



## Planning and Community Development Department

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### TEMPORARY SHELTER PERMIT USE2019-0016 – 210 McKenzie Avenue

**Project Description:** Homes Now! proposes to operate a temporary tiny house encampment for people experiencing homelessness, "Unity Village," in the northwestern portion of the parking lot at 210 McKenzie Avenue from August 24, 2019, through 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.

**Project Location:** A portion of the parking lot at 210 McKenzie Avenue, Bellingham, WA; Fairhaven Neighborhood, Fairhaven Urban Village Zoning, Industrial Area 3

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

**Decision:** Approved with conditions

**Date of Decision:** June 26, 2019

**Exhibits:**

- A - Ordinance No. 2018-10-019
- B - Application materials
- C - Notice of Complete Application and Optional Determination of Non-Significance (DNS)
- D - Public comments (on file)
- E - DNS (SEP2019-0022)

#### 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 tiny house encampments.
2. The regulations are located in BMC Section 20.15.
3. On May 28, 2019, Homes Now!, an independent Washington state non-profit corporation, applied for a temporary shelter permit to operate a temporary tiny house encampment in the northwestern portion of the parking lot at 210 McKenzie Avenue (**Exhibit B**).
4. On May 28, 2019, Homes Now! also submitted a State Environmental Policy Act (SEPA) checklist (**Exhibit B**).
5. On May 31, 2019, a notice of complete application and optional DNS were issued (**Exhibit C**).
6. The subject site is located in the Fairhaven Neighborhood and zoned Fairhaven Urban Village (Industrial Area 3).



7. The subject site is located in the Fairhaven Design Review District. Design review (BMC 20.25) is not required, as this is a temporary use and no building permits are being issued.
8. The subject site is owned by the City of Bellingham.
9. The subject site currently serves as a parking area for vehicles of City staff. During operation of the temporary encampment, these vehicles will park elsewhere.
10. Per the January 2019 Whatcom County Point-in-Time Census of Homeless Residents, 700 people were identified as experiencing homelessness. Of those counted this year, 294 were unsheltered (e.g. in cars, outdoors, or other places not meant for human habitation).
11. 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.
12. Unity Village will provide safe and stable shelter in up to 20 tiny houses for up to 28 people experiencing homelessness from August 24, 2019, through April 30, 2020, while they actively seek permanent housing. One additional tiny house will serve as the overnight shelter for the on-site supervisor.
13. Homes Now! and its partners will provide a variety of services for Unity Village guests, including overnight shelter, bathrooms (i.e. port-a-potties), showers, drinking water, cooking facilities, garbage services, and social and health services. If a guest has a case manager, he/she will continue working with that case manager. If a guest does not have a case manager, Homes Now! will work with an appropriate agency to identify an appropriate case manager or other required services.
14. Homes Now! worked with the Lummi Nation to build two tiny houses in 2017, housing eight people transitioning to permanent housing. They also state that they assisted 25 people into housing in 2017 by eliminating housing barriers.
15. On December 18, 2018, a temporary shelter permit (USE2018-0023) was issued for Winter Haven, a temporary tent encampment managed by Homes Now! for up to 20 tents and 40 people, in a portion of the City Hall parking lot at 210 Lottie Street. The permit was issued for January 3, 2019, to April 2, 2019. An amendment to the permit was issued on April 2, 2019, to extend the end date for the permit by seven days to April 9, 2019.
16. On March 19, 2019, a temporary shelter permit (USE2019-0004) was issued for Safe Haven, a temporary tent encampment managed by Homes Now! for up to 25 tents and 32 people, in a portion of the What-Comm 911 Center at 620 Alabama Street. The permit was issued for April 3, 2019, to July 1, 2019, with the possibility of two 30-day extensions.
17. On May 9, 2019, an amendment to USE2019-0004 was issued for the Safe Haven permit to allow up to six tiny houses to replace the same number of tents.
18. On June 14, 2019, an amendment to USE2019-0004 was issued for the Safe Haven permit to extend the end date by 30 days. The extension ends on July 31, 2019. The City expects to issue a second 30-day extension to allow time to transition to the Unity Village site.
19. Homes Now! states that, as of the date of the application submittal, it has found housing for eight guests of Winter Haven and Safe Haven and helped place one guest in a detox facility.
20. 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.
21. To develop and implement strategies for issues that may arise during the operation of the temporary encampment, board members of Homes Now! will meet weekly with representatives of the Bellingham Police Department (BPD) and Planning and Community Development Department (PCDD).



22. Ordinance No. 2018-10-019 defines the standards and application process for establishing temporary shelters, including temporary tiny house encampments. BMC 20.15.070 outlines information that must be submitted with the temporary shelter permit application.
23. Per Ordinance No. 2018-10-019, temporary tiny house encampments may be located in any zoning district in the City with a temporary shelter permit.
24. Operational issues at Winter Haven and Safe Haven have not been significant or outside anticipated parameters, and all have been promptly addressed. In instances where Winter Haven or Safe Haven guests have violated encampment rules, Homes Now! has responded quickly and asked them to leave.
25. 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 complies with the temporary shelter regulations; site plans; a tiny house plan; project statistics; an operations plan; a code of conduct; an exit plan; "before" photos of the site; a transportation plan; and 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.
26. 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.
27. The notice of complete application and optional DNS was mailed to property owners within 500 feet of the site, as well as the Fairhaven Neighborhood Association president, Fairhaven Mayor's Neighborhood Advisory Commission representative, and Historic Fairhaven Association president. The notice of complete application and optional DNS were also posted on the City's website and provided to appropriate agencies for comment per SEPA requirements.
28. Three public notice signs were posted at the site by Homes Now! by the required deadline.
29. The public comment period was open for 14 days, ending on June 14, 2019, at 5 pm.
30. A neighborhood meeting is not required for this application; however, Homes Now! held a public informational meeting regarding the proposal on June 4, 2019, at 6 pm at the Fairhaven Library. This meeting was attended by City staff. City staff and Homes Now! board members also attended the Fairhaven Neighbors meeting on June 5, 2019, and City staff attended the Historic Fairhaven Association meeting on June 12, 2019, to answer questions.
31. Comments and questions from 64 people (**Exhibit D**) were submitted by the public comment period deadline and have been thoroughly reviewed by City staff. Emails from two additional people were submitted after the public comment period deadline, which was June 14, 2019, at 5 pm. Issues raised in the public comments have been consolidated into key concerns and specific comments. Staff has responded to key concerns in A-C below and specific comments in D-P below.

**A. Adverse effects on the surrounding neighborhood.** Commenters assert that the encampment will result in an increase in criminal activities, disruptive behaviors, loitering and congregation in the encampment and surrounding neighborhood from Unity Village guests and visitors and other individuals who are not part of the encampment. The safety of businesses, patrons of these businesses, residents and their families, tourists, and passersby will be compromised due the presence of the encampment. They also assert that local businesses will incur negative financial impacts and that commercial and residential property values will decline.

The temporary shelter regulations and 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 businesses, patrons of these businesses, residents and their families, tourists, and passersby. Safety and security provisions as described in the responses below and as conditioned



in this permit will help deter inappropriate or illegal activity and the perception of inappropriate or illegal activity.

The right to peacefully assemble is constitutionally guaranteed; however, it must be done in a lawful manner and access to public spaces 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 public sidewalk, store materials in a manner that impedes public access, or violate any other provisions of the BMC, the individual observing this behavior should call 911. BPD staff will employ "Camp Clean-up"<sup>1</sup> protocols if inappropriate use of public property, such as illegal camping, is observed.

Homes Now! does not have authority over individuals outside the temporary encampment, including on the balance of the wastewater treatment site or within the public right-of-way (e.g. the public 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, resources such as food, shelter, and social services, are intended for guests only and, in general, should not be provided to visitors.

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

- a. Homes Now!'s guests will likely primarily consist of people who are either working or disabled and have a source of income.
- b. No more than one visitor per guest will be allowed at one time. Visitors will not be allowed to stay overnight.
- c. Homes Now!'s guests will be screened and approved by Homes Now! through an application process in an off-site location. No on-site screening or queuing will be permitted at the encampment site.
- d. Homes Now! will be required to keep a log of its guests and visitors and provide this list to the BPD upon request for sex offender, warrant, and "officer safety" <sup>2</sup>checks.
- e. Registered sex offenders, people who are required to register as a sex offender, people who have active warrants, and people who are flagged by BPD as "officer safety" will be prohibited from the site.
- f. Homes Now!'s board members, non-guest volunteers serving in a board member capacity (providing on-site supervision), guests and visitors will be required to comply with a code of conduct that includes a prohibition on alcohol or illegal drug use and threatening or unsafe behavior.
- g. Any items deemed as weapons will be stored in a safe location by Homes Now!.
- h. A Homes Now! board member or non-guest volunteer serving in a board member capacity (providing on-site supervision) 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. Homes Now!'s board members or non-guest volunteers serving in a board member capacity (providing on-site supervision) will be subject to warrant, sex offender, and "officer safety" checks.

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<sup>1</sup> 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.

<sup>2</sup> "Officer safety" refers to individuals who have previously threatened and/or assaulted police officers.



- i. A Homes Now! board member will be required to meet with City staff from BPD and PCDD at least once a week to identify and resolve issues that may arise at the temporary encampment.
- j. The temporary encampment will include security measures such as a video surveillance system focused on the site only, lighting that is shielded from off-site glare, and fencing with controlled access to the site.

All of the above measures can serve as a significant deterrent to inappropriate or illegal activity. Additional opportunities exist outside the duties of Homes Now! staff to deter inappropriate or illegal activity. Increased visibility ("eyes on the street") can reduce the perception of criminal behavior, as well as the behavior itself. City staff who work on site and Homes Now!'s board members will be instructed to contact the BPD (911 in an emergency) if they witness inappropriate or illegal activity, both within and outside the temporary encampment. Additionally, BPD officers will routinely patrol the temporary encampment and surrounding area.

To limit litter in the surrounding area, dumpsters and recycling bins will be located near the entrance of the encampment and 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 Unity Village guest or visitor caused it; however, Homes Now! has voluntarily committed to conducting regular trash patrols in the surrounding neighborhood.

Port-a-potties and handwashing stations will be provided and serviced on a regular basis by L.J. Portables. No wastewater will be discharged off site. Upon closure of the encampment, the site will be restored to its original condition within one calendar week.

It is not anticipated that the encampment will cause detriment to the profits of businesses in Fairhaven or the property values of nearby businesses or residences, as this was not the case with Winter Haven, nor has it been the case with Safe Haven, both of which were and are in close proximity to businesses, residences and visitors. According to RCW 36.70B.130, the notice of decision includes language that allows property owners to receive a change in valuation for property tax purposes in response to the proposal.

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 the surrounding area. PCDD believes that an accurate appraisal of the success of these encampments becomes more evident only after processes become routinized. With both Winter Haven and Safe Haven, observed criminal activities and social maintenance issues appeared to decrease in the surrounding neighborhoods.

- B. Poor choice of site location.** Commenters assert that the proposed site is not a good fit for the encampment, as it is not near social services and the neighborhood includes families with children, a park, schools, tourists, businesses, and historic buildings. Other suggested locations include the following: near the airport, near Fred Myers or Kmart, Western Washington University, the waterfront, Marine Drive Lockwood farmlands, or the Mount Baker Plywood jetty. Commenters would like to know what other sites were evaluated for this use. They also assert that the encampment will impede the ability of the wastewater treatment plant to expand, and that the location is unfair to the guests of the encampment



**due to the industrial nature of the site and proximity of the site to busy train tracks. Lastly, the proximity to the shoreline and heron rookery were referenced.**

Regarding the site selection process, a team of department heads from the Police, Fire, Parks, Public Works and Planning and Community Development Departments first identified several City-owned or controlled sites that could potentially accommodate the use. Each site was then individually evaluated to determine whether the proposed use could be fully accommodated. While it was found that several sites (e.g. Civic Field and other City parks and City property off Iowa Street) could accommodate the use, further research indicated that most of the sites had seasonal or other limitations (e.g. they were not available at after termination of the Safe Haven permit). The subject site was the best site that was available immediately. The site is accessible via public transit (Whatcom Transportation Authority stops #9393 and #8844, both of which serve downtown) and within walking or biking distance of amenities such as a grocery store, public library, and potential employers. It is also a paved surface, as it currently serves as a parking area for City staff associated with the Post Point wastewater treatment plant.

Emails from Mayor Kelli Linville in 2017 regarding criteria for siting shelters were referenced as being applicable to the subject proposal. These emails were specific to the process that was underway at the time to find a suitable location for a permanent low-barrier shelter that would be managed by the Lighthouse Mission Ministries. While proximity to existing Lighthouse Mission Ministries services was appropriate for that shelter search, the subject proposal is a temporary shelter that is not low barrier, nor is it proposed to be managed by the Lighthouse Mission Ministries. As is noted above, the proposed location is in walking or biking distance of certain services and other services are accessible via nearby public transit. Homes Now! has also indicated that it is working to identify volunteers who can transport guests via car to services that are not accessible via walking, biking or public transit.

Concerns regarding potential adverse impacts on parks and schools are regularly raised when facilities for the unsheltered are proposed and were raised during the permitting processes for the Winter Haven and Safe Haven encampments. However, in the six months that Homes Now! has been operating temporary encampments, observed criminal activities and social maintenance issues have appeared to decrease in the surrounding neighborhoods and no impacts have been observed on nearby parks, residences, businesses, or schools. This site is approximately 2,874 feet (0.54 miles) from the nearest school, Fairhaven Middle School. Whatcom Middle School and Bellingham High School were near the Winter Haven site, and Sunnyland Elementary School is near Safe Haven.

Registered sex offenders, people who are required to register as a sex offender, people who have active warrants, and people who are flagged by BPD as "officer safety" will be prohibited from the site. BPD officers will routinely patrol the temporary encampment and surrounding area. Homes Now! has committed to conducting security patrols every two hours outside the encampment as a means of deterring inappropriate or illegal activity. Homes Now! has also committed to conducting regular trash patrols in the surrounding area. If inappropriate or illegal activity is witnessed in the encampment or surrounding neighborhood, BPD will be contacted. 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 herein not be met and/or circumstances change, the City reserves the right to terminate the permit and close the encampment.



Concerns have been raised regarding a potential health hazard to encampment residents from contaminated soil found on site. The proposed encampment site is a known contaminated property and is listed on the Washington State's Confirmed Sites List. The property is underlain by petroleum and metals contamination in soil at concentrations that exceed Washington State's Method A soil cleanup levels. However, the portion of the property where this proposal is to be located is covered by concrete or clean gravel fill. The Department of Ecology visited the site and provided comment (see June 14, 2019, letter in Exhibit D). The comment letter states that *"Ecology has no concerns of exposure unless there are ground disturbing activities (i.e., exposure to the underlying native soils)."* As no ground disturbing activities are proposed for the encampment, there are no anticipated health risks to encampment residents.

Regarding the planned future expansion of the wastewater treatment plant, expansion is expected to commence in three to five years. As the encampment is only permitted until April 30, 2020, its presence will not impede future plant expansion.

The subject site is not subject to the City's Shoreline Management Program, as the site is over 100 feet beyond shoreline jurisdiction.

It is asserted that the proposed encampment will create noise and light impacts on the heron rookery located approximately nine hundred (900) feet southwesterly from the proposed encampment site. The Washington Department of Fish and Wildlife recommended buffer for the herons is 197 feet. It is important to note that the City's Post Point wastewater treatment plant is located directly between the heron nesting areas and the proposed encampment site. Structures at the Post Point wastewater treatment plant completely screen the proposed encampment site from the nesting areas. Potential lighting impacts are addressed on site through the requirement for downward facing and shielded exterior light fixtures. Any noise impacts from the proposed encampment would be buffered by intervening structures and would be less than noise currently generated by the operation of the Post Point wastewater treatment plant. As limitations are proposed on amplified music at the encampment, as well as designated "quiet hours," it is highly unlikely that noise generated by the encampment would be greater than that generated by allowed uses currently operating in the immediate area (such as the railroad traffic).

The encampment is temporary and may be located in other locations throughout the City in the future. The City, Whatcom County, the Port of Bellingham and service providers continue to look for additional sites for future encampments and funding for shelters, as well as long-term housing for individuals experiencing homelessness. Additional nonprofit organizations are also planning or beginning to operate facilities that could help disperse individuals throughout the community and county.

**C. Lack of enforcement. Commenters assert that Homes Now! lacks the ability to enforce the conditions that may be placed on the encampment permit.**

Homes Now!'s board members are not police officers or medical providers, just as the general public is not. As such, Homes Now!'s board members, City staff and the public should not try to intervene when a crime is occurring; rather, they should call 911. 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 or other permit conditions. BPD has provided, and will continue to provide, upon request, de-escalation training to guests and volunteers.



Homes Now! will take reasonable and legal steps to obtain verifiable identification from guests and will keep a log of guests and visitors that must be provided to any law enforcement officer upon request. No board member, non-guest volunteer serving in a board member capacity (providing on-site supervision) or guest will be permitted to occupy the temporary encampment until the BPD has completed warrant, sex offender, and "officer safety" checks. 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" will be prohibited from the site. The BPD may intervene to remove Homes Now!'s board members, guests or visitors if they conduct criminal activities, have active warrants, are sex offenders, or are flagged as "officer safety."

Alcohol and illegal drugs are not allowed on site per the temporary shelter regulations. The Unity Village proposal states that guests are also not allowed to be under the influence of alcohol or illegal drugs while on site. Prescription medications such as marijuana are permitted with a medical marijuana card. Smoking may occur in the designated smoking tent only. Homes Now! states that it will ask guests to take drug tests or breathalyzer tests (as appropriate) if they appear to be under the influence while on site. If a guest fails the test, he/she is placed on probation. If a guest refuses to take the test or a second incident occurs in the probationary period, he/she may be asked to leave. Homes Now! coordinates with other organizations to direct guests to services related to any health needs that may become apparent while residing at the encampment. Guests in rehabilitation are required to work closely with their case workers.

BPD officers will routinely patrol the temporary encampment, checking to ensure that a Homes Now! board member or non-guest volunteer serving in a board member capacity (providing on-site supervision) is on site and that no criminal activities are occurring within or outside the temporary encampment. Members of Homes Now!'s board will meet with City staff from the PCDD and BPD on a weekly basis to assess whether the permit conditions are being met and address issues as they arise. Should conditions of approval not be met and/or circumstances change, the City reserves the right to terminate the permit and close the encampment. To date, Homes Now! has successfully met the conditions of approval for their prior and current encampment permits (i.e. Winter Haven and Safe Haven).

**D. When did the rules change to allow temporary shelters and what was the public process?**

The temporary shelter regulations were approved by City Council on October 22, 2018, after two Planning Commission work sessions, one Planning Commission public hearing, one City Council work session and one City Council public hearing. Notice of the Planning Commission public hearing was mailed to neighborhood association representatives and other parties with an interest in this topic. Notice was also published in the Bellingham Herald at least 30 days prior to the hearing. All public comments were posted on the City's website and were distributed to the Planning Commission and City Council. A non-project SEPA DNS was issued on July 22, 2018. Notice was mailed to the appropriate agencies and published in the Bellingham Herald and on the City's website. No public comments were submitted on the DNS prior to publication of the meeting packet.

**E. The permit process did not include enough public process and opportunities for input regarding the proposed encampment.**

Per Ordinance No. 2018-10-019, The City's temporary shelter regulations require a Type II permit for temporary shelter permits. In considering the scope of public involvement, the City provided the same comment period that is used for major development proposals. Acknowledging the



urgency of providing temporary shelter, the temporary shelter regulations require that the City's planning director issue a permit decision within 30 days of the application submittal. In short, the public comment period is allowed to run for what would be a typical period for the proposal (14 days), but the City must make a decision more expeditiously. 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, Homes Now! hosted a public informational meeting at the Fairhaven Library on June 4, 2019, at 6 pm. City staff and Homes Now! also attended the Fairhaven Neighbors meeting at the Chuckanut Center on June 5, 2019, at 7 pm and City staff attended the Historic Fairhaven Association meeting at 9 am on June 12, 2019, to answer questions.

The permit process complied with the BMC-required noticing procedures, including mailed notice to property owners within 500 feet of the site and the Mayor's Neighborhood Advisory Commission representative and neighborhood association president for the Fairhaven Neighborhood, a 14-day public comment period, and three public notice signs that were posted at the site. The notice of complete application and optional DNS were also posted on the City's website and provided to appropriate agencies for comment per SEPA requirements.

**F. Homes Now! does not have a proven track record. What qualifies them to operate an encampment on public property? What data exists to prove that they are finding permanent housing for their residents?**

Per the temporary shelter regulations, managing agencies are required to have either a demonstrated experience providing similar services to people experiencing homelessness and/or applicable experience in a related program. Should a managing agency not possess these qualifications, additional prescriptive measures may be required to minimize risk to both guests of the encampment and the broader community.

The Unity Village proposal states that Homes Now! has found housing for eight guests of its encampments and helped place one guest in a detox facility. Homes Now! also worked with the Lummi Nation to build two tiny houses in 2017, temporarily housing eight people transitioning to permanent housing. They also state that they assisted 25 people into housing by eliminating barriers in 2017. During the weekly meetings between Homes Now! and City staff, Homes Now! provides a weekly report with basic information, including how many guests have stayed overnight at the encampment each night, how many people have found a job, and how many have found housing.

In the six months that Homes Now! has been managing temporary encampments, it has demonstrated both an ability to provide encampment services to its guests and to follow the conditions of approval placed on both the Winter Haven and Safe Haven permits.

**G. What social services will be provided at the encampment?**

Per the temporary shelter regulations, Homes Now! is required to cooperate with the coordinated entry system managed by the Homeless Service Center and other service providers and make inquiry with these providers regarding the availability of services. If an individual has a case manager, he/she will continue working with that case manager. If an individual does not have a case manager, Homes Now! will work with social service providers to identify an appropriate case manager or any other required services. The Unity Village proposal states that guests will be



assigned a volunteer advocate soon after becoming an encampment guest. Guests will periodically meet with their assigned advocate to work on addressing their specific needs (e.g. housing, social services, health care, etc.). If a resident misses three appointments with his/her advocate, her/she will be placed on probation. If he/she misses four appointments, he/she may be removed from the site.

Additionally, the Unity Village proposal states that the Department of Social and Health Services has agreed to bring its mobile community services office to Unity Village once a month to assist guests with determining their eligibility for cash and food assistance programs, childcare benefits, Medicare and Medicaid.

**H. This encampment will invite the same behaviors as the Drop-in Center, encampments in Seattle, downtown Bellingham, etc.**

Unity Village is not a low-barrier encampment like the Drop-In Center and has much higher admission standards. Guests must comply with a code of conduct that includes a prohibition on alcohol or illegal drug use. All potential encampment guests will be screened via an off-site application process by Homes Now!'s board members. Registered sex offenders, people who are required to register as a sex offender, people who have active warrants, and people who are flagged by BPD as "officer safety" will be prohibited from the site.

It is not accurate to assume that all people experiencing homelessness have criminal backgrounds. According to the 2019 Whatcom County Annual Report of Homelessness, homelessness results from a complex set of circumstances that require people to choose between food, shelter and other needs. That same report cites eviction and the loss of housing and lack of job training/unable to work as the two leading causes. The homeless population is as diverse as the larger community population, and includes those who are young and old, unaccompanied individuals, and families with children.

**I. What police incidents occurred in the Sunnyland neighborhood as a result of the current encampment?**

As of June 18, 2019, the following four BPD calls can be attributed to the Safe Haven site:

- a. 4/8/2019: Information Report (19B-19597) - Information report to Police personnel identifying a number to refer all reports regarding Safe Haven for record keeping purposes.
- b. 4/24/2019: Assist Citizen (19B-23582) - Child of resident was upset parent was removed from encampment for not following rules.
- c. 4/29/2019: Suspicious Circumstances (19B-24596) - Third party report of threats. Subject was feeling suicidal and was later taken to hospital for evaluation.
- d. 4/30/2019: Threatened Suicide (19B-24830) - Resident called a case worker and was feeling suicidal. Resident went to hospital voluntarily.

BPD reports that any additional police calls in the Sunnyland neighborhood since Safe Haven opened cannot be attributed to the encampment or its guests.

**J. Bellingham is becoming a comfortable place for the homeless. Camps will increase, with more homeless and more crime. The City shouldn't use tax dollars to fund the encampment.**



Significant data demonstrate that the number of people experiencing homelessness is growing sharply in Washington State, spurred by a lack of affordable housing and a poorly funded mental health and substance abuse system. In fact, the increase in homelessness is a national issue and is found in virtually all areas of the country that are experiencing economic and population growth. The Whatcom County Point-in-Time Census of Homeless Residents indicates that from 2012 to 2018, the county's homeless population grew steadily, from an estimated 493 to 815 people. In 2019, 700 people experiencing homelessness were counted in Whatcom County.

The City has been working with the county for the past two years on identifying a location for a permanent shelter 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 or three alternatives. Unable to reach agreement on a shelter location through the workgroup, the City is developing an ordinance for interim housing (permanent shelters) and continuing to look for suitable locations for a permanent low-barrier shelter and smaller facilities to accommodate those who are unsheltered. The interim housing ordinance is currently under consideration by the City's Planning Commission.

Through the voter-approved Bellingham Home Fund and other funding sources, the City partners with and provides funding to several organizations that provide emergency overnight shelter and day center accommodations, including the overnight and day center at the Lighthouse Mission Ministries, a women's emergency center at Fountain Community Church, motel vouchers operated by the Opportunity Council, the homeless service center operated by the Opportunity Council, lockers operated by Safe Storage PNW, the Ground Floor operated by Northwest Youth Services, and the Holly Street Outreach Center operated by BPD.

The City is providing the land (through a lease agreement) on which the encampment will be located, facilitating permit review without charge to the applicant (per BMC Chapter 20.15), and providing water free of charge for the encampment. No direct financial assistance associated with the staffing and operation of the encampment will come from the City. Homes Now! is funded by private donations. The organization also recently received a Project Neighborly grant from the Whatcom Community Foundation.

**K. 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 its guests to residents of Bellingham or Whatcom County. The annual Whatcom County Point-in-Time Census of Homeless Residents notes that about two thirds of homeless households had their last stable housing in Whatcom County. That statistic has been fairly stable despite new investments toward ending homelessness. Many legitimate guests could be turned away if they do not have proper documentation. 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; however, some individuals will not have identification or not know where it is.

**L. Where will guests go when they are asked to leave or are otherwise unsupervised?**

During the daytime, encampment guests will be working, looking for permanent housing, seeking counseling, or conducting a number of other daily activities that any other resident of Bellingham



may conduct. Homes Now! will connect with other social service agencies such as the Opportunity Council to find suitable alternate shelter for guests who are asked to leave.

**M. The encampment will make traffic and parking problems worse.**

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. Homes Now! states that board members, guests, visitors and volunteers typically use two to four parking spaces at any one time and that some of their visitors will walk, bike, or take transit to and from the site. Up to one service provider and one BPD officer may visit each day, as well. Homes Now! will communicate with its guests, visitors, volunteers, and service providers regarding appropriate parking areas. On-street public parking spaces are available to all members of the public, including volunteers and/or visitors of the encampment, provided that public parking limits are observed. The wastewater treatment plant parking lot is not available for parking by Homes Now!'s board members, guests, visitors, volunteers, or services providers. If residents, property owners, or business owners witness inappropriate parking, they should call the BPD. Owners of vehicles parked illegally may receive a parking citation.

**N. What constitutes a tiny house? Will recreational vehicles be allowed?**

For the purposes of this permit, "tiny houses" are less than 120 square feet. The use of microwaves, stoves, hot plates or other cooking devices within tiny houses is prohibited. Subsections 20.15.020.H.1-6 of the temporary shelter regulations include safety measures specific to tiny houses that must be met. These measures are in addition to the other health and safety measures for temporary shelters per the temporary shelter regulations.

Tiny houses have been proposed for this site, as they offer greater protection against the weather than tents and will be more durable. Last winter, the applicants found that tents in the Winter Haven encampment were not habitable during severe weather conditions. Tiny houses (equipped with approved heating units) have been shown to be habitable even in severe weather conditions.

Recreational vehicles are not allowed as part of the tiny house encampment, as they are not specifically referenced in the tiny house definition or temporary shelter regulations.

**O. Homes Now! has not raised the funds necessary to build the tiny houses as described in the permit application. Prior to considering issuance of a permit, the City should require that Homes Now! have adequate funding to construct and operate the encampment. Homes Now! should provide a performance bond for the proposal, as it is standard practice for license agreements of this type.**

As of June 12, 2019, Homes Now! states that it had raised \$28,200 of the \$90,000 needed for 20 tiny houses. As the entity providing the land for the encampment through a lease agreement, the City is not responsible for the fundraising efforts of Homes Now!, nor is it responsible for ensuring that adequate funds are available to carry out the proposal as submitted. Homes Now! is required to replace any tents on the site with tiny houses by December 1, 2019. If the funds aren't raised to build all 20 tiny houses, any remaining tents will need to be removed and only the tiny houses constructed at that time will be available for occupancy.



**P. What happens when the permit expires? There is no guarantee the encampment will leave the site once the permit expires.**

The permit expires on April 20, 2020. The permit is not able to be extended at this location. Per the requirements of this permit, guests are 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. The Unity Village proposal states that Homes Now! intends to find a new site to host its encampment after the Unity Village permit expires. In the event no property is identified, Lummi Nation has agreed to allow the tiny houses on their site. Homes Now! will also work with each guest to identify potential alternative housing options if another encampment site has not been secured by the Unity Village end date.

32. This use serves a vital community need by providing the services individuals facing homelessness require in a critical time of need.
33. Policies in the Bellingham Comprehensive Plan and the Bellingham Consolidated Plan related to supporting the operation of facilities and services for people experiencing homelessness are relevant to the proposal. The public interest is achieved by allowing the operation of temporary shelters and providing services for individuals experiencing homelessness.
34. 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 properties or improvements in the vicinity of the proposed temporary encampment. This is a temporary use of relatively short duration. The potential for near-term impacts has been greatly reduced as conditioned. Long-term impacts are very unlikely.
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. All permit conditions are consistent with RCW 35.21.915 and RCW 19.27.042.
6. To respond to the homelessness crisis that is affecting many jurisdictions, including Bellingham, it is in the public's interest to allow a temporary tiny house encampment at 210 McKenzie Avenue.
7. 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 shelter permit for a temporary tiny house encampment in a portion of the parking lot at 210 McKenzie Avenue 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. In addition to the conditions listed below, all requirements of BMC Chapter 20.15 apply to this permit. 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. The City provides no assurances as to the safety of any particular tiny house in the encampment, and the permittee remains solely responsible for all appropriate safety measures. This permit is issued under the City's regulatory authority.

1. The temporary encampment shall be limited to a maximum of twenty (20) tiny houses accommodating twenty eight (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:
  - 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 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 by Homes Now!'s board members, guests, or visitors.
  - 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 houses and a plan for the residents after the end date of the permit, in case Homes Now! has not identified another tiny house encampment site and a tiny house 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 (USE2019-0004). 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.
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 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. 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.
18. 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.
19. 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.
20. Homes Now! shall provide security measures as described in their application. These measures include a video surveillance system, limited site lighting that is directed downward and shielded from off-site glare (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 wastewater treatment plant. Homes Now! shall use the standard City of Bellingham locks. If access through the southern gate is required, Post Point wastewater treatment plant operations staff will be present and unlock the gate.
22. Access to the Post Point wastewater treatment plant shall be prohibited for Homes Now! board members, guests, volunteers and visitors. Emergency coordination with Post Point wastewater



treatment plant 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 shall be required to be trained by Post Point wastewater treatment plant staff. All guests shall 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 wastewater treatment plant staff or the Bellingham Fire department upon request. In the unlikely event of a release of chlorine gas or chlorine alarm, Homes Now! shall be responsible for evacuating its 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 wastewater treatment plant 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 is 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 this 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 am and 7 pm.
32. Homes Now! is responsible for ensuring that each tiny house includes the following safety measures and that the occupants of each tiny house are aware of these measures and agree to follow them:
  - 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.
33. 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 use of microwaves, stoves, hot plates or other cooking devices within tiny houses shall be prohibited.
  - e. 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.
  - f. The dining tent and kitchen tent shall be constructed of NFPA 701 flame-retardant material.
  - g. Power to kitchen appliances (microwave, refrigerator, freezer, etc.) shall be supplied from a listed spider box and cords rated for appliance ampacity.
  - h. 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).
  - i. UL-listed propane patio heaters shall not be used in an enclosed space.
  - j. 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).
  - k. 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 house.
34. 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.
35. Homes Now! shall provide transportation to a laundromat twice a week so that guests can do laundry.
36. Homes Now! shall wash bedding and clean tents and tiny houses with turnover of guests. Homes Now! shall also wash bedding every other week.



37. 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!.
38. The temporary encampment shall be kept clean and free from trash.
39. 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.
40. 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 am 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.
41. 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.
42. Homes Now! shall comply with the Unity Village proposal submitted with the temporary shelter permit application, including site plans and tiny house plans, unless modified by this decision.
43. A fully executed written license agreement granting Homes Now! the legal right to use City property shall be required prior to allowing Homes Now! access to the site 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.
44. 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.
45. 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.
46. 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.



47. 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.
48. Homes Now! is required to comply with the exit plan as identified in the proposal submitted with the Unity Village application. This plan identifies a location for the tiny houses and efforts to find alternative housing options for the guests in the event that a tiny house encampment permit has not been secured for a site after the Unity Village end date.
49. 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.
50. Should conditions imposed herein not be met and/or circumstances change, the PCDD Director or designee reserves the right to revoke the permit or add new permit conditions necessary to protect the public health and safety.

#### IV. AMENDMENT

Amendments to this permit may be requested by the applicant or owner and approved by the PCDD in writing, provided such amendments do not substantially change or alter major elements of the project.

#### V. 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 (June 26, 2019). 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 5 pm on July 10, 2019.

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.

Approved By:



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Kurt Nabbefeld  
Development Services Manager