



Planning and Community Development Department

210 Lottie Street, Bellingham, WA 98225

Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: (360) 778-8382

Email: planning@cob.org Web: www.cob.org

TEMPORARY SHELTER PERMIT USE2018-0023 – City Hall, 210 Lottie Street

Project Description: Homes Now! proposes to operate a temporary tent encampment, “Winter Haven,” for people experiencing homelessness in the western portion of the City Hall parking lot at 210 Lottie Street from January 3, 2019, to April 2, 2019. Winter Haven will provide up to 20 tents for overnight shelter for up to 40 people (“guests”) and amenities such as bathrooms, showers, drinking water, an outdoor kitchen, garbage and recycling containers, and human and social services. The encampment was applied for and is proposed to operate under Bellingham Ordinance No. 2018-10-019, which includes regulations for temporary shelters.

Project Location: The western portion of the City Hall parking lot, 210 Lottie Street, Bellingham, WA City Center Neighborhood, Urban Village Zoning, Subarea 7; and Lettered Streets Neighborhood, Urban Village Zoning, Subarea 16

Applicant: Homes Now!, 1010 C Street, Bellingham, WA 98225; contact Jim Peterson, 360-319-2150

Decision: Approved with conditions

Date of Decision: December 18, 2018

Exhibits:

- A - Ordinance No. 2018-10-019
- B - Application Materials
- C - Shoreline Exemption Permit (SHR2018-0035)
- D - Notice of Complete Application and Optional Determination of Non-Significance (DNS)
- E - Public Comments (on file)
- F - DNS (SEP2018-0054)

I. FINDINGS OF FACT

1. On October 22, 2018, the City Council approved Ordinance No. 2018-10-019 (**Exhibit A**), which establishes regulations for temporary shelters, including temporary tent encampments.
2. On November 20, 2018, Homes Now! applied for a temporary shelter permit to operate a temporary tent encampment in the western portion of the City Hall parking lot, 210 Lottie Street (**Exhibit B**).
3. On November 20, 2018, Homes Now! also submitted a State Environmental Policy Act (SEPA) checklist and shoreline exemption permit application (**Exhibit C**).
4. On November 21, 2018, a notice of complete application and optional Determination of Non-Significance (DNS) were issued (**Exhibit D**).
5. The parcel on which City Hall is located includes two neighborhood designations, Subarea 7 of the City Center Neighborhood and Subarea 16 of the Lettered Streets Neighborhood. The whole parcel includes Urban Village zoning.
6. The subject site is owned by the City of Bellingham.

7. The subject site serves as an improved parking area for vehicles of City staff. These parking spaces will be re-located during the time of the temporary encampment.
8. Homes Now!, a Washington state nonprofit corporation, worked with the Lummi Nation to build two tiny homes in 2017, housing eight people transitioning to permanent housing. They also state that they have assisted 25 people into housing in 2017 by eliminating housing barriers.
9. Over the past five years, Whatcom County's population of people experiencing homelessness has grown steadily. Per the January 2018 Whatcom County Point-in-Time Count of Homeless Residents, 815 people were identified as experiencing homelessness. Some of these individuals stayed outdoors, in vehicles, or in other places not meant for habitation.
10. To respond to the homelessness crisis that is affecting many jurisdictions, it is clearly in the public interest to allow a temporary encampment that provides shelter for people experiencing homelessness in Bellingham.
11. Winter Haven will provide safe and stable shelter in up to 20 tents for up to 40 people experiencing homelessness during the coldest winter months (January 3, 2019 – April 2, 2019) while they actively seek permanent housing.
12. Homes Now! and its partners will provide a variety of services for Winter Haven guests, including up to 20 tents, bathrooms, showers, drinking water, cooking facilities, garbage services, and social and health services. If guests have a case manager, they will continue working with that case manager. If they do not have a case manager, Homes Now! will work with an appropriate agency to identify an appropriate case manager or other required services.
13. Homes Now!'s guests will be selected by Homes Now! via an application process in an off-site location. Guests will be chosen based on their agreement to abide by the code of conduct and ability to succeed in a community-living setting. Guests will likely include those who are either working or disabled and have a source of income.
14. To develop and implement strategies for issues that may arise during the operation of the temporary encampment, Homes Now! board members will meet weekly with representatives of the Bellingham Police Department (BPD) and Planning and Community Development Department (PCDD).
15. Ordinance No. 2018-10-019 defines the standards and application process for establishing a temporary shelter, including temporary tent encampments. Section 20.15.070 of the ordinance outlines information that must be submitted with the temporary shelter permit application.
16. Per Ordinance No. 2018-10-019, temporary tent encampments may be located in any zoning district in the City.
17. The proposed project operates entirely within the existing developed footprint of the employee/visitor parking lot behind the west wing of City Hall. Whatcom Creek lies to the north of the proposed site and the parking area is nonconforming as to buffer width. However, the proposed project does not encroach any further north towards Whatcom Creek nor does it expand the existing parking area in any direction and therefore is consistent with BMC 22.05.040 C 4, nonconformity.
18. The application materials include a vicinity map; written summary of the proposal that includes a mission statement, statement of intent, and description of how the proposal meets the ordinance requirements; a site plan; project statistics; an operations plan, code of conduct, and transportation plan; a statement of actions Homes Now! will take to obtain verifiable identification from Homes Now!'s guests and use the identification to obtain sex offender and warrant checks from appropriate agencies; photographs of the site; and a list of other required permits.
19. Homes Now! provided the following supplemental standards after submittal of the application.
 - a. No personal camp stoves are allowed.

- b. Homes Now! will provide transportation to a laundromat twice a week so that guests can do laundry.
 - c. Homes Now! will wash bedding and clean tents with turnover of guests. Homes Now! will also wash bedding every other week.
 - d. Homes Now! will check tents for cleanliness weekly. No food is to be stored in tents. Non-perishables are to be stored by guests in lockers provided by Homes Now!.
20. All materials necessary to review the application have been submitted. Any items required to be submitted per Ordinance No. 2018-10-019 that are not included in the application have been supplemented by City information and records.
 21. Notice of the temporary encampment was provided to property owners within 500 feet of the site boundary of the subject property, as well as the Mayor's Neighborhood Advisory Commission and registered neighborhood associations.
 22. A neighborhood informational meeting is not required for this application; however, Homes Now! will hold a meeting on December 19, 2018, at 6 p.m. at the Environmental Learning Center in Maritime Heritage Park.
 23. Nineteen emails and letters (**Exhibit E**) were submitted by the public and have been thoroughly reviewed by City staff. Issues raised by this public comment have been consolidated into key concerns and specific comments. Staff has responded to key concerns in A-C below and specific comments in D-O below:

A. Adverse effects on the surrounding neighborhood. Commenters assert that Winter Haven will attract individuals who are not part of the encampment to areas outside the encampment. These individuals will conduct criminal acts in the surrounding neighborhood and compromise the safety of businesses, patrons of these businesses, passersby, and people who live in the neighborhood. Trash will also increase.

City Hall and its grounds, the Library and the Whatcom Creek Trail are all public property open to the community. The right to peacefully assemble is constitutionally guaranteed; however, it must be done in a lawful manner and access to public space must not be impeded. If Homes Now!'s guests or visitors or individuals not associated with the encampment physically block the public from using the sidewalk, trail, or lawn adjacent to City Hall, store materials in a manner that impedes public access, or violate any other provisions of the Bellingham Municipal Code (BMC), the BPD will be contacted. BPD staff will employ "Camp Clean-up"¹ protocols if inappropriate use of public property, such as camping on the City Hall lawn or along the Whatcom Creek corridor, is observed.

A "Protection Zone" may be considered by the City, but it is not part of this permit. A Protection Zone can limit the ability of individuals to loiter, camp and/or sit or lie within an identified radius (typically 100 feet) from the boundaries of the encampment. The purpose of this zone is to reduce congregation of individuals who are not encampment guests; however, visitors are allowed to visit encampment guests (consistent with established conditions). A Protection Zone would need to be considered and potentially established by the City Council.

PCDD acknowledges that the actual operation of the encampment will provide the best information as to the efficacy of expanded conditions or additional measures associated with minimizing potential impacts and/or adverse circumstances both within the encampment and in

¹ Camp Clean-up protocols have been established by both the Public Works and Police Departments. These protocols require that a date-specific notice of a pending cleanup be provided so that individuals may remove their personal possessions before removal by the City.

the surrounding area. PCDD believes that an accurate appraisal of the success of the encampment will become more evident only after processes become routinized (which will likely occur after approximately 30-45 days of continued operation). PCDD will present an update to City Council at that time on the successes and challenges observed.

Homes Now! does not have authority over individuals outside the temporary encampment, on City Hall grounds, along the trail adjacent to Whatcom Creek or within the public right-of-way (including the sidewalk), except to prohibit access to the temporary encampment. As a means of limiting additional impacts from people who are not Homes Now!'s guests, Homes Now! will not be allowed to provide amenities such as food or social services to people outside the encampment.

Additionally, the following requirements of Homes Now! will not only protect the health, safety and welfare of Homes Now!'s guests, but also mitigate potential impacts to neighbors and the broader community:

- Homes Now!'s guests will likely consist of people who are either working or disabled and have a source of income.
- Homes Now!'s guests will be screened through an application process in an off-site location. No on-site screening or queuing will be permitted at the encampment site.
- Homes Now! will be required to keep a log of its guests and visitors and provide this list to the BPD upon request for warrant checks.
- Registered sex offenders, people who are required to register as a sex offender, and people who have active warrants will be prohibited from the site.
- Homes Now!'s guests will be required to comply with a code of conduct that includes a prohibition on illegal drug and alcohol use and threatening or unsafe behavior.
- Any items deemed as weapons will be stored in a safe location by Homes Now!.
- A Homes Now! board member or non-guest volunteer will be on site at all times, and the contact information of at least one Homes Now! board member will be posted on the Homes Now! website and distributed throughout the immediate neighborhood. This board member will be available 24 hours a day, seven days a week to discuss concerns or issues associated with behaviors or actions directly attributable to Homes Now!'s guests.
- A Homes Now! board member will be required to meet with City staff at least once a week to identify and resolve issues that may arise at the temporary encampment.
- The temporary encampment will include security measures such as public safety video cameras (provided by the City), lighting, fencing and controlled access to the site.

All of the above measures can serve as a significant deterrent to criminal activity. Additional opportunities exist outside the duties of Homes Now! staff to deter criminal activity. Increased visibility ("eyes on the street") can reduce the perception of criminal behavior, as well as the behavior itself. City staff who work in City Hall will be instructed to contact the BPD (9-1-1 in an emergency) if they witness criminal activity, both within and outside the temporary encampment. Additionally, BPD staff, whose main office is located across the street from the temporary encampment, will routinely patrol the temporary encampment, surrounding area and Whatcom Creek Trail corridor.

To limit trash in the area, dumpsters and recycling bins will be located near the entrance to the site and will be serviced by SSC Inc. Trash cans will be provided throughout the site and trash bags will be provided to each guest. The six-foot tall chain link fence will also help contain any items that may become loose. Homes Now! cannot be held responsible for trash accumulation outside

the encampment, unless it can be shown that a Winter Haven guest or visitor caused it. Bathrooms and handwashing stations will be provided and serviced on a regular basis by SSC Inc. No wastewater will be discharged off site, into the raingarden in the parking lot, or into the creek. Upon closure of the encampment, the site will be restored to its original condition within one calendar week.

B. Poor choice of site location. Commenters assert that the proposed site is not a good fit for the encampment, as the neighborhood has already taken its fair share of individuals experiencing homelessness and the site is near densely-populated neighborhoods, the children's library, schools and the senior center.

The subject location is appropriate for the temporary encampment, as it is accessible via public transit and is within walking distance to services provided to individuals experiencing homelessness. The site is approximately 400 feet from the nearest residence and 0.3 miles from the nearest school. The site is also adjacent to, or in close proximity of several government buildings, including City Hall, the Whatcom County Health Department and BPD headquarters. The temporary encampment is limited to no more than 40 guests and must close by April 2, 2019. The conditions in this permit substantially reduce the risk that the temporary encampment will cause significant impacts to the public and those in the surrounding neighborhood. Should conditions imposed not be met and/or circumstances change, the City reserves the right to terminate the permit and close the encampment.

The City, Whatcom County and service providers continue to look for additional sites and funding for shelters, as well as long-term housing for individuals experiencing homelessness. Additional nonprofit organizations are also beginning or planning to operate facilities that could help disperse individuals throughout the community and county.

C. Lack of enforcement. Commenters assert that Winter Haven staff lack the ability to enforce any conditions that may be placed on the encampment.

Winter Haven staff are not police officers or medical providers, just as the general public is not. As such, Winter Haven staff and the public should not try to intervene when a crime is occurring; rather, they should call 9-1-1. Homes Now!'s guests and visitors can be trespassed from the premises by a Homes Now! board member if they violate the code of conduct. Homes Now!'s guests and visitors will be removed from the premises by the BPD if they conduct criminal activities or have a warrant.

BPD officers will routinely patrol the temporary encampment, checking to ensure that a Homes Now! board member is on site and that no criminal activities are occurring within or outside the temporary encampment. Should conditions of approval not be met and/or circumstances change, the City reserves the right to terminate the permit and close the encampment.

D. Guests of Homes Now! should have to prove they are or were a resident of Bellingham or the surrounding areas.

Homes Now! has not proposed to limit guest spots to residents of Bellingham or Whatcom County. The annual Point in Time Count consistently indicates that seven out of 10 people who are homeless in Whatcom County had their last home here. Many legitimate residents could be turned away if they do not have proper documentation. Some will not have identification or not know where it is.

E. What system will be in place to ensure only approved guests are allowed into the encampment?

A six-foot-tall chain link fence with a 12-foot gate will surround the perimeter of the encampment. It will serve not only as a means of providing safety and security, but it will also result in controlled access to and from the site. A reception office (housed in a recreational vehicle) will be located near the front gate and will be staffed 24 hours/day, seven days a week by either a Homes Now! board member or non-guest volunteer. A Homes Now! board member or non-guest volunteer must remain on site at all times to ensure the conditions of approval, including allowing only approved guests and visitors into the encampment, are being met. Additionally, Homes Now! will provide the BPD with a complete list of guests and visitors, including full name and date of birth. This list can be checked against Homes Now!'s list of approved guests.

F. There won't be enough support staff to help with individuals' needs.

At least one Homes Now! board member who is capable of ensuring the permit conditions are met will be on site at all times. Homes Now! will coordinate with other service providers and providers of shelters for people experiencing homelessness and will inquire about the availability of existing resources with these providers. Any chronic health and/or mental health conditions will be assessed as a prerequisite for admittance into the encampment. Case workers will identify which support services are needed. If a guest has a case manager, he/she will notify Homes Now! and will continue to work with that case manager. If a guest does not have a case manager, Homes Now! will work with social service agencies to identify an appropriate case manager or any other required services. Washington State Department of Social and Health Services may provide additional services to guests.

G. The encampment will add 25-30 cars to the area and cause strain on an already strained parking situation.

It is not anticipated that the encampment will cause a significant increase in vehicle trips in the area, as many people experiencing homelessness do not own vehicles. The site plan indicates that three parking spaces will be reserved for visitors, which the City deems as adequate for this use. The Homes Now! application states that five to eight vehicle trips may occur daily, comprising movement of the shower truck on and off site and visits by service providers, non-guest volunteers and SSC Inc.

H. The City is inviting a nuisance and clients won't keep their appointments at her business. Do local businesses not matter to the city?

The temporary shelter regulations and the permit conditions have been developed with the health and safety of not only the encampment guests in mind, but also the broader community, which includes residents, business owners, patrons of businesses and passersby. Safety and security provisions as described in responses above and as conditioned in this permit will help deter criminal activity and the perception of criminal activity.

I. The Lighthouse Mission Ministries' parking lot is a better location for the encampment.

The City has agreed to provide space in a portion of the City Hall parking lot for Homes Now!, who has applied for a temporary shelter permit as a means of providing shelter for people experiencing

homelessness during the coldest winter months. This use is difficult to site and, as such, many other locations were deemed unsuitable due to nearby incompatible uses or unwillingness of property owners to host the use. See above responses for why the City Hall location is suitable. The Lighthouse Mission Ministries may apply for a temporary shelter permit in the future if they wish to do so.

J. Has a location in the county been considered for tiny homes, along with a larger facility for more complicated issues?

Regarding tiny homes, Homes Now! has indicated that they are conducting fundraising activities and have developed preliminary plans for a tiny home village in the county. If the proposal moves forward, it will be under the purview of Whatcom County.

Regarding more permanent solutions, the City has been working with the county for the past two years on developing shelter options for people experiencing homelessness in Whatcom County. In 2017, via Whatcom County Resolution 2017-055, a joint City-County Homeless Strategies Workgroup was established to identify two to three alternatives. Unable to reach agreement on a shelter location through the workgroup, the City is developing an ordinance for interim housing and continuing to look for suitable locations for a permanent low-barrier shelter and smaller facilities to accommodate those who are unsheltered.

K. Camping in parks and panhandling should be illegal.

Camping in parks is illegal and is not proposed by this application. See above response regarding the City's "Camp Clean-Up" protocols. See also above response regarding the right to peacefully assemble. The City does not have specific regulations limiting the ability of someone to ask for money from a public right-of-way. However, if Homes Now!'s guests or visitors or individuals not associated with the encampment physically block the public from using the sidewalk, trail, or lawn adjacent to City Hall, or violate any other provisions of the Bellingham Municipal Code, the BPD will be contacted.

L. What legally-binding documents are in place regarding release of liability for injuries sustained on City property?

BMC 20.15, the regulations for temporary shelters, requires Homes Now! to obtain liability insurance naming the City as an additional insured to protect it from potential claims, as well as agree to defend, indemnify and hold harmless the City from and against any liability or loss.

M. The approval process is taking too long. The permitting and appeal processes should be waived due to the homeless emergency.

In October of this year, an ordinance (Ordinance No. 2018-10-019) establishing regulations for temporary shelters was adopted by City Council. These regulations establish a process for nonprofit organizations, religious groups or governmental entities to apply for a temporary shelter permit. In addition to the temporary shelter regulations set out in BMC 20.15, requirements for Type II land use permits are set out in BMC 21.10. Per Ordinance No. 2018-20-019, some of the review process timelines for temporary shelters are substantially shorter than those for standard Type II applications. For example, final action on a temporary shelter permit is required within 30 days of submittal, while a decision on a standard Type II application is required

within 120 days of the determination of a complete application. Staff believes the process timelines recognize the urgent need to put these temporary shelters in place quickly, while also allowing time for the public to comment on the proposed temporary shelters and staff to respond to these comments. The 14-day public comment period is an important part of the permitting process, as it provides an opportunity for potential issues to be identified and addressed prior to occupancy of the site. Temporary encampments and shelters for people experiencing homelessness engender a strong community response. In adopting the current regulations, the City found that providing the opportunity for public involvement was warranted.

In December the Hearing Examiner heard three full days of testimony on an appeal of the Lighthouse Mission Ministries' drop-in center, which is a temporary building encampment. This encampment was approved under the temporary encampment ordinance, which was superseded by the recently-adopted temporary shelter regulations. In the event that an appeal is filed for the Winter Haven permit, it is important that not only the permit process set out in the BMC is adhered to, but also that the record of public comments is adequately and accurately responded to. Nineteen written comments (both positive and negative) were submitted.

N. The permit process did not include an opportunity to be heard in a public forum regarding the proposed encampment.

The City recently adopted regulations for temporary shelters, requiring a Type II permit for temporary shelter permits. Per BMC 21.10.090, a preapplication neighborhood meeting is only required for planned developments, institutional site plans, general binding site plans and design review. However, the applicant will hold a neighborhood meeting on December 19 at 6 p.m. at the Environmental Learning Center in Maritime Heritage Park. The permit process included the BMC-required noticing procedures, including mailed notice to property owners within 500 feet of the site and affected MNAC representatives and neighborhood presidents, a 14-day public comment period, and three public notice signs at the site.

O. The permit should be revoked if there is a measurable increase in criminal activity within 1,000 yards of the encampment.

BPD data indicates that the downtown area includes several "hot spots" of criminal activity. Unless committed by a guest or visitor of the encampment, it would be difficult to ascertain if a criminal activity at a distance of 1,000 yards is directly attributable to the encampment. As stated above, Homes Now! can only be held accountable for the action of their guests, visitors, non-guest volunteers and board members.

24. This use serves a vital need in the community by providing the services individuals facing homelessness require in a critical time of need.
25. As noted above, several policies of the Bellingham Comprehensive Plan and the Bellingham Consolidated Plan are relevant to the application. These policies and plans support the operation of facilities and services for people experiencing homelessness. The public interest is achieved by allowing the operation of temporary shelters and providing services for individuals experiencing homelessness.
26. Any Finding of Fact that should be denominated a Conclusion of Law shall be deemed to be a Conclusion of Law.

II. CONCLUSIONS

1. As conditioned, the proposed use will not be materially detrimental to the public welfare or substantially injurious to the property or improvements in the vicinity of the proposed temporary encampment.
2. The proposed use meets the requirements of Ordinance No. 2018-10-019 and BMC 20.15.
3. The proposed use will be in keeping with the goals and policies of the Bellingham Comprehensive Plan.
4. As conditioned, adequate measures have been taken to minimize possible adverse impacts the temporary encampment may have on the area in which it is located. This decision acknowledges that not all impacts can be eliminated; however, the risk of significant impacts has been reduced to a temporary and acceptable level.
5. To respond to the homelessness crisis that is affecting many jurisdictions, including Bellingham, it is in the public's interest to allow a temporary tent encampment at 210 Lottie Street.
6. Any Conclusion of Law that should be denominated a Finding of Fact shall be deemed to be a Finding of Fact.

III. DECISION

Based upon the Findings of Fact and Conclusions of Law, the Planning and Community Development Director, or designee, approves the temporary tent encampment in the western portion of the City Hall parking lot at 210 Lottie Street for the project described herein and as indicated in the application materials, with the following conditions. These conditions are imposed under BMC Chapter 20.15 to promote the health, safety, and general welfare of the citizens of Bellingham. The issuance of the permit and these conditions do not create or designate any particular class of persons who will or should be specially protected by the conditions, nor do the conditions create a special relationship with any person or class of persons.

1. The temporary encampment shall be limited to a maximum of 20 tents accommodating a maximum of 40 overnight guests of Homes Now!. At no time shall the site exceed 100 people.

The temporary encampment permit shall be issued for occupancy by Homes Now! and its guests for no more than 90 continuous days, from January 3, 2019 - April 2, 2019.² **The temporary encampment permit approval shall not be renewable or able to be extended at this location.**

2. No direct intake of potential new Homes Now! guests shall occur at the temporary encampment site. Potential guests shall be screened by Homes Now!, with an application approved by the City, at an off-site location.
3. Homes Now! shall assume responsibility for people approved as guests. The City shall not make the final decision on who is approved as a guest.
4. No guest shall be permitted to occupy the temporary encampment until the BPD has completed a warrant check. Homes Now! shall not obstruct arrest of a guest or visitor or service of any warrant when such action is required by the BPD.

² The City reserves the right to extend this end date should the application be appealed; however, in no case shall the encampment extend beyond April 15, 2019.

5. Homes Now!'s guests may invite visitors to enter the temporary encampment, but in no case shall more than one visitor of a guest be admitted at one time. Visitors shall not be allowed to stay overnight. No large gatherings of visitors are permitted. Visitors must provide their full name and date of birth on the guest and visitor log and may have their information checked by the BPD for warrants.
6. Homes Now!'s guests and visitors shall provide written acknowledgment that they have reviewed and accept the rules and requirements contained within the code of conduct before they are permitted into the temporary encampment. Guests shall also be required to sign an acknowledgement that they are aware of the limited term of this approval and agree to leave the site on or before the date the permit expires. Copies of each signed acknowledgement shall be provided to the City as soon as they are signed.
7. No less than one Homes Now! board member or non-guest volunteer must be physically present at the temporary encampment at all times for the duration of the permit. The board member or non-guest volunteer shall serve as site manager and supervise the operation of the encampment. The site manager is the primary point of contact for public safety and emergency services at the encampment and shall address day-to-day operational and behavioral issues as they arise. A complete listing of all board members and non-guest volunteers who will serve as a site manager shall be submitted to the City before occupancy of the temporary encampment. Non-guest volunteers may be added to the site manager list after occupancy, as long as contact information, is provided to the City. Homes Now! shall ensure that site managers are made aware of their duties, receive de-escalation training and understand to call 9-1-1 in an emergency. Guests of the temporary encampment who may become Homes Now! board members or volunteers after issuance of the temporary shelter permit cannot act as site managers.
8. All site managers and Homes Now! Board members shall be informed of emergency protocols and complete de-escalation training provided by the BPD before acting as a site manager.
9. Upon occupancy, Homes Now! shall designate a point of contact for inquiries from the public. This information shall be made available on the Homes Now!'s website and distributed by Homes Now! to property owners within 500 feet of the site boundary. The purpose of this contact person is to allow residents or businesses in the neighborhood to contact Homes Now! and discuss nonemergency concerns or issues associated with behaviors or actions directly attributable to Homes Now!'s guests and visitors. Homes Now! may at its discretion take corrective action, up to and including directing a guest or visitor to leave the temporary encampment, as a means of addressing verifiable and attributable off-campus behaviors that are inappropriate.
10. Should food donations be found to be inadequate and on-site preparation required beyond the extent envisioned in the application, Homes Now! shall provide adequate on- or off-site cooking facilities to support their guests. This may include the use of an approved off-site commercial kitchen for preparation and/or an on-site Whatcom County Health Department approved mobile kitchen (i.e. a food truck or similar facility).
11. Resources provided by Homes Now! and the encampment, including, but not limited to, food, shelter, and social services, are intended for guests of the encampment only and, in general, shall not be provided to people who have not been admitted into the encampment as a guest. However, if a small number of visitors are present at the encampment while food is being offered, they may participate.

12. The temporary encampment shall be kept clean and free from trash.
13. Loud, amplified music shall be prohibited in the temporary encampment during City Hall business hours and after 10:00 p.m. Any condition or activity that causes a public noise disturbance is prohibited for the duration of the temporary encampment.
14. The temporary encampment must comply with the following additional fire safety conditions:
 - a. A 12-foot-wide gate opening and two emergency gates must be provided.
 - b. A 12-foot-wide aisle must be maintained down the middle of the temporary encampment at all times.
 - c. A minimum of four 2A10BC portable extinguishers shall be provided as follows: one within the dining tent, one at the outdoor barbeque grill, and two conspicuously located such that an extinguisher is no more than 75 feet of travel distance from any point of the temporary encampment.
 - d. The barbeque grill must remain in the open air at all times and have a 12-foot separation from any tent or structure (i.e. City Hall).
 - e. Portable heaters are not allowed in any tent.
 - f. Since the dining tent only has one exit, occupancy must remain at nine persons or fewer at all times.
 - g. No open flames or recreational fires are allowed in the temporary encampment (with exception of the outdoor grill, which may be used for cooking only).
15. The temporary encampment must comply with the following additional stormwater requirements:
 - a. Trash receptacles, dumpsters and recycling containers must be moved to the southern portion of the site, away from the raingarden and creek.
 - b. All trash receptacles, dumpsters and recycling containers must include well-fitting lids with intact bottoms.
 - c. The fence must be located outside the raingarden and clear of vegetation.
 - d. The site plan should include a label for the rain garden.
16. Homes Now! shall not permit the use camp stoves within the encampment.
17. Homes Now! shall provide transportation to a laundromat twice a week so that guests can do laundry.
18. Homes Now! shall wash bedding and clean tents with turnover of guests. Homes Now! shall also wash bedding every other week.
19. Homes Now! shall check tents for cleanliness weekly. No food is allowed to be stored in tents. Non-perishables shall be stored by guests in lockers provided by Homes Now!.
20. Homes Now! shall provide security measures as described in their application. These measures include public safety cameras (installed by the City), lighting, fencing and controlled access to the site. Other measures may be identified by either the City or Homes Now! during the operation of the temporary encampment. These measures shall be implemented by Homes Now! after reaching agreement with the City on the nature of such measures needed to increase individual and public safety on site, as well as on surrounding properties. In the event the City has already

installed an identified measure for its own purposes as a property owner, Homes Now! may be excused from implementing such measure.

21. Homes Now!'s board members, guests, and visitors shall not prevent City and county staff, including police officers, fire and emergency crews, and approved social service agency personnel (i.e. caseworkers, counselors, the Homeless Outreach Team (HOT), etc.) from having unrestricted access to common areas of the site. If legal cause exists to access additional areas by City officials, including police officers, such access shall not be restricted.
22. A Homes Now! board member shall meet no less than weekly with representatives of the BPD and/or PCDD to review issues associated with the operation of the temporary encampment. The meeting shall occur every Friday at 11 a.m. at City Hall unless a mutually agreed time change is approved. The purpose of this meeting is to develop and implement (as needed) strategies to address identified issues. Homes Now! shall cooperate with the BPD for the purposes of ensuring safety, security, and compliance with permit conditions, including, without limitation, issuing trespass notices as appropriate. Homes Now! shall remain the responsible party for implementing such strategies.
23. Homes Now! shall comply with the site plan as submitted, unless modified by this decision, with the temporary shelter permit application.
24. A fully-executed written license agreement granting Homes Now! the legal right to use City property shall be required prior to issuance of the temporary encampment permit and shall be maintained in full force and effect for the duration of the temporary encampment. The license agreement will contain terms and conditions in addition to the conditions imposed as part of the permit.
25. Homes Now! shall obtain all necessary Building, Fire and Health Department permits prior to occupancy of the temporary encampment. Homes Now! shall immediately cease operation of the temporary encampment should the City's Building Official and/or Fire Marshal and/or Whatcom County Health Department determine that circumstances associated with the issued permits have changed (and are irremediable) and that there is a threat to human life, health and safety.
26. The City has concluded that appropriate standards, requirements and conditions have been established to protect public health/safety and to ensure the successful operation of the encampment for the duration of the approved permit. Violations of any of the required provisions of Ordinance 2018-10-019 and/or the conditions of this permit shall be assessed by the City on a case-by-case basis with the expressed intent of seeking timely compliance. However, certain actions and activities that significantly increase risk to both encampment guests and the general public shall warrant the closure of the encampment. The temporary encampment shall be subject to immediate closure for cause and revocation of the permit should any of the following occur:
 - a. Violation(s) of any conditions of approval (which cannot be immediately remedied by Homes Now!) that would present an adverse health and/or safety risk to Homes Now!'s guests, visitors, and/or the general public.
 - b. The required on-site supervision of the temporary encampment by a Homes Now! board member is found not to occur.
 - c. The required on-site supervision is found to be inadequate to control behaviors occurring within the temporary encampment.

- d. Obstruction by Homes Now!'s board members, guests, or visitors of City and county staff, including police officers, fire and emergency crews, and approved social service agency personnel (i.e. caseworkers, counselors, the Homeless Outreach Team (HOT), etc.) from having unrestricted access to the common areas of the site.
 - e. Refusal by Homes Now! to provide a list of guests and visitors upon the request of the BPD or other City department.
 - f. Any series of events that the Chief of Police or Fire Chief deem to be a danger to the temporary encampment and/or surrounding community, including calls for service regarding assaults, disorderly behavior, or illegal substance use.
 - g. Repeated violations of the code of conduct.
 - h. Criminal conduct or multiple violations of the permit conditions by Homes Now!'s board members, guests and visitors.
 - i. Demonstrated inability of Homes Now! board members and other site managers to operate the encampment consistent with Ordinance 2018-10-019, the temporary shelter application and the conditions of approval.
27. In the event the City terminates the temporary encampment permit for cause in accordance with Conditions #20 and 21, Homes Now!'s guests shall be provided no less than 24 hours' notice to vacate the site. Every effort shall be made by the City to connect Homes Now!'s guests with social service agencies to find alternate shelter or housing; however, neither the City nor Homes Now! can guarantee alternate shelter or housing.
28. Homes Now! shall provide notice of closure of the temporary encampment no less than 14 days prior to the scheduled end date of the temporary shelter permit. Every effort shall be made by the City to connect Homes Now!'s guests with social service agencies to find alternate shelter or housing; however, neither the City nor Homes Now! can guarantee alternate shelter or housing.
29. Should Homes Now! not restore the site to pre-encampment conditions within the time specified in the License, it shall be directly responsible for any and all costs incurred to remove and/or store remaining materials and restore the site to pre-encampment conditions.
30. The temporary encampment shall operate as conditioned in SHR2018-0035.
31. These conditions of approval shall be posted in a conspicuous place on site and made available to Homes Now!'s guests and visitors upon request.
32. Should conditions imposed herein not be met and/or circumstances change, the Planning and Community Development Director or designee reserves the right to revoke the permit or add new permit conditions necessary to protect the public health and safety.

Approved By:



Kurt Nabbefeld
Development Services Manager

IV. APPEAL

Any party aggrieved by this Type II decision may file an appeal, pursuant to BMC 21.10.250, at the City of Bellingham Permit Center at City Hall (210 Lottie Street) within 14 days of this decision date. The appeal period is being extended by one day to January 2, 2019, to accommodate the New Year's Day holiday. The appeal forms and associated appeal fee are available at the Permit Center or online at: <https://www.cob.org/services/permits>. Please note, an appeal will not be accepted or considered filed until the required forms are submitted and the fees are paid by the timeline specified above.

Any property owner who believes he/she is affected by this decision may request a change in valuation for property tax purposes, notwithstanding any program of revaluation, through the Whatcom County Assessor's office.