

ORDINANCE NO. 2021-10-039

**AN ORDINANCE OF THE CITY OF BELLINGHAM AMENDING BELLINGHAM MUNICIPAL CODE SECTION 20.15.050.C, TO ALLOW UP TO THREE RENEWALS OF ONE YEAR EACH FOR TEMPORARY TINY HOUSE ENCAMPMENTS PROVIDED THAT CONDITIONS ARE MET**

**WHEREAS**, in response to the on-going housing crisis, the City Council adopted regulations governing temporary shelters for people experiencing homelessness in October, 2018, which were then codified as Chapter 20.15 in the Municipal Code; and

**WHEREAS**, the adopted regulations include provisions for temporary tiny house encampments; and

**WHEREAS**, temporary tiny house encampments may be approved for a period of between 90 days and up to two years, provided the sponsor and managing agency comply with all permit conditions; and

**WHEREAS**, recent experience with permitted tiny house encampments indicates that the cost of establishing such operations requires a significant investment of time and money; and

**WHEREAS**, if tiny house encampments are successful in placing its residents in permanent housing and successfully meets all conditions placed on their operation it would be in the public interest to allow continued use for a longer term; and

**WHEREAS**, on May 6, 2021, staff introduced forthcoming code amendments regarding renewals of tiny house encampments to the Planning Commission under the Director's Report in a work session; and

**WHEREAS**, the responsible official reviewed the proposed amendments under the procedures of the State Environmental Policy Act and issued a non-project Determination of Non-Significance on June 7, 2021; and

**WHEREAS**, as required by RCW 36.70A.106, notice of the City's intent to adopt the proposed Comprehensive Plan amendments was sent the Department of Commerce; and

**WHEREAS**, after mailed and published notice as required by the Bellingham Municipal Code, the Planning Commission held a public hearing on the proposed amendments on June 17, 2021; and

**WHEREAS**, the Planning Commission determined that the proposed amendments comply with and will implement the goals and policies of the 2016 Bellingham Comprehensive Plan; and

45 **WHEREAS**, the Planning Commission considered the staff report and public comments and  
46 thereafter made Findings of Fact, Conclusions and Recommendations for approval of the  
47 proposed amendments by a 6-0 vote; and  
48

49 **WHEREAS**, after mailed and published notice as required by the BMC, the City Council held  
50 a public hearing on the proposed amendments on September 27, 2021; and  
51

52 **WHEREAS**, the City Council has considered the recommendation of the Planning  
53 Commission, the staff report, other meeting materials, and all public comments and hereby  
54 adopts the Findings of Fact, Conclusions and Recommendations of the Planning Commission;  
55 and  
56

57 **WHEREAS**, the City Council finds that the proposed amendments are consistent with the  
58 Growth Management Act, the Bellingham Municipal Code, and the 2016 Bellingham  
59 Comprehensive Plan.  
60

61 **NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**  
62

63 **Section 1.** Section 20.15.050.C shall be revised as follows:  
64

65 Temporary tiny house encampments may be approved for a period of between 90 days and  
66 up to two years, with the potential for three consecutive one year renewals provided the  
67 sponsor and managing agency comply with all permit conditions. ~~Should the original permit be~~  
68 ~~granted for a period of less than two years, the director may grant one or more extension up~~  
69 ~~to a total of two years. A permit for temporary tiny house encampments may be renewed for~~  
70 ~~additional one year terms subject to the following:~~  
71

- 72 1. A request for the renewal is received no less than sixty (60) days prior to the expiration  
73 date of the approved permit. Requests for renewal shall be accompanied by a revised  
74 Operations Plan that will be in effect during the permit renewal period consistent with  
75 the requirements of Section 20.15.020.P.
- 76 2. The encampment is in compliance with the requirements of this Chapter.
- 77 3. Temporary encampments that are located on City-owned land and/or that receive  
78 funding from the City shall ensure client data is entered into the Homeless Management  
79 Intake System, in coordination with the Whatcom Homeless Service Center, and  
80 comply with performance standards for housing placement in the approved license  
81 agreement and/or services agreement for the program and/or site.  
82

83 ~~Extensions~~ Renewals are subject to a Type I review process under BMC [21.10.100](#) and may  
84 be appealed to the hearing examiner as provided in BMC [21.10.250](#). The permit must specify  
85 a date by which the use will be terminated and the site vacated and, where applicable, restored  
86 to its preexisting condition.  
87

88 **Section 2.** City administration and the codifiers of this ordinance are authorized to make  
89 necessary clerical corrections including, but not limited to, the correction of scrivener's/clerical  
90 errors, references, ordinance numbering, section/subsection numbers and any reference  
91 thereto.

**Section 3.** The City Council agrees with and adopts the Findings of Fact, Conclusions and Recommendations of the Planning Commission attached as **Exhibit A** (draft Findings are included in the Planning Commission staff report as **Attachment C**) and incorporated by reference.

**PASSED** by the Council this 11<sup>th</sup> day of October, 2021


  
Hannah Stone, Council President

**APPROVED** by me this 15 day of October, 2021

  
Seth Fleetwood, Mayor

**ATTEST:**   
Andy Asbjornsen, Finance Director

**APPROVED AS TO FORM:**

  
Office of the City Attorney

**Published:** October 15, 2021

# **BELLINGHAM PLANNING COMMISSION FINDINGS OF FACT, CONCLUSIONS, AND RECOMMENDATIONS**

## **RENEWALS FOR TINY HOUSE ENCAMPMENTS**

**JUNE 17, 2021**

### **SUMMARY**

Following the public hearing and deliberation on renewals for tiny house encampments, the Bellingham Planning Commission determined that the changes are consistent with and will implement the goals and policies of the Bellingham Comprehensive Plan and should be recommended for approval.

## **I. FINDINGS OF FACT**

### **1. Proposal Description:**

The City is proposing revisions to Chapter 20.15 – Temporary Shelters for People Experiencing Homelessness - in the Bellingham Municipal Code. The proposed revisions would allow for up to three successive one-year long renewals beyond the currently allowed maximum of two years. This could allow a maximum term (should all renewal requests be approved) of 5 years at one site. These renewals would be evaluated and approved or denied based on proposed criteria contained in the ordinance and are not “automatic”. The review criteria would be performance based and evaluates both compliance with conditions of approval and (for encampments on City-owned land/and or receiving funding support from the City) meeting performance standards for placing residents into permanent housing. The proposed Ordinance is a non-project action and would not in itself approve the renewal of any existing or proposed tiny house encampment; rather it establishes a process and criteria to evaluate such renewal requests.

### **2. Background Information/Procedural History:**

The Planning Commission was briefed on the proposed revision prior to the public hearing. General public comment was taken at that meeting. The process to date included the following Planning Commission meeting:



May 6, 2021: Under the Director's Report, staff introduced forthcoming code amendments regarding setbacks for beekeeping.

### **3. Public Comments:**

Notice of the Planning Commission public hearing was mailed to neighborhood association representatives and other parties with an interest in this topic. Notice was also published in the Bellingham Herald at least 30 days prior to the hearing.

### **4. State Environmental Policy Act (SEPA) Determination:**

A non-project SEPA Determination of Non-Significance (DNS) was issued on June 7, 2021. Notice was mailed to the appropriate agencies and published in the Bellingham Herald and on the City's website. No public comments were submitted on the DNS prior to publication of the meeting packet.

## **II. CONCLUSIONS**

Based on the staff report and information presented at the public hearing, the Planning Commission concludes:

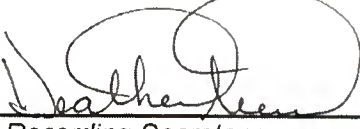
1. The proposed amendments comply with and will implement the goals and policies of the Bellingham Comprehensive Plan, including those related to housing, equity and compact growth.
2. The proposed amendment will allow successful tiny house encampments that meet all conditions of approval and are successful in placing residents into permanent housing to be permitted for a maximum term (should all renewal requests be approved) of 5 years at one site.

## **III. RECOMMENDATION**

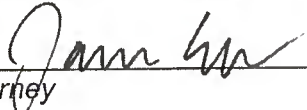
After careful consideration of all public comments, the staff report, other meeting materials, and the Findings and Conclusions, the Planning Commission recommends, with a 6-0 vote, that the City Council approve the proposed amendments to the Bellingham Municipal Code as shown in the draft ordinance.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_, 2021.

  
\_\_\_\_\_  
Planning Commission Chairperson

**ATTEST:**   
\_\_\_\_\_  
Recording Secretary

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney