARY HOMELESS ENCAMPMENT; SETTING FORTH FINDINGS AND CONCLUSIONS; DECLARING AN EMERGENCY; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Ordinance No. 369, as amended by Ordinance Nos. 370 and 371, authorized the City Manager to execute an agreement with SHARE/WHEEL and its church sponsor for use of the City-owned parcel of real property located on 134th Avenue NE north of Little Bear Creek and 177th Place NE (the "Park Property") as a temporary homeless encampment; and

WHEREAS, Ordinance No. 369 limited the authorized duration of said use agreement to 40 days, during which period SHARE/WHEEL and its sponsor were required to apply for and obtain a temporary use permit (TUP) for the homeless encampment; and

WHEREAS, SHARE/WHEEL and its sponsor properly submitted a TUP application on August 12, 2004, and the City scheduled a public hearing regarding said application for September 9, 2004; and

WHEREAS, the City's Community Development Director issued a State Environmental Policy Act (SEPA) determination of non-significance (DNS) for the TUP application on August 16, 2004; and

WHEREAS, the DNS was administratively appealed on August 31, 2004; and

WHEREAS, because the City's Hearing Examiner is required to address any SEPA challenges for SHARE/WHEEL's requested TUP before issuing a ruling regarding the underlying permit application, the City was forced to postpone the hearing date for SHARE/WHEEL's TUP application in order to properly notice and concurrently address the SEPA appeal; and

WHEREAS, a combined hearing for both the TUP application and the SEPA appeal is currently scheduled for September 30, 2004; and

WHEREAS, the City Council desires to amend Ordinance No. 369 for the purpose of extending the authorized duration of SHARE/WHEEL's use of the Park Property, and to direct the City Manager to execute an amendment to the City's property use agreement effectuating said purpose;

NOW, THEREFORE,

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

Section 1. Findings. The City Council hereby adopts and incorporates by reference the findings expressed in Ordinance Nos. 369, 370 and 371, as well as the recitals contained herein. The City Council further finds as follows:

A. As a result of the permit processing delay created by the unforeseen appeal of the Community Development Director's August 16, 2004 DNS, a final decision granting or

denying SHARE/WHEEL's requested TUP will not occur within the 40 day authorized use duration of the Park Property under Ordinance No. 369.

B. As currently drafted, the City's agreement with SHARE/WHEEL and its sponsor will expire before a summary of this ordinance may be properly published and take effect pursuant to RCW 35A.13.190.

C. Said agreement contains numerous conditions and limitations upon SHARE/WHEEL's use of the Park Property designed to protect the public health, safety and welfare.

D. In order to ensure that the City's agreement with SHARE/WHEEL does not lapse before the August 12, 2004 TUP application may be properly processed, the public health, safety and welfare of both SHARE/WHEEL's homeless encampment and the Woodinville community necessitate an extension of said agreement.

E. An emergency exists requiring this ordinance to become effective immediately upon adoption.

Section 2. Conclusions. The City Council hereby adopts and incorporates by reference the conclusions expressed in Ordinance Nos. 369, 370 and 371, as well as the recitals contained herein. The City Council further concludes as follows:

A. The public health, safety and welfare will be protected by ensuring that the restrictions contained in the City's property use agreement with SHARE/WHEEL and its sponsor will continue in full force until such time as SHARE/WHEEL's August 12, 2004 TUP application has been fully processed.

B. The existence of an emergency requires this ordinance to become effective immediately.

Section 3. Amendment of Section 2 of Ordinance No. 369. The first paragraph of

Ordinance No. 369 is hereby amended to provide in its entirety as follows:

The City Manager is authorized to negotiate an agreement with SHARE/WHEEL for a temporary homeless encampment for up to 40 days at the future city park property located north of Little Bear Creek on 134th Avenue NE north of 177 Place and adjacent to commercial/industrial-based businesses. PROVIDED, that the City Manager may, in his sole discretion and without further authorization from the City Council, execute one or more addenda to said agreement extending the initial 40 day duration thereof to allow use of the City's property until November 22, 2004; or to allow for the time necessary for the Hearing Examiner's final decision regarding the August 12, 2004 Temporary Use Permit (TUP) application to be issued; or to allow the completion of any legal or administrative appeals. Such agreement shall be subject to the following terms and conditions, together with such additional terms and conditions as the City Manager may in his sole discretion require:

Section 4. Amendment of Section 2(c) of Ordinance No. 369. Section 2(c) of

Ordinance No. 369 is hereby amended to provide in its entirety as follows:

c. SHARE/WHEEL and one or more Woodinville-based church sponsor(s) may also jointly submit an application to maintain Tent City 4 at the future city park site for up to an additional 60 days, provided that a valid city permit is issued within the contractual occupancy period authorized by this ordinance. If such extension is intended, an application for a city temporary use permit must be submitted no later than close-of-business on August 12, 2004 to allow for expedited processing and adequate public process. If such extension is granted, SHARE/WHEEL must agree not to return to Woodinville before November 1, 2005 unless invited sooner by the City of Woodinville and one or more Woodinville-based church sponsor(s).

Section 5. Amendment of Section 2(f) of Ordinance No. 369. Section 2(f) of

Ordinance No. 369 is hereby amended to provide in its entirety as follows:

f. If the parties agree to extend the Tent City 4 encampment in the City of Woodinville through the contractual occupancy period authorized under this ordinance and up to an additional 60 days allowed by a valid temporary use permit, on or before September 25, 2004, SHARE/WHEEL – Tent City 4 should demonstrate to the City Manager that it has identified and is seeking to legally obtain appropriate permits in other potential host communities for the relocation of Tent City 4. The City of Woodinville intends to assist in the orderly and lawful relocation of Tent City 4 to another jurisdiction, with the benefit of due process and public input for the next community.

Section 6. Superseding Effect. The City Council's intent in adopting this ordinance is to protect the public health, safety and welfare by ensuring that the homeless encampment currently utilizing the Park Property remains fully subject to the contractual limitations and conditions authorized under Ordinance No. 369 and specified in the City's temporary property use agreement with SHARE/WHEEL. The provisions of this ordinance shall be construed liberally in furtherance of said purpose. To the extent that any provision of this ordinance irreconcilably conflicts with any provision of another City enactment, the provisions of this ordinance shall control.

Section 7. 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 8. 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 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.

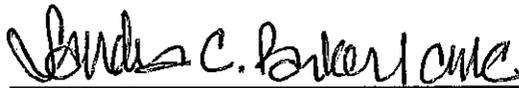
PASSED by the City Council of the City of Woodinville this 20th day of September, 2004.

APPROVED:



MAYOR DON BROCHA

ATTEST/AUTHENTICATED:



CITY CLERK, SANDRA PARKER

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY  _____

PASSED BY THE CITY COUNCIL: 9-20-2004
PUBLISHED: 9-27-2004
EFFECTIVE DATE: 10-2-2004
ORDINANCE NO. 372