



City of Burien  
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[burienwa.gov](http://burienwa.gov)

November 15, 2023

Oasis Home Church  
c/o Pastor Mark Miller  
520 S 150th St,  
Burien, WA 98148

**Subject: Demand Letter – Apply for a Temporary Use Permit for Encampment Operations**

Dear Pastor Miller,

RCW 35A.21.360(2)(A), which authorizes religious organizations to host individuals experiencing homelessness, also recognizes local governments' police powers to protect the public's health and safety under Washington Constitution Article 11, Section 11.

While the City of Burien understands, supports, and welcomes the religious intent behind providing shelter to the unhoused, the Burien Municipal Code requires a temporary use permit before this can be done at your facility. BMC 19.75.010(1) notes that a temporary use permit is required for unpermitted zoning uses. Unpermitted encampments pose a potential risk to public health, safety for the unhoused population you are trying to serve, and the environment of the surrounding communities.

To date, the Oasis Home Church has not applied for a temporary use permit for its proposed or existing encampment, even after Burien offered to waive the permit application fee. Oasis Home Church has asserted that applying for a temporary use permit would burden its right to free exercise of religion. Please revisit RCW 35A.21.360(2)(A), which prohibits substantial burdens but not all burdens on religious decisions or actions. Moreover, RCW 35A.21.360 repeatedly references a municipality's responsibility or ability to require permits. See RCW 35A.21.360(2)(c) and RCW 35A.21.360(8).

The church's failure to submit a temporary use permit application, even with the fee waived, may leave the City of Burien with no choice but to seek imminent legal action. Please rectify this situation, and consider reading [\*Open Door Baptist Church v. Clark Cty., 140 Wn.2d 143, 995 P.2d 33 \(2000\)\*](#) for guidance. Please consult with a licensed attorney to ensure you are acting consistent with the law.

Thank you for your attention to this demand letter, and please submit a temporary use permit application and request a waiver by November 20, 2023, at 3:00 p.m.

Sincerely,

Ndiabou Diagona  
Assistant City Attorney