

**CITY OF MONROE  
ORDINANCE NO. 007/2021**

AN ORDINANCE OF THE CITY OF  
MONROE, WASHINGTON,  
REPEALING IN FULL AND  
REPLACING CHAPTER 22.90  
MMC, TEMPORARY  
ENCAMPMENTS; ADOPTING NEW  
SUBSTANTIVE AND  
PROCEDURAL REGULATIONS  
FOR TEMPORARY  
ENCAMPMENTS; REPEALING  
THE INTERIM DEVELOPMENT  
REGULATIONS ORIGINALLY  
ADOPTED PURSUANT TO  
ORDINANCE NO. 005/2020 AND  
SUBSEQUENTLY EXTENDED BY  
ORDINANCE NOS. 022/2020 AND  
005/2021; ADOPTING  
LEGISLATIVE FINDINGS;  
PROVIDING FOR SEVERABILITY;  
AND ESTABLISHING AN  
EFFECTIVE DATE.

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WHEREAS, the City of Monroe is a code city, as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, the City of Monroe currently regulates temporary homeless encampments through the interim regulations codified at Chapter 22.90 of the Monroe Municipal Code (MMC), as originally adopted pursuant to Ordinance No. 005/2020 and subsequently extended by Ordinance Nos. 022/2020 and 005/2021; and

WHEREAS, RCW 35A.21.360 expressly authorizes religious organizations to host temporary encampments for the homeless on property owned or controlled by the religious organizations, but allows cities to impose conditions on temporary encampments that are necessary for the protection of public health and safety and that do not substantially burden the decisions or actions of a religious organization; and

WHEREAS, on March 31, 2020, the Washington Legislature passed, and the Governor signed, Engrossed Substitute House Bill (ESHB) 1754, which amended RCW

35A.21.360 by establishing several new requirements for and constraints on local government regulation of temporary encampments hosted by religious organizations; and

WHEREAS, the City Council desires to protect the public health, safety, and welfare by adopting the permanent regulations set forth in this ordinance, which reflect the newstate law requirements contained in RCW 35A.21.360 and otherapplicable legal standards; and

WHEREAS, the standards and requirements set forth in this ordinance are the minimum necessary to protect the public health and safety and do not substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization; and

WHEREAS, the City has complied with the requirements of the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, by issuing a Determination of Non-Significance (DNS) on July 30, 2019; the appeal period ended on August 13, 2019, and no appeals were filed; and

WHEREAS, a public hearing on the main substance of this ordinance was held by the Planning Commission on March 22, 2021, after which the Planning Commission voted to forward a recommendation of approval to the City Council regarding the proposed amendments; and

WHEREAS, following additional revisions to the proposed amendments set forth in this ordinance, the City Council held a public hearing on September 14, 2021, to solicit public input on the proposed amendments, as revised; and

WHEREAS, the City Council finds that the Planning Commission's findings and recommendations are equally applicable to the proposed amendments, as revised; and

WHEREAS, the City Council finds that the proposed amendments strike an appropriate balance by protecting the public health, safety and welfare while also respecting religious exercise;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of Findings. The abovereitals and the content of Agenda Bill No. 21-405, including

the Planning Commission's findings dated March 22, 2021, are hereby adopted as the City Council's findings in support of the development regulations enacted by this ordinance.

Section 2. Repeal and Replacement of Chapter 22.90 MMC. Monroe Municipal Code Chapter 22.90, Temporary Encampments, is hereby repealed in its entirety and replaced with the permanent development regulations contained in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Repeal of Interim Temporary Encampment Regulations. The interim development regulations originally adopted pursuant to Ordinance No. 005/2020 and subsequently extended by Ordinance Nos. 022/2020 and 005/2021, respectively, are hereby repealed in full.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 5. Transmittal to Department of Commerce. Pursuant to RCW 36.70A.106, a copy of this ordinance shall be transmitted to the Washington State Department of Commerce.

Section 6. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or federal law or regulation, such decision or pre-emption shall not affect the validity or enforceability of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication, as required by law.

ADOPTED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this day 28 of September, 2021.

First Reading: September 14, 2021  
Adoption: September 28, 2021  
Published: October 1, 2021  
Effective: October 6, 2021

CITY OF MONROE, WASHINGTON:



[Geoffrey Thomas \(Oct 4, 2021 17:45 PDT\)](#)

Geoffrey Thomas, Mayor

ATTEST:

APPROVED AS TO FORM:



Becky Hasart, Interim City Clerk



[Zach Lell \(Oct 4, 2021 09:46 PDT\)](#)

J. Zachary Lell, City Attorney

## Exhibit A

### Chapter 22.90 TEMPORARY ENCAMPMENTS

#### Sections:

- 22.90.010** Purpose.
- 22.90.020** Applicability; Construction.
- 22.90.030** Definitions.
- 22.90.040** General provisions.
- 22.90.050** Memorandum of understanding.
- 22.90.060** Outdoor encampments.
- 22.90.070** Indoor overnight shelters.
- 22.90.080** Temporary houses on-site.
- 22.90.090** Vehicle resident safe parking areas.
- 22.90.100** Temporary encampment permit—Application and review process; Appeals.

#### **22.90.010 Purpose.**

The purpose of this chapter is to establish local standards and procedures to regulate temporary encampments, as defined herein, in a manner consistent with guidance provided by RCW 35A.21.360, WAC 51-16-030, and other applicable state and federal law acknowledging the right of religious organizations to exercise their faith by serving and sheltering the homeless. This chapter further attempts to appropriately balance such considerations with the city's fundamental responsibility to protect the health, safety, and welfare of both temporary encampment residents and of the public.

#### **22.90.020 Applicability; Construction.**

A. The regulations, requirements, and standards set forth in this chapter apply to all temporary encampments within the city.

B. This chapter shall be reasonably construed and administered in a manner consistent with applicable state and federal law, including RCW 35A.21.360, and shall be construed and administered with appropriate flexibility where necessary to prevent violations of legally protected rights of religious exercise. Without limitation of the foregoing, the city may exercise any of the authority set forth in RCW 35A.21.360 in administering this chapter.

C. Except as provided in this chapter and/or by law, nothing in this chapter shall excuse any person from compliance with all applicable provisions of the Monroe Municipal Code.

#### **22.90.030 Definitions.**

The following definitions shall apply for purposes of this chapter:

A. "Managing agency" means an organization such as a religious organization or other organized entity that has the capacity to organize and manage a temporary encampment. A "managing agency" may be the same entity as the sponsor.

B. "Outdoor encampment" means any temporary tent or structure encampment, or both.

C. "Religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls the real property where the temporary encampment is hosted.

D. "Sponsor" means an entity that has an agreement or arrangement with the managing agency to provide basic services and support for the residents of a temporary encampment and liaison with the surrounding community. A "sponsor" may be the same entity as the managing agency.

E. "Temporary" means not affixed to land permanently and not using underground utilities.

F. "Temporary encampment" means a group of homeless persons temporarily residing out of doors or otherwise in a nonpermanent living arrangement on a site, with services provided by a sponsor and supervised by a managing agency, and specifically includes an outdoor encampment as defined in this chapter, as well as an indoor overnight shelter, temporary small house on-site, or vehicle resident safe parking, as such terms are used in RCW 35A.21.360.

G. "Temporary encampment permit" means the regulatory approval issued by the zoning administrator pursuant to this chapter authorizing the installation of a temporary encampment.

#### **22.90.040 General provisions.**

The following standards shall apply to all temporary encampments, except as modified by the category-specific standards otherwise set forth in this chapter:

A. A religious organization may host a temporary encampment for the homeless on property owned or controlled by the religious organization whether within buildings located on the property or elsewhere on the property outside of buildings, subject to the provisions of this chapter.

B. All temporary encampments shall comply with the applicable provisions of RCW 35A.21.360.

C. The host religious organization and/or managing agency shall provide a transportation plan for the temporary encampment, which shall include provisions for access to and from transit services.

D. The host religious organization and/or managing agency shall ensure the temporary encampment's compliance with all applicable: (i) state laws and regulations; (ii) Monroe Municipal Code provisions; (iii) fire district directives; and (iv) health district standards.

E. The host religious organization and/or the managing

agency shall appoint an individual to serve as a permanent point of contact for the temporary encampment.

F. At least one representative of the host religious organization, the managing agency, and/or a designated occupant of the temporary encampment shall be on duty at the temporary encampment all times. Such individual(s) shall be familiar with emergency protocols, equipped with suitable communication devices, and be trained to contact local first responders when necessary. The names and contact information for such individual(s) shall be posted daily at the temporary encampment.

G. The host religious organization and/or the managing agency shall ensure the temporary encampment's compliance with all applicable public health regulations, including but not limited to the following:

1. Adequate toilet facilities shall be provided on site and shall be set back at least 40 feet from all property lines. Restroom access shall be provided either within the buildings on the host property or through use of portable facilities;

2. Hand washing stations shall be provided near the toilets and food preparation areas;

3. Adequate food preparation and/or service tents and/or facilities shall be provided;

4. Solid waste receptacles shall be provided on site throughout the temporary encampment. A regular trash patrol in the immediate vicinity of the temporary encampment site shall also be provided;

5. An adequate supply of potable water shall be available on site at all times; and

6. All applicable city, county, health department, and state regulations pertaining to drinking water connections and solid waste disposal shall be met.

H. Temporary encampments shall not cause or permit the intrusion of noise from the temporary encampment exceeding the applicable thresholds set forth in WAC 173-60-040.

I. The host religious organization and/or the managing agency shall keep a log of the names of all overnight residents of the temporary encampment and the date(s) of their residency.

J. The host religious organization performing any hosting of an outdoor encampment, vehicle resident safe parking, or indoor overnight shelter, or the managing agency, must ensure that the Monroe Police Department has completed sex offender checks of all adult residents and guests. Provided, that the host religious organization shall retain the discretion to allow such offenders to remain on the property.

K. Periodic inspections of the temporary encampment by public officials from agencies with applicable regulatory jurisdiction, including without limitation the building official and fire marshal, may be conducted at reasonable times, consistent with applicable constitutional and statutory standards.

L. Any host religious organization must work with the city to

utilize Washington's homeless client management information system, as provided for in RCW 43.185C.180.

1. When there is no managing agency, the host religious organization is encouraged to partner with a local homeless services provider using the Washington homeless client managing information system.

2. Any managing agency receiving any funding from local continuum of care programs must utilize the homeless client management information system.

3. Temporary, overnight, extreme weather shelters provided in religious organization buildings are exempt from the requirements of this subsection.

M. Unless otherwise expressly provided by this chapter, temporary encampments may be located in any zoning district.

#### **22.90.050 Memorandum of understanding.**

A. The host religious organization and/or a managing agency shall execute a memorandum of understanding to protect the health and safety of both the residents of the temporary encampment and that of the public. Any such memorandum of understanding shall be consistent with RCW 35A.21.360 and this chapter, may include appropriate conditions, and must, at a minimum, include information regarding:

1. The right of a temporary encampment resident to seek public health and safety assistance;

2. The resident's ability to access social services on-site;

3. The resident's ability to directly interact with the host religious organization, including the ability to express any concerns regarding the managing agency to the religious organization;

4. A written code of conduct agreed to by the managing agency, if any, the host religious organization, and all volunteers working with residents; and

5. Where a publicly funded managing agency exists, the ability for the host religious organization to interact with residents using a release of information.

B. The memorandum of understanding shall include a promise by the host religious organization and/or a managing agency not to apply for another permit under this chapter in violation of the applicable timing and/or distance requirements hereunder.

C. The zoning administrator, in consultation with the city attorney, is authorized to negotiate and execute on behalf of the city a memorandum of understanding under this section.

#### **22.90.060 Outdoor encampments.**

The provisions of this section shall apply to outdoor encampments.

A. The hosting term of an outdoor encampment shall not



exceed 6 months at a particular site in a calendar year.

B. At least three months shall lapse between subsequent or established outdoor encampments at a particular site.

C. Simultaneous and adjacent hostings of outdoor encampments by religious organizations shall not be located within 1,000 feet of another outdoor encampment concurrently hosted by the same or different religious organization.

D. An outdoor encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.

E. Any exterior lighting must be directed downward and contained within the outdoor encampment.

F. The maximum residential density of an outdoor encampment is one occupant per 400 square feet of parcel area; provided, that the maximum number of occupants within an outdoor encampment shall not exceed 100 regardless of the size of the parcel.

G. An outdoor encampment shall comply with the following fire safety requirements:

1. All tents exceeding 300 square feet, and all canopies exceeding 400 square feet, shall be comprised of flame retardant materials;

2. Open flames are prohibited in an outdoor encampment;

3. If temporary structures other than tents are used for habitation within an outdoor encampment, each such structure shall have a door, at least one egress window, and shall be equipped with a functional smoke detector;

4. An adequate power supply to the outdoor encampment is required; provided, that properly permitted and installed construction site type electrical boxes may be approved by the zoning administrator; and

5. Only wired electrical heating is allowed within tents and other temporary structures used for habitation at an outdoor encampment.

H. The outdoor encampment shall ensure a minimum separation of six feet between structures, including tents.

I. The city may require a sight-obscuring fence around the perimeter of the outdoor encampment unless the city determines that there is sufficient vegetation, topographic variation, or other site conditions and/or circumstances such that fencing would not be reasonably necessary.

### **22.90.070 Indoor overnight shelters.**

The provisions of this section shall apply to indoor overnight shelters. The city shall not limit a religious organization's availability to host an indoor overnight shelter in spaces with at least two accessible exits due to lack of sprinklers or other fire-related concerns, except that:

A. If the fire code official finds that fire-related concerns

associated with an indoor overnight shelter pose an imminent danger to persons within the shelter, the city may take appropriate action to limit the religious organization's availability to host the indoor overnight shelter; and

B. The city may require a host religious organization to enter into a memorandum of understanding for fire safety that includes:

1. Inspections by the fire code official;
2. An outline for appropriate emergency procedures;
3. A determination of the most viable means to evacuate occupants from inside the host site with appropriate illuminated exit signage;
4. Panic bar exit doors; and
5. A completed fire watch agreement indicating:
  - a. Posted safe means of egress;
  - b. Operable smoke detectors, carbon monoxide detectors as necessary, and fire extinguishers; and
  - c. A plan for monitors who spend the night awake and are familiar with emergency protocols, who have suitable communication devices, and who know how to contact the fire department.

#### **22.90.080 Temporary small houses on-site.**

The provisions of this section shall apply to temporary small houses on-site. The city shall not limit a religious organization's ability to host temporary small houses on land owned or controlled by the religious organization, except for recommendations that are in accord with the following criteria:

- A. A renewable one-year duration agreed to by the host religious organization and the city via a memorandum of understanding;
- B. Maintaining a maximum unit square footage of one 120 square feet, with units set at least six feet apart;
- C. Electricity and heat, if provided, must be inspected by the city;
- D. Space heaters, if provided, must be approved by the local fire authority;
- E. Doors and windows must be included and be lockable, with a recommendation that the managing agency and host religious organization also possess keys;
- F. Each unit must have a fire extinguisher;
- G. Adequate restrooms must be provided, including restrooms solely for families if present, along with handwashing and potable running water to be available if not provided within the individual units, including accommodating black water;
- H. A recommendation for the host religious organization to partner with regional homeless service providers to develop pathways to permanent housing.

#### **22.90.090 Vehicle resident safe parking areas.**

The provisions of this section shall apply to vehicle resident safe

parking areas.

A. The city shall not limit a religious organization's availability to host safe parking efforts at its on-site parking lot, including limitations on any other congregationally sponsored uses and the parking available to support such uses during the hosting, provided that the following criteria are met:

1. No less than one space may be devoted to safe parking per ten on-site parking spaces;

2. Restroom access must be provided either within the buildings on the property or through use of portable facilities, with the provision for proper disposal of waste is recreational vehicles are hosted; and

3. The religious organization providing spaces for safe parking shall abide by all existing on-site parking minimum requirements so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces otherwise required by the MMC. Provided, the city may in its discretion enter into a memorandum of understanding with the religious organization that reduces the minimum number of on-site parking spaces required.

B. The host religious organization or the managing agency must inform vehicle residents how to comply with laws regarding the legal status of vehicles and drivers and provide a written code of conduct consistent with applicable city standards.

### **22.90.100 Temporary encampment permit—Application and review process; Appeals.**

A. Application. The form of the application for a temporary encampment permit shall be provided by the zoning administrator. The completed application for a temporary encampment permit shall be signed by the host religious organization and/or managing agency, and shall be submitted to the community development department in accordance with this section. No fee shall be required for such application. The application shall contain, at a minimum, contact information for the applicant, and detailed information regarding the following:

1. How the proposed temporary encampment will meet the requirements set forth in this chapter;

2. Potential adverse effects that the proposed temporary encampment will likely have on neighboring properties and the community;

3. Measures to mitigate such adverse effects;

4. A proposed written code of conduct for the temporary encampment;

5. Measures to meet applicable requirements of the International Fire Code; and

6. Certification that the Monroe Police Department has completed, or shall complete, sex offender checks of all adult residents and guests of the temporary encampment as required by MMC 22.90.040.

7. An irrevocable, signed, and notarized statement, in a form approved by the city attorney, granting public officials from agencies with applicable regulatory jurisdiction, including without limitation the building official and fire marshal, to periodically enter upon the property to conduct inspections at reasonable times, consistent with applicable constitutional and statutory standards.

8. An irrevocable, signed, and notarized statement, in a form approved by the city attorney, granting the city and the city's agents permission to enter upon the property and summarily abate the temporary encampment and all physical evidence thereof if the temporary encampment is not removed by the applicant within the period specified as part of the temporary encampment permit, and agreeing to reimburse the city for any expenses incurred by the city in abating the temporary encampment.

B. Community Meeting. Unless the use is in response to a federal, state or locally declared emergency, the host religious organization or the managing agency shall hold a meeting open to the public prior to the opening of a temporary encampment for the purpose of providing a forum for discussion of related neighborhood concerns. The religious organization must provide written notice of the community meeting to the city council at least one week, if possible, but no later than ninety-six hours prior to the meeting.

1. The notice must specify the time, place, and purpose of the meeting; and

2. Public notice of the meeting shall be provided by the city by taking at least two of the following actions at any time prior to the time of the meeting:

a. Delivering to each local newspaper of general circulation and local radio or television station that has on file with the city a written request to be notified of special meetings;

b. Posting on the city's web site;

c. Prominently displaying, on signage at least two feet in height and two feet in width, one or more meeting notices that can be placed on or adjacent to the main arterials in proximity to the location of the meeting; or

d. Prominently displaying the notice at the meeting site.

C. Application Review. The zoning administrator shall issue a decision approving or denying the application for a temporary encampment permit within fourteen days of the date that the application was submitted.

D. Decision. A notice of decision for the temporary encampment, or summary thereof, shall contain the decision of the zoning administrator approving or denying the application, and the appeal procedure, and shall be distributed as required within four business days after the decision.

E. Conditions of Approval. Reasonable conditions of approval may be imposed as deemed necessary by the zoning

administrator in order to protect the health, safety, and welfare of the public and the occupants of the temporary encampment, consistent with this chapter and applicable federal and state law. Such conditions of approval shall include execution of a memorandum of understanding as required by this chapter. Without limitation of the foregoing, any such conditions of approval shall comply with RCW 35A.21.360 and applicable state and federal law concerning religious exercise.

F. Appeal. The zoning administrator's decision to approve, approve with conditions, or deny the application is appealable directly to Snohomish County Superior Court in accordance with the procedures and timeframes of the Land Use Petition Act, Chapter 36.70C RCW.












# Ord 007-2021 Temporary Encampments

Final Audit Report

2021-10-05

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