



## 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](mailto:planning@cob.org) Web: [www.cob.org](http://www.cob.org)

### TYPE II

## NOTICE OF APPLICATION and OPTIONAL DNS PROCESS

USE2019-0016 and SEP2019-0022

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 tiny house encampment** for the following project:

**Project Description:** Homes Now! proposes to operate a temporary tiny house encampment, "Unity Village," for people experiencing homelessness in the northwest portion of the parking lot at 210 McKenzie Avenue from August 24, 2019 – April 30, 2020, provided the conditions of approval are strictly followed. Unity Village will provide up to 20 tiny houses for overnight shelter for up to 28 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 (BMC) 20.15.020 apply to the temporary tiny house 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 (BMC 20.15), 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. The tiny houses will include the following safety measures:
  - a. A working battery-powered smoke and carbon monoxide alarm;
  - b. Two openings to allow escape of smoke. Openings must be within 12 inches of the top of the wall and on two opposing walls. Such openings must be a minimum of 12 square inches, with the smallest dimension of one inch. Openings must be screened to keep insects out. Screen openings must be 1/8 inch to 1/4 inch;
  - c. No fuel gas appliances or equipment;
  - d. No smoking, lighted candles or other type of flames;
  - e. The only type of heating devices allowed are portable oil-filled heaters that must be supplied with the unit; and
  - f. No locks or latches that might inhibit an emergency escape from within the unit. A single cylinder deadbolt lock or lever-handled door latch is permitted, as long as it does not require the use of a tool or key to lock or unlock it from inside the unit.
4. Homes Now! will ensure all applicable public health regulations are met, including:
  - a. Fire extinguishers.
  - b. A designated smoking area.



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- 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.
5. 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. 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.
  6. On-site supervision will be provided at all times.
  7. Homes Now! will comply with a code of conduct, which will include requirements such as a prohibition on alcohol and illegal drug 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.)
  8. Homes Now! will ensure compliance with Washington state laws and regulations, the BMC, and the Whatcom County Health Department's regulations concerning, but not limited to, drinking water connections, solid waste disposal, and human waste.
  9. 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.
  10. 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.
  11. No children under the age of 18 will 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.



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12. People who are required to register as a sex offender will be 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.
13. 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.
14. 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.
15. 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.
16. 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 (20) tiny houses accommodating twenty four (28) overnight guests of Homes Now!.
2. The site may initially include a combination of tents and tiny houses accommodating overnight guests; however, the total number of tents and tiny houses shall not exceed twenty (20) at any one time and tents for overnight accommodations shall not be allowed on the site after December 1, 2019.
3. A one-time open house shall include no more than 100 people. The purpose of the open house is to allow community members an opportunity to tour the encampment. It is unlikely that all visitors associated with this event will be present on site at the same time.
4. 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 the permit will 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 will be subject to immediate closure for cause and revocation of the permit should any of the following occur:



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- 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 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!'s 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.
5. The temporary shelter permit shall be issued for the dates August 24, 2019 – April 30, 2020, provided the conditions of approval are strictly followed. **The temporary shelter permit approval will not be renewable or able to be extended at this location beyond April 30, 2020.**
  6. Homes Now! shall identify a location on which to store the tiny homes and a plan for the residents after the end date of the permit, in case Homes Now! has not identified another tiny home encampment site and a tiny home encampment permit has not been approved for a site after the end date of the permit.
  7. The temporary shelter permit for Unity Village is predicated on the successful completion of the full term of operation of the Safe Haven encampment (USE2019-0005). The permit for Unity Village shall be deemed invalid if the conditions of approval for Safe Haven are violated.
  8. Homes Now!'s board members, non-guest volunteers serving in a board member capacity (providing on-site supervision), guests and visitors shall be required to comply with a code of conduct that includes a prohibition on alcohol or illegal drug use and threatening or unsafe behavior.



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9. Upon occupancy, Homes Now! shall designate a board member as the point of contact for inquiries from the public. This person's contact information shall be made available on the Homes Now!'s website and distributed by Homes Now! to property owners, residents, and business owners within 500 feet of the site boundary. This person shall be available 24 hours a day, seven days a week to address 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.
10. No board member, non-guest volunteer serving in a board member capacity (providing on-site supervision) or guest shall be permitted to occupy the temporary encampment until the BPD has completed warrant, sex offender, and "officer safety" checks.
11. 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 stay with their guests for the duration of the visit. Visitors shall not be allowed to stay overnight. No large gatherings of visitors are permitted.
12. Homes Now! shall keep a log with the full name and date of birth of its board members, non-guest volunteers serving in a board member capacity (providing on-site supervision), guests and visitors. Homes Now! shall provide this list to the BPD upon request for warrant, sex offender, and "officer safety" checks. Homes Now! shall not obstruct the arrest of a board member, non-guest volunteer serving in a board member capacity (providing on-site supervision), guest or visitor, or service of any warrant when such action is required by the BPD.
13. 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.
14. Homes Now!'s board members, non-guest volunteers serving in a board member capacity (providing on-site supervision) and guests 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. Copies of each signed acknowledgement shall be provided to the City as soon as they are signed.
15. Guests shall 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.
16. No less than one Homes Now! board member or non-guest volunteer serving in a board member capacity (providing on-site supervision) shall 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



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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.

17. 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.
18. Registered sex offenders, people who are required to register as a sex offender, people who have active warrants, and people who are flagged as "officer safety" shall be prohibited from the site.
19. 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.
20. Homes Now! shall provide security measures as described in their application. These measures include a video surveillance system, lighting (as approved by Plants Superintendent, Rob Johnson), 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. Gates on the southern boundary of the site shall be locked at all times by Homes Now! to prevent access to the Post Point operations yard. Locks shall be City of Bellingham standard locks. If access through the southern gate is required, Post Point operations staff will be present and unlock the gate.
22. Access to the Post Point facility shall be prohibited for Homes Now! board members, guests, volunteers and visitors. Emergency coordination with Post Point duty staff can be initiated by calling the City of Bellingham public works 24-hour emergency hotline at 360-778-7700. Board members and guests shall be required to complete basic training related to accidental potential chlorine gas release and responding to the audible chlorine alarm. All on site supervisors and Homes Now!'s board members will be required to be trained by Post Point staff. All guests will be required to be trained by Homes Now!'s supervisors or Board members. Homes Now! shall document that all on-site supervisors, board members and guests have been trained in response to a chlorine alarm. Homes Now! shall maintain an accurate record and count of the number and names of all persons occupying the site and shall make that record available to Post Point staff or Bellingham





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Fire department upon request. In the unlikely event of a release of chlorine gas or chlorine alarm, Homes Now! shall be responsible for evacuating their own on-site supervisors, board members and guests.

23. At no time shall Homes Now!'s on-site supervisors, board members, and guests park in the parking lot in front of the Post Point administrative building directly west of the site.
24. 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).
25. Loud, amplified music shall be prohibited. Any condition or activity that causes a public noise disturbance is prohibited for the duration of the encampment.
26. Homes Now!'s video surveillance system must be directed toward the encampment only, not on adjacent properties.
27. Homes Now! shall not permit the use of camp stoves within the encampment.
28. The use of medical marijuana by guests is permitted in the designated smoking tent with proof of a medical marijuana card.
29. For the purposes of the permit, "tiny houses" shall be less than 120 square feet in size.
30. Each tiny house shall be limited to no more than two guests at one time.
31. On-site construction of tiny houses shall be limited to between the hours of 8 a.m. and 7 p.m.
32. The following fire safety conditions shall be met:
  - a. A 12-foot-wide gate opening shall 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, one (1) at the welcome tent, one (1) between tiny houses #6 and #7, and one (1) at the aisle between tiny houses #11 and #12.
  - c. The barbeque grill shall remain in the open air at all times and have a 12-foot separation from any tent, tiny house or structure. Propane tanks must be secured.
  - d. The only type of heating devices allowed in tiny houses are portable oil-filled heaters that shall be supplied with the unit.
  - e. The use of microwaves, stoves, hot plates or other cooking devices within tiny houses shall be prohibited.



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- f. The dining tent requires two (2) exits in order to have an occupant load greater than 9 persons. Exit doors shall be 36 inches wide, framed in, and outward opening.
  - g. The dining tent and kitchen tent shall be constructed of NFPA 701 flame-retardant material.
  - h. Power to kitchen appliances (microwave, refrigerator, freezer, etc.) shall be supplied from a listed spider box and cords rated for appliance ampacity.
  - i. No open flames or recreational fires shall be allowed in the encampment (with exception of the outdoor grill, which may be used for cooking only).
  - j. UL-listed propane patio heaters shall not be used in an enclosed space.
  - k. Each tent shall include a temporary site/address number written on reflective tape and mounted to the pallet base of the tent (primarily for aid calls where patient is non-ambulatory and in a tent).
  - l. Each tiny house shall include permanently affixed, minimum 4" high "address" number(s) on the front door. The numbers must be mounted in the same location on each tiny home.
33. 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.
34. Homes Now! shall provide transportation to a laundromat twice a week so that guests can do laundry.
35. Homes Now! shall wash bedding and clean tents and tiny houses with turnover of guests. Homes Now! shall also wash bedding every other week.
36. Homes Now! shall check tents and tiny houses for cleanliness weekly. No food is allowed to be stored in tents or tiny houses. Non-perishables shall be stored by guests in lockers provided by Homes Now!.
37. The temporary encampment shall be kept clean and free from trash.
38. 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.
39. 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





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encampment. The meeting shall occur every Friday at 11 a.m. at City Hall or at the encampment site, unless a mutually-agreed upon time or location change is approved. The purpose of this meeting is to develop and implement (as needed) strategies to address identified issues.

40. 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.
41. Homes Now! shall comply with the site plan as submitted, unless modified by this decision, with the temporary shelter permit application.
42. 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 shelter 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.
43. 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.
44. In the event the City terminates the temporary shelter permit for cause in accordance with the permit, 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.
45. 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.
46. 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.
47. The City has the right to amend the temporary shelter permit, as long as the amendments are in keeping with the spirit of the original permit.



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48. 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.

49. 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 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 210 McKenzie Avenue, Bellingham, WA; Fairhaven Neighborhood, Fairhaven Urban Village Zoning, Industrial Area (I-3)

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

**Comments Due By:** 6/14/2019

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**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 many 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 5/16/19

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 (210 Lottie St.). **Anyone wishing to comment on this proposal is invited to submit written comments by 5:00 p.m. on June 14, 2019.**

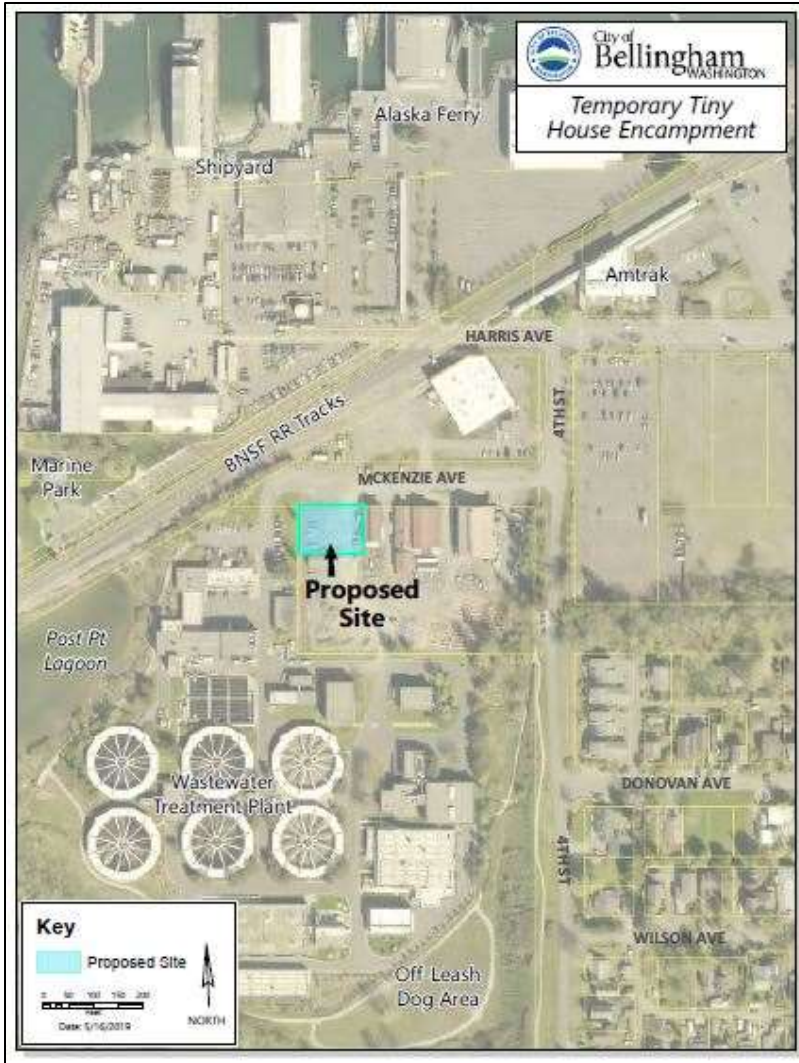
The final decision on this proposal may be appealed in accordance with BMC 21.10.250.

**Date Application Received:** 5/28/2019

**Date of Complete Application:** 5/31/2019  
**Date of Notice of Application:** 5/31/2019  
**Other Known Required Permits:** License agreement

**Send written comments and requests for information to:**

Name: Lisa Pool, Senior Planner  
E-mail / Phone: lapool@cob.org or 360-778-8390



**210 McKenzie Avenue**  
 USE2019-0016 and SEP2019-0022

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)