



ORDINANCE NO. 28432

1 AN ORDINANCE relating to zoning and land use controls; adopting interim zoning
2 and land use controls as an emergency measure to permit the City to site
3 temporary emergency shelters in response to a declared public
4 emergency; to be effective for a period of six months; setting a public
5 hearing date for July 25, 2017; referring the interim regulations to the
6 Planning Commission for review and recommendation; and establishing an
7 effective date

8 WHEREAS, on May 2, 2017, the City Council adopted Resolution
9 No. 39716, directing the City Manager to promptly prepare and present to the City
10 Council an Emergency Temporary Aid and Shelter Program to respond to the
11 homelessness crisis and to prepare and present an ordinance declaring a state of
12 emergency, and

13 WHEREAS, on May 9, 2017, the City Council passed Ordinance No. 28430,
14 declaring a state of public health emergency relating to the conditions of homeless
15 encampments located in the City, and

16 WHEREAS the City Council concluded therein, inter alia, that the ongoing
17 suffering of individuals, families, and unaccompanied youth occupying homeless
18 encampments, and the threat to the public health and safety, will continue in the
19 absence of the immediate implementation of interim measures designed to meet
20 the survival and safety needs of those persons, such as the provision of hygiene
21 facilities; trash collection; sanitary facilities; temporary shelters; outreach and
22 gateway services; safe and stable shelter; linkage to tailored services to meet each
23 individual's unique needs; a connection to housing, social, public and mental
24 health services; storage of property and safety; potable drinking water; solid waste
25 disposal; and human waste disposal, and
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WHEREAS the City Manager has proposed and presented to the Mayor and City Council a three-phase Emergency Temporary Aid and Shelter Program to respond to the homeless crisis and the emergent conditions endangering the public health, safety, and welfare, and

WHEREAS the three-phase plan consists of mitigation of the conditions in homeless encampments in the first phase, providing emergency sheltering and transition services in the second phase, and providing long-term housing in the third phase, and

WHEREAS the second phase will include the City's establishment of temporary emergency shelter sites on public property, or private property made available by the owners to the City, to be managed and operated by the City, and

WHEREAS such temporary emergency shelter sites provide needed community services in response to the declared public health emergency, and

WHEREAS the provisioning of basic emergency shelter, temporary transitional shelters, and related supportive services for persons experiencing homeless is consistent with Policies H-4.7 and H-4.8 of Goal H-4 of the Housing Element of the City's Comprehensive Plan, Policy PFS-6.9 of Goal PFS-6 of the Public Facilities and Services element of the Comprehensive Plan, and is consistent with the human and social needs community priorities identified in Tacoma 2025, to increase housing security so that everyone has shelter, and

WHEREAS the current zoning and land use controls governing emergency housing do not address the need for establishment and operation of temporary emergency shelters by the City under the circumstances of a public emergency,



and require additional review and public hearings to develop suitable land use controls applicable during a declared state of emergency, and

WHEREAS while such amendments to the land use code are under consideration, and in response to the current state of emergency as declared by the City Council pursuant to Ordinance No. 28430, it is necessary to establish interim land use controls for a six month period to permit the establishment and operation of temporary emergency shelter sites, and

WHEREAS RCW 36.70A.390 and TMC 13.02.055 authorize the establishment of interim zoning controls when an emergency exists; provided that, a public hearing must be held within 60 days of passage of an ordinance adopting interim zoning controls, and

WHEREAS based upon the foregoing and the findings, conclusions and declaration of a public health emergency pursuant to Ordinance No. 28430, the City Council finds that it is in the best interest of the public health, safety, and welfare to adopt the interim zoning and land use controls as set forth in Exhibit "A," attached hereto, and

WHEREAS the City Council further desires to fix a time and date for public hearing for the purpose of considering the proposed interim zoning and land use controls; Now, Therefore,

BE IT ORDAINED BY THE CITY OF TACOMA:

Section 1. That the interim zoning and land use controls as set forth in Exhibit "A," attached hereto and incorporated by this reference as though fully set forth herein, are hereby adopted.



Section 2. That the interim zoning and land use controls adopted hereby shall be in force and effect from the time of passage until 11:59 p.m. on November 14, 2017, unless sooner terminated or extended as provided by law.

Section 3. That Tuesday, July 25, at approximately 5:15 p.m., is hereby fixed as the time, and the City Council Chambers on the First Floor of the Tacoma Municipal Building, 747 Market Street, Tacoma, Washington, as the place when and where a public hearing shall be held on the interim zoning and land use controls adopted pursuant to this ordinance.

Section 4. That the City Clerk shall give proper notice of the time and place of said hearing.

Section 5. That, pursuant to Section 13.02.055 of the Tacoma Municipal Code, the City Council hereby refers these interim regulations to the Planning Commission for its review and to develop findings and a recommendation regarding the interim regulations prior to the City's Council's hearing on July 25, 2017.

Section 6. That, based upon the declaration of a public health emergency set forth at Ordinance No. 28430 and the findings of the City Council herein, a



1 public emergency exists, making this ordinance effective upon passage by an
2 affirmative vote of a least six members of the City Council.

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4 Passed JUN 06 2017

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6 Mayor

7 Attest:

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9 City Clerk

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11 Approved as to form:


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13 Chief Deputy City Attorney



EXHIBIT "A"

INTERIM LAND USE PROVISIONS EMERGENCY TEMPORARY SHELTERS

SECTION 1 – Purpose and Intent

The purpose of this ordinance is to provide regulatory guidance regarding the provision of emergency temporary shelters and associated support services to distressed persons requiring basic assistance after an emergency has been declared. This ordinance establishes an expedited process for approval of the nature, scope, form, design, and location of emergency temporary shelters established by the City in response to a declared public emergency.

SECTION 2 – Authority and Specific Responsibilities

The roles and responsibilities of key elected and appointed officials in times of emergency are set forth in the City Charter, the Tacoma Municipal Code ("TMC"), the City's Comprehensive Emergency Management Plan, and state law. The Director shall be vested with authority to give approvals, to make orders and rules, and to make or issue notices, licenses, permits, certificates, or other documents for the purposes set forth herein.

In carrying out the responsibilities of this ordinance, the Director shall coordinate with and may delegate, as appropriate, to the Administrator of Emergency Management (see TMC 1.10.040), the City's Emergency Management Team, individual City Departments, and/or outside agencies and humanitarian aid organizations. For example, per the City's Emergency Management Plan, the Neighborhood and Community Services Department is generally the lead implementing agency for temporary sheltering programs, with support from other departments and agencies, such as Tacoma Public Utilities, Environmental Services, Public Works, Police, Fire, Health, and Planning and Development Services.

SECTION 3 – Definitions

Declared Public Emergency. For purposes of this ordinance, a declared public emergency shall mean an emergency that has been declared or proclaimed to exist within the corporate limits of the City, by a governmental official, governing body or governmental agency vested with authority to declare or proclaim a public emergency within the corporate limits of the City.

Director. For purposes of this ordinance, director shall mean and refer to the Director of Emergency Management for the City of Tacoma, the director's successors and designees, and the administrator of Emergency Management



when acting on behalf of the director when the director is unable to carry out the director's duties.

Emergency. For purposes of this ordinance, emergency shall mean an event or set of circumstances: (a) which demands immediate action to preserve public health, protect life, protect public property, or to provide relief to any stricken neighborhood overtaken by such occurrences, or (b) which reaches such a dimension or degree of destructiveness as to warrant the City Council proclaiming the existence of a disaster or the Governor declaring a state of emergency in accordance with appropriate local and state statute, or (c) in which human health or safety is jeopardized and/or public or private property is imminently endangered, or (d) which has been declared an emergency by the Governor pursuant to Chapter 43.06 RCW

Emergency Temporary Shelter. For purposes of this ordinance, Emergency Temporary Shelter is defined as temporary living quarters and sites, along with related temporary support services, equipment, and facilities, provided by, or on behalf of, the City or other governmental entity in response to a declared public emergency. The emergency temporary shelter may include, but is not limited to, facilities such as tents, temporary structures, mobile structures, recreational vehicles, use of existing structures, etc.

SECTION 4 – Approval of Emergency Temporary Shelters; Permitted Use

In the event of a declared public emergency and when the Director has determined that there is a need for emergency temporary shelter, the Director shall have the authority, upon consultation with the appropriate public officials when and where practicable, to approve the nature, form, scope, design, and location, and provide oversight over, the erection, installation, implementation, management, and operation of emergency temporary shelters. Such approval and oversight shall be based upon the circumstances attendant to the declared public emergency and the need to protect public health, safety, or welfare through the provisioning and operation of emergency temporary shelter.

Notwithstanding any provision to the contrary in the City's land use codes or regulations, such emergency temporary shelters shall be a permitted use in any zone in the City and shall be exempt from land use regulations and standards, except to the extent that federal or state law mandates compliance with a particular land use regulation or standard and compliance has not been excepted pursuant to operation of state or federal law or a declaration of emergency by the Governor or federal official or agency vested with authority to declare a public emergency. The Director when exercising the authority set forth in this ordinance, and to the extent practicable given the limitations associated with the circumstances of the declared emergency, shall take into consideration the general intent and purpose of the City's land use and other regulations and the factors set forth below.



1 The implementation and management of emergency temporary shelters shall be
2 consistent with the City's Comprehensive Emergency Management Plan, and
3 shall, when and where practicable, given the limitations associated with the
4 circumstances of the declared emergency, include consideration of factors such
5 as:

- 6 • Access to basic health and sanitation services, such as food, solid and sanitary
7 waste collection, and temporary water, power and other utility services;
 - 8 • Access to support services, such as healthcare, social services, counseling,
9 legal services, and skill training;
 - 10 • Access to arterials, public transit, and other transportation services and
11 facilities;
 - 12 • Minimizing impacts on businesses and residential neighborhoods;
 - 13 • Minimizing impacts on environmentally sensitive areas and features;
 - 14 • Site and facility designs and operations that ensure safety and security of the
15 occupants and the surrounding community;
 - 16 • Reasonable accommodation for those with access and functional needs; and
 - 17 • Where feasible and appropriate, public outreach and engagement to gain the
18 community's assistance in this effort.
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