

AMENDMENT SHEET NO. 2 TO ORDINANCE NO. 24-044

Amendment Name: Clarifying requirements for emergency shelters

Brief Description: This amendment ensures that permits for emergency shelters on property owned by a religious organization address any conditional use permit requirements for the site, sewer and on-site sewage disposal, and comply with fire code requirements which include having adequate water availability.

Proposed By: Councilmembers Low and Nehring

Affecting: Ordinance Recital, Findings, and Sections

Existing Ordinance Recitals, Findings, or Sections:

Page 7, line 40, insert the following:

K. The County Council makes the following additional findings.

1. The protection of public health and safety is of paramount importance. The County Council understand use of the word “emergency” to have different meanings when included in the phrases “emergency shelter” and “declared emergency” in RCW 36.01.290.

a. An emergency shelter is facility that requires prior approval and permits in advance of opening. Such facilities respond to a lack of housing which constitutes an emergency for the persons experiencing homelessness. Ensuring that such facilities have adequate sewerage disposal and water availability are necessary steps for ensuring the protection of public health and safety. This is consistent with RCW 36.01.290(2)(a).

b. As understood by the County Council, a declared emergency as used in RCW 36.01.290(10)(a) requires an event such as an earthquake that could reasonably justify temporarily opening an emergency shelter without permits. Such action should only happen in response to an event that creates a community wide emergency. Emergency shelters opened under such conditions should come into compliance with permitting requirements if they are to remain open indefinitely.

2. Conditional Use Permits (CUPs) may establish conditions regarding the use of property for a variety of reasons including to minimize hazards to listed in SCC 30.42C.100(2). New permits on sites with CUPs that have not expired must comply with the conditions in effect or receive approval to revise the conditions as may be necessary. Ensuring that new emergency shelters comply with conditions of any CUPs in effect for the site is part of protecting public health and safety. Requiring compliance with CUP conditions does not substantially burden the

decisions or actions of a religious organization regarding the location of housing or shelter. This is consistent with RCW 36.01.290(2)(a).

Page 47, between lines 9 and 10, insert the following:

- (5) Unless in response to a declared emergency, permits for emergency shelters shall address:
 - (a) Whether any conditional use permits are in effect for the site. Prior to approval of permits for an emergency shelter, the applicant shall demonstrate compliance with any applicable terms of a conditional use permit. If necessary, applicants may request concurrent revision of conditional use permit as provided for in SCC 30.42C.110.
 - (b) County sewer connections regulations in Chapter 30.29 SCC when in an Urban Growth Area (UGA) or Washington State Department of Health and county health department regulations for on-site sewage disposal systems when outside a UGA.
 - (c) Consistency with county fire code regulations in Chapter 30.53A, including demonstration of adequate water availability to the site.

Council Disposition: Councilmember Low – Councilmember Mead approved by five

Date: January 15, 2025