



EMERGENCY SHELTERS AND HOUSING (O2021-019)

STAFF REPORT

CITY COUNCIL WORKSESSION – JANUARY 11, 2022

Introduction

The intent of the emergency shelters and housing ordinance is to address changes in state laws in 2020 and 2021 that require local governments to allow certain housing types in certain locations. The amended state laws were adopted by Engrossed Substitute House Bill (ESHB) 1023 (2020), Engrossed Second Substitute House Bill (E2SHB) 1220 (2021), and Engrossed Substitute Senate Bill (ESSB) 5235 (2021).

The Planning Commission recommended approval of the ordinance after a public hearing on December 14, 2021.

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- Proposal**
1. Review and update TMC Title 18 *Zoning* to address state laws were adopted by Engrossed Substitute House Bill (ESHB) 1023 (2020), Engrossed Second Substitute House Bill (E2SHB) 1220 (2021), and Engrossed Substitute Senate Bill (ESSB) 5235 (2021).

Required Changes

The required changes included:

1. Modifying language to recognize that adult family homes can allow up to eight (previously six) adults, if the additional capacity is approved by the Department of Health and Services (DSHS). Required to implement ESHB 1023, adopted in 2020.
2. Allowing transitional housing or permanent supportive housing in any zone districts that allow residential dwelling units or hotels. Required to implement E2SHB 1220, adopted in 2021.
3. Allowing indoor emergency shelters and indoor emergency housing in zone districts that allow hotels. Required to implement E2SHB 1220, adopted in 2021.
4. Modifying the definition of “family” so that it does not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit. Required to implement ESSB 5235, adopted in 2021.

Changes to TMC 18.04 Definitions

The following new definitions are proposed to be added to TMC 18.04 *Definitions*.

“Emergency housing” means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may provide individual rooms for sleeping and may have communal bathrooms and kitchen and dining areas. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

“Emergency shelter” means a facility that provides a temporary indoor shelter for individuals or families who are currently homeless. Emergency shelter may provide a mixture of individual rooms and common areas for sleeping and may have communal bathrooms and kitchen and dining areas. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day cooling and warming centers that do not provide overnight accommodations.

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“Permanent supportive housing” means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW Residential Landlord-Tenant Act.

“Supportive housing facilities” means a collective term for the following housing types: emergency housing, emergency shelters, permanent supportive housing, and transitional housing, as defined in TMC 18.04.

“Transitional housing” means housing providing stability for residents for a limited time period, usually two weeks to 24 months, to allow them to recover from a crisis such as homelessness or domestic violence before transitioning into permanent housing. Transitional housing often offers supportive services, which enable a person to transition to an independent living situation.

The following definitions are proposed to be amended in TMC 18.04 *Definitions*.

“Adult family home” means the regular family abode of a person or persons who are providing personal care, room and board, under a license issued pursuant to RCW 70.128.060, to more than one but not more than ~~four~~six adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of ~~six~~eight adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law (RCW 70.128.010).

“Family” means an individual or two or more persons, related by blood, marriage or adoption, or two or more persons with functional disabilities as defined in TMC Chapter 18.53, or a group of ~~not more than six~~ unrelated persons, living together to share a single dwelling unit.

Changes to TMC 18.07 Summary Tables of Uses and Allowed Uses in Individual Zone District Chapters

Discussion

TMC 18.42.150 *Supportive Housing Facilities Standards* in TMC 18.42 *General Land Use Regulations* contains proposed standards for supportive housing facilities, which would be applicable to all new uses whether they are permitted outright or they require a conditional use permit. See further discussion of TMC 18.42.150 *Supportive Housing Facilities Standards* on page 31 of the staff report. The Planning Commission supported allowing supportive housing facilities outright without a Conditional Use Permit in most cases.

In addition, the Planning Commission considered how churches would likely host supportive housing facilities and how the ordinance could accommodate that. It has been the goal of the City to support such efforts and the City has been discussing various proposals with the local faith community for such uses as part of the City's homelessness response for the past four years.

The Planning Commission supported adding supportive housing facilities as an accessory use in every zone district where a church use is allowed as a permitted or conditional use:

Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are permitted as an accessory use only as part of a permitted church use. Such supportive housing facilities shall not to exceed 20% of the total building square footage of a church use and are subject to the requirements of TMC 18.42.150.

TABLE 18.07.010

RESIDENTIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL USES

RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	RSR	SFL	SFM	MFH	MFH	MHP	Applicable Regulations
Adult family homes, residential care facilities	P	P	P	P	P		18.53
Agriculture up to 30 acres in size	P	P	P	P			18.42.070

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RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	RSR	SFL	SFM	MFM	MFH	MHP	Applicable Regulations
Animals (the housing, care and keeping of)	P	P	P	P			6.08
Attached wireless communication facilities	P	P	P	P	P		11.20
Bed and breakfasts	C ¹	C ¹	C ¹	P		C ¹	18.56
Cemeteries	C	C	C	C	C	C	18.56
Child day care center	C	C	C	C	C	C	18.56
Churches	C	C	C	C	C	C	18.56
Community garden	P	P	P	P	P		
Cottage housing	P	P	P	P			18.51
Designated manufactured home parks				P			18.48; 18.49
Designated manufactured homes	P	P	P	P		P	18.48
Duplexes	P ²	P ²	P ³	P			
Emergency communication towers or antennas	C	C	C	C	C	C	18.56; 11.20
Family child care home, child mini-day care center	P	P	P	P	P	P	18.52
Fourplexes				P	P		
Group foster homes	C	C	C	C	C	C	18.56
Inpatient facilities				C	C		18.56
Medical clinics or hospitals				C	C		18.56
Mental health facilities				C	C		18.56
Multifamily dwellings				P	P		

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RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	RSR	SFL	SFM	MFM	MFH	MHP	Applicable Regulations
Manufactured home parks in accordance with the provisions of TMC Chapter 18.48						P	18.48
Mobile home parks which were legally established prior to July 1, 2008						P	18.48
Neighborhood community center	C	C	C	C	C	C	18.56
Neighborhood-oriented commercial center		C	C	C	C	C	18.56
Parks, trails, open space areas and recreational facilities	P	P	P	P	P	P	
<u>Permanent supportive housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>18.42.150</u>
Planned unit developments		P	P	P	P		18.36
Private clubs and lodges			C	C	C		18.56
Recreational vehicle parks				C			18.56
Schools	C	C	C	C	C	C	18.56
Senior housing facilities, assisted				C	C		18.56
Senior housing facilities, independent				P	P		
Single-family detached dwellings	P	P	P			P	
Single-family detached dwellings existing prior to April 15, 2021				P ⁴			
Single-family detached dwellings and duplexes as part					P ⁵		18.36

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RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	RSR	SFL	SFM	MFM	MFH	MHP	Applicable Regulations
of a PUD planned unit development overlay							
Support facilities	P	P	P	P	P	P	
Temporary expansions of schools, such as portable classrooms	C	C	C	C	C	C	18.56
Townhouses and rowhouses			P ⁶	P	P		18.16.050 (F)(1)(a)
<u>Transitional housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>18.42.150</u>
Triplexes				P	P		
Wildlife refuges and forest preserves	P	P	P	P	P		
Wireless communication towers	C	C	C	C	C	C	11.20; 18.56

LEGEND*P = Permitted Use**C = Conditional Use**RSR = Residential/Sensitive Resource**SFL = Single-Family Low Density Residential**SFM = Single-Family Medium Density Residential**MFH = Multifamily Medium Density Residential**MFH = Multifamily High Density Residential**MHP = Manufactured Home Park**Table 18.07.010 Footnotes:*

(1) "Bed and breakfasts" with only one guest room are a permitted use, but are subject to the notice of application requirements in TMC Chapter 14.06 to allow for

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public notice for neighbors and an appeal of the administrative decision to the hearing examiner.

(2) “Duplexes” are allowed in the residential/sensitive resource (RSR) and single-family low density residential (SFL) zone districts. Such uses shall not occupy more than twenty percent of the total lots in a new short plat or subdivision, which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas.

(3) “Duplexes” are allowed in the single-family medium density residential (SFM) zone district. Such uses shall not occupy more than thirty percent of the total lots in a new short plat or subdivision, which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas.

(4) Single-family detached dwellings constructed after April 15, 2021, are not allowed in the multifamily medium density residential (MFM) zone district, except as part of a PUD planned unit development overlay as regulated by TMC Chapter 18.36 if the site to be developed has more than one zone district.

(5) Single-family detached dwellings and duplexes are not allowed in the multifamily high density residential (MFH) zone district, except as part of a PUD planned unit development overlay as regulated by TMC Chapter 18.36 if the site to be developed has more than one zone district.

(6) “Townhouses and rowhouses” are allowed within a residential planned unit development in the single family medium density residential (SFM) zone district.

Table 18.07.010 Explanatory Notes:

- 1. If the box is shaded, the use is not allowed in that zone district.*
- 2. Accessory uses are listed in each zoned district chapter.*

TABLE 18.07.020**COMMERCIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL USES**

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC¹	Applicable Regulations
Adult family homes, residential care facilities	P	P	P	P	P	P	P	18.53
Animal clinics or hospitals	C		C	C	P			18.56
Appliance equipment repair/sales					P			
Attached wireless communication facilities	P	P	P		P		P	11.20
Auto repair facility					P			
Automobile service stations			C ²		P		C	18.56
Breweries, wineries, distilleries				P	P	P	P	
Centers for senior citizens, youth, general community and similar groups	P	P	P	P	P	P	P	
Child day care center	P	P	P	P	P	P	P	18.52
Child mini-day care center	P	P	P	P	P	P	P	18.52
Churches		C	C	P	P		C	18.56
Civic center complex		P	P	P	P		P	
Community center		P					P	
Community gardens	P	P	P	P	P	P	P	
Convalescent centers, rest homes, nursing homes			P	P	P			
Cottage housing			P					18.51
Crematories								

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COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC ¹	Applicable Regulations
Dance clubs				P				18.21.030
Electric vehicle infrastructure	P	P	P	P	P	P	P	
Emergency communication towers or antennas		C	C		C		C	18.56
<u>Emergency housing</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>18.42.150</u>
<u>Emergency shelter</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>18.42.150</u>
Entertainment facility		P	P	P	P		P	
Equipment rental and sales facility					P			
Existing uses, legally established prior to adoption	P	P	P			P		
Family child care home	P	P	P	P	P	P	P	18.52
Farmers markets	P	P	P	P	P	P	P	
Fish hatcheries, associated appurtenances, and related interpretive centers						P		
Food truck or trailer courts	P	P	P	P	P	P	P	18.42.120
Food trucks or trailers	P	P	P	P	P	P	P	18.42.120
Freestanding wireless communication facilities		C	C		C			11.20; 18.56
Group foster homes	C	P	P	P	P		P	18.56
High-rise residential (five stories or more)				P	C			18.21
Inpatient facilities	C		C	C	C			18.56
Kennels					C			18.56
Library, museum, art gallery	P	P	P	P	P	P	P	

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COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC ¹	Applicable Regulations
Manufacturing, assembly, processing and/or fabrication activities entirely within a building and ancillary to primary office use (less than 25 percent of building)								
Marijuana retailer				P	P			18.42.080
Medical clinics	P		P	P	P		P	
Mental health facilities	C		C	C	C			18.56
Mini-storage					C			18.56
Mixed use structures	P ³		P	P	P		P	
Motels, hotels			P	P	P	P	P	
Motor vehicle sales facilities					P			18.42.090
Motorsports sales facility					P			18.22.020
Movie theaters, playhouses and similar performance and assembly facilities				P	P		P	
Multifamily dwellings			P			P		
Multifamily dwellings (three or four stories)					P			18.22.020
Nurseries, retail			P	C	P			18.56; 18.21.050
Offices	P	P	P	P	P	P	P	
Parcel delivery facility		P						
Park and ride lots		P	C	P	P			18.56; 18.21.030(DD)

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COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC ¹	Applicable Regulations
Parking lots, parking structures		P	C	P & C	P	P	P	18.19.020(R); 18.56; 18.21.030; 18.21.050
Parks and open space areas	P	P	P	P	P	P	P	
<u>Permanent supportive housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>18.42.150</u>
Personal and professional services		P	P	P	P	P	P	
Personal and professional services or sales	P						P	
Planned unit developments	P	P	P	P	P		P	18.36
Post office	P	P	P	P	P	P	P	
Prisons, jails and other correctional facilities		C			C			18.56
Private clubs and lodges		C	P	P	P		P & C	18.56
Private post-secondary educational facilities				C	C			
Recreational facilities	P ⁴	P	P	P	P	P	P	
Recreational vehicle park					P			
Residential uses	P ⁵		P	P			P	18.20.030; 18.21.060; 18.23.020
Restaurants		P	P ⁶	P	P	P	P	
Restaurants (without drive-in windows)	P ⁷		P ⁸				P	
Retail sales			P	P	P	P	P	

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COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC ¹	Applicable Regulations
Retail sales (no more than 3,000 square feet) (6:00 a.m. – 10:00 p.m.)	P						P	
Retail sales (no more than 3,000 square feet) (10:00 p.m. – 6:00 a.m.)	C						P	18.56
Retail sales (no more than 15,000 square feet)		P					P	
Riding academies					P			
Schools	C	P	C	P	C ⁹	P	P	18.56
Senior housing facilities, assisted	C		P	P	P		P	18.56
Senior housing facilities, independent	P		P	P	P		P	
Sewage treatment facilities								18.56
State education facilities		C	C	C	C		C	18.56
Support facilities	P	P	P	P	P	P	P	
Taverns, cocktail lounges	C ¹⁰	P	P	P	P	P	P	
Temporary expansions of schools, such as portable classrooms	P	P	P	P	P	P	P	
<u>Transitional housing</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>18.42.150</u>
Transportation facilities, large scale state or regional		C			C			18.56
Transportation terminals					C		C	18.56
Used motor oil recycling collection point			P		P			

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COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC ¹	Applicable Regulations
Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment entirely within a building						P		
Wildlife refuges and forest preserves		P				P		

LEGEND*P = Permitted Use**C = Conditional Use**NC = Neighborhood Commercial**CS = Community Services**MU = Mixed Use**CBC = Capitol Boulevard Community**GC = General Commercial**HC = Historic Commercial**TC = Town Center**Table 18.07.020 Footnotes:*

(1) See TMC 18.23.020 for specific requirements for uses in the Town Center subdistricts.

(2) Automobile service stations are a conditional use for all parcels in the mixed use (MU) zone district in the city, except for those parcels in the mixed use (MU) zone district located on the north side of Israel Road SW between Littlerock Road SW and Tyee Drive SW where the use is prohibited.

(3) Mixed use structures subject to the size limitations for individual uses and TMC 18.18.050(D) and the density requirements for residential use in the neighborhood commercial (NC) zone district.

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- (4) *Recreational facilities occupying no more than three thousand square feet in floor area in the neighborhood commercial (NC) zone district.*
- (5) *Multifamily residential use as part of a mixed use development is allowed with a minimum density of four dwelling units per net acre and a maximum density of eight dwelling units per net acre, which is calculated by averaging the densities of all of the different types of housing provided within the development in accordance with TMC 18.14.050(B), excluding the area of the building and parking associated with the commercial development.*
- (6) *Restaurants are a permitted use for all parcels in the mixed use (MU) zone district in the city, except for those parcels in the mixed use (MU) zone district located on the north side of Israel Road SW between Littlerock Road SW and Tyee Drive SW. In that location, restaurants without drive-through windows are allowed, but restaurants with drive-through windows are prohibited.*
- (7) *Restaurants without drive-in windows occupying no more than three thousand square feet in floor area and drive-through espresso stands/coffee shops occupying no more than five hundred square feet in floor area in the neighborhood commercial (NC) zone district.*
- (8) *Restaurants (without drive-through windows) are a permitted use for those parcels in the mixed use (MU) zone district located on the north side of Israel Road SW between Littlerock Road SW and Tyee Drive SW.*
- (9) *Except temporary expansions of schools, such as portable classrooms.*
- (10) *Taverns, cocktail lounges occupying no more than three thousand square feet in floor area in the neighborhood commercial (NC) zone district.*

Table 18.07.020 Explanatory Notes:

- 1. If the box is shaded, the use is not allowed in that zone district.*
- 2. Accessory uses are listed in each zoned district chapter.*

TABLE 18.07.030**INDUSTRIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL USES**

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
Agriculture	P		P	
All industrial activities involving the manufacture, assembly, bulk storage, processing, repair, recycling or servicing of goods or products		P		
Animal clinics or hospitals	P	C		18.56
Attached wireless communication facilities	P	P	P	11.20
Automobile repair facilities	P		P	
Automobile service stations	P	P	P	
Aviation, aviation related uses, aviation fueling facilities			P	18.34.020(A); 18.34.020(F)
Breweries, wineries, distilleries, and associated restaurants	P		P	
Cemeteries	C	C		18.56
Child day care center	P	C	P	18.52; 18.56
Child mini-day care center	P	C	P	18.52
Community gardens	P	P	P	
Crematories	P	P	P	
Cross-dock facilities, 50,000 square feet or smaller in size	P	P	P	
Electric vehicle infrastructure	P	P	P	
Emergency communication towers or antennas	C	C	C	18.56
Energy systems			P	
Equipment rental and sales	P	P	P	
Family child care home	P	C		18.52; 18.56

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INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
Farmers markets	P	P	P	
Food truck or trailer courts	P	P	P	18.42.120
Food trucks or trailers	P	P	P	18.42.120
Hotel/motel and conference facilities			P	
Kennels	P		P	
Marijuana retailer	P		P	18.42.080
Marijuana processor, within a fully enclosed secure indoor structure only	C		C	18.42.080
Marijuana producer, within a fully enclosed secure indoor structure only	C		C	18.42.080
Mineral extraction		P		
Mini-storage	P		P	
Motor freight terminals, 50,000 square feet or smaller in size	P	P	P	
Motor pool and equipment parking	P		P	
Motor vehicle sales facilities	P		P	18.42.090
Motorsports facility – Indoor	P		P	
Motorsports sales facility	P		P	
Nurseries, retail or wholesale	P		P	18.24.020(P)
Offices	P		P	
Off-site hazardous waste treatment and storage facilities	P	P	C	18.24.020(L); 18.56
Park and ride facilities	P	P	P	
Parks, open space areas and recreational facilities	P	C	P	18.56
<u>Permanent supportive housing</u>			<u>P</u>	<u>18.42.150</u>
Personal and professional services	P		P	
Planned unit developments not including residential uses	P	P		18.36

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INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
Post offices, museum, library, art gallery	P		P	
Prisons, jails or other correctional facilities	C	C	C	18.56
Private post-secondary education facilities			C	18.56
Recycling collection centers	C	P		18.25.020(A); 18.56
Residential care facilities	P		P	18.34.020(O)
Restaurants	P		P	
Retail sale of goods or products manufactured on the premises, or utilized in manufacturing, repairing, or servicing activities which are permitted in the same zoning district		P	P	
Schools, other than through the eighth grade	P			
Schools on parcels abutting residential zones and outside of air hazard areas			P	
Secure community transition facilities	C			18.56
Sewage treatment facilities	C	C	C	18.56
Sexually oriented businesses	P		P	18.04; 18.42.050
Solid waste handling facilities	C	C	C	18.56
State education facilities	C		C	18.56
Storage, manufacture or sale of highly volatile or extremely hazardous substances or materials other than airport fueling facilities			C	18.56
Support facilities	P	P	P	
Taverns, cocktail lounges	P			
Temporary expansions of schools, such as portable classrooms	P		P	
The raising of crops, including trees			P	18.34.020(J)

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INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
Transit facilities	P		P	
<u>Transitional housing</u>			<u>P</u>	<u>18.42.150</u>
Transportation facilities, large scale or regional	C	C	C	18.56
Transportation terminal facilities	P	P	P	
Truck stops or travel centers ³	P ³			
Uses having to do with buying, selling, and personal and professional services or offices, or of a general commercial nature	P			
Warehouse distribution centers ⁴	P		P	18.42.110
Warehouses, nondistribution, 200,000 sq. ft. or smaller in size	P	P	P	
Warehouses, nondistribution, larger than 200,000 sq. ft. in size ⁴	P		P	18.42.110
Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment	P	P	P	
Wildlife refuges and forest preserves	P		P	
Wireless communication towers	P	P	P	11.20
Wrecking yards and junk yards		C		18.56

LEGEND*P = Permitted Use**C = Conditional Use**LI = Light Industrial**HI = Heavy Industrial**ARI = Airport Related Industrial**Table 18.07.030 Explanatory Notes:**1. If the box is shaded, the use is not allowed in that zone district.***EMERGENCY SHELTERS AND HOUSING (O2021-019)**

2. *Accessory uses are listed in each zoned district chapter.*
3. *Truck stops or travel centers are limited to an area within one-half mile of the Interstate 5 and 93rd Avenue SW interchange.*
4. *All warehouse distribution centers regardless of size and nondistribution warehouses that are larger than 200,000 sq. ft. in size are subject to the requirements of TMC 18.42.110.*

TABLE 18.07.040
GREENBELT/OPEN SPACE ZONE DISTRICTS PERMITTED AND
CONDITIONAL USES

GREENBELT/OPEN SPACE DISTRICTS	GB	OS	Applicable Regulations
Agricultural uses subject to the requirements of TMC Chapter 16.08 and the drainage design and erosion control manual for Tumwater	P	P	16.08
Camp facilities		P	
Campgrounds, recreational vehicle parks		C	
Cemeteries, located outside of the one-hundred-year floodplain, subject to the standards in TMC Chapter 18.56		P	18.56
Community gardens		P	
Farmers markets		P	
Fish hatcheries, associated appurtenances, and related interpretive centers		P	
Food trucks or trailers		P	18.42.120
Golf courses		P	
Parks and other related active and passive recreation facilities		P	
Passive recreation facilities	P		
<u>Permanent supportive housing in a residence existing prior to January 1, 1996</u>		<u>P</u>	<u>18.42.150</u>
<u>Permanent supportive housing in a residence existing prior to the adoption of TMC 18.30</u>	<u>P</u>		<u>18.30; 18.42.150</u>

EMERGENCY SHELTERS AND HOUSING (O2021-019)

GREENBELT/OPEN SPACE DISTRICTS	GB	OS	Applicable Regulations
<u>Permanent supportive housing in a single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres</u>	<u>C</u>	<u>C</u>	<u>18.42.150; 18.56</u>
Residences existing prior to January 1, 1996		P	
Residences existing prior to the adoption of TMC 18.30	P		18.30
Single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres	C	C	
Structures as an accessory use to agricultural uses	C		
Support facilities		P	
Temporary research and education facilities related to water-dependent wetland oriented research and education	P		
Trails	P		
<u>Transitional housing in a residence existing prior to January 1, 1996</u>		<u>P</u>	<u>18.42.150</u>
<u>Transitional housing in a residence existing prior to the adoption of TMC 18.30</u>	<u>P</u>		<u>18.30; 18.42.150</u>
<u>Transitional housing in a single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres</u>	<u>C</u>	<u>C</u>	<u>18.42.150; 18.56</u>
Utility support facilities	P		
Wells and wellfields	P		
Wildlife and nature preserves	P	P	

LEGEND*P = Permitted Use**C = Conditional Use**GB = Greenbelt**OS = Open Space***EMERGENCY SHELTERS AND HOUSING (O2021-019)**

Table 18.07.040 Explanatory Notes:

1. *If the box is shaded, the use is not allowed in that zone district.*
2. *Accessory uses are listed in each zoned district chapter.*

Changes to TMC Figure 18.23.020 Town Center Zone Subdistricts**Figure 18.23.020**

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
Accessory wireless communication antennas	A ¹	A ¹	A ¹	A ¹
Adult family homes, residential care facilities	P		P	
Attached wireless communication facilities	P ¹	P ¹	P ¹	P ¹
Automobile service station legally established prior to June 9, 2002	C ²			
Breweries, wineries, distilleries	P			
Centers for senior citizens, youth, general community and similar groups	P	P		P
Child day care center; child mini-day care center	P	P	P	P
Churches	C		C	
Civic center complex	P			P
Community center	P	P		P
Community gardens	P	P	P	P
Distribution, fabrication, and assembly facilities occurring within buildings lawfully constructed on Port of Olympia	C ⁴			

EMERGENCY SHELTERS AND HOUSING (O2021-019)

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
property on or before January 1, 2000				
Drive-through uses	P ¹²			
Electric vehicle infrastructure	P	P	P	P
Emergency communication antennas (essential public facility)	C ^{1, 5}	C ^{1, 5}	C ^{1, 5}	C ^{1, 5}
<u>Emergency housing</u>	<u>P¹⁵, A¹⁶</u>		<u>A¹⁶</u>	
<u>Emergency shelter</u>	<u>P¹⁵, A¹⁶</u>		<u>A¹⁶</u>	
Entertainment facilities	P ⁶			
Family child care homes	P		P	
Farmers markets	P	P	P	P
Food truck or trailer courts	P ¹³	P ¹³		P ¹³
Food trucks or trailers	P ¹⁴	P ¹⁴		P ¹⁴
Group foster homes	P	P	P	P
Home occupations	A		A	
Library, museum, art gallery	P			P
Medical clinics	P	P		
Mixed use commercial/residential developments	P			
Motels, hotels	P			
Movie theaters, playhouses and similar performance and assembly facilities	P			P
Noncommercial recreational structures including but not limited to swimming pools and recreational ball courts			A	

EMERGENCY SHELTERS AND HOUSING (O2021-019)

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
Offices	P	P		P
Parking lots	A ⁷	A	A	A
Parking structures	P ⁸	P	P	P
Parks and open space areas	P	P	P	P
<u>Permanent supportive housing</u>	<u>P¹⁵, A¹⁶</u>		<u>P¹⁵, A¹⁶</u>	
Personal and professional services	P	P		P
Planned unit development (see TMC Chapter 18.36)	P	P	P	P
Post offices	P	P		P
Preschool childcare facilities	A	A	A	A
Private clubs and lodges	P	P	C	
Recreational facilities	P	P	P	P
Residential uses approved after June 9, 2002, provided the minimum density standards in TMC 18.23.030(B)(2) are met			P	
Residential uses which were legally established prior to June 9, 2002			P	
Restaurants	P	A ⁹	A ¹⁰	
Retail sales	P	A	A ¹⁰	
Roominghouses	A			
Schools	P			
Senior housing facilities, independent and assisted	P		P	
State education facilities (essential public facility)	C			

EMERGENCY SHELTERS AND HOUSING (O2021-019)

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
Storage sheds, tool sheds, greenhouses, carports			A	
Support facilities	P ¹¹	P ¹¹	P ¹¹	P ¹¹
Taverns, cocktail lounges	P ³			
Temporary expansions of schools, such as portable classrooms	P			
<u>Transitional housing</u>	<u>P¹⁵, A¹⁶</u>		<u>P¹⁵, A¹⁶</u>	
Transportation terminals	C	C		

Figure 18.23.020 Footnotes:

- (1) Emergency communication antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.
- (2) Any alteration to the site or building that requires a conditional use permit shall meet the minimum conditions provided in TMC Chapter 18.56. An application for a conditional use permit shall be processed pursuant to TMC Title 14, Development Code Administration, and TMC Chapter 2.58, Hearing Examiner.
- (3) Cocktail lounges are also permitted as accessory uses within restaurants.
- (4) The cumulative amount of future expansions shall not exceed fifty percent of the covered floor space existing on January 1, 2000, for each site. See TMC Chapter 18.56.
- (5) Antennas must be affixed to or erected upon existing buildings, water tanks or other existing structures. Antennas shall not be affixed to a wireless communication support structure. Emergency communication towers are not permitted.
- (6) Motorized go-cart facilities are not permitted.
- (7) See TMC 18.23.040(F) for surface parking lot siting requirements on properties fronting main streets.
- (8) In the Town Center Mixed Use subdistrict, a parking structure may be located along a main street, provided the portion of the first floor fronting the main street is designed to accommodate a use allowed by this chapter other than parking.

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- (9) *Restaurants may be allowed as accessory uses within a general or professional office building in the Town Center Professional Office subdistrict.*
- (10) *Restaurants and retail sales are allowed as accessory uses in the Town Center Residential subdistrict when located on the first floor of a multistory residential building, provided the gross floor area dedicated to restaurant and/or retail sales use shall not exceed one thousand five hundred square feet per building or twenty-five percent of the first floor of each building, whichever is greater, and provided the residential portion of the development meets the density standards described in TMC 18.23.030.*
- (11) *Electrical switching substations, electrical power transmission towers, natural gas pipelines, natural gas gate stations and regulating stations, and park and ride facilities are not permitted.*
- (12) *Drive-through uses for espresso stands less than five hundred square feet in floor area, pharmacies, and banks and credit unions are allowed in the areas specified on Figure 18.23.010. Properties with drive-through uses in the Town Center zone district shall not have direct vehicular access onto either Capitol Boulevard or Tumwater Boulevard. The director may allow temporary vehicular access to Capitol Boulevard in order to accommodate changes to the street grid. Drive-through uses shall also meet the drive-through design guidelines of TMC Chapter 18.43. Where conflicts occur between this chapter and TMC Chapter 18.43, the more restrictive requirement shall apply.*
- (13) *Food truck or trailer courts are subject to the requirements of TMC 18.42.120.*
- (14) *Food trucks or trailers are subject to the requirements of TMC 18.42.120.*
- (15) *Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, transitional housing, and transitional housing are subject to the requirements of TMC 18.42.150.*
- (16) *Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are permitted as an accessory use only as part of a permitted church use. Such supportive housing facilities shall not to exceed 20% of the total building square footage of a church use and are subject to the requirements of TMC 18.42.150.*

Figure 18.23.020 Explanatory Note:

- 1. If the box is shaded, the use is not allowed in that zone district.*

EMERGENCY SHELTERS AND HOUSING (O2021-019)

Changes to TMC Table 18.27.040 Brewery District**Table 18.27.040**

Land Uses (5)	Triangle (1)	Deschutes	Bates North	Bates South	Knoll (7)	Valley	Bluff
Accessory dwelling units	A	A	A	A	A	A	A
Accessory wireless communication antenna (2)	A	A	A	A	A		A
Adult family homes	P	P	P	P	P	P	P
Agriculture, indoor						P	
All existing uses legally established prior to September 1, 2014, except where there is a cessation of the use for two or more years	P	P	P	P	P	P	P
Animal clinics or hospitals (6)	P	P	P	P	P	P	
Attached wireless communications facilities (3)	P	P	P	P	P	P	P
Bed and breakfasts	P	P	P	P	P		P
Breweries, wineries, distilleries	P	P			P	P	
Child day care centers; child mini-day care centers	P	P	P	P	P	P	P
Churches	C	C	C		C	P	C
Community gardens	P	P	P	P	P	P	P
Convalescent center, rest home, nursing home	P	P	P	P	P		
Cottage housing	P	P		P			P

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Land Uses (5)	Triangle (1)	Deschutes	Bates North	Bates South	Knoll (7)	Valley	Bluff
Electric vehicle infrastructure	P	P	P	P	P	P	P
<u>Emergency housing (11)(12)</u>	<u>P/A</u>	<u>P/A</u>			<u>P/A</u>		
<u>Emergency shelter (11)(12)</u>	<u>P/A</u>	<u>P/A</u>			<u>P/A</u>		
Energy systems	A	A	A	A	A	A	A
Entertainment facilities	P	P	P	P	P	P	
Family child care homes	P	P	P	P	P		P
Farmers markets	P	P	P	P	P	P	
Fish hatcheries, associated appurtenances and related interpretive centers						P	
Food truck or trailer courts (9)	P	P	P		P	P	
Food trucks or trailers (10)	P	P	P		P	P	
General offices	P	P	P	P	P	P	
Group foster homes	P	P	P	P			
Home occupations	P	P	P	P	P	P	P
Large scale state or regional transportation facilities (essential public facility)						C	
Medical clinics	P	P	P	P	P		
Motels, hotels	P	P			P		
Movie production; movie studio					P	P	

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Land Uses (5)	Triangle (1)	Deschutes	Bates North	Bates South	Knoll (7)	Valley	Bluff
Museums, libraries, art galleries	P	P	P	P	P		
Noncommercial recreational structures associated with a residential use which include but are not limited to swimming pools and recreational ball courts	A	A	A	A	A	A	A
Off-street parking and loading	A	A	A	A	A	A	A
Parking structures	P	P	P	P	P	P	P
Parks, open space areas and recreational facilities	P	P	P	P	P	P	P
<u>Permanent supportive housing (11)(12)</u>	<u>P/A</u>	<u>P/A</u>	<u>P/A</u>	<u>P</u>	<u>P/A</u>	<u>P/A</u>	<u>P/A</u>
Personal and professional services	P	P	P	P	P	P	
Planned unit developments	P	P	P	P	P	P	P
Post offices	P	P			P		
Private clubs and lodges	P	P	P		P	P	
Private garages and carports	A	A	A	A	A	A	A
Public parking lot as a primary use	P	P	P	P	P	P	
Residential	P	P	P	P	P	P	P
Restaurants, taverns, cocktail lounges, brew pubs and similar dining and drinking establishments	P	P	P	P	P	P	

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Land Uses (5)	Triangle (1)	Deschutes	Bates North	Bates South	Knoll (7)	Valley	Bluff
Retail sales	P	P	P	P	P	P	
Schools	P	P			P	P	
Senior housing facilities, independent and assisted	P	P	P	P	P		
State education facilities (essential public facility)					C	C	
Storage sheds, toolsheds, greenhouses (8)	A	A	A	A	A	A	A
Support facilities	P	P	P	P	P	P	P
Temporary expansions of schools, such as portable classrooms	P	P			P	P	
<u>Transitional housing (11)(12)</u>	<u>P/A</u>	<u>P/A</u>	<u>P/A</u>	<u>P</u>	<u>P/A</u>	<u>P/A</u>	<u>P/A</u>
Transportation terminals	C						
Wholesaling, manufacturing, assembling, repairing, fabricating, nondistribution warehousing (4)						P	

Table 18.27.040 Footnotes:

(1) Along the Cleveland Avenue Main Street, active ground floor uses are required in accordance with TMC 18.27.080(B)(1)(e).

(2) Emergency communication antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(3) Antennas must be affixed to or erected upon existing buildings, water tanks or other existing structures. Antennas shall not be affixed to a wireless communication support structure. Emergency communication towers are not permitted.

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- (4) *Warehousing must be for product for use in or production resulting from on-site manufacturing, assembly, repair or fabrication.*
- (5) *Drive-through uses are prohibited in the Bates North and Bates South subdistricts. For all other subdistricts, drive-through uses are limited to espresso stands less than five hundred square feet in floor area, pharmacies, banks, credit unions, and the reuse of permitted drive-through facilities in existence as of the effective date of O2014-007 (September 1, 2014) for restaurant uses.*
- (6) *All animals must be kept at all times within a fully enclosed building with adequate controls so that animal noise and odor cannot be detected on adjoining property or in adjoining units with shared walls.*
- (7) *South of Custer Way, development must consist of two or more of the listed uses; provided, that each use shall occupy a minimum of twenty percent of the gross floor area of the project.*
- (8) *Buildings or structures for storage, a greenhouse, detached garage, or carport in the Bates South subdistrict accessory to a permitted use are subject to the provisions in TMC 18.42.015.*
- (9) *Food truck or trailer courts in accordance with TMC 18.42.120.*
- (10) *Food trucks or trailers in accordance with TMC 18.42.120.*
- (11) *Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, transitional housing, and transitional housing are subject to the requirements of TMC 18.42.150.*
- (12) *Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are permitted as an accessory use only as part of a permitted church use. Such supportive housing facilities shall not to exceed 20% of the total building square footage of a church use and are subject to the requirements of TMC 18.42.150.*

Table 18.27.040 Explanatory Note:

- 1. If the box is shaded, the use is not allowed in that zone district.*

Changes to TMC 18.42 General Land Use Regulations

A new section is added to TMC 18.42 *General Land Use Regulations* to provide standards for supportive housing facilities standards to address site and transit, separation and distance conditions, operations, and services. These standards would apply whether a new supportive housing facility is permitted outright or with a conditional use permit.

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The Planning Commission decided at their November 9, 2021 worksession to remove separation standards for supportive housing facilities from incompatible uses and recommended further revisions to simplify the application process.

The Planning Commission discussed at their November 23, 2021 worksession the potential for supportive housing facilities operated by the same or different sponsors or managing agencies sharing operating components of different supportive housing facilities in the same location and whether the proposed language in TMC 18.42.150(B)(1)(c)(i) would preclude this from happening. Staff made amendments to that section to address the Planning Commission's concerns.

The Planning Commission discussed at their November 23, 2021 worksession the potential for eliminating the separation requirements for supportive housing facilities found in TMC 18.42.150(B)(1)(c)(i).

Staff notes that under Housing Element Goal H-9

To encourage a variety of housing opportunities for those with special needs, particularly those with problems relating to age or disability

Housing Element Policy H-9.1 states:

Require housing to meet the needs of those with special housing requirements without creating a concentration of such housing in any one area.

The separation requirements for supportive housing facilities proposed in TMC 18.42.150(B)(1)(c)(i) below addresses Housing Element Policy H-9.1.

18.42.150 Supportive Housing Facilities Standards

A. Purpose and Applicability.

1. The purpose of this section is to establish reasonable standards for the safe operation and appropriate siting of supportive housing facilities within the city, to protect the public health and safety for both supportive housing facility residents and the broader community.

As defined in TMC 18.04.180, "supportive housing facilities" includes emergency housing, emergency shelters, permanent supportive housing, and transitional housing in buildings or other permanent structures.

B. Performance Standards.

1. General Requirements for All Supportive Housing Facilities.

a. General.

i. When a site includes more than one (1) type of supportive housing facility, the more restrictive requirements of this section shall apply.

ii. *Specific needs of each supportive housing facility will be reviewed through the development review process in TMC Title 14.*

iii. *The community development director may modify one (1) or more of the standards in this subsection, only when the applicant submits a description of the standard to be modified and demonstrates how the modification would result in a safe supportive housing facility and benefit the community under the specific circumstances of the application. In considering whether the modification should be granted, the community development director shall first consider the effects on the health and safety of supportive housing facility residents and the neighboring communities. Modifications will not be granted if they would result in adverse impact on residents of the supportive housing facility and/or neighboring communities. The applicant must demonstrate the benefits of the modifications to the community development director.*

iii. *All supportive housing facilities must comply with the provisions of the building and construction code under TMC Title 15 including American disabilities act requirements.*

b. *Site and Transit.*

i. *Supportive housing facilities shall match the bulk and scale of residential uses allowed in the zone district where the supportive housing facility is located. The design, construction, appearance, physical integrity, and maintenance of the supportive housing facility shall provide an environment that is attractive, sustainable, functional, appropriate for the surrounding community, and conducive to tenants' stability.*

ii. *If provided, exterior lighting must comply with the standards in TMC 18.40.035 and elsewhere in TMC Title 18 and be directed downward, and glare must be contained within the supportive housing facility site to limit the impact on neighboring properties.*

iii. *The use shall meet landscaping and off-street parking standards in TMC Chapters 18.47 and 18.50.*

iv. *A description of transit, pedestrian, and bicycle access from the subject site to services must be provided at time of application by the sponsor and/or managing agency.*

c. *Separation and Distance Conditions. Supportive housing facilities shall meet the following separation and distance conditions:*

EMERGENCY SHELTERS AND HOUSING (O2021-019)

- i. Different types of supportive housing facilities may collocate on the same property with the same or different sponsors or managing agencies.*
 - ii. With the exception of collocated supportive housing facilities on the same property described in subsection (i), no supportive housing facility shall be located closer than one thousand three hundred twenty feet to another supportive housing facility whether such supportive housing facility is located within or outside the city limits. The distance shall be measured by following a straight line from the nearest point of public entry into the structure, which will house the proposed emergency housing and shelter to the nearest point of public entry into the structure housing another supportive housing facility. In the case of any supportive housing facility utilizing leased area or facilities, "property line" shall refer only to such leased area or facility.*
- d. Supportive Housing Facility Operations.*
- i. The sponsor or managing agency shall comply with all federal, state, and local laws and regulations, including Thurston County Department of Health regulations. The sponsor or managing agency shall be subject to inspections by local agencies and/or departments to ensure compliance and shall implement all directives resulting therefrom within the specified time.*
 - ii. The sponsor or managing agency must provide an operation plan at the time of the application that adequately addresses the following elements:*
 - (A) 24 hours emergency contact information;*
 - (B) Roles and responsibilities of key staff;*
 - (C) Site/facility management, including security policies and an emergency management plan;*
 - (D) Site/facility maintenance, including provisions for a regular trash patrol in the immediate vicinity of the site;*
 - (E) Occupancy policies, including resident responsibilities and a code of conduct that address, at a minimum, the use or sale of alcohol and illegal drugs, threatening or unsafe behavior, and weapon possession;*
 - (F) Provision for human and social services, including staffing plan, credentials or certification, and outcome measures;*
 - (G) Outreach with surrounding property owners and residents and ongoing good neighbor policy; and*

(H) Procedures for maintaining accurate and complete records.

(I) Provide a minimum and maximum time limit for occupation for transitional housing in the range of 2 weeks to 24 months. If the proposed time limit for the use is outside this range, the applicant shall follow the modification process in 18.42.150(B)(1)(a)(iii).

iii. Sponsors or managing agencies shall demonstrate applicable experience providing similar services to people experiencing homelessness.

iv. Sponsors or managing agencies shall demonstrate a stable funding source for the supportive housing facility and any on-site or off-site human and social services offered as part of the operations plan.

v. Managing agencies and the Tumwater Police Department shall establish reasonable requirements for appropriate coordination with the subject supportive housing facility and its residents.

2. Additional Requirements for Emergency Housing and Emergency Shelters.

In addition to the requirements under subsection (B)(1) of this section, emergency housing and emergency shelters are required to comply with the following:

a. Facility Standards.

i. In all zone districts, no less than the minimum area per occupant established by the Building Code is allowed, up to eighty (80) residents.

b. Facility Operations.

i. Trash receptacles must be provided in multiple locations throughout the facility and site.

ii. No children under the age of eighteen (18) are allowed to stay overnight in the facility, unless accompanied by a parent or guardian, or unless the facility is licensed to provide services to this population. If a child under the age of eighteen (18) without a parent or guardian present attempts to stay in a facility not specifically licensed for providing housing to youth, the sponsor and/or managing agency shall immediately contact Child Protective Services and actively endeavor to find alternative housing for the child.

iii. No person under court supervision or under sex offender registration requirements can receive services from a provider, unless providing such services is consistent with the laws, regulations, and/or supervisory requirements related to such persons.

- c. Facility Services.*
 - i. Residents shall have access to the following services on site; if not provided on site, transportation shall be provided:*
 - (A) For all supportive housing facilities, medical services, including mental and behavioral health counseling.*
 - (B) For emergency housing facilities, access to resources on obtaining permanent housing and access to employment and education assistance.*
 - (C) For emergency shelter facilities, substance abuse assistance.*
 - ii. All functions associated with the facility, including adequate waiting space, must take place within a building or on the site proposed to house the facility.*
 - iii. The number of toilets and other hygiene facilities required for each facility will be determined by the building official on a case-by-case basis in consultation with the Thurston County Health Department after a review of factors such as the potential number and composition of residents.*
 - iv. Facilities serving more than five (5) residents shall have dedicated spaces for residents to meet with service providers.*
 - v. The sponsor or managing agency shall coordinate with the homelessness service providers for referrals to their program and with other providers of facilities and services for people experiencing homelessness to encourage access to all appropriate services for their residents.*
- 3. Additional Requirements for Permanent Supportive and Transitional Housing. In addition to the requirements under subsection (B)(1) of this section, permanent supportive housing and transitional housing are required to comply with the following:*
 - a. Facility Standards.*
 - i. In the RSR residential/sensitive resource, SFL single-family low density residential, SFM single-family medium density residential, and MHP manufactured home park zone districts, the following additional standards apply to permanent supportive and transitional housing:*
 - (A) Occupancy Limits. Permanent supportive and transitional housing shall be limited by the minimum area per occupant established by the Building Code for a single family detached residence.*

(B) Occupancy Limit Exceptions. Additionally, special exceptions to the limit on the number of occupants of a permanent supportive and transitional housing may be granted for persons with disabilities.

(C) Appearance. Permanent supportive and transitional housing are required to be a single-family structure compatible with the surrounding area.

(D) Parking. Any parking spaces in excess of two (2) shall be screened from public streets.

(E) The single-family housing design standards of the citywide design guidelines shall apply to all facilities.

ii. In the MFM multifamily medium density residential and MFH multifamily high density residential, zone districts, the following additional standards apply to permanent supportive housing:

(A) Appearance. Permanent supportive housing facilities are required to maintain residential character.

(B) Individual facilities shall not have more than forty (40) dwelling units and are subject to the density standards of residential uses allowed in the zone district where the facility is located.

(C) The multifamily housing design standards of the citywide design guidelines shall apply to all facilities with more than five (5) dwelling units.

b. Facility Services.

i. All residents shall have access to appropriate cooking and hygiene facilities.

ii. Facilities serving more than five (5) dwelling units shall have dedicated spaces for residents to meet with service providers.

iii. Residents shall have access to the following services on site or shall be provided transportation to such services by the sponsor or managing agency:

(A) Medical services, including mental and behavioral health counseling.

(B) Employment and education assistance.

Changes to TMC 18.47 Landscaping

The Planning Commission discussed and supported the proposed amendments at the December 14, 2021 hearing:

Emergency housing, emergency shelters, permanent supportive housing, and transitional shelter would require Type 2 Landscaping – Visual Barrier Buffers on all sides:

18.47.050(B)(2) Description

- a. Trees shall be any combination of deciduous and evergreen (with no more than fifty percent being deciduous). One tree shall be provided for each twenty-five lineal feet of landscaped area.*
- b. A minimum planting area of eight feet in width shall be required.*
- c. Evergreen shrubs and ground cover must provide seventy-five percent coverage of the designated area within four years from planting.*

Changes to TMC 18.50 Off-Street Parking

The following changes would be made to Figure 18.50.070(A) in TMC 18.50 *Off-Street Parking*:

HEALTHCARE	NUMBER OF PRESCRIBED SPACES
Nursing home, congregate care, rest home, hospice care home and mental health facility	1.0 space per 4 regular beds, plus 1.0 space for every regular employee on the largest shift.
Medical clinics	5.0 spaces per 1,000 square feet.
<u>Emergency housing, emergency shelter, permanent supportive housing, and transitional shelter.</u>	<u>A parking plan based on population served and projected needs should be submitted and approved by the Community Development Director.</u>

Changes to TMC 18.53 Housing for the Functionally Disabled

The definition in 18.53.010 would be updated to match the definition in TMC 18.04 *Definitions*

- A. “Adult family home” means the regular family abode of a person or persons who are providing personal care, room and board, under a license issued pursuant to RCW 70.128.060, to more than one but not more than ~~four~~six adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of ~~six~~eight adults may be permitted if the Washington State Department of Social and Health Services determines that the*

home and the provider are capable of meeting standards and qualifications provided for by law (RCW 70.128.010).

Public Approval Process

The proposed public approval process for the amendments is as following:

Planning Commission

- October 26, 2021 – Planning Commission briefing – Completed
- November 9, 2021 – Planning Commission worksession – Completed
- November 23, 2021 – Planning Commission worksession – Completed
- December 14, 2021 – Planning Commission hearing – Completed

City Council

- December 8, 2021 – General Government Committee briefing – Completed
- January 11, 2022 – City Council worksession
- January 18, 2022 – City Council consideration

An Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (Chapter 43.21C RCW), pursuant to Chapter 197-11 WAC on November 10, 2021, and a Determination of Non-Significance was issued on November 26, 2021.

The ordinance was sent to the Washington State Department of Commerce on November 10, 2021 for the required 60-day review before the proposed Comprehensive Plan map and text amendments and corresponding rezone were adopted, in accordance with RCW 36.70A.106.

The Attorney General *Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property* (September 2018) was reviewed and utilized by the City in objectively evaluating the proposed amendments.

The Planning Commission held a public hearing for the proposed amendments on December 14, 2021. Following the public hearing and deliberations, the Planning Commission recommended the proposed amendments be considered by the City Council.

Public Notification

Planning Commission scheduled a public hearing on the ordinance for December 14, 2021 at their November 23, 2021 meeting. On December 3, 2021, a Notice of Public

Hearing was posted, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian* after the Planning Commission scheduled the public hearing.

Applicable Comprehensive Plan Goals and Policies

From the Housing Element of the Comprehensive Plan:

GOAL H-9: To encourage a variety of housing opportunities for those with special needs, particularly those with problems relating to age or disability.

Policy

- H-9.1 Require housing to meet the needs of those with special housing requirements without creating a concentration of such housing in any one area.
- H-9.2 Assist social service organizations in their efforts to seek funds for construction and operation of emergency, transitional, and permanent housing.
- H-9.3 Support and plan for assisted housing opportunities using federal, state, or local aid.
- H-9.4 Encourage and support social and health service organizations, which offer support programs for those with special needs, particularly those programs that help people remain in the community.
- H-9.5 Encourage alternative housing strategies for homeless youth, which may include Host Homes.

The proposed amendments are consistent with the City's Comprehensive Plan.

Staff Conclusions

1. The proposed amendments are consistent with the goals of the Washington State Growth Management Act.
2. The proposed amendments are consistent with the goals of the Housing Element of the Comprehensive Plan.
3. The proposed amendments are consistent with the goals of the Land Use Element of the Comprehensive Plan.
4. Based on the above review and analysis, staff concludes that the proposed amendments are consistent with the requirements of the Washington State

Growth Management Act, Thurston County-Wide Planning Policies, the goals of Sustainable Thurston, and the Comprehensive Plan.

Planning Commission Recommendation

The Planning Commission recommended approval of Ordinance No. O2021-019 after a public hearing on December 14, 2021.

Effects of the Proposed Amendments

The proposed amendments will update TMC Title 18 *Zoning*.

Staff Contact

Brad Medrud, Planning Manager
City of Tumwater Community Development Department
360-754-4180
bmedrud@ci.tumwater.wa.us