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**THE HEARING EXAMINER OF THE CITY OF BELLINGHAM
WHATCOM COUNTY, WASHINGTON**

IN RE:	HE-23-PL-015
Garden Street Investment, LLC Applicants 1125-1127 N. Garden Street	FINDINGS, CONCLUSIONS, AND DECISION
CUP2014-00006 / Review of Conditional Use Permit Conditions	SHARON A. RICE HEARING EXAMINER

SUMMARY OF DECISION

A conditional use permit to expand an existing nonconforming service care facility at 1127 N. Garden Street into an additional building on the same site was approved subject to conditions on September 24, 2014. Condition No. 2 of the approved permit required re-review of the use five years after issuance of certificate of occupancy to determine whether the use operates in compliance with the CUP criteria for approval and with all conditions of Hearing Examiner Order No. HE-14-PL-030. Following the instant hearing, it is determined that the use is operating in compliance with all conditions of CUP approval and with the CUP criteria for approval.

SUMMARY OF RECORD

Request:

Based on Condition No. 2 of the September 24, 2014 Hearing Examiner Order No. HE-14-PL-030 approving the CUP, Garden Street Investments (Applicant) requested review of the facility's compliance with conditions of the approved conditional use permit to expand an existing nonconforming service care facility at 1127 N. Garden Street into a new building adjacent to the existing facility.

Hearing Date:

The Bellingham Hearing Examiner conducted a hybrid open record hearing on the CUP review request on January 10, 2024. The record was held open two business days to allow for public comment, with additional days for responses by the parties. There was no post-hearing public comment submitted, and the record closed on January 12, 2024.

1 No in-person site visit was conducted, but the undersigned viewed the subject property
2 and its environs on Google Maps.

3 **Testimony:**

4 At the hearing the following individuals presented testimony under oath:

- 5 Ali Taysi, Applicant Representative
- 6 Vicky Neufeld, Bellingham Reentry Center Manager
- 7 Sara Ullman, Bellingham Planner II

8 **Exhibits:**

9 At the open record hearing, the following exhibits were admitted in the record:

10 Exhibit 1 Planning and Community Development Department Staff Memo with the
11 following attachments:

- 12 Attachment A1 Digital archived record for 2014 Conditional Use Permit
13 Hearing: [Search Results: HE-14-PL-030 \(cob.org\)](#)
- 14 Attachment A2 Hearing Examiner Order HE-14-PL-030
- 15 Attachment A3 2014 Conditional Use Permit Staff Report
- 16 Attachment A4 Certificate of Occupancy BLD2014-00116
- 17 Attachment A5 As-Built Plan 2015
- 18 Attachment A6 Approved Landscape Plan BLD2015-00116
- 19 Attachment A7 Documentation of Hearing Examiner Conditions Met Prior
20 to Building Permit Issuance
- 21 Attachment B1 Hearing Request Letter
- 22 Attachment B2 Conditions Compliance Letter
- 23 Attachment B3 Conditions Compliance Analysis
- 24 Attachment B4 Owner Letter re DOC Lease
- 25 Attachment B5 Bellingham Police Department Call Data
- 26 Attachment B6 Bellingham Police Department Call Records
- 27 Attachment B7 Bellingham Police Department Memorandum 12.12.23
- 28 Attachment B8 Reentry Center Handbook July 2023
- 29 Attachment B9 Comprehensive Plan Goals and Policies

Exhibit 2 Bellingham Reentry Center organizational chart, submitted by Vicky Neufeld

After considering the testimony and exhibits submitted, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. On September 24, 2014, the City of Bellingham Hearing Examiner approved a conditional use permit (CUP2014-00006/HE-14-PL-030) requested by Garden Street Investments (Applicant) to expand an existing nonconforming service care facility at 1127 N. Garden Street into a new building on the same site. Condition No. 2 of Hearing Examiner Order No. HE-14-PL-030 stated:

The Applicant shall submit for and the Hearing Examiner shall conduct a hearing to review this proposal no more than five year after the new 1125 N. Garden Street building receives its certificate of occupancy. At the future proceeding, the Hearing Examiner may amend and add new conditions based on public comments and the conditional use criteria.

Accordingly, the Applicant requested the required re-review of the CUP. *Exhibits 1, 1.A2, and 1.B1.*

2. The 12,500 square foot subject property is comprised of two parcels: Lots 15 and 16 of Block 79, New Whatcom.¹ Following the 2014 CUP approval, a new 6,600 square foot building was built on Lot 15 and addressed as 1125 N. Garden Street. On Lot 16, the previously existing service care facility building at 1127 N. Garden Street was built in 1906 as a single-family residence known as the Dellinger House. It is an historic building potentially eligible for inclusion in the National Historic Register of Historic Places. *Exhibits 1 and 1.A2.*

3. There are no critical areas on or in the vicinity of the subject property, and aside from the Dellinger House, there are no natural, scenic, or historic features in the vicinity that could have been impacted by the 2014 proposal. Located at the corner of N. Garden Street and E. Chestnut Street within walking distance of downtown jobs and services, the subject property is in Area 2 of the Sehome

¹ The legal description of the subject property is New Whatcom Lots 15-16 Block 79, Whatcom County, WA.; also known as Parcel # 370201307470. *Exhibit 1.*

1 Neighborhood and carries an underlying zoning designation of Residential
2 Multi/Multiple, requiring a density of 1,000 square feet of lot area per unit.
3 Surrounding properties are developed with single-family and multifamily
4 residential uses, some of which are rentals, many inhabited by students from the
nearby colleges. *Exhibits 1 and 1.A2.*

5 4. At the July 2014 hearing on the CUP, there was extensive public comment both
6 in support of and opposing CUP approval. In their written comments and public
7 testimony at hearing, project opponents submitted the following concerns (as
8 stated in the September 2014 decision):

- 9 • Neighbors opposed to the proposal generally felt that it was not
10 appropriate to increase the existing impacts of having a work release
11 program on the surrounding residential neighborhood that houses many
12 families with children and many young college students. Some asserted
13 that a smaller halfway house was better for their property values and
14 their enjoyment of the homes. Some argued that property values have
15 not gone up in the vicinity of the site as much as they should have given
16 increases in other parts of the City. They felt there is less impact from
17 student residents because they have not been convicted of crimes.
18 Others commented that it is not fair to the existing residents to bring in
19 new people expressly competing for local jobs.
- 20 • Some comments expressed support for the idea and practice of work
21 release programs but felt that this is an inappropriate location.
22 Neighbors felt that the Sehome neighborhood is already bearing the
23 brunt of impacts of a work release facility and that it is not fair to double
24 the capacity of the existing facility instead of placing new capacity in
some other community.
- 25 • Some comments indicated that people feel compelled to avoid the front
26 porch area of the existing facility due to feeling uncomfortable with
27 people lounging there, and some have experienced stares or “cat call”
28 types of comments from porch occupants. One person noted being
29 “creeped out” by walking past the facility.
- 30 • Several comments asserted a concern about increased risk of crime,
particularly against females, students, and the inebriated who can be
expected to pass this address. Some noted that the area already
experiences a higher rate of crime, drug problems, and homelessness
than other Bellingham neighborhoods and that adding more criminal
residents was not warranted. Some expressed concerns that particular

1 types of crimes did not render individual program applicants ineligible.
2 Several comments expressed the desire to prohibit an increase in the
3 number of convicted felons in the neighborhood.

- 4 • Some comments from property owners and real estate professionals
5 asserted that the existing facility adversely affects the values of the
6 surrounding properties. Some alleged that the work release program has
7 had a chilling effect on their ability to rent their properties.
- 8 • The owners of 1123 N. Garden Street contended that the proposal
9 negatively affects the livability, walk-ability, and desirability of the
10 neighborhood and gives an increased perception of a crime problem.
11 They stated that they always disclose the work release program's
12 presence when showing their duplex to prospective tenants and have had
13 potential renters decline to live there based on its presence next door.
14 They personally have experienced, or stated they have heard tenants and
15 neighbors of the facility complain of, harassing comments from
16 participants, cat calls, parking congestion, delivery vehicle obstruction
17 issues, smoking, noise, visitor trespass in their parking and on their
18 parcel, and other concerns. They expressed the concern that when the
19 proposed building no longer serves as a service care facility and is
20 converted to multifamily housing, there would be insufficient parking.
21 They asserted that the record contains no evidence of a need for
22 expanded work release facilities at this location.

23 *Exhibit 1.A2.*

- 24 5. Approved CUP2014-00006 contained five conditions, stated in full in Exhibit
25 1.A2. After requesting a hearing for the required review of the CUP, the
26 Applicant submitted a letter detailing compliance with the conditions imposed in
27 CUP2014-00006 addressing ongoing compliance. This finding contains
28 subparts (following the numbering of the conditions) addressing each condition,
29 regarding which the Applicant offered the following information.

- 30 1. [Maximum service care facility capacity] The proposed additional structure
was built pursuant to CUP2014-0006 and BLD2015-00116 (along with
plumbing, mechanical, electrical, and other associated permits) and has been
operating as a service care facility since receiving occupancy certification.
Known as the Bellingham Reentry Center, capacity of the combined two
structures has at no time exceeded 50 residents. Neither building has been,
or will in the foreseeable future be, converted to any other use. Washington

1 State Department of Corrections recently signed a lease renewal extending
2 through 2027 and plans to operate the facility at least until that date.

3 2. [Required review of CUP after five years] The required review of the
4 approved CUP is under consideration in the instant proceedings.

5 3. [Operations requirements]

6 a) During the course of operations since certificate of occupancy was
7 issued, neither the operator nor the property owner have been made
8 aware of any complaints from surrounding property owners, residents, or
9 guests. The Applicant submitted that the fears expressed by project
10 opponents at the 2014 public hearing have not materialized. Service care
11 facility residents on-site are advised of and required to abide by a strict
12 code of conduct while residing in the facility, where they are under 24-
13 hour on-site supervision and can only enter/exit the facility with approval
14 of the operations manager. There is no evidence of occurrences of
15 residents engaging in harassment of passersby. Noise from the facility is
16 limited by the required rules of conduct and is believed to be less than
17 that from surrounding multifamily and other rental properties.

18 b) Condition No. 3b required compliance with the resident handbook
19 offered at the hearing and included in the record of the 2014 proceedings
20 at Exhibit 1, Attachment G. Since the Department of Corrections (DOC)
21 has taken over management of the facility, residents have been required
22 to abide by a similar set of rules that is implemented at all DOC reentry
23 programs. The current Reentry Center Handbook (July 2023), which is
24 in the record at Exhibit 1.B8, meets the intent of this condition.

25 c) There is a sign posted in a prominent location between the two
26 structures, visible from the N. Garden Street sidewalk, that informs that
27 the structures on site contain a service care facility and that provides
28 contact information.

29 d) When the CUP was approved in 2014, the existing service care facility
30 was managed by a private agency contracted with the state DOC. Since
the expansion of the facility occurred, DOC has taken over direct
supervision of the reentry center. Staffing at the facility was increased
when DOC took over and has been consistent with state-adopted
standards for reentry center facilities, which exceeds the specific
supervision levels imposed by Condition No. 3d.

e) Currently the reentry center is not operating; it is under a “warm closure”
and will reopen as soon as staffing is hired to fill all positions. Since

1 approval of the 2014 CUP, at no time has resident occupancy exceeded
2 50 residents for both buildings, nor 25 in the new building addressed as
3 1125 N. Garden Street.

- 4 4. [Design requirements intended to ensure the new structure would be
5 compatible with the essential character of the neighborhood]
- 6 a) Condition No. 4a required changes to the exterior of the Dellinger House
7 should meet the National Parks Service Secretary's Standards for
8 Rehabilitation. The Applicant indicated that the only change to the
9 exterior of the Dellinger House was removal of one window on the south
10 facing façade and installation of two new windows next to the former
11 window location. The new windows matched the design of the existing
12 windows. The Applicant submitted that this minor change was not in
13 violation of any applicable rehabilitation standards and was conducted
14 under building permit BLD2017-0426. Any future changes, if made,
15 would continue to comply with this condition pursuant to the City
16 building permit process.
- 17 b) Condition No. 4b addresses future potential uses of the new building;
18 however, no alternate uses have been made nor are planned; the DOC
19 has indicated that the Bellingham Reentry Center is a high priority
20 facility and that it intends to continue its operation.
- 21 c) Condition No. 4c prohibited windows in the new building from looking
22 directly down on or directly into the windows of the building to the
23 southwest. Compliance was ensured through the building permit
24 process. Additionally, since construction of the new building, the former
25 single-family residence on the lot to the southwest was demolished and a
26 multifamily structure was built.
- 27 d) Condition No. 4d established parking and fencing requirements. Eleven
28 striped parking stalls were provided along the alley when the second
29 structure was developed, which remain in use. These stalls remain in
30 place today. A fence was built along the south property line adjacent to
the alley.
- e) The historic stone wall along Garden and Chestnut Streets was
preserved, except that a five-foot wide opening was created in it to
provide sidewalk access to 1125 N. Garden Street.
- f) The second structure was reviewed and approved pursuant to building
permit BLD2015-00116, which review included ensuring adherence to

1 the CUP plans and drawings, conditions, and other all applicable
2 standards.

3 g) During construction several large evergreen trees were removed. The
4 developer's landscape plan, reviewed and accepted by the City through
5 BLD2015-00116, provided for replacement trees. Trees and other
6 landscaping were installed pursuant to the approved plan.

7 h) No street trees on Chestnut or Garden Street were removed.

8 i) Condition No. 4i was imposed based on a preliminary design that
9 contemplated a parallel ADA parking stall on N. Garden Street in front
10 of the building. During building permit review, it was determined that
11 no ADA stall was necessary. The plans were amended, and all
12 constructed improvements were installed consistent with the approved
13 plans.

14 j) Reentry center site lighting was reviewed during the building permit
15 process. The current lighting on site was installed pursuant to the
16 approved building permit plans.

17 5. [Police/Crime Prevention Through Environmental Design (CPTED)]

18 a. Through building permit review, City Staff routed project plans to the
19 Bellingham Police Department (BPD) for CPTED analysis. The plans
20 were approved, and the project was built consistent with the approved
21 plans.

22 b. Lighting, which was included in the CPTD analysis, was installed
23 consistent with the approved lighting plan.

24 c. A member of the Bellingham Police Department participates in
25 screening potential residents for placement at the center, and the facility
26 maintains regular communication with the Police Department.

27 d. Bicycle storage is provided on a level pad between the two buildings in a
28 well-lit area that is accessible from on-site pedestrian walkways.

29 e. When the permit was applied for, the facility was operated by a
30 contractor who performed services for Washington State Department of
Corrections. However, since permit approval, DOC has assumed direct
management of the reentry center. Because the State is the operator,
there is no license, contract, or other legally binding written approval
document between the State and the operator.

*Exhibits 1.A4, 1.A5, 1.A6, 1.A7, 1.B2, 1.B3, 1.B4, and 2; Testimony of Ali Taysi
and Vicky Neufeld.*

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and Vicky Neufeld.*

- 1 6. The City issued a certificate of occupancy for the expanded facility on August
2 21, 2017. *Exhibit 1.A4*. BPD call records requested from BPD and submitted in
3 evidence show only eight calls to the Police regarding incidents at the facility
4 since the new building has been occupied. The majority of these incidents
5 resulted from calls to BPD by the operator for things happening on-site
6 involving or among residents and employees; none were for incidents involving
7 alleged crimes by residents against other members of the community. The
8 Bellingham Reentry Center Manager Vicky Neufeld testified at hearing that the
9 BPD call records may not reflect all calls, because she believes she personally
10 called BPD on at least one occasion in 2021 or 2022, which is not reflected in
11 the exhibit. However, she testified that the number of calls is very small. On
12 several occasions, staff at the facility have called the Police and/or been relied
13 upon by the wider community for assistance with incidents unrelated to the
14 facility, on at least one occasion providing first aid to a passerby in need.
15 Additionally, due to the nature of the use, residents are under 24-hour on-site
16 supervision and can only enter/exit the facility with approval of the operations
17 manager. To the best of the knowledge of management, there have been no
18 occurrences of residents harassing passersby (as was testified to during the 2014
19 CUP public comment). *Exhibits 1.B3, 1.B5, and 1.B6; Vicky Neufeld Testimony.*
- 20 7. As submitted by the Applicant, the Washington State Department of Corrections
21 has indicated that the Bellingham Re-Entry Center is one of their high priority
22 facilities, not least because it is the only facility they operate north of Seattle.
23 DOC's current lease extends through 2027, and the agency has indicated the
24 intent to continue to operate the facility at this location for the foreseeable future.
25 *Exhibit 1.B4; Vicky Neufeld Testimony.*
- 26 8. In sum, Applicant representatives submitted that operation of the facility has
27 been in compliance with all conditions of the issued permit and that the facility
28 has functioned better than anticipated without any complaints from the
29 community. Based on these facts, the Applicant submitted that no new or
30 additional conditions are required to ensure compliance with the issued CUP and
the criteria for CUP approval. Given this successful demonstration of operations
and compliance, the Applicant requested to be excused from future re-review of
the CUP and also suggested that Condition No. 2 requiring re-review be
stricken. *Exhibits 1.B2 and 1.B3; Testimony of Ali Taysi and Vicky Neufeld.*
9. Planning Staff indicated there have been two Code Enforcement matters at the
property since the 2014 CUP approval; both related to expired electrical permits
that had been issued but never received final inspection (CIA2015-00178 and

1 CIA2022-0025). The Code Enforcement matters were resolved in 2015 and
2 2022 respectively when the work was inspected and approved. There have been
3 no nuisance violations or permit violations at the site. *Exhibit 1; Sara Ullman
4 Testimony.*

5 10. Planning Staff reviewed the ongoing operation of the facility pursuant to the 2014
6 CUP for compliance with the criteria for conditional use permit approval, the first
7 of which requires a proposed conditional use to promote the health, safety, and
8 general welfare of the community. Citing information that was admitted in the
9 2014 CUP record, Staff called out studies that document lower rates of recidivism
10 for persons who transition out of incarceration through work release facilities and
11 indicated that the facility, as a safe, supported option for individuals re-entering
12 the community, provides a significant benefit to the local and regional community
13 exceeding the cost of the program. The Bellingham Reentry Center provides
14 residents computer access, transportation to Narcotics Anonymous, transportation
15 to local church services, and a Community Resource Binder with information
16 about available assistance programs in the community. In addition to support for
17 formerly incarcerated individuals, public benefits of the program include (but are
18 not limited to) reduction in crime, both in the immediate vicinity of the subject
19 property and in the lower rates of recidivism for participants, and the economic
20 benefits from a more educated workforce that enjoys employer-paid health
21 insurance. *Exhibits 1 and 1.A1; Sara Ullman Testimony.*

22 11. Further addressing the CUP criteria for approval, Planning Staff submitted that
23 the transitional housing facility, which constitutes a dense housing form near the
24 Downtown Urban Village served by four Whatcom County Transit GoLine
25 routes, remains consistent with the intent of the underlying Residential,
26 Multi/Multiple zoning designation.² Further, Staff submitted that the lack of
27 neighborhood complaints and the low rate of 911 calls evidenced in the BPD
28 records together support a conclusion that the potential detriment feared at the
29 time of the 2014 CUP hearing has not manifested and also support a conclusion
30 that the initial CUP conditions of approval were adequate and remain adequate to
ensure the conditional use functions well at the subject property and does not
result in detriment to the community. Staff submitted that the service care use is
adequately served by public facilities and utilities in North Garden Street and

² Per BMC 20.32.020(C): The residential multi multiple designation is intended to accommodate development in those areas which are better suited for higher concentration of population than other residential land use designations. Generally, the high-density residential designation should be used for land near existing or potential high-frequency transit service and/or adjacent to or near employment and commercial areas and not used primarily for the development of detached single-family dwelling units.

1 Chestnut Street, and that stormwater review through the building permit process
2 ensured compliance with City and state regulations. Because residents are not
3 allowed to drive or to have vehicles on-site, the facility generates fewer vehicular
4 trips and less parking demand than similarly sized residential buildings. The CUP
5 condition requiring BPD involvement in the resident screening committee has
6 been met, and to date no resident has created a hazard to the community. Because
7 the facility does not produce odorous, mechanical, or electrical influences, and its
8 lighting and noise impacts have been compliant with conditions imposed in the
9 CUP and building permit, there have been no detrimental influences from its
10 operations. Further, all residents are required to sign a copy of and abide by the
11 facility's anti-harassment program, and there have been no neighbor complaints.
12 Staff submitted that the facility as operated since expansion has remained
13 consistent with the criteria for conditional use permit approval. *Exhibits 1, 1.A1,
14 1.A2, 1.A3, 1.A4 1.A5, 1.A6, and 1.A7; Sara Ullman Testimony.*

11 12. Planning Staff supported the Applicant's request to be excused from additional
12 future review of the CUP. Additionally, Staff recommended that because the
13 handbook in effect at the time of the 2014 permit hearing (available in the
14 archived records at Exhibit 1.A1) was replaced with the Washington State
15 Department of Corrections Reentry Center Handbook, which applies uniformly
16 to all state operated reentry centers, it would make sense to amend CUP
17 Condition No. 3b to reflect the current handbook. *Exhibits 1 and 1.B8; Sara
18 Ullman Testimony.*

18 13. Notice of the Hearing Examiner review hearing was published consistent with
19 the requirements of BMC Title 21 on December 8, 2023, being mailed to owners
20 of property within 500 feet of the subject property, neighborhood representatives,
21 The Bellingham Herald, and all parties of record from the 2014 CUP. Notice of
22 the hearing was also posted on-site. Additionally, the required notice sign was
23 installed on the property. *Exhibit 1.* The notice established a 14-day comment
24 period; however, there was no public comment submitted following notice of the
25 requested CUP review. *Sara Ullman Testimony.*

25 CONCLUSIONS

26 Jurisdiction:

26 The Hearing Examiner is granted authority to hold hearings and make decisions on
27 conditional use permit applications that would expand, enlarge, or increase the intensity
28 of an existing legally nonconforming use pursuant to BMC 20.14.020.E and
29 20.16.010.D.

1 **Criteria for Review:**

2 Pursuant to Bellingham Municipal Code 20.16.010.B, conditional use permits may
3 be granted by the hearing examiner if the record demonstrates the following:

- 4 1. The proposed use will promote the health, safety, and general welfare of the
5 community.
- 6 2. The proposed use will satisfy the purpose and intent of the general use type in
7 which it is located.
- 8 3. The proposed use will not be detrimental to the surrounding neighborhood.

8 Pursuant to BMC 20.16.010.C, in applying the standards set forth in subsection
9 B(above), the hearing examiner shall consider the following factors as to whether the
10 proposed use will:

- 11 1. Be harmonious with the general policies and specific objectives of the
12 comprehensive plan.
- 13 2. Enable the continued orderly and reasonable use of adjacent properties by
14 providing a means for expansion of public roads, utilities, and services.
- 15 3. Be designed so as to be compatible with the essential character of the
16 neighborhood.
- 17 4. Be adequately served by public facilities and utilities including drainage
18 provisions.
- 19 5. Not create excessive vehicular congestion on neighborhood collector or
20 residential access streets.
- 21 6. Not create a hazard to life, limb, or property resulting from the proposed use, or
22 by the structures used therefore, or by the inaccessibility of the property or
23 structures thereon.
- 24 7. Not create influences substantially detrimental to neighboring uses.
25 "Influences" shall include, but not necessarily be limited to: noise, odor, smoke,
26 light, electrical interference, and/or mechanical vibrations.
- 27 8. Not result in the destruction, loss, or damage to any natural, scenic, or historic
28 feature of major consequence.

26 **Conclusions Based on Findings:**

- 27 1. The record demonstrates compliance with all conditions imposed by the
28 September 24, 2014 CUP approval (CUP2014-00006).

- 1) The contemplated additional building was built in conformance with CUP and building permit conditions, and occupancy of both structures has at all times complied with the maximum occupancy limits imposed. While fulfilled, this condition will remain in place to guide any future renovations or changes.
- 2) The instant decision is the result of the required re-review. Having been fulfilled, this condition will be lifted by the instant decision.
- 3) As built and operated, the expanded service care facility has proven compatible with the surrounding neighborhood. There have been no noise or harassment complaints about the facility. The handbook in place at time of the 2014 CUP approval has been replaced with the more stringent Department of Corrections state-wide handbook. A new condition will acknowledge and authorize this handbook's use. The required contact information is posted. Supervision levels were increased by DOC when it took over the facility, satisfying (if not exceeding) the requirement of Condition No. 3d. As concluded above, occupancy has complied with the imposed limits.
- 4) Construction of the new building met, exceeded, or was excused from the various improvements specified in Condition No. 4 though the building permit process. As built, the facility has satisfied Condition No. 4, but the condition will remain in place to guide any future renovations or changes.
- 5) The facility's design underwent CPTED review through the design stage and at building permit. CPTED design elements were approved, and the facility was built consistent with the approved CPTED measures. Condition No. 5 has been satisfied but will remain in place to guide any future renovations or changes.

Findings 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13.

2. The record demonstrates that the expanded facility, as designed, built, maintained, and operated, continues to comply with the criteria for CUP approval and promotes the public health, safety, and welfare. *Findings 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13.*

DECISION

Based on the foregoing findings and conclusions, the requested review of the issued CUP2014-00006/HE-14-PL-030 for compliance with conditions and for ongoing

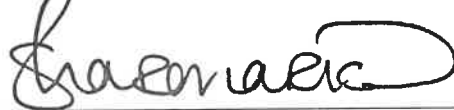
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compliance with the conditional use permit criteria has been conducted and the approved CUP is **AFFIRMED**. Additionally, the conditions of approval in the 2014 permit are modified as follows.

1. Having been satisfied, Condition No. 2 is stricken. No further review of CUP2014-00006 is required.
2. Condition No. 3b is modified to read as follows:
Management shall implement and ensure compliance with Washington State Department of Corrections Reentry Center Handbook as updated by the Department of Corrections.
3. The remaining conditions, all shown to have been satisfied, shall remain in effect.

DECIDED January 29, 2024.

BELLINGHAM HEARING EXAMINER



Sharon A. Rice