

**WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES**

Temporary Homeless Facility Regulations

PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION

1. The Whatcom County Council adopted interim zoning regulations for the siting, establishment, and operation of temporary homeless facilities (Ordinances 2018-039, 2018-041, 2019-074, and 2020-053). These ordinances also requested County staff to prepare a draft ordinance and proposed revisions to the County's land use regulations relating to these facilities.
2. The proposal is to amend the Whatcom County Zoning Code (Title 20) as follows:
 - a. Add a new chapter entitled "Temporary Homeless Facilities" (WCC 20.17); and
 - b. Add definitions of "Temporary Homeless Facility" and related terms (WCC 20.97).
3. Notice of the subject amendments was submitted to the Washington State Department of Commerce on July 1, 2021.
4. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on July 6, 2021.
5. Notice of the Planning Commission hearing was sent to the County's e-mail list on July 7, 2021.
6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on July 9, 2021.
7. Notice of the Planning Commission hearing was posted on the County website on July 9, 2021.

8. The Planning Commission held a public hearing on the subject amendments on July 22, 2021.
9. Pursuant to WCC 22.10.060(2), in order to approve an amendment to the development regulations, the planning commission and county council must find that the amendment is consistent with the comprehensive plan.
10. The Whatcom County Comprehensive Plan Housing Chapter states:

. . . Subsidized housing, homeless housing, transient, emergency, and special needs housing are all part of the affordability riddle, and in some instances a major part. Residents currently possessing safe and decent housing may not fully understand the scope of the housing problem and they may tend not to want housing for less advantaged households near them. In that regard, the location of affordable housing can be as difficult an issue as funding. Many people who do not want rural sprawl also do not want in-fill near them. . . (p. 3-10).
11. Whatcom County Comprehensive Plan, Housing Chapter Policy 3E-1 states:

Review and revise existing regulations to identify inhibitions to housing for the varying preferences of those needing housing. Focus on population segments with particular needs such as temporary, transitional, or emergency housing.
12. Whatcom County Comprehensive Plan, Housing Chapter Policy 3E-2 states:

Evaluate all new regulations or codes developed at the county level to ensure they accommodate housing preferences and needs existing at that time.
13. State law limits local government regulation of temporary homeless facilities hosted by religious organizations (RCW 36.01.290).
14. According to *A Home for Everyone Whatcom County Coalition to End Homelessness 2020 Annual Report* (July 2020), at least 707 people were homeless in Whatcom County in January 2020 (p. 9). Of the 707 homeless people, 218 were unsheltered living in camps, cars, and other places not meant for human habitation (p. 13). However, the Annual Report also “. . . acknowledged that Point in Time Counts consistently underestimate the number of those who are homeless . . .” (p. 2).
According to A Home for Everyone Whatcom County Coalition to End Homelessness 2021 Annual Report (July 2021), 859 people were homeless

in Whatcom County in January 2021 (p. 7). Of the 859 homeless people, 218 were unsheltered (p. 8).

15. According to *A Home for Everyone Strategic Plan to End Homelessness in Whatcom* (2019), "interim housing" includes both emergency shelters and transitional housing (p. 37). These living conditions are considered as "sheltered homelessness" (p. 13). This Plan states that a number of providers participate in interim housing services "but the demand for shelters is far from being met in Whatcom County" (p. 38). Unsheltered homelessness is used to describe "the living conditions for individuals or households who sleep in places not meant for human habitation, such as tents, doorways, abandoned buildings, vehicles, or other places outside" (p. 13).
16. Homelessness continues to be a local, regional and national challenge due to many social and economic factors.
17. Tent encampments, tiny house encampments, and other homeless facilities have become temporary mechanisms to provide shelter for homeless individuals and families.
18. Temporary homeless facility regulations and permit processing requirements are necessary to preserve and protect public health and safety.
19. Temporary homeless facility regulations and permit processing requirements are necessary to prevent or mitigate adverse impacts to public or private property.
20. The subject amendments further the goals and policies of the Whatcom County Comprehensive Plan by providing a regulatory framework for addressing some of the community's temporary housing needs in an orderly fashion.

PROPOSED CONCLUSION

The subject Whatcom County development regulation amendments are consistent with the approval criteria in WCC 22.10.060.

RECOMMENDATION

Based upon the above findings and conclusions, staff recommends:

1. Approval of Exhibit A, amendments to the Whatcom County Zoning Regulations (Title 20).