



Planning and Community Development Department

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TEMPORARY TINY HOUSE ENCAMPMENT PERMIT

USE2022-0008 and SEP2022-0011

1555 Puget Street

Project Description: HomesNOW has applied for a Temporary Shelter Permit to operate a temporary tiny house encampment, "Swift Haven," for people experiencing homelessness. The encampment is proposed on a portion of the City-owned Civic Athletic Complex property, located in the Upper Frank Geri Field Parking lot, west of the intersection of Puget Street and Gladstone Street ("Site"). The requested operation timeline is for two years. Swift Haven will provide up to 25 tiny houses for overnight shelter for up to 28 people ("guests"), plus temporary structures for staff and storage, along with amenities such as bathrooms, showers, drinking water, an outdoor kitchen, garbage and recycling containers, and human and social services.

Swift Haven has been operating at this location under a License Agreement with the City since December 2020 (City Contract #C2001341) pursuant to the Mayor's Executive Order 2020-02 and Emergency Ordinance No. 2020-03-008. This License Agreement expires March 31, 2022. A Temporary Shelter Permit is required to continue operating Swift Haven.

Swift Haven's Temporary Shelter Permit was applied for and is proposed to operate pursuant to the temporary shelter regulations established in Bellingham Municipal Code (BMC) 20.15. All requirements set forth in BMC 20.15.020 apply to the temporary tiny house encampment. HomesNOW will function as the managing agency of the encampment. The City of Bellingham is the property owner and sponsor of the temporary encampment. References to "guests" in this notice mean guests of HomesNOW, an independent, Washington state non-profit corporation.

The proposal requires environmental review in accordance with SEPA (Washington State Environmental Policy Act) as established in BMC 16.20 and WAC 197-11. The subject site, 1555 Puget Street, is not within a regulated critical area wetland nor wetland buffer.

Project Location: 1555 Puget Street: A portion of the City-owned Civic Athletic Complex property, located in the Upper Frank Geri Field Parking lot, west of the intersection of Puget Street and Gladstone Street Bellingham, WA 98229; (Parcel: 380329179099). Puget Neighborhood, Area 5, Public Zoning.

Applicant: HomesNOW, 1441 St. Paul Street, Bellingham, WA 98229; contact Doug Gustafson, 360-224-3727

Decision: Approved with conditions

Date of Decision: **March 31, 2022**

- Exhibits:**
- A - Site Plan and Site Photographs**
 - B - Application Materials with Attachments**
 - C - SEPA Checklist, dated 1/26/22**
 - D - License Agreement**
 - E – Notice to Schools**
 - F - Notice of Complete Application, Notice of Application, and Optional Determination of Non-Significance (DNS)**
 - G – Neighborhood Meeting Notice and Roster**
 - H - Public Comments**
 - I - DNS (SEP2022-0011)**
 - J – Police Response Data**
 - K – Approved Prototype Design for Tiny Home Awning and Deck Attachments**
 - L – Organizational Structure Chart**

(Note: all exhibits available for review at cob.org/notices)

BACKGROUND

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, and in 2020, 707 people were identified as experiencing homelessness. The published [2021 Point in Time \(PIT\) Count Report for Whatcom County](#) (July 16, 2022) counted 859 individuals experiencing homelessness – the highest numbers recorded since the inception of this data collection.

Overall, the City spends approximately \$5 million per year on contracts with partners who provide services to help either prevent or respond to homelessness. The Whatcom County Health Department contributes an equivalent amount each year, for a total of about \$10 million per year county-wide.

The City and County are working simultaneously to provide permanent housing solutions, respond to the need for emergency shelter, and address the root causes of homelessness. For more information about the City’s efforts to address and prevent homelessness, visit the [State of Housing and Homelessness](#) and [Addressing Homelessness](#) City webpages.

The City and County do not work alone to prevent or respond to homelessness:

- Using the local [Housing Levy](#), General Fund, and Federal grants, the City funds over a dozen local housing and human services non-profits, including the [Opportunity Council](#), [Lydia Place](#), [Northwest Youth Services](#), [Sun Community Services](#), [Catholic Community Services](#), [YWCA](#), [Interfaith Coalition](#), [Mercy Housing Northwest](#), and [Sean Humphrey House](#).
- With the support of City and County funding, the Opportunity Council’s [Homeless Service Center](#) helps more than 3,000 people each year with things like emergency rental assistance, case management, motel stays, and other services.
- In Spring 2020, the City and County partnered with Lighthouse Mission Ministries (LMM) [to relocate its emergency drop-in center](#) to provide adequate social distancing and other COVID

protections. LMM’s Base Camp location opened in July 2020, with space and services for nearly 200 individuals.

- Starting in 2020, the City of Bellingham sought a partnership with the Low Income Housing Institute (LIHI) along with Bellingham-based Road2Home (R2H), to permit and operate a temporary tiny house encampment, “[Gardenview Village](#),” for people experiencing homelessness. The site is a portion of the City-owned and maintained property at the intersection of Woburn St. and Lakeway Dr. and provides overnight shelter for up to 50 guests. The City contracted with LIHI and Road2Home to set up and provide staffing and services to the village and the village infrastructure is funded by the City. LIHI/R2H 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. Homeless Management Information System (HMIS) reporting is required. Thus far, two residents of Gardenview have been referred to Permanent Supportive Housing and a third referral is currently in process.
- In response to requests from homeless advocates and the public to provide more immediate shelter options, in December 2020 the City approved Swift Haven, a tiny home village at the Civic Athletic Complex. This 25-unit site is operated by HomesNow under an emergency license agreement with the City which will expire on March 31, 2022. For HomesNOW to continue operating Swift Haven at this location, a Temporary Shelter Permit and new License Agreement with the City is required.

I. FINDINGS OF FACT

1. On February 22, 2022, the applicant, HomesNOW, applied for a permit to establish and operate a temporary tiny house encampment at the Site (**Exhibit A & B**). HomesNOW also submitted a State Environmental Policy Act (SEPA) checklist (**Exhibit C**).
2. The Site is located within the Puget Neighborhood, Area 5, with Public zoning, and a use qualifier of recreation and passive wetland park. The site is not located in a regulated critical area as specified in BMC 16.55.270.B.2. Temporary tiny house encampments are an allowed use in this area and require the issuance of a temporary tiny house encampment permit reviewed under a Type II process in accordance with Bellingham Municipal Code 20.15.080 and 21.10.110.
3. The Site is approximately 15,679 square feet (sq. ft.) and is located in the Upper Frank Geri Field Parking lot, west of the intersection of Puget Street and Gladstone Street. This Site is within the City-owned Civic Athletic Complex property (**Exhibit A**). The balance of the parcel will continue to be used by the public for indoor and outdoor recreation at the existing Civic Athletic Complex facilities.
4. The Site is owned by the City of Bellingham. As the sponsor of the encampment, the City will execute a license agreement with HomesNOW for its use of the Site (**Exhibit D**). The City (the sponsor) and HomesNOW (the Licensee) have agreed to the City paying for water, garbage, electricity, and limited material costs associated with the village. The City and applicant shall maintain and follow an up-to-date Communication Protocol Worksheet for all routine and emergency repairs during regular business hours, as well as after hours, weekends, and holidays.
5. The City’s practice when contracting with agencies for Temporary Shelter Services, (such as license agreements authoring use of City property and monetary assistance for water, garbage, electricity, and other costs), is to require that agencies enroll and participate in the Homeless Management Information System (HMIS) and facilitate client intake into the Coordinated Entry

System through Opportunity Council. These are operational requirements for the Low-Income Housing Institute (LIHI) along with Bellingham-based Road2Home (R2H), operators of the Gardenview Tiny House Village. These processes ensure a coordinated approach for service providers, sponsors, managing agencies, and individuals experiencing homelessness. Additionally, it ensures access to services and transition to permanent supportive housing for those experiencing homelessness.

6. The Site is located on a portion of grant encumbered property by the Washington State Recreation and Conservation Office (RCO), which provided grant funding to construct the Geri Ball Fields Recreation Area. The RCO approved Swift Haven as a temporary, non-conforming use not to exceed two years, contingent on no permanent impacts to the intended purpose, use, and function of the site. The City must request approval from the RCO to extend Swift Haven's use beyond two years (December 2022). RCO's denial of an extension would require closure of Swift Haven as explained in Section III of this decision.
7. The proposal is a temporary use and includes some site work and construction associated with the tiny houses and community facilities, consistent with an approved site plan. No additional impervious surface is proposed.
8. The need for an additional temporary tiny house encampment existed before the COVID-19 emergency and will remain after the public health emergency ends. Data from Whatcom Counties Point in Time Count Report shows the number of individuals experiencing homelessness has steadily increased since 2008. Between 2020 and 2021, the total number of individuals counted as experiencing homelessness increased from 700 to 859, a 22% increase. It is very likely that the significant economic volatility precipitated by the pandemic will further increase the number of community members who are experiencing homelessness.
9. To respond to the homelessness crisis affecting many jurisdictions, both the State Legislature and City Council have found that temporary tiny house encampments that provide shelter for individuals experiencing homelessness in Bellingham are in the public interest. The City of Bellingham has permitted several temporary encampments similar to that proposed through the subject application.
10. The applicant, HomesNOW, is a 501(c)(3) non-profit organization experienced in offering affordable, temporary housing options for the homeless in Bellingham and Whatcom County.
11. On June 26, 2019, the City permitted HomesNOW to operate a temporary tiny house encampment, Unity Village, for up to 28 people. Under Executive Order 2020-02 and Emergency Ordinance 2020-03-008, the City approved an extension of the temporary tiny house encampment for the duration of the public health emergency. Prior to Unity Village, HomesNOW operated two other temporary encampments, Winter Haven and Safe Haven.
12. Under Executive Order 2020-02 and Emergency Ordinance 2020-03-008, the City authorized an emergency temporary tiny house encampment at Geri Fields, Swift Haven, for up to 28 people.
13. The proposed Site was identified as the most viable location for the temporary tiny house encampment after an internal evaluation of multiple City-owned sites based on a set of weighted criteria.
14. On December 22, 2020, HomesNOW entered into an emergency license agreement with the City (City Contract #C2001341) to construct and operate Swift Haven. This license agreement has been extended several times and it expires on March 31, 2022.
15. Pursuant to the regulations in Bellingham Municipal Code (BMC) 20.15, a Temporary Shelter Permit is required to continue operating Swift Haven.

16. On February 22, 2022, HomesNOW submitted a Temporary Shelter Application (**USE2022-0008**) and a SEPA Checklist (SEP2022-0011) to the City for the proposed Swift Haven Temporary Tiny House Encampment.
17. The application materials include a vicinity map; a 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 and floor plans; an operations plan; a code of conduct; a transportation plan; photos of the site; and an organization chart of HomesNOW Board Members (**Exhibit A & B**).
18. All necessary materials to adequately review the application have been submitted and any items required to be submitted per BMC 20.15 that are not included in the application, can and have been supplemented by City information and records.
19. Swift Haven will provide safe and stable shelter in up to 25 tiny houses for up to 28 people experiencing homelessness from March 31, 2022, through March 31, 2024, while guests actively seek permanent housing. As noted above, the City must request approval from the RCO to extend Swift Haven's use beyond two years (December 2022). RCO's denial of an extension would require closure of Swift Haven before March 31, 2024.
20. HomesNOW will provide a variety of services for Swift Haven guests, including overnight shelter, hygiene facilities, drinking water, cooking facilities, garbage services, and social and health services. If a guest has a case manager, they will continue working with their case manager. If a guest does not have a case manager, HomesNOW will work with appropriate agencies to identify appropriate sources of support.
21. On February 7th, 2022, HomesNOW provided written notice to all childcare facilities and public and private schools within 600 feet of the project boundary. Notice described their intent to apply for a Temporary Shelter Permit in accordance with BMC 20.15.070(B). (**Exhibit E**)
22. On February 25, 2022, the Planning and Community Development Department (PCDD) issued a Notice of Complete Application, Notice of Application, and Optional Determination of Non-Significance (DNS) (**Exhibit F**). The notice identified draft conditions for the permit. The notice included draft conditions to provide the applicant and public an opportunity to comment on their applicability and potential effectiveness. (*Note: final conditions are based on an assessment of comments received, additional analysis on issues raised, consultation with relevant City departments, and a detailed review of the record.*)
23. On February 25, 2022, the PCDD mailed the required notices to property owners within 500 feet of the site, as well as to members of the Mayor's Neighborhood Advisory Commission and registered neighborhood associations from the Whatcom Falls and Puget neighborhoods. PCDD also provided notice to the Bellingham Herald, posted the notices on the City's website, and provided the notices to appropriate agencies for comment per SEPA requirements. The mailing also included notice about an optional neighborhood meeting (webinar) hosted by the applicant (**Exhibit G**).
24. One public notice sign was posted at the Site on February 25, 2022.
25. The PCDD received public comments for 14 days, ending on March 11, 2022, at 5 p.m. The PCDD received timely comments and requests for Notice of Decision from 4 individuals, attached in **Exhibit H**. Comments were received prior to application are not included in **Exhibit H** nor addressed in the permit.
26. On March 7, 2022, City Staff performed a site visit to Swift Haven to assess current operations for compliance with life safety provisions and identify potential areas of improvement. The Building Official and Fire Marshal have determined that in general, the existing conditions of Swift Haven are such that occupancy may continue upon issuance of this Temporary Shelter Permit with the

understanding that HomesNOW shall work towards completing all of the safety requirements detailed in Section III of this decision by the agreed upon Safety Compliance Date of **July 1, 2022**. Should HomesNOW fail to meet this deadline, they shall provide at least 3 weeks of notice to negotiate an extended deadline with the City.

27. On March 7, 2022, the applicant hosted an informational webinar, open to the public, to provide information about the proposal and answer questions. No members of the public attended. City staff, HomesNOW representatives, and Swift Haven guests were in attendance.
28. Public comment (**Exhibit H**) has been thoroughly reviewed by City staff. The following is a summary of the key issues contained in the public comments received and staff's analysis and responses:

Topics of Concern:

A. Duration. Comments express concern about the duration of the encampment at this location considering the high seasonal (Spring/Summer) use of the recreational facilities at Civic Athletic Complex.

Swift Haven has been operating at this location under a License Agreement with the City since December 2020 (City Contract #C2001341) pursuant to the Mayor's Executive Order 2020-02 and Emergency Ordinance No. 2020-03-008. After several subsequent extensions, this License Agreement expires March 31, 2022. A Temporary Shelter Permit is required to continue operating Swift Haven. Swift Haven's Temporary Shelter Permit was applied for and is proposed to operate pursuant to the temporary shelter regulations established in Bellingham Municipal Code (BMC) 20.15. The applicant has requested to operate at this location for 2 years. City code gives the City discretion to determine how long an encampment may operate - the range allowed by the code is between 90 days and a maximum of two years, with the option for 3, one-year extensions.

In considering the authorized permit duration for Swift Haven, the City is coordinating with the Washington State Recreation and Conservation Office (RCO) because the subject parking lot is covenanted by the State to be used for authorized recreational uses. Said covenant was a contingency for the City receiving RCO grant funding to construct the Geri Ball Fields. Emergency temporary shelter use falls outside the RCO's narrow definition of "recreational use" and is defined and regulated as a temporary nonconforming use. The RCO Director may approve a two-year temporary nonconforming use request, for a nonconforming use over 180 days, when the use will have no permanent impact to the intended purpose, use, and function of the site. RCO's two-year approval for Swift Haven expires on December 22, 2022. Approval to extend this temporary nonconforming use beyond December 22, 2022, will require RCO board approval. The City will be applying for this extension prior to the deadline. The board may approve an extension of the temporary, non-conforming use and consider the cumulative impacts of previously approved temporary, non-conforming uses of a project area. RCO requires the impacted project area be restored within a specified period of time following the use or closure.

In considering the findings of fact and conclusions of law herein (Sections I and II) this Temporary Shelter Permit should be issued for a period of two-years unless terminated or extended longer as provided in the License Agreement and BMC 20.15. This period is

contingent upon the RCOs approval of the temporary nonconforming use extension request. Although Swift Haven will continue to operate through the peak baseball/softball season (Spring and Summer of 2022) upon permit expiration on March 31, 2024 (and potentially sooner pending RCO approval in December 2022), the site shall be restored to its original condition.

In conjunction with the permit, the City also requires an updated license agreement with HomesNOW that establishes how HomesNOW (the tenant) may operate on the property, and how the property needs to be restored to its previous condition upon vacation of the tenant.

Swift Haven occupies the smallest of three parking lots in the Civic Athletic Complex. Swift Haven does not directly prevent the public's ability to use recreational facilities like ball fields, trails, play equipment, etc. at the Civic Athletic Complex. Indirect impacts related to parking are relatively negligible as there is ample surface parking located elsewhere at the Civic Athletic Complex. Based on the project's location in a parking lot, its limited duration of 24 months, and the operational conditions required by this permit and the associated license agreement, permanent or long-term detrimental impacts to park facilities associated with this temporary shelter permit are mitigated and largely avoided. 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.

B. Parking. Commenters assert that Swift Haven's occupancy of the Geri Fields South parking lot creates a parking problem for users of the fields.

As explained above, the Civic Athletic Complex has multiple parking lots. There are three parking lots proximate to Geri Fields: One located south of Fraser Street, another located south of Civic Field Way, and another located between the Sportsplex and Civic Stadium. The lot south of Frasier Street is the most convenient for parking and drop-offs associated with ball games and practice at Geri Fields. Swift Haven guests and volunteers are prohibited from parking overnight at any of these other parking lots. Improperly parked vehicles within the complex are towed at the owner's expense. All parking lots within the complex have signage regarding vehicle towing. The City is retaining public use and access to the ADA stall inside the Swift Haven premises and will enforce this requirement via the License Agreement between HomesNOW (Licensee) and the City (the landlord). The Civic Athletic Complex is also well served by transit, bicycle and pedestrian infrastructure, and trail systems, which provide alternative modal options than the automobile.

C. Safety. Commenters assert that the temporary tiny house encampment will result in criminal activities and disruptive behaviors. Commenters assert that this impacts the safety of the surrounding neighborhoods and individuals (including children) using public spaces outside the proposed site.

The temporary shelter regulations and permit conditions (Section III) have been developed with the health and safety of not only the encampment guests in mind, but also the broader community, which includes all members of the public, but especially surrounding residents and their families, public space users, and passersby in the area. 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. Additional opportunities exist outside the duties of HomesNOW or City 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. HomesNOW board members, non-guest volunteers, site manager, guests, City staff, and the broader community are instructed to contact the Bellingham Police Department (BPD) (911 in an emergency) if they witness inappropriate or illegal activity, both within and outside the temporary encampment.

There should be some distinction between legal encampments (that are operating under a valid Temporary Shelter Permit pursuant to BMC) and unpermitted encampment operations. In general, 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 Swift Haven 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” protocols if inappropriate use of public property, such as illegal camping, is observed.

It is important to acknowledge that HomesNOW and the proposed Swift Haven encampment are not accountable for all pre-existing real or perceived impacts associated with individuals experiencing homelessness in Bellingham. HomesNOW does not have authority over individuals outside the temporary encampment, including elsewhere within the Civic Athletic Complex outside the designated encampment boundaries, 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 impacts from individuals who are not Swift Haven guests, resources, such as food, shelter, and social services, are intended for guests only and, in general, should not be provided to visitors. However, if a small number of visitors are present at the encampment while food is being offered, they may participate. As conditioned by this Temporary Shelter Permit, visitors are prohibited from staying overnight at Swift Haven. Potential campers will be connected to social services and asked to leave. Therefore, all subsequent impacts cannot be assumed to be directly attributable to the operation of Swift Haven. However, HomesNOW is directly responsible for the operation of its facility, which provides a viable alternative for individuals experiencing homelessness to seek services and obtain shelter.

Any illegal and disruptive behaviors observed at other illegal encampments throughout the City of Bellingham were not permitted by the City. The City has not observed any significant increase in criminal activities and calls for service associated with previously permitted, legal temporary tiny house encampments. In fact, observed criminal activities and social maintenance issues appeared to decrease in those surrounding neighborhoods. To better understand the impacts of Swift Haven (operations under the emergency license agreement late 2020 till present) on the surrounding area, **Exhibit J** includes a report with baseline information about crime rates and/or calls for service in the vicinity of the Site (1555 Puget St).

As described in **Exhibit J**, BPD has capacity to query two rolling years of data. In this case, the time span was from 03/15/2020 to 03/15/2022. This time span compares response data

within ½ mile of the subject site (1555 Puget Street) in the 8 months leading up to Swift Haven starting operations (December 2020), and during their operations (December 2020 to present). The data shows that although the ½ mile radius surrounding 1555 Puget St does have a significant number of responses, in general, the call response volume was consistent before and after Swift Haven was established, with certain types of crimes decreasing and increasing through these time periods. The fluctuation could be attributed to the novelty of Swift Haven and the small range of data that can be queried. The City does not anticipate increased criminal activities associated with the proposed temporary tiny house encampment and presumes response levels will remain relatively consistent with levels seen between 2020 and now; however, the City recognizes that the number of calls for service in the area may increase compared to the current baseline as the data set is not robust enough to confidently hypothesize.

D. Site location. Commenters assert that the encampment places an unfair burden on the neighborhood compared to others. Commenters would like to know why this location was selected.

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 based on a set of criteria to determine whether the proposed use could be fully accommodated. These criteria included conflict with other City of Bellingham uses, conflicts with surrounding land uses, long-term availability (regulations allow up to two years), site suitability, public safety, and public health. While it was found that several sites could accommodate the use, further research indicated that most of the sites had seasonal or other limitations. The subject site was the best site that was available immediately. For example, the site has ample area to allow for continued City operational use, roads and visual barriers provide separation from residential areas located to the east, and utilities can be provided. The site is accessible via public transit (Whatcom Transportation Authority stop #1012, #1011, #1033, and #3446) with multiple bus routes that lead downtown. It is also within walking or biking distance of grocery stores, multiple businesses, potential employers, social services, and health clinics.

Concerns regarding potential adverse or unfair impacts on parks and schools are regularly raised when facilities for the unsheltered are proposed and were raised during the permitting processes for the previous Winter Haven, Safe Haven, and Unity Village encampments (all located in different neighborhoods). However, during the time that these encampments have been operational, 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 subject site is approximately .6 miles from the nearest school, Carl Cozier Elementary School, and about 1.6 miles from Kulshan Middle School. For context, Unity Village is approximately .5 miles from Fairhaven Middle School, and Whatcom Middle School and Bellingham High School were near the Winter Haven site, and Sunnyland Elementary School was near Safe Haven.

Registered sex offenders and people who are required to register as a sex offender will be prohibited from the site. BPD officers will routinely patrol the temporary encampment and

surrounding area. HomesNOW 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.

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.

29. On March 18, 2020, and per BMC 20.15.080 A. the applicant authorized the PCDD to exceed the 30-day review timeline for the temporary building encampment permit until the end of the month.
30. On March 15, 2022, the Lummi Nation Tribal Historic Preservation Office (LNTHPO) responded to the Optional SEPA DNS as an affected tribe (**Exhibit H**). Based on their review, an archaeological assessment of the project area was not recommended.
31. The City's SEPA Official issued a DNS for the proposal on March 31, 2022 (**Exhibit I**).
32. Any Finding of Fact that should be denominated a Conclusion of Law shall be deemed to be a Conclusion of Law.

II. CONCLUSIONS OF LAW

1. BMC 20.15 defines the process for establishing and operating temporary shelters, including temporary tiny house encampments.
2. BMC 20.15.070 details the information that must be submitted with the temporary shelter permit application. HomesNOW submitted all information required to review its application.
3. BMC 20.15.020 permits temporary tiny house encampments in all general use type areas. The Site is in the Puget Neighborhood, Area 5, with Public zoning, and a recreation and passive wetland park use qualifier. The site is not located in a regulated critical area as specified in BMC 16.55.270.B.2. Temporary tiny house encampments are an allowed use in this area.
4. Prior to December 2022, the City must request an approved extension of the temporary non-conforming use from the Washington State Recreation and Conservation Office (RCO).
5. To comply with the City of Bellingham Planning and Community Development Department's practice when contracting with agencies for services (such as license agreements authoring use of City property and monetary assistance for water, garbage, electricity, and other costs), this Temporary Shelter Permit, (all tiny house village operators and any others operating temporary housing for homeless individuals on City property) should be properly conditioned to ensure compliance with the following:
 - A. Establish and implement reporting through the state's [Homeless Management Information System](#) (HMIS).

- B. The operator should facilitate their clients' intake into the Housing Pool and WHSC Coordinated Entry (CE) for purposes of client eligibility for services and for their eligibility for further housing stability in a permanent setting.
 - C. Participation in both of these systems (HMIS and WHSC CE) may be phased in as appropriate, factoring in the time it takes to be granted access and training for HMIS (est. 3 months), and factoring in the consent required for client engagement with CE (ranging from as little as 2 weeks for newly-admitted guests who are notified of this expectation on entry, to up to 3 months for all existing guests).
6. 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.
 7. The proposed use meets the requirements of BMC 20.15.
 8. The proposed use will be in keeping with the goals and policies of the Bellingham Comprehensive Plan. Policies of the Comprehensive Plan and the City's 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 encampments and providing services assisting individuals through homelessness.

The following policies from the 2016 Bellingham Comprehensive Plan support the provision of a temporary shelter in Bellingham:

- Policy H-49** *Support implementation of the Whatcom County Plan to End Homelessness.*
- Policy H-50** *Continue to encourage and support the development of emergency, transitional and permanent supportive housing with appropriate on-site services for people with special needs and the homeless throughout the City and county. Moving people into permanent housing as quickly as possible should be a priority.*
- Policy H-52** *Foster and support partnerships that have proven to be successful in reducing homelessness, preventing homelessness and assisting the chronically homeless with needed care.*

The City of Bellingham's 2018 - 2022 Consolidated Plan also supports temporary shelter, as "Address and prevent homelessness" is listed as one of five goals and priorities.

9. As conditioned, adequate measures have been taken to minimize possible adverse impacts the temporary tiny house 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.
10. All permit conditions are consistent with RCW 19.27.042.
11. 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 1555 Puget St.
12. The proposed use will meet a vital need in the community by providing the services individuals facing homelessness require.
13. 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 a review of the record, including consideration of public comments received, and the Findings of Fact and Conclusions of Law, the Planning and Community Development Director, or designee approves the temporary tiny house encampment at 1555 Puget St. (USE2022-0008), for the project described herein and as indicated in the application materials with the following conditions:

1. The Director or designee has concluded that appropriate standards, requirements and conditions have been established to protect public health/safety and to ensure the successful operation of the temporary tiny house encampment for the duration of the approved permit.
2. HomesNOW shall comply with the requirements of BMC 20.15 and the conditions in this permit. The City will promptly investigate alleged violations of BMC 20.15 or these conditions. The Director may immediately close the encampment if HomesNOW fails to comply with the requirements of BMC 20.15 or these conditions including, for example:
 - a. Violation(s) of any conditions of approval (which cannot be immediately remedied by HomesNOW) that present a significant adverse risk to the health or safety of HomesNOW staff, board members, volunteers, guests, visitors, or the general public.
 - b. Failing to ensure that an on-site manager is present at all times, as required.
 - c. Failing to enforce the code of conduct or otherwise failing to control unacceptable behaviors occurring within the temporary tiny house encampment.
 - d. Obstructing 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. HomesNOW may exclude or obstruct access to third parties or agencies that HomesNOW believes for good reason will/may be dangerous, unlawful or disruptive.
 - e. Refusing to provide encampment guest information to authorities when an imminent threat to health and safety of an individual or community is present.
 - f. Criminal conduct, or any series of events that the Chief of Police or Fire Chief deem to be a danger to the temporary tiny house encampment and/or surrounding community, including calls for service regarding assaults, disorderly behavior, or illegal substance use.
3. The temporary tiny house encampment permit shall be issued for the period between **March 31, 2022, and March 31, 2024 (two years)**, unless terminated or extended longer as provided in the License Agreement and BMC 20.15., provided the conditions of approval are strictly followed. This permit duration is contingent upon RCO's approval to extend the temporary use beyond December 22, 2022. RCO's denial of an extension shall require closure of Swift Haven in accordance with Permit Conditions **50** and **51** herein.
4. The temporary tiny house encampment shall be limited to a maximum of 25 tiny houses accommodating up to a maximum of 28 overnight guests (excluding staff and volunteers.) The applicant may not increase the number of tiny houses on-site or the maximum number of guests served without additional PCDD approval consistent with BMC 20.15.

5. HomesNOW shall establish and implement reporting through the state's Homeless Management Information System (HMIS). HomesNOW shall obtain access and training for HMIS within **three (3) months of permit issuance**.
6. HomesNOW shall collaborate with the Homeless Service Center (WHSC) pursuant to BMC 20.15.020(X) and facilitate their clients' intake into the Housing Pool and WHSC Coordinated Entry (CE) for purposes of client eligibility for services, and for their eligibility for further housing stability in a permanent setting. Guests shall go to the [Community Resource Center](#) (CE) to be enrolled into CE. The Homeless Outreach Team (HOT) may assist with mobile CE intake for guests who are cognitively and/or physically impaired.
7. HomesNOW shall obtain signed Whatcom Housing Group Universal Coordinated Entry Release Information from Swift Haven guests and send to authorization with WHSC within **one (1) month of permit issuance** in order to collaborate with WHSC.
8. HomesNOW shall obtain confidentiality training from WHSC within **one (1) month of permit issuance**.
9. **Immediately following permit issuance**, HomesNOW shall revise/update Swift Haven guest eligibility criteria to include CE enrollment within two weeks of their entry into the village and communicate this update to existing guests.
10. Existing Swift Haven guests not already enrolled in CE, shall become enrolled within **three (3) months of permit issuance**, or provide a written statement to the City explaining why enrollment within three months is not possible. HomesNOW shall then consult WHSC representatives on strategies to overcome barriers to CE enrollment. HomesNOW may petition the City for an exemption for a particular guest. An exemption request shall include a narrative, chronology of events, as well as a letter of recommendation from WHSC. The City may accept, modify, or reject the petition for exemption at its sole discretion. The City may solicit further consultation with WHSC to inform the review of an exemption request.
11. HomesNOW shall regularly meet with WHSC representatives to discuss CE enrollment and client needs. Meetings shall occur on a weekly basis (beginning **within one (1) month of permit issuance**) and may reduce in frequency as determined appropriate by the WHSC, the City, and HomesNOW. Meeting minutes shall be forwarded to the City to track compliance with CE enrollment. Attendees shall be limited to HomesNOW board members who are neither village guests nor clients of WHSC.
12. HomesNOW's shall obtain from WHSC, attest to the accuracy of, and forward to the City, **quarterly reports** cross referencing HMIS and CE enrollment data for Swift Haven.
13. HomesNOW shall facilitate guests' engagement and work with case managers. Guests who have a case manager upon entering the village may continue working with their case manager. If a guest does not have a case manager, HomesNOW shall work with relevant local service providers to identify appropriate support services within **two (2) weeks of the guest's entry into the village**.

Case manager assignment information shall be stored securely on-site and available to the City upon request.

14. HomesNOW shall ensure the presence of a site manager at all times. To ensure responsiveness to emergent on-site conditions that may pose a threat to health and safety, HomesNOW shall provide contact information (24-hour accessible phone contact) for any individual authorized by HomesNOW to serve as the site manager to the patrol operations commander for the Bellingham Police Department (BPD). The identity of the site manager(s) shall also be posted on-site daily.
15. HomesNOW shall not permit staff or guests to occupy the temporary encampment until the BPD has completed warrant, sex offender, and “officer safety” checks.
16. Registered sex offenders and individuals required to register as a sex offender are strictly prohibited from the Site. HomesNOW shall immediately contact the Bellingham police department upon learning that a current or prospective guest is a sex offender who has failed to register with local law enforcement, as required. HomesNOW shall provide notice to prospective guests that it will report any current or prospective guest who is an unregistered sex offender to BPD.
17. Should HomesNOW become aware of a current or prospective guest who has an active felony warrant, it shall immediately contact BPD in accordance with established protocol. HomesNOW shall provide notice to prospective guests that it will report any current or prospective guest known to have an active felony warrant to BPD.
18. “Walk-ins” or “self-referrals” are prohibited. Interested potential guests shall be referred to the Whatcom Homeless Service Center (WHSC) as well as the [HomesNOW online application process](#).
19. Subject to these conditions, HomesNOW shall be solely responsible for screening and approving the guests who use the temporary tiny house encampment.
20. HomesNOW shall maintain a log, in a secure location, with the full name and date of birth for each guest. HomesNOW shall provide an individual’s information to the BPD upon request for warrants, sex offenders, and repeated incidences of violence that have earned an individual “officer safety” classification with the BPD, when an imminent threat to health and safety exists. HomesNOW shall not obstruct the arrest of guests or service of any warrant, when such action is required by the BPD.
21. HomesNOW staff members, volunteers, guests, and visitors shall be required to comply with a code of conduct (**Exhibit B**) that includes, at a minimum, a prohibition on the on-site use or sale of alcohol or illegal drugs and threatening or unsafe behavior.
22. HomesNOW board members, non-guest volunteers and/or staff members who are providing on-site supervision, as well as 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 tiny house encampment. Copies of each signed acknowledgement shall be retained by HomesNOW and provided to the City upon request.

23. Guests shall be required to sign an additional acknowledgement that they are aware of the limited term of this License and agree to leave the site on or before the Expiration Date of this permit or the terminated License Agreement. Copies of each signed acknowledgement shall be retained by HomesNOW and provided to the City upon request.
24. No fewer than one HomesNOW board member, staff member, City-approved guest, 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 this permit. The board member, staff member, City-approved guest, 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.
25. Current and complete listings of all board members, staff members, City-approved guest managers, and non-guest volunteers who will serve as a site manager shall be submitted to the City. HomesNOW may add site managers, as long as contact information is provided to the City. Guests of the temporary encampment who may become HomesNOW board members, staff members, or volunteers after issuance of the emergency temporary encampment approval cannot act as site managers without additional City approval.
26. HomesNOW shall ensure that site managers are made aware of their duties and understand to call 911 in an emergency. HomesNOW shall ensure site manager receive de-escalation training from BPD within **three (3) months of permit issuance**.
27. Changes or updates to the Organization & Management Structure Chart (**Exhibit L**) shall be forwarded to the City.
28. Swift Haven guests may invite visitors to enter the encampment, if consistent with a visitor policy approved by the PCDD. 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.
29. No children under the age of 18 are allowed to stay overnight in a temporary tiny house encampment, unless accompanied by a parent or guardian, or unless the temporary tiny house encampment is licensed to provide services to this population. If a child under the age of 18 without a parent or guardian present attempts to stay in a temporary tiny house encampment not specifically licensed for providing shelter to youth, HomesNOW shall immediately contact Child Protective Services and actively endeavor to find alternative shelter for the child.
30. Parking for Swift Haven staff, on-site supervisors, board members guests, and visitors shall be limited to the designated parking area identified on the site plan within the fenced boundaries of the Site Premises. At no time shall HomesNOW staff, on-site supervisors, board members, or guests park overnight outside of the boundaries of the Site Premises. The ADA parking space within the Site Premises shall be made available to the public during regular park hours (hours of daylight).

31. All functions and activities associated with the temporary tiny house encampment, including adequate waiting or congregating space, shall take place on site.
32. Public health guidelines on food donations, preparation, handling, and storage, including proper temperature control, shall be followed consistent with the Whatcom County Health Department's requirements.
33. HomesNOW shall meet with PCDD and BPD staff twice a month to address emergent issues and develop adaptive responses. The meeting shall occur every other Wednesday at 4 p.m. by virtual platform of the City's choosing (or at an agreed upon frequency, time, and location). Although not public meetings, the City and HomesNOW (by notice and mutual agreement) may invite others to participate in these meetings on a case-by- case basis to address a specific issue.
34. In accordance with BMC 10.24.120, loud, amplified music shall be prohibited in the temporary tiny house encampment. Any condition or activity that would constitute a public noise disturbance is prohibited for the duration of the encampment.
35. Security measures shall be provided, including limited site lighting that that is directed downward and shielded from off-site glare fencing, and controlled access to the site. If desired, HomesNOW may provide video surveillance equipment. In the event that it does so, the video surveillance system must be directed toward the encampment only, not on adjacent properties. Additional security measures may be identified by the City or HomesNOW during the operation of the temporary encampment. These measures shall be implemented by HomesNOW 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, HomesNOW may be excused from implementing such measure.
36. For the purposes of the permit, "tiny houses" shall be less than 120 square feet in size.
37. Each tiny house shall be limited to no more than two guests at one time in keeping with, and limited by, the other occupancy provisions of this permit.
38. On-site construction or delivery shall be limited to between the hours of 8 a.m.- 7 p.m.
39. Resources provided by HomesNOW at this location, 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 as a guest. However, if a small number of visitors are present at the encampment while food is being offered, they may participate.
40. The temporary tiny house encampment site shall provide facilities for dealing with trash and shall be kept clean and free from trash. Regular trash service shall be provided to the site from Sanitary Services.
41. All individuals and shelter operations shall adhere to up-to-date Whatcom County Health Department and State of Washington guidance related to COVID-19, especially as it pertains to

people experiencing unsheltered homelessness. Up-to-date guidance and information shall be posted in a visible location on site at all times.

42. HomesNOW's board members, staff, volunteers, guests, or visitors shall not prevent or obstruct 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.
43. HomesNOW 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. HomesNOW shall remain the responsible party for implementing such strategies.
44. HomesNOW shall comply with the site plan as submitted, unless modified by conditions imposed by the associated License Agreement with the City, or by the temporary shelter permit decision.
45. A fully-executed written license agreement granting HomesNOW the legal right to use City property shall be required prior to issuance of the temporary tiny house encampment permit and shall be maintained in full force and effect for the duration of the temporary encampment. The agreement will contain terms and conditions, in addition to the conditions imposed as part of the permit.
46. Fire safety and indoor safety measures for tiny homes shall be an ongoing requirement. HomesNOW 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 irreparable) and that there is a threat to human life, health and safety.
47. HomesNOW 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 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;
 - d. The only type of heating devices allowed are portable oil-filled heaters or 120-volt electric heater approved by the City's Building Services Department;
 - e. No fuel gas appliances or equipment;
 - f. No microwaves, stoves, hot plates or other cooking devices;
 - g. No smoking, lighted candles or other type of flames; and,
 - h. No unauthorized building additions or modification that create a building or life safety issue.

48. The following fire/life safety conditions shall be met by the Safety Compliance Date of **July 1, 2022**.

- a. All tiny home safety measures enumerated in the condition above.
- b. The barbeque grill shall remain in the open air at all times and have a 12-foot separation from any Tiny Home or other structure. Corrugated metal or similar behind shall be installed behind the grill lid to ensure lid of grill is not against combustible framing. Propane tanks must be secured.
- c. The use of microwaves, stoves, hot plates, or other cooking devices within Tiny Homes shall be prohibited.
- d. The dining tent requires two (2) exits in order to have an occupant load greater than the number of persons allowed by the State of Washington Department of Health and the Governor's orders and guidance. If a secondary exit is not installed, the applicant shall post the maximum occupant load (9) at the doorway. Exit doors shall be 32 inches wide, framed in, and outward opening.
- e. The dining tent, kitchen tent, and shower tent shall be constructed of NFPA 701 flame-retardant material. Funding for these tents shall be from the Whatcom County Health Department (WCHD) or the City. If the WCHD is unable to fund, or fund by the compliance deadline, the City shall contract with HomesNOW, and HomesNOW shall be responsible for purchasing said tents and seeking reimbursement from the City.
- f. Power to kitchen appliances (microwave, refrigerator, freezer, etc.) shall be supplied from a listed spider box, provided by the City and cords rated for appliance ampacity. The City shall provide a portable emergency generator for use during extreme cold days.
- g. To prevent pipes from freezing during cold weather events, the existing hoses placed on the ground shall be insulated with pipe insulation and placed below grade or under mulch. All above ground piping shall be insulated.
- h. HomesNOW shall obtain the necessary electrical permits and inspections any additional temporary power provisions.
- 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 Tiny Home shall include a temporary site/address number written on reflective tape provided by the City and mounted to the pallet base of the Tiny Home (primarily for aid calls where guest is non-ambulatory and in a Tiny Home).
- l. Each Tiny Home shall include permanently affixed, minimum 4" high "address" number(s) on the front door provided by the City. The numbers must be mounted in the same location on each Tiny Home.
- m. A first aid kit large enough to serve the maximum population of Swift Haven.
- n. For the need of weather protection, an awning is allowed to be constructed, supported and attached to the tiny home unit as detailed in **Exhibit K**. Unauthorized building additions or attachments to tiny home units shall be removed.
- o. Common facilities and at least one tiny home unit shall be ADA accessible. ADA ramps with a 1:12 slope, and doorways that are a minimum 32" wide, shall be installed for the shower tent, kitchen tent, dining tent, and one tiny home.
- p. The shower area shall have a thermal barrier. Minimum ½" GWB shall be installed over all foam plastic installed in shower area.

49. HomesNOW shall prepare an emergency plan for severe heat and cold weather events. Said plan shall be submitted to the City and incorporated into the Swift Haven Operations plan by the Safety Compliance date of **July 1, 2022**.
50. In the event the City closes the temporary tiny house encampment for cause, HomesNOW guests shall be provided no less than 24 hours' notice to vacate the Site. Every effort shall be made by the City to connect guests with social service agencies to find alternate shelter or housing; however, neither the City nor HomesNOW can guarantee alternate shelter or housing.
51. HomesNOW shall provide notice of closure of the temporary shelter 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 HomesNOW guests with social service agencies to find alternate shelter or housing; however, neither the City nor HomesNOW can guarantee alternate shelter or housing.
52. The City has the right to amend the temporary shelter permit, as long as the amendments are in keeping with the scope, purpose and intent of the original permit.
53. A copy of this permit shall be posted in a conspicuous place on site and made available to HomesNOW board members, staff, guests, volunteers, and visitors upon request.
54. Should conditions imposed herein not be met and/or circumstances change, the Planning and Community Development Director or designee reserves the right to close the temporary tiny house encampment or add new permit conditions necessary to protect the public health and safety.
55. There are no third-party beneficiaries to this permit. The City has sole responsibility for enforcing these permit conditions.

IV. AMENDMENT

Consistent with BMC 20.15.020, BMC 20.15.040, and BMC 21.10.110, 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. The appeal forms and associated appeal fee are available at the Permit Center or online at: <https://www.cob.org/services/permits>. Please note, an appeal will not be accepted or considered filed until the required forms are submitted and the fees are paid by 5pm by the timeline specified above.

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

Reviewed By:



Sara Ullman
Planner II, Planning and Community Development

Approved By:



Kurt Nabbefeld
Development Services Manager