



Planning and Community Development Department

210 Lottie Street, Bellingham, WA 98225

Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: WA State Relay - 711

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

TYPE II

NOTICE OF APPLICATION and OPTIONAL DNS PROCESS

USE2019-0004 and SEP2019-0005

Notice is hereby given that the Planning and Community Development Department (PCDD) has received an application for a **Temporary Shelter Permit to provide shelter for people experiencing homelessness in a temporary tent encampment** for the following project:

Project Description: Homes Now! proposes to operate a temporary tent encampment, "Safe Haven," for people experiencing homelessness in the southern portion of the What-Comm parking lot at 620 Alabama Street from April 3, 2019, to July 1, 2019. Safe Haven will provide up to 25 tents for overnight shelter for up to 32 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. All requirements set forth in Bellingham Municipal Code 20.15.020 apply to the temporary tent encampment. References to "guests" in this notice mean guests of Homes Now! an independent, Washington state non-profit corporation. Homes Now! will function as the managing agency of the encampment.

Consistent with Ordinance No. 2018-10-019 (Chapter 20.15 BMC), the proposal includes the following provisions:

1. Any exterior lighting will be directed downward and glare will be contained within the site.
2. All functions associated with the encampment will take place within the encampment site.
3. Homes Now! will ensure all applicable public health regulations are met, including:
 - a. Fire extinguishers.
 - b. A designated smoking area.
 - c. A prohibition on open flames.
 - d. An obstruction-free central aisle to allow for emergency access.
 - e. Trash receptacles and regular trash patrols.
 - f. Dumpsters and recycling bins that will be regularly serviced by SSC Inc.
 - g. Portable toilets that will be set back at least 40 feet from all property lines and maintained by a commercial provider.
 - h. Hand washing stations by the kitchen and toilets.
 - i. Health and safety information that will be posted at the site and distributed to guests of Homes Now!.
 - j. Potable water.
4. Homes Now! will designate a point of contact and provide contact information (24-hour accessible phone contact) to the Patrol Operations Commander for the Bellingham Police Department (BPD). At least one designated point of contact will be on duty at all times.



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The names of the on-duty points of contact will be posted on site daily, and their contact information will be provided to the BPD.

5. On-site supervision will be provided at all times.
6. Homes Now! will comply with a code of conduct, which will include requirements such as a prohibition on illegal drug and alcohol use and threatening and unsafe behavior. Homes Now! will ensure that items deemed as weapons are stored in a safe location. Firearms are not allowed on site for any reason. The code of conduct will be posted on site and enforced by Homes Now! (NOTE: The full code of conduct is available at the Planning and Community Development Department, 210 Lottie St, Bellingham, WA.)
7. Homes Now! will ensure compliance with Washington state laws and regulations, the Bellingham Municipal Code, and the Whatcom County Health Department's regulations concerning, but not limited to, drinking water connections, solid waste disposal, and human waste.
8. Homes Now! will keep a log of names and dates of all people who stay overnight at the encampment, and a current log will be made available upon demand by any municipal or county law enforcement officer. Status checks of current Homes Now! guests may be routinely performed by the warrant officers of the BPD through the current log provided by Homes Now! Homes Now! will provide notice to prospective guests that all people staying overnight in the encampment are subject to status checks by the warrant officers of the BPD.
9. Homes Now! will take all reasonable and legal steps to obtain verifiable identification information, including full name and date of birth, from current and prospective encampment guests.
10. No children under the age of 18 shall be allowed to stay overnight in the temporary encampment, unless accompanied by a parent or guardian. If a child under the age of 18 without a parent or guardian present attempts to stay at the encampment, Homes Now! shall immediately contact Child Protective Services and shall actively endeavor to find alternative shelter for the child.
11. People who are required to register as a sex offender are prohibited from the site. Should Homes Now! become aware of a current or prospective guest who is an unregistered sex offender, they will immediately contact the BPD.
12. Should Homes Now! become aware of a current or prospective guest who has an active felony warrant, it will follow set written protocol as approved by the BPD for contacting the BPD and addressing these warrants.
13. Homes Now! will immediately contact the BPD if someone is rejected or ejected from the encampment when the reason for rejection or ejection is an active warrant or a match on an unregistered sex offender check, or if, in the opinion of the on-duty point of contact or on-duty security staff, the rejected or ejected person is a potential threat to the community.



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14. Homes Now! will cooperate with the coordinated entry system managed by the Homeless Service Center and other providers of shelters and services for the homeless and will make inquiry with these providers regarding the availability of services.
15. Upon vacation of the encampment site, all temporary structures and debris will be removed from the site and the site will be restored to its original condition within one calendar week.

The Director, or designee, has identified the following **DRAFT Preliminary Conditions** that will likely be placed on the proposal, although additional conditions may be included in the final decision based on compliance with Ordinance No. 2018-10-019 and/or public comment received:

1. The temporary encampment shall be limited to a maximum of twenty five (25) tents accommodating thirty two (32) overnight Homes Now! guests. At no time shall the site exceed 100 people.
2. The temporary encampment permit shall be issued for no more than 90 continuous days, with the possibly of two 30-day extensions, provided the conditions of approval are strictly followed. **The temporary encampment permit approval will not be renewable or able to be extended at this location beyond a maximum of 150 continuous days.**
3. No direct intake of potential new Homes Now! guests shall occur at the temporary encampment site. Potential guests shall be screened and approved by Homes Now! with an application approved by the City, at an off-site location.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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



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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 911 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.

9. 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.
10. 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. This person must be a Homes Now! board member who can discuss non-emergent concerns or issues associated with behaviors or actions directly attributable to temporary encampment 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.
11. 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).
12. 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.
13. The temporary encampment shall be kept clean and free from trash.
14. Loud, amplified music shall be prohibited. Any condition or activity that causes a public noise disturbance is prohibited for the duration of the encampment.
15. Homes Now! shall not permit the use camp stoves within the encampment.
16. The following fire safety conditions must be met:



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- a. A 12-foot-wide gate opening must be provided and a 12-foot-wide center aisle must be maintained down the middle of the encampment at all times. Markers shall be located on the pavement to prevent encroachment by shower truck, water tanks, dumpsters, etc.
 - b. A minimum of six (6) 2A10BC portable extinguishers shall be provided as follows: one (1) within the kitchen tent, one (1) at the outdoor barbeque grill, one (1) at smoking area, and three (3) conspicuously located such that an extinguisher is no more than 75 feet of travel distance from any point of the encampment.
 - c. The barbeque grill must remain in the open air at all times and have a 12-foot separation from any tent or structure. Propane tanks must be secured.
 - d. Portable heaters are not allowed in any tent.
 - e. The dining tent requires two (2) exits in order to have an occupant load greater than 9 persons. Exit doors must be 36 inches wide, framed in, and outward opening.
 - f. No open flames or recreational fires are allowed in the encampment (with exception of the outdoor grill, which may be used for cooking only).
 - g. Power to kitchen appliances (microwave, refrigerator, freezer, etc.) must be supplied from a listed spider box and cords rated for appliance ampacity.
 - h. Each tent requires a site/address number on the tent or tent pallet (primarily for aid calls where patient is non-ambulatory and in a tent).
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! shall develop a plan for keeping its guests safe in the event of adverse weather conditions. This could include providing alternate shelter for its guests.
22. 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



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additional areas by City officials, including police officers, such access shall not be restricted.

23. 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.
24. Homes Now! shall comply with the site plan as submitted, unless modified by this decision, with the temporary shelter permit application.
25. 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.
26. 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.
27. 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 or non-resident volunteer 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 (e.g. caseworkers, counselors, the Homeless



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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.
28. In the event the City terminates the temporary encampment permit for cause in accordance with Conditions #26 and #27, 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.
29. 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.
30. Should Homes Now! not restore the site to pre-encampment conditions within the time specified in the license agreement, 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.
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.

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.

Project Location: A portion of the parking lot at the What-Comm 911 Center, 620 Alabama Street, Bellingham, WA; Sunnyland Neighborhood, Public (Government Services) Zoning, Subarea 9



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Applicant: Homes Now!, 432 W. Bakerview Road, Bellingham, WA 98226; contact Jim Peterson, 360-319-2150

Comments Due By: 3/7/2019

Environmental Review: The proposed project has been reviewed for probable adverse impacts and the PCDD expects to issue a Determination of Non-Significance (DNS) for this project (as described in WAC 197-11-355). **This may be your only opportunity to comment on the environmental impacts of the proposed project.**

The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and a copy of the subsequent threshold determination for the specific proposal may be obtained upon request (in addition, the lead agency may choose to maintain a general mailing list for threshold determination distribution).

Existing Environmental Documents:

- SEPA DNS for the 2016 Bellingham Comprehensive Plan
- City of Bellingham Shoreline Master Program
- City of Bellingham Habitat Restoration Technical Assessment
- City of Bellingham Critical Areas Ordinance
- SEPA Environmental Checklist dated 2/19/19

A site map is printed on the next page. The full application and all associated documents are available for viewing in the Permit Center at City Hall. Anyone wishing to comment on this proposal is invited to submit written comments by 5:00 p.m. on March 7, 2019.

The final decision on this proposal may be appealed in accordance with Bellingham Municipal Code 21.10.250.

Date Application Received: 2/19/2019

Date of Complete Application: 2/21/2019

Date of Notice of Application: 2/21/2019

Other Known Required Permits: None

Send written comments and requests for information to:

Name: Lisa Pool, Senior Planner

E-mail / Phone: lapool@cob.org or 360-778-8390



620 Alabama Street
 USE2019-0004 and SEP2019-0005

A decision will be made on the project following the comment period. If you wish to receive notification of the action, please complete and return this section to the Planning and Community Development Department, City Hall, 210 Lottie Street, Bellingham, WA 98225.

Attn: Lisa Pool, Senior Planner **Yes, I would like to know the action taken.**

Name _____

Address _____
 (including City, Zip)