



Planning and Community Development Department

210 Lottie Street, Bellingham, WA 98225

Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: (360) 778-8382

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

TYPE II

NOTICE OF APPLICATION and OPTIONAL DNS PROCESS

USE2018-0023 and SEP2018-0054

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

Project Description: The applicant, Homes Now!, is requesting to operate a temporary tent encampment, "Winter Haven," which will provide daily services and overnight shelter for individuals experiencing homelessness. The temporary tent encampment was applied for and is proposed to operate under Bellingham Ordinance No. 2018-10-019. The proposal includes the establishment of a temporary tent encampment for individuals experiencing homelessness in the western portion of the parking lot at City Hall, 210 Lottie Street. The encampment will provide a variety of services, including sleeping accommodations for up to 40 people, bathrooms, showers, drinking water, cooking facilities, garbage services, and social and health services. All requirements set forth in Bellingham Municipal Code 20.15.020 apply to the temporary tent encampment. References to "guests" in this notice mean guests of Homes Now!, an independent, Washington state non-profit corporation. Homes Now! will function as the managing agency of the encampment.

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

1. A six-foot tall chain-link fence will be placed around the perimeter of the site. The fence will limit access to the site for the safety and security of guests. The fence will not be site obstructing and will not create any obstructions at the street.
2. Exterior lighting is located along the northern boundary of the site. Additional lights will be installed near the kitchen and bathrooms. Any exterior lighting will be directed downward and glare will be contained within the site.
3. Homes Now! will comply with a Code of Conduct, which will include requirements such as a prohibition on illegal drug and alcohol use and threatening and unsafe behavior. Homes Now! will ensure that items deemed as weapons are stored in a safe location. Firearms are not allowed onsite for any reason. The Code of Conduct will be posted on site and enforced by Homes Now!. (NOTE: The full Code of Conduct is available at the Planning and Community Development Department, 210 Lottie St, Bellingham, WA.)
4. Homes Now! will designate a point of contact and provide contact information (24-hour accessible phone contact) to the Patrol Operations Commander for the Bellingham Police Department. At least one designated point of contact will be on duty at all times. The names of the on-duty points of contact will be posted on site daily, and their contact information will be provided to the Bellingham Police Department.



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5. On-site supervision will be provided at all times.
6. No children under the age of 18 shall be allowed to stay overnight in the Temporary Encampment, unless accompanied by a parent or guardian. If a child under the age of 18 without a parent or guardian present attempts to stay at the encampment, Homes Now! shall immediately contact Child Protective Services and shall actively endeavor to find alternative shelter for the child.
7. Homes Now! will ensure all applicable public health regulations are met, including:
 - a. Fire extinguishers.
 - b. A designated smoking area.
 - c. A prohibition on open flames.
 - d. An obstruction-free central aisle to allow for emergency access.
 - e. Trash receptacles and regular trash patrols.
 - f. Dumpsters and recycling bins that will be regularly serviced by SSC Inc.
 - g. Portable toilets that will be set back at least 40 feet from all property lines and maintained by a commercial provider.
 - h. Hand washing stations by the kitchen and toilets.
 - i. Health and safety information that will be posted at the site and distributed to guests of Homes Now!.
 - j. Potable water.
8. All functions associated with the encampment will take place within the encampment site.
9. Homes Now! will ensure compliance with Washington state laws and regulations, the Bellingham Municipal Code, and the Whatcom County Health Department's regulations concerning, but not limited to, drinking water connections, solid waste disposal, and human waste.
10. Homes Now! will take all reasonable and legal steps to obtain verifiable identification information, including full name and date of birth, from current and prospective encampment guests.
11. People who are required to register as a sex offender are prohibited from the site. Should Homes Now! become aware of a current or prospective guest who is an unregistered sex offender, they will immediately contact the Bellingham Police Department.
12. Should Homes Now! become aware of a current or prospective guest who has an active felony warrant, it will follow set written protocol as approved by the Bellingham Police Department for contacting the Bellingham Police Department and addressing these warrants.
13. Homes Now! will immediately contact the Bellingham Police Department if someone is rejected or ejected from the encampment when the reason for rejection or ejection is an active warrant or a match on an unregistered sex offender check, or if, in the opinion of the on-duty point of contact or on-duty security staff, the rejected or ejected person is a potential threat to the community.



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14. Homes Now! will keep a log of names and dates of all people who stay overnight at the encampment, and a current log will be made available upon demand by any municipal or county law enforcement officer. Status checks of current Homes Now! guests may be routinely performed by the warrant officers of the Bellingham Police Department through the current log provided by Homes Now!. Homes Now! will provide notice to prospective guests that all people staying overnight in the encampment are subject to status checks by the warrant officers of the Bellingham Police Department.
15. Homes Now! will cooperate with the coordinated entry system managed by the Homeless Service Center and other providers of shelters and services for the homeless and will make inquiry with these providers regarding the availability of services.
16. Upon vacation of the encampment site, all temporary structures and debris will be removed from the site and the site will be restored to its original condition within one calendar week.

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

1. The Temporary Encampment shall be limited to a maximum of twenty (20) tents accommodating forty (40) overnight Homes Now! guests.
2. Homes Now! shall designate a point of contact. This information shall be made available on the Homes Now!'s website and distributed in the immediate neighborhood. The purpose of this contact is to allow residents or businesses in the neighborhood to contact Homes Now! and discuss non-emergent concerns or issues associated with behaviors or actions directly attributable to Temporary Encampment guests and visitors. Homes Now! may at its discretion use progressive discipline, up to and including directing a guest or visitor to leave the encampment, as a means of addressing verifiable and attributable off-campus behaviors that are inappropriate.
3. Homes Now! shall meet no less than weekly with representatives of the Bellingham Police Department and/or Planning and Community Development Department to review issues associated with the operation of the Temporary Encampment. The meeting shall occur every Friday at 11 a.m. at City Hall. The purpose of this meeting is to develop and implement (as needed) strategies to address identified issues. Homes Now! shall cooperate with the Bellingham Police Department for the purpose of ensuring safety, security, and compliance with permit conditions, including, without limitation, issuing trespass notices as appropriate based on violations of the Code of Conduct.
4. Homes Now! shall obtain all necessary Building, Fire and Health Department permits prior to occupancy of the encampment. Homes Now! shall immediately cease operation of the



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5. Temporary Encampment should the City's Building Official and/or Fire Marshal and/or Whatcom County Health Department determine that circumstances associated with the issued permits have changed (and are irremediable) and that there is a threat to human life, health and safety.
6. The Temporary Encampment permit shall be issued for no more than 90 continuous days. In no case shall the permit or encampment end date extend beyond April 15, 2019. **The Temporary Encampment permit approval will not be renewable or able to be extended at this location.**
7. Homes Now! shall provide security measures as described in their application. These measures include closed-circuit cameras, lighting, fencing and providing controlled access to the site. Other measures may be identified by either the City or Homes Now! during the operation of the Temporary Encampment. These measures may be implemented by mutual agreement between Homes Now! and the City to help ensure individual and public safety on site, as well as on surrounding properties.
8. At least one Homes Now! board member must be physically present at the Temporary Encampment at all times for the duration of the permit. A complete listing of all Board members shall be submitted to the City before occupancy of the Temporary Encampment. Guests of the encampment who may become Homes Now! board members after issuance of the Temporary Encampment Permit cannot be counted toward meeting this requirement.
9. No direct intake of potential new Homes Now! guests shall occur at the Temporary Encampment site. Potential guests shall be screened at a designated off-site location.
10. No guest shall be permitted to occupy the Temporary Encampment until the Bellingham Police Department has completed a warrant check. Homes Now! shall not obstruct arrest of a guest or visitor or service of any warrant when such action is required by the Bellingham Police Department.
11. Homes Now!'s encampment guests may invite visitors to enter the encampment, but in no case shall more than one visitor of a guest be admitted at one time. No large gatherings of visitors are permitted. Visitors must sign the guest and visitor log and may have their information checked by the Bellingham Police Department for warrants.
12. Should food donations be found to be inadequate and on-site preparation required beyond the extent envisioned in the application, Homes Now! shall provide adequate on- or off-site cooking facilities to support the guests of the encampment. This may include the use of an approved off-site commercial kitchen for preparation and/or an on-site Whatcom County Health Department approved mobile kitchen (i.e. a food truck or similar facility).
13. The Temporary Encampment shall be kept clean and free from trash.



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14. Loud, amplified music shall be prohibited during City Hall business hours and after 10:00 p.m. Any condition or activity that causes a public noise disturbance is prohibited for the duration of the encampment.
15. Homes Now! board members, encampment guests, and encampment visitors shall not prevent City and county staff, including police officers, fire and emergency crews, and approved social service agency personnel (i.e. caseworkers, counselors, the Homeless Outreach Team (HOT), etc.) from having unrestricted access to the common areas of the site.
16. The Temporary Encampment shall be closed immediately and the permit revoked should any of the following occur:
 - a. Violation(s) of any Conditions of Approval (which cannot be immediately remedied by Homes Now!) that would present an adverse health and/or safety risk to Temporary Encampment guests, visitors, and/or the general public.
 - b. The required on-site supervision of the Temporary Encampment by a Homes Now! board member is found not to occur.
 - c. The required on-site supervision is found to be inadequate to control behaviors occurring within the Temporary Encampment.
 - d. Obstruction by Homes Now! board members, encampment guests, and encampment visitors of 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 the common areas of the site.
 - e. Refusal by Homes Now! to provide a list of guests and visitors upon the request of the Bellingham Police Department or other City department.
 - f. Any series of events that the Chief of Police and Fire Chief deem to be a danger to the encampment and/or surrounding community, including calls for service regarding assaults, disorderly behavior, or illegal substance use.
 - g. Violation of Code of Conduct rules and failure to enforce these rules. Encampment guests and visitors who do not comply with the Code of Conduct shall immediately be directed to leave the Temporary Encampment. Due to the limited ninety (90) day duration of the encampment, those who are directed to leave cannot gain readmission.
 - h. Reoccurring criminal conduct.
17. Resources provided by Homes Now! and the encampment, including, but not limited to, food, shelter, and social services are intended for guests of the encampment only, and shall not be provided to people who have not been admitted into the encampment as a guest.
18. Homes Now! shall provide notice of closure of the Temporary Encampment no less than fourteen (14) days prior to the scheduled end date of the Temporary Encampment permit. Every effort shall be made by the City to connect guests with social service agencies to find temporary housing for encampment guests.



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19. In the event of early termination of the encampment (with cause), consistent with the provisions of Condition #17 above, guests will be provided twenty-four (24) hours' notice to vacate the site. Every effort shall be made by the City to connect guests with social service agencies to find temporary housing for encampment guests.
20. Should Homes Now! not restore the site to pre-encampment conditions within the specified time, the organization shall be directly responsible for any and all costs incurred to remove and/or store remaining materials.
21. Guests and visitors of the encampment shall provide written acknowledgment that they have reviewed and accept the rules and requirements contained within the Code of Conduct before they are permitted into the Temporary Encampment.
22. A fully-executed written license agreement granting Homes Now! the legal right to use City property will be required prior to issuance of the Temporary Encampment Permit and shall be maintained in full force and effect for the duration of the encampment. The license agreement will contain terms and conditions in addition to the conditions imposed as part of the permit.
23. These Conditions of Approval shall be posted in a conspicuous place on site and made available to guests and visitors upon request.

These conditions are imposed under BMC Chapter 20.15 to promote the health, safety, and general welfare of the citizens of Bellingham. The issuance of the permit and these conditions do not create or designate any particular class of persons who will or should be specially protected by the conditions. Nor do the conditions create a special relationship with any person or class of persons.

Project Location: A portion of the parking lot at City Hall, 210 Lottie Street, Bellingham, WA City Center Neighborhood, Urban Village Zoning, Subarea 7; and Lettered Streets Neighborhood, Urban Village Zoning, Subarea 16

Applicant: Homes Now!, 814 Dupont Street, Bellingham, WA 98225; contact Jim Peterson, 360-319-2150

Comments Due By: 12/7/2018

Due to the Thanksgiving holiday, the comment period has been extended by two days.

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

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



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list for threshold determination distribution).

Existing Environmental Documents:

- SEPA DNS for the 2016 Bellingham Comprehensive Plan
- City of Bellingham Shoreline Master Program
- City of Bellingham Habitat Restoration Technical Assessment
- City of Bellingham Critical Areas Ordinance
- SEPA Environmental Checklist dated 11/20/18

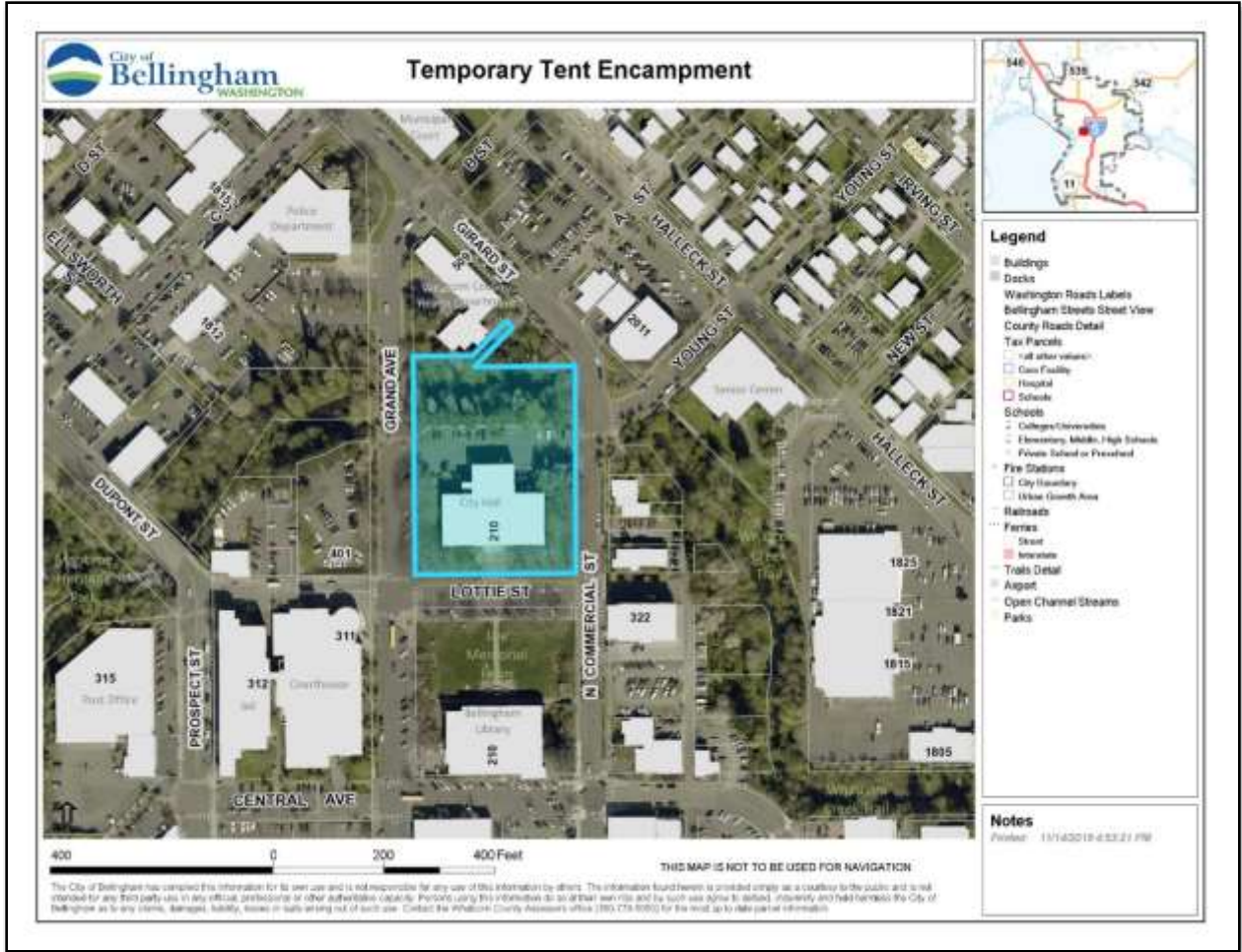
A site plan is printed on the next page. The full application and all associated documents are available for viewing in the Permit Center at City Hall. Anyone wishing to comment on this proposal is invited to submit written comments by 5:00 p.m. on December 7, 2018.

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

Date Application Received:	11/20/2018
Date of Complete Application:	11/21/2018
Date of Notice of Application:	11/21/2018
Other Known Required Permits:	Shoreline Exemption Permit

Send written comments and requests for information to:

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



210 Lottie Street
USE2018-0023 and SEP2018-0054

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

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

Name _____

Address
 (including City, Zip) _____