

**BEFORE THE HEARING EXAMINER  
FOR THE CITY OF PORT ANGELES**

In the Matter of the Application of	)	No. PZ 20-55
	)	
<b>Sharon Maggard, on behalf of</b>	)	<b>Serenity House Expansion CUP</b>
<b>Serenity House of Clallam County</b>	)	
	)	
	)	FINDINGS, CONCLUSIONS,
<u>For a Conditional Use Permit</u>	)	AND DECISION

**SUMMARY OF DECISION**

The request for a conditional use permit to allow construction of a 40-foot by 50-foot building, which would expand shelter capacity at the existing Serenity House site, and to allow designated areas for five tent sites in the northwest corner of the property and five overnight vehicle camping sites within the existing parking lot, at 2321 W. 18th Street, is **APPROVED**. Conditions are necessary to mitigate specific impacts of the project.

**SUMMARY OF RECORD**

Hearing Date:

The Hearing Examiner held an open record hearing on the request on December 16, 2020, using remote technology in light of the ongoing COVID-19 pandemic.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Emma Bolin, City Community Development Manager  
Allyson Brekke, City Community and Economic Development Director  
Mike Sanders, City Fire Marshal  
Sharon Maggard, Applicant Representative  
Bob Larson, Serenity House of Clallam County Board of Directors Vice President  
Kevin LoPiccolo, Clallam County Department of Health and Human Services Interim Director  
Robin Bogart  
T. Scott Brandon, Olympic Peninsula Community Clinic Executive Director  
Viola Ware  
Randy Johnson, Clallam County Commissioner  
Bob Dunlap, Serenity House of Clallam County Board of Directors President  
Jackie Gusso  
Daniel Montana

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Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated December 9, 2020
2. Application Materials:
  - a. Conditional Use Permit Application, received September 29, 2020
  - b. State Environmental Policy Act (SEPA) Cover Page, received September 29, 2020
  - c. Project Narrative, undated
  - d. SEPA Environmental Checklist, dated September 23, 2020
  - e. Site Photographs, undated
  - f. Building Plan sketch, dated August 26, 2020
  - g. Site Plan, dated June 30, 2020
  - h. 300 Foot Radius Map and Mailing Labels
3. Letter of Incomplete Application, dated October 15, 2020; Letter of Complete Application, dated October 30, 2020
4. Notice Materials:
  - a. Notice of Application and Public Hearing
  - b. Classified Proof, *Peninsula Daily News*, dated November 10, 2020, with ad published November 13, 2020
  - c. 300 Foot Radius Map and Mailing Labels
  - d. Agency and City Department Routing List, with notice email from Emma Bolin, dated November 13, 2020
  - e. Certification of Noticing, dated December 8, 2020
  - f. Noticing Materials Final Audit Report, dated December 8, 2020
5. City Department Comments:
  - a. Comment from Mike Sanders, Assistant Chief/Fire Marshal, dated October 6, 2020
  - b. Comment from Eric Walrath, Public Works Engineering, dated November 25, 2020
  - c. Comment from Jim Lierly, City Building Inspector, dated November 24, 2020
  - d. Comment from Angel Torres, City Electrical Engineering Specialist, dated November 23, 2020
  - e. Comment from Eric Walrath, Public Works Engineering, dated October 7, 2020
  - f. Comment from Brian Smith, City Police Department, dated November 23, 2020
  - g. Comment from Angel Torres, City Electrical Engineering Specialist, dated November 30, 2020
6. SEPA Mitigated Determination of Nonsignificance (MDNS), dated December 1, 2020; MDNS Final Audit Report, dated December 1, 2020
7. SEPA Comments:
  - a. Comment from Washington State Department of Ecology, dated November 24, 2020
  - b. Comment from Julian Prosser, dated November 27, 2020

8. Comment from John Phillips, dated November 29, 2020
9. Serenity House Project Record (No. CUP 01-10)
10. City Presentation Slides, received December 16, 2020
11. Comment from Amy Miller, undated
12. Email from Sharon Maggard to Emma Bolin re: Count for Vehicles, dated December 16, 2020, with email string
13. Applicant Presentation Slides, received December 16, 2020
14. Comment from Olympic Peninsula Community Clinic, dated December 14, 2020

The Hearing Examiner enters the following findings and conclusions based on the admitted testimony and exhibits:

## **FINDINGS**

### Background

1. In 2001, Serenity House of Clallam County received a conditional use permit (No. CUP 01-10) allowing it to develop a 4.3-acre property at 2321 W. 18th Street with a 10,364 square foot single-story transitional housing/emergency shelter facility to serve individuals experiencing homelessness in Clallam County. The 2001 CUP permit originally allowed for a capacity of 50 beds, with a 70-bed capacity allowed during short-term emergency situations. In 2016, the Port Angeles Fire Marshal allowed the facility to expand its capacity to serve up to 108 residents during emergency situations, such as extreme weather events, with a standard operating capacity of 78 beds. Due to an increase in the number of individuals experiencing homelessness in Clallam County in recent years, together with social distancing guidelines implemented in response to the ongoing COVID-19 pandemic, the current shelter capacity in Clallam County is insufficient to meet the demand for transitional housing/emergency shelter services. As described in more detail below, Serenity House of Clallam County requests a conditional use permit (CUP) to allow it to expand its shelter capacity at the existing facility to meet this increased demand. *Exhibit 1, Staff Report, pages 2, 15, and 16; Exhibit 2; Exhibit 9; Exhibit 11, Exhibit 13; Exhibit 14; Testimony of Sharon Maggard; Testimony of Mike Sanders.*

### Application and Notice

2. Sharon Maggard, on behalf of Serenity House of Clallam County (Applicant), requests a CUP to allow construction of a 40-foot by 50-foot building and to allow designated areas for five tent sites and five overnight vehicle camping sites at the existing Serenity House property. The proposed building would be one or two stories depending on the final design and available funding for the project, which is not yet known. The one-story building option would allow for the cumulative shelter capacity at the facility to increase to 148 interior beds, and the two-story building option would allow for the cumulative shelter capacity to increase to 188 interior beds. The proposed tent camp sites would be located in the northwest corner of the property, and the proposed overnight vehicle

camping sites would be located within the existing parking lot. As noted above, the property is located at 2321 W. 18th Street.<sup>1</sup> *Exhibit 1, Staff Report, page 2; Exhibit 2.*

3. The City of Port Angeles (City) determined that the application was complete on October 30, 2020. On November 9, 2020, the City posted notice of the application and associated open record hearing on the property and at designated City locations and mailed notice to property owners within 300 feet of the subject property. The City also mailed or emailed notice of the application and associated hearing to reviewing departments and agencies. The City published notice of the application and associated hearing in the *Peninsula Daily News* on November 13, 2020. *Exhibit 1, Staff Report, page 4; Exhibit 3; Exhibit 4.*
4. The City received several public comments in response to its notice materials. Ben Phillips submitted a comment opposing the project and expressing concerns about impacts to the neighborhood from crime, drug, and pollution problems associated with the facility. Mr. Phillips noted that these problems have been abated in part under the facility's current management but expressed concerns that the problems could again arise with the proposed expansion. Olympic Peninsula Community Clinic (OPCC) submitted comments supporting the proposed expansion, noting the need for increased shelter beds to serve unhoused residents of Clallam County. Julian Prosser submitted a comment specific to the State Environmental Policy Act (SEPA), which is discussed in detail below. The City also received one agency comment from Washington State Department of Ecology (DOE) specific to SEPA, which is discussed in detail below. Additionally, the City received several comments from reviewing City departments that address sewer, stormwater, and electrical requirements of the project, which would be reviewed during the building permit stage. *Exhibit 1, Staff Report, pages 4, 5, 11, and 12; Exhibit 5; Exhibit 7; Exhibit 8; Exhibit 11; Exhibit 14.*

#### State Environmental Policy Act

5. The City acted as lead agency and analyzed the environmental impacts of the proposal under the State Environmental Policy Act (SEPA), Chapter 43.21C Revised Code of Washington RCW (RCW). The City consolidated notice of the SEPA review and application comment periods under the optional process provided for by Washington Administrative Code (WAC) 197-11-355, with a comment deadline of November 27, 2020. The notice materials stated that the City expected to issue a Determination of Nonsignificance for the proposal. *Exhibit 1, Staff Report, pages 4 and 17; Exhibit 4; Exhibit 6.*
6. As noted above, the City received two comments specific to SEPA in response to its notice materials. The Washington State Department of Ecology commented that clean fill must be used for all grading and filling of land and that all debris must be disposed of at an approved site. Julian Prosser provided comments opposing expansion of the

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<sup>1</sup> The property is identified by tax parcel number 063099110215. *Exhibit 1, Staff Report, page 2.*

Serenity House facility and raising concerns with the Applicant's SEPA checklist. Specifically, Mr. Prosser raised concerns that the checklist did not provide information sufficient to analyze the project's impacts because it provided for a range of increased bed occupancy, depending on whether the building would be one or two stories; that the checklist did not adequately address the project's potential noise impacts; and that the checklist did not adequately address compatibility of the proposed use with existing uses on adjacent or nearby properties. City staff provided an analysis addressing Mr. Prosser's comments. Specifically, staff noted that, when analyzing probable neighborhood impacts, it considered the maximum occupancy proposed for the project for purposes of SEPA and the CUP application and determined that there would be no probable significant environmental impacts with mitigation measures that would include landscaping/screening, safety features, and quarterly neighborhood engagement meetings. Staff also determined that noise from traffic and vehicles on-site would not be significantly different than that associated with residential uses in the neighborhood; that noise from the site would not be significantly different with the proposed increased occupancy and camping uses; that the Applicant's security staff would continue to monitor noise levels and remove people that are not complying with the City's noise and public disturbance ordinances; that the City's authority to restrict homeless individuals from outdoor camping is limited by constitutional considerations; and that, if Serenity House was a religious organization, state law would restrict the City's ability to prohibit it from hosting an outdoor encampment on the property. *Exhibit 1, Staff Report, pages 4, 5, and 17; Exhibit 4; Exhibit 6; Exhibit 7.*

7. Following the SEPA comment period, the City reviewed the received comments, the Applicant's environmental checklist, and other information on file and determined that, with seven mitigation measures, the proposal would not have a probable significant adverse impact on the environment. Accordingly, the City issued a Mitigated Determination of Nonsignificance (MDNS) on December 1, 2020, with an appeal deadline of December 16, 2020. The MDNS was not appealed. *Exhibit 1, Staff Report, pages 4, 5, and 17; Exhibit 4; Exhibit 6; Exhibit 7; Testimony of Emma Bolin.*
8. The MDNS includes the following mitigation requirements:
  - A landscaping plan shall be provided to ensure compatibility with the adjacent zoning and public safety [including]:
    - 1) Provide a screen capable along the eastern edge of the parking lot and eastern edge of the tent campsites, so that standing individuals at or near the adjacent eastern property line do not see activity, and in such a way that enhances aesthetics of the site with perennial flowers and shrubs,
    - 2) Delineate tent pad locations and enhance aesthetics of each campsite, and

- 3) Integrate vehicle bollards and landscaping to protect camper life safety from vehicle collision in such a way that enhances aesthetics of the site with perennial flowers and shrubs.
- The shelter operator shall conduct quarterly neighborhood meetings as proposed and shall invite the City of Port Angeles Department of Community Development and Police Department to the meetings.
  - Prior to submittal of a building permit application for the building expansion, the proponent shall monitor the percentage of vehicles compared to overnight guests registered. The shelter operator shall submit an amended Transportation Demand Management Assessment to the CED Director for approval with the building permit application to ensure adequacy of parking for overnight guests and staff.
  - The five parking spaces for overnight camping shall be allowed only within conforming striped spaces. Parking spaces currently do not exist in the east area where the applicant proposes two overnight parking spaces and shall be relocated to conforming striped spaces. Signage shall be installed delineating the parking spaces for overnight vehicle camping. All parking spaces shall be striped. A revised parking plan shall be submitted with the building permit application.
  - Overnight camping vehicles are limited to those that will fit within the 9 feet wide by 18 feet long parking space.
  - The tent camping area shall be set back a minimum of 15 feet from the rear property line and five feet from the west side property line. The tent area shall be identified with signage.
  - The proposed building shall be limited to 35-feet in height.

*Exhibit 6.*

#### Comprehensive Plan, Zoning, and Surrounding Property

9. City staff determined that the property is located in an area within an imprecise margin between low and medium density residential land use designations under the City Comprehensive Plan. The Low Density Residential designation is primarily intended to accommodate single-family homes while allowing for accessory residential units and duplexes in accordance with the City's zoning regulations. The Medium Density Residential designation is intended to encourage development consisting of multiple residential units, including but not limited to duplexes, townhouses, condominiums, and apartments. *City Comprehensive Plan, Chapter 3. Exhibit 1, Staff Report, page 2; Testimony of Emma Bolin.*
10. City staff identified several goals and policies from the Comprehensive Plan relevant to the proposal, including:
  - Managing growth in a responsible manner that is beneficial to the community as a whole, is sensitive to the rights and needs of individuals, and is consistent with the Growth Management Act (Chapter 36.70A RCW).

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- Encouraging development in urban areas where adequate public facilities and facilities exist or can be provided in an efficient manner.
- Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development.
- Encouraging the availability of affordable housing to all economic segments of the population.
- Encouraging citizen involvement in the planning process.
- Creating and maintaining a fulfilling and enjoyable community of viable districts and neighborhoods with a variety of residential types attractive to people of all ages, characteristics, and interests.
- Employing the district and neighborhood concept when developing residential land.
- Ensuring medium and high-density housing is served by arterial streets of sufficient size to satisfy traffic demand and to lessen neighborhood traffic congestion.
- Improving circulation patterns across and within the community.
- Ensuring that off-street parking is sufficient and accessible within business and residential areas in order not to impair traffic flow.
- Providing or allowing the opportunity for services and facilities that enhance the quality of life for Port Angeles citizens of all ages, characteristics, needs, and interests.
- Locating social services providing home care in residential neighborhoods in a manner that maintains the character of the immediate neighborhood.
- Supporting services and facilities through different levels of participation in cooperation with other public or private agencies.
- Encouraging City participation as a financial partner to support essential programs and services, including social and public health services.
- Encouraging active involvement and communication between education, business, community, art, and cultural communities to help integrate key people into the startup community.
- Improving the variety, quality, availability, and attainability of housing opportunities in Port Angeles.
- Supporting affordable housing by developing utility cost saving programs and the provision of transitional and temporary housing for the homeless and/or displaced families.
- Developing strategies to combat homelessness and housing insecurity amongst residents.

- Providing urban streets and utilities at minimum levels of service for all city residents and the general public.<sup>2</sup>

*Exhibit 1, Staff Report, pages 7 through 12.*

11. City staff determined that, with recommended conditions, the proposal would be consistent with the Comprehensive Plan, specifically noting that the proposal would: provide a managed facility for emergency and transitional residents; improve the quality and availability of safe housing opportunities, with the goal of moving people off the streets and indoors; reduce sprawl and inappropriate conversion of land into low density development in an area that provides urban facilities and services; support the initial steps needed to get unsheltered people off of streets and connected to wrap-around services; ensure that the temporary shelter use would be compatible with the surrounding neighborhood through management of the site; continue to engage the neighborhood and the City to help understand and address concerns about shelter management; utilize existing services, public facilities, and transportation opportunities on the site to serve the shelter housing at the proposed density, including access to an arterial street, W. 18th Street, and a Clallam Transit bus stop serving the site; provide daily transportation for the homeless population through bus passes and taxi vouchers; provide adequate off-street parking for guests, staff, and visiting providers; manage parking uses to prohibit outdoor storage or other activities interfering with the parking lot use; provide limited camping on-site for homeless individuals who are not ready to come indoors but need support services to encourage them to move off the streets and into a housing continuum; implement measures to manage outdoor camping that would protect the character of the neighborhood, including compulsory registration, outdoor sanitation stations, prohibiting on-site drug use, limiting stays to 30 days, and security services; and encourage community feedback through quarterly public events. *Exhibit 1, Staff Report, pages 7 through 12.*
12. The property is located within the City’s “Residential Medium Density” (RMD) zoning district, which allows for a mix of single-family, two-family/duplexes, and multi-family dwellings at a density greater than single-family neighborhoods but less than the higher densities of the Residential High Density (RHD) zoning district. Permitted uses in the RMD zone are intended to be more restrictive than the RHD zone, with commercial uses not considered to be compatible. Few nonresidential uses are allowed in the RHD, and then only conditionally, because of land use impacts associated with nonresidential uses. The RHD zone

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<sup>2</sup> City staff identified the following specific provisions of the Comprehensive Plan as relevant to the proposal: Growth Management Element Goal G-2A and Policy P-2A.01; Land Use Element Goal G-3C and Policies P-3C.01 and P-3C.02; Transportation Element Goal G-4B and Policy P-4B.09; Utilities & Public Services Element Goals G-5A, G-5B, and G-5C and Policies P-9A.01, P-5B.02, P-5B.04, and P-5C.04; Housing Element Goal G-6A and Policies P-6B.06 and P-6A.17; and Capital Facilities Element Goal G-8B and Policies P-8B.01, P-8B.04, P-8B.05 and P-8B.06. *Exhibit 1, Staff Report, pages 7 through 12.*

provides for variety in the urban land use pattern for the City's lower density multi-family residential neighborhoods (at twice the density of the City's basic single-family residential neighborhoods) with direct access on an arterial street, usually located in outlying areas with large tracts of vacant buildable land, and serving as a transitional use between low density residential uses and commercial/industrial uses.

*Port Angeles Municipal Code (PAMC) 17.14.010. Exhibit 1, Staff Report, pages 2 and 12.*

13. A homeless shelter use is not a traditional residential use permitted outright in the RMD zoning district because of the transitional short-term nature of the occupancy. "Group living" uses are permitted outright in the RMD zone. *PAMC 17.14.020.G*. The proposed expansion of the homeless shelter use previously approved in 2001, however, is excluded from the definition of group living under *PAMC 17.08.040.E* because Serenity House has a transient accommodations license from the State of Washington.<sup>3</sup> Homeless shelter uses are also not specifically listed among conditional uses allowed in the RMD zone. *PAMC 17.14.040*, however, provides that "other uses compatible with the intent of this chapter" are allowed in the RMD zone with a conditional use permit. A homeless shelter use is compatible with the intent of the RMD zoning regulations because it is similar to other uses allowed in the RMD zone with a conditional use permit, specifically community centers and assisted living facilities. *PAMC 17.08.010.P; PAMC 17.08.020.H; PAMC 17.14.040*. Accordingly, the proposed expansion of the previously approved homeless shelter use is permitted in the RMD zone with a conditional use permit. *Exhibit 1, Staff Report, pages 12 and 13; Exhibit 2; Exhibit 9.*
14. *PAMC 17.14.050* provides area and dimensional requirements applicable to the RMD zone. City staff reviewed the proposal and determined that it would meet these requirements, including requirements for maximum lot coverage, maximum site coverage, and minimum setbacks. Although the final building design has not yet been completed, a SEPA mitigation condition would limit the height of the proposed building to 35 feet, the maximum allowed building height in the RMD zone. In addition, SEPA mitigation conditions would require the proposed tent camping areas to comply with building setback requirements of the RMD zone to ensure compatibility with the neighborhood and to preserve public safety and welfare. *Exhibit 1, Staff Report, page 15; Exhibit 2; Exhibit 6.*

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<sup>3</sup> *PAMC 17.08.040.E* defines group living as:

A building, portion of a building or a complex of buildings under unified control and management which contains facilities for living, sleeping, sanitation, eating and cooking for occupancy for residential uses; and which does not otherwise meet the definition of another residential use defined in this chapter *and does not include any type of group living facility that is licensed by the State of Washington*. Eating and cooking areas may be shared in whole or part.

(emphasis added).

15. PAMC 17.14.060 and Chapter 14.40 PAMC provide off-street parking requirements applicable to the proposal. The site currently has 28 off-street parking spaces. The Applicant conducted parking counts at the site to analyze the off-street parking demand of the proposed expansion. City staff reviewed the Applicant's parking counts and determined that the existing off-street parking spaces would be sufficient to comply with off-street parking requirements, with 18 spaces for overnight guests, 5 spaces for overnight vehicle camping, 3 spaces for staff, and 2 spaces for visitors. A SEPA condition would require the Applicant to continue to monitor parking rates and to submit an amended Transportation Demand Management Assessment to the Community and Economic Development Director for approval prior to issuance of a building permit. *Exhibit 1, Staff Report, pages 13 and 14; Exhibit 2; Exhibit 6; Exhibit 9; Exhibit 12.*
  
16. Property to the north and east of the subject property is zoned RMD and contains the Maloney Heights and Evergreen Family Village multi-family affordable housing developments. Property to the west is within the R9, Residential, Low Density zoning district and is developed with single-family residences. Property to the south is zoned Industrial and contains the William R Fairchild International Airport. A SEPA mitigation condition would require the Applicant to submit a landscaping plan that includes screening along the eastern edge of the parking lot and the eastern edge of the camping spaces to ensure compatibility with adjacent residential development. *Exhibit 1, Staff Report, pages 2, 14, and 15; Exhibit 6.*

#### Conditional Use Permit

17. The Applicant submitted a project narrative addressing the requirements for a CUP under PAMC 17.96.050, which notes:
  - The proposed use would be consistent and compatible with the purpose of the RMD zone. The proposal intends to extend shelter capacity through a one or two story 40-foot by 50-foot building addition, which would allow for an additional 40 beds if built as a single-story building and 80 beds if built as a two-story building. The proposal also would allow for five outdoor tent sites and five overnight vehicle sites on the existing property. The proposal would not change the existing use or operation of the existing shelter but would allow Serenity House to meet the challenges of providing the shelter needed for homeless individuals.
  - The proposed project would be consistent with several goals and policies of the City Comprehensive Plan by reducing sprawl; encouraging the availability of affordable housing to all economic segments of the population; providing daily transportation for the homeless population through van services, bus passes, and taxi vouchers; combating homelessness and housing insecurity; and providing transitional and temporary housing for the homeless population.
  - The proposed use would not be contrary to the public use and interest. "Blue flag" is a community initiative to provide daytime shelter when there have been

three days of freezing daytime temperatures or two days of significant wind or precipitation. With the proposed expansion, Serenity House would have the capacity to support the City and Clallam County by providing emergency responses to pandemics and homeless blue flag requirements. The existing shelter currently serves 60 to 80 clients at any given time. Expanding shelter capacity would allow Serenity House to supply enough room to support relocation of the recovery shelter clients, reducing additional expenditures for rented airport manufacture space used for the City and County Social Distancing Shelter.

- The proposed use would not be detrimental to the public health, safety, and welfare or to neighboring properties. People staying at Serenity House must be at least 18 years old and must register with staff or a trained and registered volunteer. Registry includes a site agreement for no weapons, no drug use, and no fighting while on the property, as well as no destruction of neighboring property, with noncompliance resulting in a one-year no trespass order. Serenity House staff walk the site each shift to ensure that trash is removed and that no drug use occurs on-site.

*Exhibit 2.c.*

18. City staff also analyzed the proposal to ensure that it would be consistent with surrounding development and with the requirements of PAMC 17.96.050 and determined:

- The proposal would comply with the City Comprehensive Plan, as detailed above.
- A homeless shelter is not a traditional residential use due to the transitional short-term nature of the occupancy and unique characteristics of occupants; therefore, there is no conventional way of measuring density of the use. The City does not have Floor Area Ratio regulations, which would be a more effective way to evaluate density for a homeless shelter. The infill proposal would not change the existing use and would improve the operation of the existing shelter, allowing Serenity House to meet the challenges of providing the shelter needed for the homeless population.
- The City Community and Economic Development Director recommends that the proposed use qualify as an “other use” allowed in the RMD zone with a CUP because it is similar to community centers and residential care facilities, which are listed as conditional uses in the RMD zone.
- The 2001 CUP approval for the emergency housing use found the proposal to be beneficial to the community as a whole and compatible with the desired urban design of the city. The improved management of the site as proposed would result in a net benefit to compatibility with neighboring uses.
- The proposal, with recommended conditions, would meet requirements for off-street parking and landscaping, as detailed above.
- The proposed building addition would meet all area and dimensional requirements for the RMD zone.

- With the COVID-19 pandemic economic fallout and eviction moratoria, coupled with other driving forces behind homelessness, the pressure to provide transitional homeless shelters will increase. Expanding the site with the proposed shelter management, as proposed, would serve to improve public use and interest.
- The SEPA mitigation and proposed conditions of approval would ensure compatibility with existing and potential uses. The existing surrounding residential and industrial uses represent potential allowed uses within the general area.
- The proposal would be required to comply with the Americans with Disabilities Act of the International Building Code (2015), with compliance evaluated at the time of the building permit review.

*Exhibit 1, Staff Report, pages 7 through 17.*

#### Testimony

19. City Community Development Manager Emma Bolin testified generally about the proposal and about how, with recommended conditions, it would meet the criteria for approval of a CUP. She described the history of the project, noting that the shelter use was conditionally approved in 2001 and that the current application does not qualify for a minor amendment because it proposes changes that exceed 10 percent of the original CUP approval. Ms. Bolin stated that the 2001 CUP conditions should be vacated and replaced with new conditions because they are outdated due to subsequent development, preemption issues, and reductions in requirements. She noted that an MDNS was issued for the proposal, which was not appealed. Ms. Bolin explained how the MDNS conditions and additional recommended conditions for CUP approval would ensure that the proposed use would be consistent with the City Comprehensive Plan and RHD zoning district requirements, as described above. She noted that the public use and interest would be served through the proposal because it would increase shelter capacity to serve the increasing number of homeless people in Clallam County at a non-religious affiliated site, forward City Comprehensive Plan goals related to homelessness, facilitate the relocation of clients at the City and County Social Distancing Shelter, address the potential economic fallout and eviction moratoria expiration associated with the COVID-19 pandemic, improve prior management of the site, increase community engagement and monitoring, and provide support services to help people accomplish an indoor move through limited camping spaces. *Testimony of Ms. Bolin.*
20. City Community and Economic Development Director Allyson Brekke testified about a previous issue at the site involving vehicles being abandoned along W. 18th Street in front of the Serenity House property, resulting in safety and nuisance concerns. She explained that police have currently blocked off that area for on-street parking and that City staff would continue to work with the shelter operator to ensure that the problems associated with on-street parking do not reoccur. Ms. Brekke noted that the Applicant proposes to hold quarterly neighborhood engagement meetings to address any concerns raised by the community. *Testimony of Ms. Brekke.*

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21. City Fire Marshal Mike Sanders testified that he assessed the need to expand Serenity House's shelter capacity in 2016. He explained that, at the time, Serenity House proposed to temporarily convert kitchen space into emergency overflow housing area to accommodate additional shelter residents during extreme cold weather conditions. Mr. Sanders explained that Serenity House was granted approval to expand its shelter capacity to serve 108 clients during emergency conditions, such as extreme cold weather events, if it met certain conditions, with standard operating capacity at 78 beds.  
*Testimony of Mr. Sanders.*
  
22. Applicant Representative Sharon Maggard, Executive Director at Serenity House, testified about the increasing number of individuals experiencing homelessness in Clallam County and about how current shelter capacity in the county is insufficient to meet the demand for emergency shelter services. She explained that the Applicant seeks to designate tent and vehicle camping areas at the site to accommodate clients that suffer from trauma preventing them from coming indoors. Ms. Maggard stated that the proposed tent and vehicle camp areas would allow the Applicant to provide services to these individuals on-site and to assist them in transitioning to indoor services. She described some of the mitigation measures that the Applicant would employ to address impacts of the increased shelter capacity, such as conducting nightly neighborhood security patrols; monitoring the site with staff and security cameras; installing vegetation in a manner that would not impair clear lines of sight for surveillance by staff, security, and police; prohibiting clients from unloading vehicles in the parking lot; and requiring vehicles that have parked overnight to move each morning by 8:00 AM. Ms. Maggard also explained how operational policies at the shelter are designed to prevent adverse impacts to the clients, staff, and the surrounding neighborhood, such as prohibiting drugs, weapons, and alcohol on-site and implementing COVID-19 protective measures. She noted that the facility plans to host quarterly open house meetings beginning in March 2021, with appropriate social distancing protocols. Ms. Maggard stated that she does not anticipate significant noise impacts from the proposal, noting that clients would be required to follow rules requiring quiet time to begin each night at 10:00 PM. She explained that patrols of the neighborhood in the vicinity of the site would begin each night at 9:00 PM. *Testimony of Ms. Maggard.*
  
23. Bob Larson, Serenity House Board of Directors Vice President, testified about the challenges in serving increasing numbers of homeless people in the region with limited available resources, particularly during the COVID-19 pandemic. He stated that the Board of Directors was able to secure the resources necessary to improve operations at the Serenity House, resulting in fewer calls to police, and is committed to securing the funding necessary to maintain and improve these needed services. Mr. Larson noted that increasing shelter capacity at Serenity House would be an asset to the community. He explained that the facility is currently limited in the number of clients it can serve due to protocols related to the ongoing COVID-19 pandemic. *Testimony of Mr. Larson.*

24. Kevin LoPiccolo, Clallam County Department of Health and Human Services Interim Director, testified that the proposal would help facilitate the transition of clients currently being served at the County Social Distancing Center. *Testimony of Mr. LoPiccolo.*
25. Robin Bogart testified that she works at Serenity House and supports the proposed expansion, noting that it would allow staff to provide assistance to more people needing emergency shelter services. *Testimony of Ms. Bogart.*
26. T. Scott Brandon, Executive Director of OPCC, testified in support of the proposal and read OPCC's comment letter supporting the proposal, as described above. *Testimony of Mr. Brandon.*
27. Viola Ware testified that she works as a community change agent for the OPCC Rediscovery Program. She stated that Serenity House has been an integral partner in providing services to the area's homeless population and has helped achieve positive outcomes for community members in need. *Testimony of Ms. Ware.*
28. Clallam County Commissioner Randy Johnson testified in favor of the proposal to expand shelter capacity at Serenity House. He noted that operations at Serenity House have improved with new management. *Testimony of Commissioner Johnson.*
29. Bob Dunlap, Serenity House Board of Directors President, reiterated Mr. Larson's testimony and stated that the Board of Directors fully supports the proposal to expand shelter capacity at Serenity House. *Testimony of Mr. Dunlap.*
30. Jackie Gusso testified that she is the site manager at the County Social Distancing Center and supports the proposal. *Testimony of Ms. Gusso.*
31. Daniel Montana, Community Paramedic for the Port Angeles Fire Department, testified in support of the proposal, noting that he has worked closely with Serenity House staff and that Serenity House is an important asset for the community. *Testimony of Mr. Montana.*

#### Staff Recommendation

32. Ms. Bolin testified that City staff determined that, with conditions, the proposed CUP would meet the standards of the City Comprehensive Plan and the PAMC, and that staff recommends approval of the proposal, with conditions. Ms. Maggard testified that the Applicant understands and would comply with the recommended conditions. *Exhibit 1, Staff Report, pages 17 and 18; Testimony of Ms. Bolin; Testimony of Ms. Maggard.*

## CONCLUSIONS

### Jurisdiction

The City of Port Angeles Hearing Examiner is authorized to hold hearings and decide conditional use permit applications. *PAMC 2.18.060.A.1; PAMC 17.96.050.A.*

### Criteria for Review

Under PAMC 17.96.050.A, the Hearing Examiner may grant conditional use permits “that are consistent and compatible with the purpose of the zone in which the use is located, consistent with the Comprehensive Plan, and not contrary to the public use and interest.” In addition, the Hearing Examiner may refuse to issue a conditional use permit “if the characteristics of the intended use as related to the specific proposed site are such as would defeat the purpose of these zoning regulations by introducing incompatible, detrimental or hazardous conditions.” *PAMC 17.96.050.A.*

In each application, the Hearing Examiner may impose whatever restrictions or conditions are considered essential to protect the public health, safety, and welfare and to prevent depreciation of neighboring property. *PAMC 17.96.050.B.*

Under PAMC 17.96.050.C, the purpose of a conditional use permit is to ensure “that the maximum degree of compatibility between uses shall be attained” and “consideration of other existing and potential uses within the general area in which such use is to be located” occurs.

The Federal Fair Housing Act requires that reasonable accommodations be made in rules policies, practices, or services, when such accommodations may be necessary to afford disabled people equal opportunity to use and enjoy a dwelling. *PAMC 17.96.050.D.* The decisionmaker is therefore authorized to make accommodations in the consideration of conditional use permits for group homes for disabled persons as defined in the federal Fair Housing Act, when such accommodations reasonably may be necessary in order to comply with such act. *PAMC 17.96.050.D.*

All conditional or unclassified use permits shall become void one year from the date of granting such permits if use of the land or buildings or applying for necessary building permits(s) has not taken place in accordance with the provisions in granting said requests. *PAMC 17.96.070.D.*

The criteria for review adopted by the City Council are designed to implement the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

*Findings, Conclusions, and Decision  
City of Port Angeles Hearing Examiner  
Serenity House Expansion CUP, No. PZ 20-55*

## Conclusions

1. **With conditions, the proposed use would be consistent and compatible with the RMD zoning district and the Comprehensive Plan, and would not be contrary to the public use and interest. The intended use would not defeat the purpose of the zoning regulations by introducing incompatible, detrimental, or hazardous conditions.** A homeless shelter use is compatible with the intent of RMD zoning regulations because it resembles community center and assisted living facility uses, which are allowed in the RMD zone with a conditional use permit (CUP). The Applicant previously received CUP approval in 2001 to develop the property for homeless shelter uses and now seeks to expand shelter capacity at the existing facility to up to 188 interior beds to meet an increased need in the area for these services. The Applicant would expand shelter capacity at the existing homeless shelter facility by constructing a new 40-foot by 50-foot building on the property and by designating five tent camping sites and five overnight vehicle camping stalls on the property. As proposed and conditioned, the Applicant's proposal would meet the area and dimensional requirements applicable to the RMD zone, including requirements for maximum lot coverage, maximum site coverage, and minimum setbacks under PAMC 17.14.050. The proposed tent camping sites would also be required to comply with setback requirements of the RMD zone, as an MDNS mitigation condition, to ensure compatibility with the surrounding neighborhood and to preserve public safety and welfare. The Applicant's preliminary parking needs assessments demonstrate that the existing parking stalls at the facility would be sufficient to serve the proposed use, consistent with City code requirements for off-street parking. As an MDNS condition, the Applicant would be required to continue monitoring parking needs and to submit an amended Transportation Demand Management Assessment to the Community and Economic Development Director for approval prior to issuance of a building permit. An MDNS condition requiring the Applicant to submit a landscaping plan that includes screening along the eastern edge of the parking lot and along the eastern edge of tent camping spaces would ensure adequate screening from adjacent residential uses. City staff determined that the proposal would be consistent with several goals and policies of the City Comprehensive Plan. The Hearing Examiner concurs with City staff's assessment. The use would not be detrimental to the public use and interest and would not introduce incompatible, detrimental, or hazardous conditions.

Conditions are necessary to ensure that the proposal meets all requirements of the municipal code and criteria required for CUP approval. *Findings 1 – 32.*

2. **With conditions, the proposed use would protect public health, safety, and welfare and prevent depreciation of neighboring properties.** The City provided reasonable notice of the application and opportunity for public comment. The City reviewed the environmental impacts of the proposed project and issued an MDNS that was not appealed. The proposal, as conditioned, would not impact public health, safety, and welfare or cause depreciation for neighboring properties. Some area residents expressed concerns that the proposal would increase noise and crime in the surrounding

neighborhood. The City and Applicant provided detailed information addressing these concerns, which notes that shelter operations would manage such potential impacts by requiring shelter guests to register and agree to rules prohibiting drug use, alcohol, weapons, and fighting on the property. In addition, shelter operations include quiet hours and security patrols both at the property and in the surrounding neighborhood. The Applicant would also engage with the community through quarterly neighborhood meetings to ensure that the shelter operations continually respond to concerns raised by neighboring residents. Several members of the public and numerous community organizations expressed overwhelming support for the proposal, noting that the proposed expansion is necessary to meet an increasing demand for emergency shelter services in the area.

As noted above in Conclusion 1 and detailed below, conditions are necessary to ensure that the proposal complies with all municipal code requirements and requirements for approval of a conditional use permit. *Findings 1 – 32.*

3. **With conditions, the proposed use would ensure the maximum degree of compatibility between uses.** The proposal would not change the existing homeless shelter use of the property, which was previously approved in 2001. SEPA mitigation conditions which require that the Applicant submit a landscape plan providing adequate screening of on-site activities and enhancing the aesthetics of the site; conduct quarterly neighborhood meetings; monitor parking needs at the property and submit for approval an amended off-site parking demand assessment; and designate tent camping areas in compliance with building setback requirements for the RMD zone, would ensure that the proposal is compatible with surrounding land uses. Accordingly, as conditioned, the proposal would be compatible with other uses in the vicinity. As noted above in Conclusion 1 and detailed below, conditions are necessary to ensure that the proposal complies with all municipal code requirements and requirements for approval of a conditional use permit. *Findings 1 – 32.*
4. **The proposed use would comply with the Federal Fair Housing Act.** The proposed building would be required to comply with the Americans with Disabilities Act of the International Building Code. Compliance with this requirement would be reviewed at the time of building permit review. *Finding 18.*

#### **DECISION**

Based on the above findings and conclusions, the request for a conditional use permit to allow construction of a 40-foot by 50-foot building, which would expand shelter capacity at the existing Serenity House site, and to allow designated areas for five tent sites and five overnight vehicle camping sites, at 2321 W. 18th Street, is **APPROVED**, with the following conditions:

1. The conditions of approval from application CUP No. 01-10 are hereby null and void with all Hearing Examiner's conditions of approval included in application No. PZ 20-55.

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2. The SEPA mitigations identified in the MDNS # 1427 shall be required and incorporated by reference with these conditions of approval.
3. Approval of this Conditional Use Permit does not preclude any permits that are required from any other City Division or Department.
4. SEPA mitigating conditions and Hearing Examiner's conditions of approval shall be recorded to property title to notice future property owners on actions needed to remain in compliance with this approval.
5. Building and fire permit applications and approvals shall be required prior to occupancy.

**DECIDED** this 28<sup>th</sup> day of December 2020.



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ANDREW M. REEVES  
Hearing Examiner  
Sound Law Center

**CITY OF PORT ANGELES**  
**MITIGATED DETERMINATION OF NON SIGNIFICANCE**  
WAC Chapter 197-11-355(4)(a)

**Description of Proposal:** Expand existing homeless shelter to house up to 188 overnight guests with limited tent/vehicle camping

**Applicant:** Serenity House of Clallam County

**Property Owner:** Serenity House of Clallam County

**Location of Proposal:** **2321 W. 18<sup>th</sup> St , Parcel # 06309911021**

**Lead Agency:** CITY OF PORT ANGELES

The lead agency for this proposal has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). The necessary mitigation measures are listed below, the Environmental Checklist is attached and the information is available to the public on request.

This determination is based on the following findings and conclusions:

**Findings:**

- The overnight camping spaces and tent camping area are visible to residential properties to the east.
- The tent camping area is in close proximity to a driveway. Life safety measures must be considered in landscaping design to avoid potential vehicle collision with campers.
- The proposal incorporates mitigation to monitor and compensate for significant impacts through quarterly community engagement meetings. The City should be invited to these meetings.
- The proposal incorporates mitigation to comply with Ch. 8.30.045 Port Angeles Municipal Code (PAMC), which regulates nuisances that may arise due to the proposed camping and shelter use. The proposed management of the site would ensure proper sanitation, solid waste disposal and security.
- The applicant provided information that suffices as Transportation Demand Management Assessment in Part 14 in the SEPA checklist. Eighteen parking spaces would be available for 188 overnight guests (additional spaces are provided for staff, providers, and overnight vehicle campers).
- The two eastern proposed overnight vehicle camper spaces are not suitable for parking due to insufficient area and orientation. The parking lot contains spaces that have enough area to accommodate vehicles that are less than 9 feet wide by 18 feet long parking space.
- The existing fence and vegetation provide sufficient screen along the W. 18<sup>th</sup> St frontage as well as along the western and northern property lines.
- The tent sites proposed must abide by structural setbacks to ensure adjacent residential use compatibility and to preserve public safety and welfare.
- The maximum building height is 35-feet in the Residential Medium Density Zone.
- Additional conditions relevant to the Conditional Use Permit criteria in Ch. 17.96.050 PAMC and any applicable Port Angeles Municipal Code may be required as identified in the Hearing Examiner's Decision, when issued.

**Mitigation requirements:**

- A landscaping plan shall be provided to ensure compatibility with the adjacent zoning and public safety. The plan shall provide security a view of on-site activities and accomplish several goals including:

1. Provide a screen capable along the eastern edge of the parking lot and eastern edge of the tent campsites, so that standing individuals at or near the adjacent eastern property line do not see activity, and in such a way that enhances aesthetics of the site with perennial flowers and shrubs,
  2. Delineate tent pad locations and enhance aesthetics of each campsite, and
  3. Integrate vehicle bollards and landscaping to protect camper life safety from vehicle collision in such a way that enhances aesthetics of the site with perennial flowers and shrubs.
- The shelter operator shall conduct quarterly neighborhood meetings as proposed and shall invite the City of Port Angeles Department of Community Development and Police Department to the meeting.
  - Prior to submittal of a building permit application for the building expansion, the proponent shall monitor the percentage of vehicles compared to overnight guests registered. The shelter operator shall submit an amended Transportation Demand Management Assessment to the CED Director for approval with the building permit application to ensure adequacy of parking for overnight guests and staff.
  - The five parking spaces for overnight camping shall be allowed only within conforming striped spaces. Parking spaces currently do not exist in the east area where the applicant proposes two overnight parking spaces and shall be relocated to conforming striped spaces. Signage shall be installed delineating the parking spaces for overnight vehicle camping. All parking spaces shall be striped. A revised parking plan shall be submitted with the building permit application.-
  - Overnight camping vehicles are limited to those that will fit within the 9 feet wide by 18 feet long parking space.
  - The tent camping area shall be set back a minimum of 15 feet from the rear property line and five feet from the west side property line. The tent area shall be identified with signage.
  - The proposed building shall be limited to 35-feet in height.

This MDNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period:

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Allyson Brekke, SEPA Official

You may appeal this determination to the Port Angeles City Council through the Department of Community and Economic Development, 321 East Fifth Street, Port Angeles, WA 98362, by submitting such written appeal no later than December 16, 2020 at 12pm PST. You should be prepared to make specific factual objections.

Responsible Official: Allyson Brekke, Director, Community and Economic Development Department, City of Port Angeles, 321 East Fifth Street, Port Angeles, WA 98362, phone (360) 417 - 4750.