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2024 SEP 16 P 1:35

WHATCOM COUNTY
WASHINGTON

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**THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

CITY OF BELLINGHAM, a municipal
corporation,

Plaintiff,

v.

LI-CHING FANG,

Defendant,

and

52nd & BROOKLYN, LLC, a limited
liability company,

Intervenor.

NO. 24-2-00355-37

**CITY OF BELLINGHAM'S
MEMORANDUM IN SUPPORT OF
INTERVENOR'S MOTION FOR
SUMMARY JUDGMENT**

To be heard on: Sept. 25, 2024

Time: 8:30 a.m.

Before: Judge Lee Grochmal

I. STATEMENT OF THE CASE

Plaintiff, the City of Bellingham ("the City") City has filed a Complaint for Declaration of Public Nuisance and Warrant of Abatement against the Defendant, Li-Ching Fang ("Fang"), the owner of the property with the legal description of N 1/2 SE NW / Parcel No. 3803071973630000 ("Property"). The Property is located within the City of Bellingham, Whatcom County, and the State of Washington.

1 The Property is twenty acres of forest, wetlands, and a creek. (See Decl. of
2 Sean O'Neill ¶ 9.) Spring Creek runs from north to south through the middle of the
3 property. (*Id.*) The Property slopes steeply down to Spring Creek on both sides and
4 is relatively flat on the west and east side of the property. (*Id.*) The higher ground
5 on the east and west of Spring Creek has a mixture of forest and wetlands. (*Id.*)
6 There are no roads on the Property, but there are muddy footpaths throughout the
7 Property. (See *id.*) The footpaths lead to approximately ten encampments created
8 by the unhoused. (See Decl. of Michael Olinger ¶ 10.)

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11 52nd & Brooklyn, LLC (Intervenor) owns one of the neighboring properties to
12 the west and filed a motion to intervene. The Court granted their motion on June
13 14, 2024. The Intervenor then filed a motion for summary judgment for the Court
14 to find the Property a nuisance as a matter of law.

15 The City joins the Intervenor's motion for summary judgment. Further, the
16 City supplements the record to show that the Property is a nuisance and asks the
17 Court to order Ms. Fang to abate the nuisance by January 1, 2025. The City also
18 asks the Court to allow the City to go onto the Property to inspect and plan for a
19 clean-up after January 1, 2025.

20 21 II. FACTS

22 Unhoused individuals have resided in an encampment on the Property for
23 at least the past fifteen years. (See Decl. of Andria Fountain ¶ 3.) Ms. Fang bought
24 the Property in July 2019. (Decl. of Michael Good ¶ 5.) Since 2020, the
25 encampment has grown significantly. (See Fountain Decl. at ¶ 4.)
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1 On November 16, 2022, Zachary Miles, Code Enforcement Officer for the
2 City of Bellingham, inspected the Property. (Decl. of Zachary Miles ¶ 8.) Code
3 Officer Miles found that the Property violated the City's Nuisance Code, Bellingham
4 Municipal Code ("BMC") 10.28.020, and state law under RCW 7.48. (*Id.* at ¶ 11.)
5 Code Officer Miles issued a Municipal Code Violation Notice on November 22,
6 2022. (*See id.* Ex. A.) The notice stated that the Property violated numerous
7 provisions of the BMC. (*See id.* ¶ 11.) Albert acknowledged receipt of the letter and
8 responded to the notice on Ms. Fang's behalf. (*See id.* ¶ 9.) Albert identified himself
9 as Ms. Fang's brother-in-law and represented that he had the authority to work on
10 Ms. Fang's behalf. (*See id.* ¶ 10.)
11

12
13 In November of 2023, the City Attorney's Office contacted Ms. Fang, stating
14 that the City would file a lawsuit to compel clean up unless Ms. Fang cleaned up
15 the Property. (Good Decl. ¶ 6.) The City Attorney's Office sent a letter and Code
16 Officer Miles' municipal code violation notice, including translations of the letter and
17 notice into Mandarin, to Ms. Fang in Taiwan. (*Id.*) Albert responded to the letter,
18 and a meeting was set up between the City and Albert. (*Id.*) The City obtained a
19 Mandarin interpreter to assist in the meeting. (*Id.*)
20

21 On December 1, 2023, Lt. Fountain, Code Officer Miles, and Assistant City
22 Attorney Michael Good had a conference call with Albert regarding the state of the
23 Fang Property. (*Id.* at ¶ 7.) The Mandarin interpreter translated the conversation.
24 Mr. Good told Albert that the City would file a lawsuit against Ms. Fang in one month
25 unless Ms. Fang took substantial steps to clean the Property. (*Id.*) Mr. Good told
26
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1 Albert that the Property needed to be cleared, fenced, and patrolled to ensure the
2 trespassers would not return. (*Id.*)

3 The City filed this lawsuit on February 23, 2024. (*See Compl.*) After the
4 lawsuit was filed, Sean Simmons of Abatement and Decontamination Specialists,
5 LLC, contacted the City Attorney's Office and invited City staff on a walk-through
6 of the Property. (*Good Decl.* at ¶ 8.) Mr. Simmons stated that Ms. Fang hired him
7 to develop a plan to clean the Property. (*Id.*) A walk-through was necessary to
8 quote the cost to abate the nuisance, and Mr. Simmons requested a Bellingham
9 Police Department (BPD) escort due to safety concerns stemming from the
10 encampment on the Property. (*Id.*)

11 The walk-through occurred on May 7, 2024, with Sean Simmons, City of
12 Bellingham Public Works employees, Whatcom County Health officials, and BPD
13 officers as an escort. (*Olinger Decl.* ¶ 6.) The amount of litter, garbage, refuse, and
14 trash on the Property was staggering. (*Id.* at ¶ 7.) The Property contains an
15 estimated 1000-2000 tons of solid waste. (*Id.* at ¶ 13.) People from the
16 encampment dug holes in the soil and filled the holes with garbage. (*See id.* at ¶
17 9.) It is unclear how deep the solid waste went into the ground. *Id.* Approximately
18 300 shopping carts are at the Property. (*Id.* at ¶ 15.)

19 There are approximately ten significant encampments of unhoused persons
20 located on the Property. (*Id.* at ¶ 11.) Split rails or chain link fences enclosed many
21 of the encampments. (*Id.*) The encampments generally had a central structure of
22 various materials and were sometimes two stories. (*Id.*) Multiple tents and tarps
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1 surrounded the main structures. (*Id.* at ¶ 11.) Debris and drug paraphernalia often
2 filled the tents and tarps. (*Id.*)

3 Many of the encampments had significant burn pits. (*Id.* at ¶ 10.) Melted
4 plastic and scorched metal littered the areas around the burn pits. (*Id.*) Some of the
5 burn pits scorched the nearby trees, which will likely lead to the trees dying. (*Id.*)
6 City employees witnessed some of the burn pits were still smoking from the night
7 before. (*Id.*)

9 The estimated cost for the City to merely remove the solid waste seen on
10 the walk-through is \$2 million. (*Id.* at ¶ 17.) The main reason for the \$2 million
11 estimate is the overwhelming amount of solid waste on the Property and the lack
12 of access roads for machinery to pick up the solid waste. (*Id.*) Repairing the
13 damage incurred on the wetlands would require an additional \$2-4 million because
14 soil and native plants would need to be reintroduced into the environment. (*Id.* at
15 ¶ 18.)
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18 **II. ISSUE PRESENTED**

- 19 1. Whether the Court should grant the City and Intervenor's motion for
20 Summary Judgment against Defendant Fang when the property at
21 issue is still in violation of the City's Nuisance Code.
- 22 2. Whether the Court should order Defendant Fang to abate the
23 nuisances on her Property by December 31, 2024.
- 24 3. Whether the Court should authorize the City to go onto the Property
25 in January 2025 to verify that Defendant Fang has abated the
26 nuisance, or if the nuisance has not been abated, to determine what
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1 steps are necessary to abate or otherwise limit the nuisance.

2 **III. STANDARD ON MOTION FOR SUMMARY JUDGMENT**

3 Pursuant to CR 56(c), summary judgment shall be granted if "the
4 pleadings, depositions, answers to interrogatories, and admissions on file,
5 together with the affidavits, if any, show that there is no genuine issue as to any
6 material fact and that the moving party is entitled to judgment as a matter of law."
7 CR 56(c); *Marincovich v. Tarabochia*, 114 Wn.2d 271, 274, 787 P.2d 562 (1990);
8 *Celotex Corp. v. Catrett*, 477 U.S. 317, 325, 106 S.Ct. 2548, 2553, 91 L.Ed.2d
9 265 (1986).
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11

12 **IV. ARGUMENT**

13 **A. Nuisance code generally**

14 It is long-established in Washington that a first-class city, such as the City
15 of Bellingham, has the authority to "declare what shall be a nuisance, and to abate
16 the same, and to impose fines upon parties who may create, continue, or suffer
17 nuisances to exist." RCW 35.22.280(30). Based on these authorities, the City
18 enacted BMC 10.28, the Nuisance Code, to establish what conditions constitute
19 a nuisance and to seek a warrant to abate nuisance conditions not otherwise
20 taken care of by the property owner. Thus, under state and local law, the City has
21 the authority to regulate nuisances, which includes the ability to seek a warrant
22 of abatement from this Court.
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25 The City's Nuisance Code's purpose is to protect its citizens' health,
26 safety, and welfare. With this purpose in mind, the City defined what constitutes
27 a nuisance and specifically outlined certain conditions that constitute a nuisance.
28

1 BMC 10.18.010 and 020. Pursuant to BMC 10.28.020, a public nuisance is the
2 condition of property that annoys, injures, or endangers the safety, health,
3 comfort, or repose of the public; offends public decency; unlawfully interferes
4 with, obstructs a public street, sidewalk, or alley; and renders the public insecure
5 in life or in the use of property.
6

7 The City's Nuisance Code mirrors the RCW definition of a nuisance. RCW
8 7.48.120 states:

9 Nuisance consists in unlawfully doing an act, or omitting to perform
10 a duty, which act or omission either annoys, injures or endangers the
11 comfort, repose, health or safety of others, offends decency, or
12 unlawfully interferes with, obstructs or tends to obstruct, or render
13 dangerous for passage, any lake or navigable river, bay, stream,
14 canal or basin, or any public park, square, street or highway; or in
any way renders other persons insecure in life, or in the use of
property.

15 The passage of time is not a valid defense to a nuisance. See RCW
16 7.48.170. Every successive owner of property who neglects to abate a continuing
17 nuisance upon, or in the use of such property caused by a former owner, is liable
18 therefor in the same manner as the one who first created it. *Id.* No lapse of time
19 can legalize a public nuisance, amounting to an actual obstruction of public right.

20 RCW 7.48.190.

21 The only difference between a public nuisance and a private nuisance is
22 that a public nuisance affects equally the rights of an entire community or
23 neighborhood. See RCW 7.48.130 and 7.48.150. A public body or a private
24 individual may engage in a civil action for a public nuisance and have the authority
25 to abate the nuisance. RCW 7.48.200-230.
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1 **B. Defendant Fang's property constitutes a nuisance under State and**
2 **local law**

3 The City has already declared the property a nuisance under its Code
4 and Ms. Fang failed to appeal that determination. Despite the City's previous
5 attempts at enforcement and encouraging Ms. Fang to clean up her property,
6 she has failed to do so. Ms. Fang's actions—or the lack thereof—continue to
7 constitute a nuisance under BMC 10.28. To that end, the undisputed facts show
8 that Ms. Fang's Property annoys, injures, or endangers the safety, health,
9 comfort, or repose of the public; and offends public decency; and renders the
10 public insecure in life or in the use of property.
11

12 The solid waste on the Property creates a public health issue for the
13 neighbors nearby and the entire community. (Decl. of William Angel ¶ 10.)
14 Specifically, the unsanitary conditions harbor rodents and insects which are
15 detrimental to public health. (*Id.* at ¶¶ 7, 8.) The extreme condition of the Property
16 creates significant unsanitary conditions, harborage of vectors, and increased
17 spread of disease potential in the neighborhood. (*Id.*) The property's condition
18 affects the health of the unhoused living on the property, the neighbors, and the
19 public because of the potential exposure to disease. (*Id.* at ¶ 10.)
20
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22 Improperly disposed human fecal waste pollutes the ground and surface
23 waters. (*Id.* at ¶ 7.) The Property lacks facilities to safely dispose of human waste.
24 (Decl. of Steven Sundin at ¶ 12.) A latrine found in the middle of a wetland. (*Id.*)
25 The lack of safe waste disposal likely affects the overall water quality in the stream
26 system. (*Id.*)
27
28

1 Spring Creek flows north to south through the Property and into Bellingham
2 Bay via Baker Creek and Squalicum Creek. (Sundin Decl. at ¶ 8.) The solid waste
3 on the Property is likely to directly impact water quality and soil conditions and harm
4 various aquatic species. (*Id.* at ¶ 9.) Specifically, chinook salmon and steelhead,
5 which are protected by the Endangered Species Act, are likely affected by the solid
6 waste on the Property. (*See id.*)

8 In addition to the government officials' findings, the neighbors have
9 expressed significant concern over the safety of their own apartments and
10 businesses due to the Property's condition. (*See* Decl. of Kim Huizenga at ¶ 4.)
11 Additionally, odors emanating from the fires in the encampments negatively impact
12 the health of the residents of the Tullwood Apartments. (*Id.*)

14 Finally, the pictures tell the story. As if the declarations aren't enough to
15 show that the Property constitutes a nuisance, the photos are uncontroverted proof
16 of the nuisance. (*See* O'Neill Decl. Ex. A.) A reasonable person could look at the
17 pictures and determine that, beyond any contradiction, the Property is a public
18 health and safety issue that leaves the neighbors and the entire community
19 insecure in their own properties, constituting a nuisance.

21 Therefore, in accordance with the authority granted under both state and
22 local law, the City asks the Court to declare the Property a nuisance.

24 **C. The City asks the Court to order the Defendant to abate the
nuisance by December 31, 2024**

26 Under RCW 7.48.250, the Court may order the property owner to abate a
27 nuisance. The City would ask the Court to order Ms. Fang to abate the nuisance
28 on her property by December 31, 2024. Ms. Fang has owned the Property for

1 nearly five years and has not addressed the garbage, litter, and refuse on her
2 property. The issues with litter, garbage, and litter existed when she purchased
3 the Property, and the problems have only worsened since her purchase.
4

5 **D. The City requests a warrant of abatement authorizing it to enter**
6 **the Property to verify that Defendant has abated the nuisance by**
7 **the court-established deadline, and if Defendant fails to abate the**
8 **nuisance, to determine what steps are necessary to abate or**
9 **otherwise limit the nuisance.**

10 If, after proper notice, a property owner does not clean up their property,
11 the City has the authority to clean it up itself. See RCW 35.22.280(30), RCW
12 7.48.260, and BMC 10.28.030 (authorizing the City to abate nuisances). As
13 stated above, the law allows the City, or any party affected by the nuisance, to
14 enter private property to abate a nuisance when it has obtained a warrant of
15 abatement. RCW 7.48.220-230.

16 The City asks the Court to grant a Warrant of Abatement narrowly tailored
17 to allow the City to inspect and determine what steps are necessary to abate or
18 limit the nuisance after January 1, 2025. Numerous factors need to be
19 considered when determining the proper course of action regarding the Property.
20

21 A plan needs to be made for getting the solid waste off the Property due
22 to the topography and critical areas present on the site. Construction plans for
23 temporary roads and a bridge are needed to safely solid waste off the Property.
24 City staff observed holes filled with solid waste. The City cannot accurately plan
25 for a clean-up and remediation without knowing how much waste is contained in
26 the holes. Soil testing will be needed to determine whether the top layer of soil
27 will need to be replaced because of contamination from the solid waste.
28

1 Securing the Property will be vital to keeping the Property free of solid
2 waste and trespassers once the clean-up is completed. The Bellingham Public
3 Works Department cleaned approximately 970 abandoned encampments last
4 year. (O'Neill Decl. ¶ 4.) In those clean ups, securing the areas is vital to make
5 sure the workers are safe and prevent encampments from re-forming. (*Id.*) A
6 plan for fencing and security options will be needed to ensure that once the
7 clean-up is done, the Property will remain compliant with the Nuisance Code.
8

9 The City further needs to address the unhoused population who are
10 currently living on the Property. There is a balance between the needs of the
11 community on the whole and the individuals illegally staying on the Property. The
12 City needs to have a plan to safely remove the occupants of the encampment in
13 the most humane way possible with the assistance of the Whatcom County
14 Health Department.
15

16 Abating the nuisance on the Property will require more than just removing
17 the unhoused who are trespassing on the Property. Many tons of solid waste
18 must be removed, and the damage to the stream and wetlands must be repaired.
19 Further, removing the unhoused from the Property without a plan to
20 simultaneously clean and secure the Property will not successfully address the
21 nuisance and the negative impacts on the neighboring property owners, because
22 there will be nothing stopping unhoused individuals from coming back to the
23 Property.
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1 **V. CONCLUSION**

2 As outlined herein, there is no genuine issue of material fact. Ms. Fang's
3 Property remains a nuisance as defined in BMC 10.28 and RCW 7.48. The Court
4 should order Ms. Fang to abate the nuisance and clean up the Property by a
5 Court established deadline. The Court should also authorize the City to enter the
6 Property after the clean up deadline has passed to verify that Ms. Fang has abated
7 the nuisance, or if Ms. Fang has not abated the nuisance, to determine what steps
8 are necessary to abate or otherwise limit the nuisance.
9

10
11 Submitted on this 16th day of September, 2024.

12 **CITY OF BELLINGHAM**

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15 **Michael E. Good, WSBA #44857**
16 Assistant City Attorney
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**THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

CITY OF BELLINGHAM, a municipal
corporation,

Plaintiff,

v.

LI-CHING FANG,

Defendant,

and

52nd & BROOKLYN, LLC, a limited
liability company,

Intervenor.

NO. 24-2-00355-37

**DECLARATION OF ANDRIA
FOUNTAIN IN SUPPORT OF THE
CITY'S RESPONSE TO
INTERVENOR'S MOTION FOR
SUMMARY JUDGMENT**

JUDGE LEE GROCHMAL

I, Andria Fountain, declare under penalty of perjury under the laws of the State of Washington that the following statements are true and correct to the best of my knowledge:

1. I am over the age of 18 and competent to be a witness herein. I make this declaration concerning facts and events of my own personal knowledge.

1 2. I have been working for Bellingham Police Department for over 25
2 years. My current role is Special Operations Lieutenant.

3 3. I am familiar with the encampment of unhoused persons near
4 Walmart and the Tullwood Apartments. It has been there for at least 15 years and
5 is commonly called the "Wal-Mart Camp." The central hub of the encampment is
6 located on the 20-acre property owned by Li-Ching Fang.

7 4. Previously, the Wal-Mart Camp was mainly in the forested area deep
8 on the property. In the past four years, the encampment has grown significantly in
9 terms of the area covered by it and the number of people there. The encampment
10 and the associated garbage and litter spill out onto the right of way on E. Stuart Rd,
11 behind Wal-Mart.

12 5. Neighboring properties also have litter and waste associated with
13 encampments on their land. The Tullwood Apartments property contains a
14 significant encampment, and litter and waste are visible from E. Stuart Rd.
15 Additionally, the east and south properties of the Fang property contain waste and
16 litter associated with encampments.

17 6. On May 7, 2024, Bellingham Police Officers escorted employees
18 from Abatement and Decontamination Specialist, LLC, the Whatcom County
19 Health Department, and City of Bellingham Public Works employees through the
20 20-acre parcel Walmart Camp.

21 7. Ms. Fang contacted Abatement and Decontamination Specialist,
22 LLC, about cleaning up the property. Abatement and Decontamination Specialist,
23 LLC asked for a security detail to escort them through the property to conduct a
24


1 scope of work assessment. City of Bellingham Public Works employees also went
2 on this walk-through to assess the scope of work necessary, should the City of
3 Bellingham need to be involved in the clean-up process.

4 8. Sgt. Alexander, Cpl. Allen, Ofc. Kaiser, Ofc. Subia, Ofc. Thompson,
5 and I provided security for the 12-person group as we walked the 20-acre parcel.
6 We encountered about ten people and 3-4 dogs during the walk-through.
7

8 9. I wore an Axon body-worn camera during the walk-through. Axon
9 body cameras use GPS to track our location while the camera is activated. Axon
10 uses GPS data to sync my location to a map I can access when uploading body-
11 worn camera footage to the Axon website. Attached as **Exhibit A** is a true and
12 accurate copy of the map generated by Axon of where I was during the
13 walkthrough. I have reviewed the map, and it is consistent with where we were
14 located during the walk-through. The group stopped at the east and south edge of
15 the Property.
16
17

18 10. We only engaged with people we saw or those we asked to come
19 and secure their dogs. We rarely went off the worn walking paths and did not
20 interact with people more than in general conversation.
21

22 Respectfully submitted this 12 day of September, 2024.
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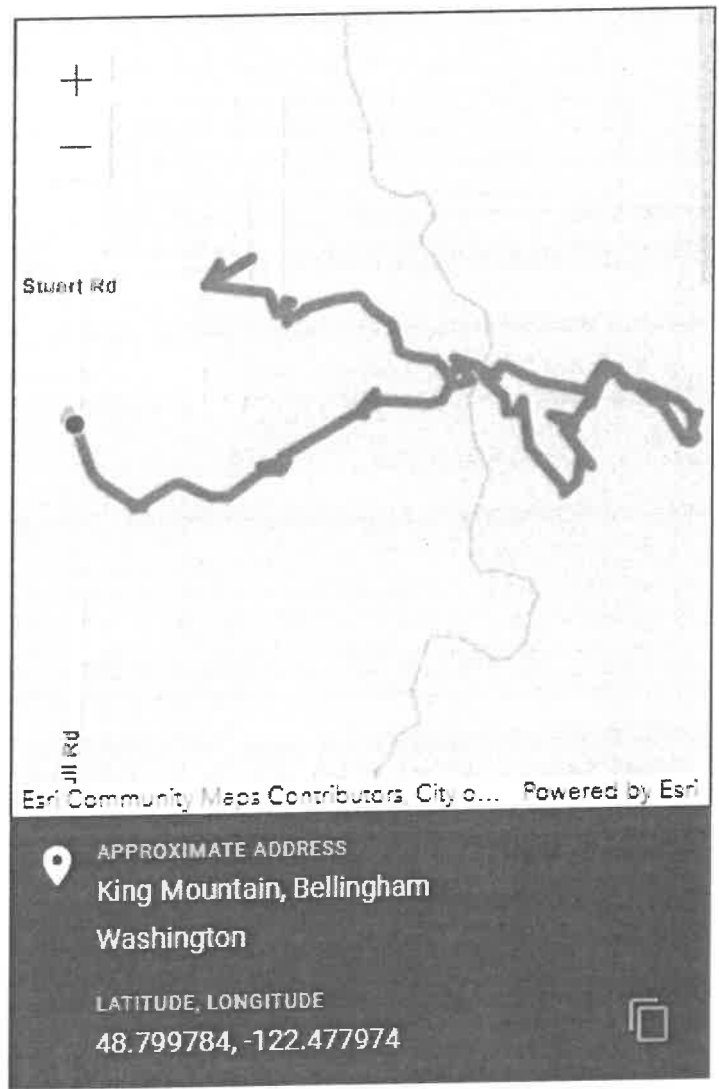
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27 **Andria Fountain**
28 Special Ops Lieutenant
Bellingham Police Department

Exhibit A

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**THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

CITY OF BELLINGHAM, a municipal
corporation,

Plaintiff,

v.

LI-CHING FANG,

Defendant,

and

52nd & BROOKLYN, LLC, a limited
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Intervenor.

NO. 24-2-00355-37

**DECLARATION OF MICHAEL
GOOD IN SUPPORT OF THE
CITY'S RESPONSE TO
INTERVENOR'S MOTION FOR
SUMMARY JUDGMENT**

JUDGE LEE GROCHMAL

I, Michael Good, declare under penalty of perjury under the laws of the State of Washington that the following statements are true and correct to the best of my knowledge:

1. I am over the age of 18 and competent to be a witness herein. I make this declaration concerning facts and events of my own personal knowledge.

2. Since 2012, I have been an Assistant City Attorney for the City of

1 Bellingham.

2 3. My duties include advising Bellingham Police Department, civil
3 litigation, and risk management.

4 4. I have been aware of an encampment near Wal-Mart since 2012.
5 However, I started to receive more and more complaints regarding the
6 encampment starting in 2022.

7 5. Li-Ching Fang owns the property on which the central part of the
8 encampment is located. I have attached as **Exhibit A** a copy of the Whatcom
9 County Assessor property information for Parcel # 380307197363000. According
10 to the Whatcom County Assessor, Ms. Fang purchased the Property in July 2019.
11

12 6. In November of 2023, I sent a letter to Ms. Fang stating that the City
13 would file a lawsuit to compel clean up unless Ms. Fang cleaned up her property.
14 The letter and Code Officer Miles' municipal code violation notice were translated
15 into Mandarin and sent to Ms. Fang. Albert responded to the letter as a
16 representative of Ms. Fang. I arranged a phone meeting with Albert, Code Officer
17 Miles, and Lt. Fountain. I scheduled a Mandarin interpreter to assist in the meeting.
18 I have attached the correspondence to Ms. Fang as **Exhibit B**.

19 7. On December 1, 2023, Lt. Fountain, Code Officer Miles, and I had a
20 conference call with Albert regarding the state of the Fang Property. An interpreter
21 translated the conversation. I told Albert that the City would file a lawsuit against
22 Ms. Fang in one month unless Ms. Fang took substantial steps to clean the
23 Property. I told Albert that the Property needed to be cleared, fenced, and patrolled
24 to ensure the trespassers would not return.
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1 8. Shortly after filing the complaint in this matter, I was contacted by
2 Sean Simmons of Abatement and Decontamination Specialists, LLC. Mr. Simmons
3 was hired by Ms. Fang to plan a clean-up of her property. Mr. Simmons wanted to
4 inspect the site and asked if Bellingham Police Department could escort him
5 through the property. Employees from the City of Bellingham Planning Department,
6 Public Works Department, and the Whatcom County Health Department were also
7 invited by Mr. Simmons. I arranged the site inspection with all the interested parties
8 for May 7, 2024.
9

10 9. On May 7, 2024, I was present for a site inspection of Ms. Fang's
11 property.
12

13 Respectfully submitted this 13th day of September, 2024.

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15 _____
16 **Michael Good**
17 Assistant City Attorney
18 City of Bellingham
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EXHIBIT A

Whatcom County Assessor & Treasurer

Property Search Results > 55607 LI-CHING FANG for Year 2023 - 2024

Property

Account

Property ID:	55607	Abbreviated Legal Description:	N 1/2 SE NW
Parcel # / Geo ID:	3803071973630000	Agent Code:	
Type:	Real		
Tax Area:	0100 - BELLINGHAM 501 AH	Land Use Code	88
Open Space:	N	DFL	Y
Historic Property:	N	Remodel Property:	N
Multi-Family Redevelopment:	N		
Township:	T38N	Section:	07
Range:	R03E	Legal Acres:	20.0000

Location

Address:	BELLINGHAM, WA	Mapsco:	
Neighborhood:	6110010600-DFL	Map ID:	6PK_KELLOG
Neighborhood CD:	6110010600		

Owner


Name:	LI-CHING FANG	Owner ID:	563192
Mailing Address:	921 KUNG-I RD CHUNAN MIAOLI TAIWAN 360	% Ownership:	100.0000000000%
		Exemptions:	

Pay Tax Due

There is currently No Amount Due on this property.

Taxes and Assessment Details

Property Tax Information as of 09/13/2024

Amount Due if Paid on: 

NOTE: If you plan to submit payment on a future date, make sure you enter the date and click RECALCULATE to obtain the correct total amount due.

Click on "Statement Details" to expand or collapse a tax statement.

Year	Statement ID	First Half Base Amt.	Second Half Base Amt.	Penalty	Interest	Base Paid	Amount Due
▶ Statement Details							
2024	32457	\$48.88	\$0.00	\$0.00	\$0.00	\$48.88	\$0.00
▶ Statement Details							
2023	32596	\$25.13	\$25.02	\$0.00	\$0.00	\$50.15	\$0.00
▶ Statement Details							
2022	32860	\$49.50	\$0.00	\$0.00	\$0.00	\$49.50	\$0.00
▶ Statement Details							
2021	33015	\$45.47	\$0.00	\$0.00	\$0.00	\$45.47	\$0.00

[Values](#)

[Map List](#)

[Taxing Jurisdiction](#)

[Improvement / Building](#)

[Sketch](#)

[Property Image](#)

[Land](#)

[Roll Value History](#)

[Deed and Sales History](#)

#	Deed Date	Type	Description	Grantor	Grantee	Volume	Page	Sale Price	Excise Number	Deed Number
1	07/18/2019	SWD	STATUTORY WARRANTY DEED	JOHN L BECK & WILLIAM F DAVIS &	LI-CHING FANG			\$460,000.00	232448	2019-0703079

[Payout Agreement](#)

[Assessor Home](#)

[Treasurer Home](#)

EXHIBIT B



Office of the City Attorney
City of Bellingham

October 30, 2023

DELIVERED BY PERSONAL SERVICE,
CERTIFIED MAIL (RETURN RECEIPT REQUESTED), AND EMAIL

Li-Ching Fang
921 Kung-I Rd
Chunan Miaoli Taiwan 360
ymt9762@gmail.com

Re: Municipal Code Violations at Property ID: 55607 (parcel #3803071973630000), the North one-half of the Southeast quarter of the Northwest quarter of Section 7, Township 28 North, Range of W.M., Whatcom County, Washington, USA

Code Enforcement Reference No. 22B-64567

Dear Li-Ching Fang:

The large illegal homeless encampment situated on the land you own in Bellingham, Washington is a public nuisance that must be remedied. The Property is located behind the Walmart store on the Guide Meridian, and its legal description is Property ID: 55607 (parcel #3803071973630000). During the remainder of the letter, I will refer to the land as the "Property." The illegal encampment existed prior to your purchase of the Property in 2019. As the owner of the Property, you are legally responsible for abating the nuisance. This means it is your duty to clean up and remove the illegal structures, garbage, human waste, and drug paraphernalia on the Property. Further, it is your duty to prevent trespassers from going on the Property.

The City first notified you of the nuisance via email on August 19, 2019. Code Enforcement Officer Claudia Vizcarra informed you of the specific issues on the Property that constitute a public nuisance as defined in Bellingham Municipal Code 10.28.010. Code Enforcement Vizcarra also outlined the steps you needed to take to address the public nuisance.

Pursuant to Code Enforcement Officer Vizcarra's notice, you sent your brother-in-law, Albert, to assess the property and attempt to abate the nuisance. On February 25, 2020, Albert walked through the Property with Code Enforcement Officer Vizcarra and a contractor. Albert photographed the property and talked to staff at the City of Bellingham's Permit Center to learn how to address the nuisance on the Property. Before Albert left Bellingham, he told City staff that he would share the information he learned with you and develop a plan once he received the contractor's bid to abate the nuisance.

On March 1, 2020, Albert emailed Code Enforcement Officer Vizcarra. Albert stated you, "expressed sad feelings about this property" and it was the "wrong decision to buy it." Code Enforcement Officer Vizcarra responded that she wanted a work plan to remedy the nuisance within 30 days, and as the property owner, you were responsible for abating the nuisance.

After the letter from Code Enforcement Officer Vizcarra, the COVID-19 pandemic hit the City of Bellingham and the rest of the world. The City paused nuisance abatement actions during the pandemic.

Once normal City operations resumed, Code Enforcement Officer Zachary Miles recontacted you regarding the nuisance encampment on the Property. On November 22, 2022, Code Enforcement Officer Miles sent a municipal code violation notice to you. I have enclosed the notice for your information. The notice details the numerous nuisance code violations found on the Property.

Albert responded to the email on December 13, 2022, and provided a trespass authorization on December 19, 2022. During the email exchange, Code Enforcement Officer Miles encouraged Albert to hire a property management company to manage and fence the Property. Albert stated that he would complete the recommended tasks.

On June 26, 2023, Code Enforcement Officer Miles again reached out to Albert to address the ongoing nuisance at the Property. On June 29, 2023, Albert stated he would contact you regarding the issues. Further he stated you were contacting a property management company to solve this problem. Later that day, Albert emailed stating that you were coordinating with Kimberly Huizenga at Landmark Real Estate Management to prepare a "demand for help letter to the city council and the mayor." Albert recognized the need to "collaborate with all the related persons to solve this problem."

The June 29, 2023, email was the last communication the City has received from you or Albert.

Recently, the conditions at the illegal encampment on your Property have worsened. The regional drug task force executed a search warrant for a structure on the Property. The task force seized drug paraphernalia, four firearms, and over \$5,000 in cash in the search. In addition, pervasive illegal activity is occurring in and around the encampment, including one homicide, four other deaths, and four overdoses.

There is an extraordinary amount of trash and human waste littered across your Property. Further, the occupants of the encampment have built semi-permanent structures on the Property, some of which are fortified and fenced.

As the owner of the Property, you are legally responsible for abating the nuisance. To date, you have not taken a substantial step to abate the nuisance. Therefore, the City is preparing to file a lawsuit against you in Whatcom County Superior Court to obtain a warrant of abatement and judgment for costs.

The warrant of abatement will authorize the City to enter your Property to conduct a cleanup action, which will include removal of trespassers, debris, and contaminants. It may also include some degree of topsoil removal, replacement, and revegetation. The Property contains wetlands, which may require special equipment to remediate. Given the nature and scale of the clean-up, the cost will be substantial.

All clean-up costs incurred by the City will be entered as a judgment against you, which will be recorded as a judgment lien against all properties that you own in Whatcom County. The judgement lien will be subject to judicial foreclosure. That means your properties may be sold at auction to satisfy the debt. (See Chapters 10.28 and 10.60 of the Bellingham Municipal Code and Chapter 7.48 Revised Code of Washington.) In addition, the City may file civil or criminal charges against you in Bellingham Municipal Court, as detailed in the enclosed code enforcement letter.

Prior to filling a court action against you, we are providing you this last opportunity to work cooperatively with the City to address the public nuisance on your Property.

The City offers to connect you with the private entities that would assist you in cleaning up the Property, including:

- a) A list of contractors who perform encampment clean-ups.
- b) Fencing contractors and recommendations to secure the Property.
- c) Advice on permits and wetland mitigation strategies.
- d) Police officers on overtime to assist in removing the trespassers from Property.
- e) Coordination of outreach services for the homeless individuals living on the Property.
- f) A list of security companies who can patrol the Property after the clean-up is complete to ensure no one trespasses in the future.

As the Property owner, you, and not the City, are responsible for the cost of the clean-up. The activities emanating from your Property are a danger to the public's health and safety. Therefore, the City will take action to force you to abate the nuisances on your Property. If you refuse to clean up the Property, the City will obtain a court order authorizing it to clean up the Property and record a lien on the Property for the cost of the clean-up. A cleanup conducted by the City is considered a public work and is subject to the payment of prevailing wage. Public work is significantly more costly than private sector work. Therefore, it is in your financial self-interest to conduct the cleanup yourself.

Please contact me at your earliest opportunity and, in any event, by no later than **November 10, 2023**, to discuss a coordinated plan to remove the trespassers and clean-up your Property. I may be reached at (360) 778-8270 or megood@cob.org. If you wish to respond in your native language, the City has resources to facilitate translation or interpretation services. If you do wish to call, please email me a date and time beforehand so I can arrange for interpreter services. If I have not heard from you by November 30, 2023, with a clear commitment and plan to work cooperatively with the City as outlined above, the City will expeditiously pursue its remedies in court.

Sincerely,

Michael Good
Assistant City Attorney

cc. Mayor Seth Fleetwood
Police Chief Rebecca Mertzig
Alan Marriner, City Attorney
Eric Johnston, Public Works Director
Mike Olinger, Assistant Public Works Director – Operations Division
Zachary Miles, Code Enforcement Officer



市检察官办公室
Bellingham 市

2023 年 10 月 30 日

以亲自送达、挂号邮件（要求回执）、
和电子邮件方式递送

Li-Ching Fang
921 Kung-I Rd
Chunan Miaoli Taiwan 360
ymt9762@gmail.com

主题：市政法规违规行为 – 物业编号 55607（地块编号 #3803071973630000）7 区的西北角的东南角的北半部分， Township 28 North, Range of W.M., Whatcom 县, Washington 州, 美国

市政执法参考编号 22B-64567

尊敬的 Li-Ching Fang：

在 Bellingham, Washington 您所拥有的土地上存在大型且非法的无家可归者露营地，这是一个必须得到解决的公共滋扰问题。该物业位于沃尔玛商店后方的 Guide Meridian，其法律描述为物业编号：55607（地块编号 #3803071973630000）。在本函件的其余部分中，我将称该土地为“物业”。非法露营地于您在 2019 年购买该物业之前已存在。作为该物业的业主，您有法律责任消除这种滋扰问题。这意味着您有义务清理并移除物业上的非法结构、垃圾、人类排泄物和吸毒用具。此外，您有责任防止闯入者进入该物业。

本市政府于 2019 年 8 月 19 日首次通过电子邮件通知您有关这一滋扰问题。执法官 Claudia Vizcarra 告知您该物业上的有关具体问题，这些问题构成了《Bellingham 市政法规》10.28.010 中所定义的公共滋扰问题。执法官 Vizcarra 还概述了来解决此公共滋扰问题您需要采取的步骤。

根据执法官 Vizcarra 的通知，您派遣了您的姐夫 Albert 评估该物业并试图消除滋扰问题。2020 年 2 月 25 日，Albert 与执法官 Vizcarra 和一名承包商一起访问并审查该物业。Albert 拍摄了物

业的照片，并与 Bellingham 市许可证中心的工作人员交谈，了解如何解决物业上的滋扰问题。在 Albert 离开 Bellingham 之前，他告诉市政府的工作人员，他将与您分享他所得到的信息，并在收到承包商的投标后制定消除滋扰问题的计划。

2020 年 3 月 1 日，Albert 给执法官 Vizcarra 发送了电子邮件。Albert 表示，您“是以沮丧的情绪看待这个物业”，并且承认“购买它是错误的决定”。执法官 Vizcarra 回复说，她希望在 30 天内得到解决滋扰问题的工作计划，您作为物业的所有人，有责任消除该滋扰问题。

在执法官 Vizcarra 的信件之后，COVID-19 疫情波及了 Bellingham 市和世界其他地方。市政府在疫情期间暂停了减轻滋扰问题的行动。

当正常的市政运作恢复后，执法官 Zachary Miles 再次与您联系，就物业上露营地的滋扰问题进行了沟通。2022 年 11 月 22 日，执法官 Miles 向您发送了一份市政法规违规的通知。我已将该通知附上供您参考。该通知详细说明了在该物业上发现的众多滋扰规定的违规行为。

Albert 于 2022 年 12 月 13 日回复了该电子邮件，并于 2022 年 12 月 19 日提供了一份进入授权书。在电子邮件交流过程中，Miles 执法官鼓励 Albert 聘请一家物业管理公司来管理并为该物业设置围栏。Albert 表示他将完成建议的任务。

2023 年 6 月 26 日，执法官 Miles 再次联系了 Albert，以解决该物业上持续存在的滋扰问题。2023 年 6 月 29 日，Albert 表示他将就解决这些问题与您联系。他进一步表示，您当时正在联系一家物业管理公司来解决这个问题。当天早些时候，Albert 发送电子邮件称，您正在与 Landmark 房地产管理公司的 Kimberly Huizenga 协调准备一份“寻求市议会和市长帮助的信函”。Albert 意识到需要“与所有的相关人员合作来解决这个问题”。

2023 年 6 月 29 日的那封电子邮件是市政府收到来自于您或 Albert 的最后一次通信。

最近，您物业上非法露营地的情况恶化。地区毒品执法小组针对该物业上的一个建筑物执行了一份搜查令。该执法小组在搜查中查获了吸毒用具、四支枪支和超过 5000 美元的现金。此外，露营地周围和内部的非法活动有所蔓延，包括一起凶杀案、四起其他死亡案和四起过量服毒事件。

您的物业上散落着大量的垃圾和人类排泄物。此外，露营地的居住者在该物业上建造了半永久性的建筑结构，其中一些被加固并设置了围栏。

您作为该物业的所有者，有责任消除这一滋扰问题。到目前为止，您尚未采取任何实质性措施来消除这一问题。因此，本市政府正在准备在 Whatcom 县高级法院对您提起诉讼，以获得消除滋扰的许可和费用判决。

消除滋扰的许可将授权本市政府进入您的物业进行清理行动，包括清除闯入者、垃圾和污染物。这可能还包括一定程度的表层土壤清除、更换和植被恢复。该物业包含了湿地，可能需要特殊设备进行修复。考虑到清理的性质和规模，花费将是巨额的。

本市政府承担的所有清理费用将被录入作为对您的判决，并将被记录为对您在 Whatcom 县拥有的所有物业的判决留置权。该判决留置权将受司法强制执行。这意味着您的物业可能会被拍卖以偿还债务。（请参阅《Bellingham 市政法规》的第 10.28 章和第 10.60 章以及《华盛顿州修订法规》第 7.48 章。）此外，市政府还可能根据附上的执法信函在 Bellingham 市政府法院对您提起民事或刑事诉讼。

在对您采取法律行动之前，我们给您提供最后一次与市政府合作的机会，以解决您物业上的公共滋扰问题。

市政府愿意帮助您与私营企业取得联系，来协助您该物业的清理作业，包括：

- a) 露营地清理作业的承包商的名单。
- b) 围栏设置的承包商和保障该物业安全的建议。
- c) 关于许可证的建议和湿地缓解策略计划。
- d) 提供加班的警务人员协助驱赶闯入者。
- e) 协调居住在该物业上的无家可归的个体，为其提供服务。
- f) 一份安保公司名单，以在清理作业完成后为该物业提供巡逻服务，确保将来不会再有闯入者。

作为业主，您，而不是市政府，将对清理费用负责。源自您物业上的活动对公众的健康和安全构成了威胁。因此，市政府将采取行动促使您消除您物业上所产生的滋扰。如果您拒绝为该物业进行清理，市政府将获取法院命令，来授权市政府其对该物业进行清理，并记录对该物业的留置权，以支付清理的费用。市政府进行的清理作业被视为公共事业，需支付现行工资。公共事业的成本将明显高于私营企业的作业。因此，您自行进行清理作业将符合您的经济利益。

请您尽快与我联系，无论如何最迟不得晚于 **2023 年 11 月 10 日**，以讨论出一份协调的计划，从而清除闯入者并清理您的物业。您可以通过拨打 (360) 778-8270 或发送电子邮件至

megood@cob.org 与我取得联系。如果您希望使用您的母语进行回复，市政府提供翻译或口译服务的资源。如果您愿意来电，请提前通过电子邮件告知我日期和时间，以便我安排口译服务。如果我在 2023 年 11 月 30 日之前没有收到您明确的承诺以及上述与市政府合作的计划，市政府将会尽快在法庭上寻求解决办法。

此致，

Michael Good
市政助理律师

抄送：市长 Seth Fleetwood
警察局长 Rebecca Mertzig
Alan Marriner, 市政律师
Eric Johnston, 公共事业部主任
Mike Olinger, 公共事业部副主任 - 运营部
Zachary Miles, 法规执行官

(Bellingham 警方
华盛顿州认可机构)

505 Grand Avenue, Bellingham, Washington 98225
电话: (360) 778-8800
传真: (360) 778-8601 行政部门 传真: (360) 778-8701 记录部门
Seth Fleetwood, 市长
Rebecca Mertzig, 警察局长

市政法规违规通知

22B73162

2022 年 11 月 22 日
Li-Ching Fang
921Kung-IRd
Chun an Miaoli Taiwan 360

主题: 22B-73162, 市政法规违规的物业编号: 55607, Bellingham, WA。

致相关人士:

Bellingham 警察局 (BPD) 执法办公室收到了关于上述地址多项违反 Bellingham 市法规 (BMC) 的投诉。根据 Whatcom 县评估员的网站, 您是 Bellingham, WA 物业编号: 55607 (地块编号: 3803071973630000) 的业主, 因此您有责任确保您的物业符合 BMC 的法规。

在 2022 年 11 月 16 日, BPD 的工作人员对您的物业进行了现场检查, 确定您物业的当前状态和整体状况已构成公共滋扰。

根据 BMC 10.28.010, “滋扰”的定义是指任何对物业的行为、状况、事物、遗漏或使用, 构成了以下:

1. 扰乱、伤害或危及公众的安全、健康、舒适或安宁。
2. 违反公共道德。
3. 以任何方式使公众的生活或财产使用构成了不安全。

在您的物业上大规模的非法露营地导致了过量堆积的废物、垃圾、杂物和遗弃物品。因此声明构成以下滋扰:

BMC 10.28.020(U): 声明滋扰

U. 释放难闻的气味、噪音或物质 (除非经法律批准), 其无理地干扰或损害在附近居住或工作的人或公众的健康或安全。

物业内过量堆积的废物、垃圾、杂物和遗弃物品导致了难闻气味的散发，危害了在您物业附近居住或工作的公众的健康。

经 BPD 工作人员进一步观察发现，存在以下违反市政法规的行为：

BMC 10.60.120: 禁止在私有物业上堆放杂物

任何人不得在城市内任何被拥有的物业上遗弃或堆积垃圾，无论该物业是否属于此人所有，除非私有物业的所有者或控制人可以维护经授权的私有收集容器，以便将垃圾收集起来，防止被任何街道、人行道或其他公共地方上的任何因素携带或堆积至任何的私有物业之上。

该物业内堆积了过量的废物、杂物、遗弃物品和垃圾。

BMC 10.60.130: 业主有责任保持物业无杂物

任何私有物业的所有者或控制人应始终维持该物业无杂物；但是，本节不应禁止在经授权的私有收集容器内存放杂物。

该物业内堆积了过量的废物、杂物、遗弃物品和垃圾，且没有经授权的容器或箱子用于收集或储存这些物品。

BMC 10.60.140: 禁止在空置土地上堆放杂物

任何人不得在城市内任何开放或空置的私人物业上遗弃或堆放垃圾，无论该物业是否属于此人所有。

该物业内堆积了过量的杂物，且没有经授权的容器或存储物用于收集或储存这些杂物。

BMC 16.55.070(A) : 关键区域许可证要求的确定

A. 改变任何关键区域和/或要求缓冲区的任何提议，包括但不限于清理、平整、排水、植被去除、建造建筑、设施、公用事业和相关基础设施，均应需要关键区域许可证。

您物业的很大面积已被清理，包括树木和植被的清除。此外，该物业上还堆积了未经授权的建筑结构。对市政府许可证中心数据库的查询未能披露已批准的关于植被清除或建筑结构建造的关键区域许可证。

(接下页)

BMC 16.60.080(A)(1) 要求与程序

A. 以下要求适用于受本章规定约束的所有非豁免土地：

1. 在没有有效的建筑、街道或公用设施建设许可证的情况下，不得在任何未开发或部分开发的地块、地皮、街道或公用设施上清理或移除植被。

您物业的很大面积已被清理，包括树木和植被的清除。对市政府许可证中心数据库的查询未能披露已批准的关于植被清理或移除的许可证。

减少违规的要求

作为业主，您必须采取必要的措施使您的物业符合规定。为了减少与您物业相关的所有违规行为，您必须在本通知发布之日起 24 小时内完成以下内容：

1. 清除房屋内所有会导致散发难闻气味的物品。
参考号：BMC 10.28.020(U)

(注：本办公室了解该违反市政法规的通知是通过国际邮件送达的，“24 小时减少违规”的要求并不合理。请尽一切努力尽快减少违规行为。)

您必须在本通知发出之日起 7 天内完成以下内容：

2. 拆除物业内所有未经许可的建筑结构。
参考号：BMC 16.55.070(A)
3. 获得关键区域许可证并将物业恢复到原来的状态
参考号：BMC 16.60.080(A)(1)

(注：本办公室了解该违反市政法规的通知是通过国际邮件送达的，“7 天”的要求可能并不合理。请务必尽一切努力尽快减少违规行为。)

您必须在本通知发出之日起 10 天内完成以下内容：

1. 清除您物业中的所有废物、杂物和垃圾。
参考号：BMC10.60.120/130/140
2. 消除物业中的任何的环境危害。
参考号：BMC 10.60.100(B)

(注：本办公室了解该市政法规违规通知是通过国际邮件送达的，“10天”的要求可能并不合理。请务必尽一切努力尽快减少违规行为。

未能完成上述事项将导致以下执法行动：

BMC 10.28.050：违规 – 处罚

A. 任何业主、占用人、业主或占用人的代理人许可、维持、遭受、进行或允许在任何场所或水道上造成本章所声明的公共滋扰，均属违法。

B. 任何人创造、维持、进行或实施本章所声明的行为或事物构成了公共滋扰，均属违法。

C. 任何人故意不履行或拒绝履行本章规定的与消除此类滋扰有关的任何法律义务，均属违法。

D. 任何被判违反本章任何规定的人均应属犯有轻罪。任何被判违反本章规定的人，根据被定罪的法院的合理裁量权，可以被法院指示在执行刑罚或任何上述处罚之前减少或消除任何的公众滋扰违规。

E. 由市政府或任何人对任何滋扰违规的减轻，并不排除对违反本章任何对于减少滋扰规定的指控。

BMC 10.60.230：市政府对违规行为的减轻 – 对不遵守规定人士采取的行动

在收到 BMC 10.60.220 规定的书面通知后 10 天内，或者如果由于邮局无法投递而将其退回市政府时，则在该通知日期后 10 天内，前提是该通知已正确投递至该业主或代理人最后为人所知的地址，任何业主或代理人未能、疏忽或拒绝妥善处理对公众健康、安全或社会公益有害的杂物，市政府有权支付处理此类杂物的费用，或命令市政府或其他机构处理此类垃圾。

BMC 10.60.240：市政府对违规行为的减轻 – 民事债务

市政府清除有危害的杂物或支付清除费用后，业主若未事先支付费用的，按实际费用加上自工程完成之日起每年百分之六的应计利息，其将成为对市政府所负的民事债务。

(接下页)

BMC 16.55.040: 执法与处罚(B)(C)(E)(F)

B. 民事违法行为与处罚。

1. 任何人违反本章任何规定，均属民事违法行为，每次违规罚款不超过 \$2,050 美元。最低民事罚款额为 \$100.00 美元。
2. 每次违反本章的行为均应视为一次单独的违规行为，如果是连续违规，则每一天的持续行为均应被视为一次单独且明确的违规行为。
3. 本章规定的民事违法行为应按照 RCW 第 7.80 章的规定进行签发和处理。
4. 本章规定的所有民事违法行为均应由市法院审理。

C. 刑事违法行为和处罚。

1. 任何人故意地、明知地、鲁莽地或疏忽并刑事地违反本章任何规定，均属犯有严重轻罪。
2. 任何人被判犯有本条 (C)(1) 款规定的罪行，应处以不超过 \$5,000 美元的罚款和/或不超过 364 天的监禁。在任何情况下，此类违规行为均不得处以 \$1000 美元以下的罚款。

E. 关键区域和缓冲区的恢复。 如果违反本章规定，主管有权下令对违法行为负有责任的个人和/或业主对受损或毁坏的区域采取关键区域或缓冲区的恢复措施。违规责任方应通过获得符合本章规定的关键区域许可证来恢复或以其他方式减轻受损区域的影响。关键区域许可证的申请应包括所有关键区域报告要求，包括特定关键区域的补偿性缓解措施。如果责任方不遵守规定，市政府可能会发出民事违规通知，或将受影响的关键区域和/或缓冲区恢复到之前的状态。

F. 执法费用和其他费用的收回。

1. 除了本章规定的其他补救措施外，市政府还可以向任何违反本章任何规定的业主收取执法、恢复、减少违规和使违规行为合规产生的费用。
2. 市政府可以通过将债务移交给催收机构、提起民事诉讼、提出物业留置权或任何其他合法手段来收取这些费用。

****重要提醒****

Bellingham 警察局的法规执行办公室已确定，由于该物业目前存在多项违反市政法规的行为，因此该物业符合“迫切危险”的标准。请阅读并了解以下根据市政法规的授权。

BMC 10.28.040: 迫切危险 – 即决减少违规的授权

每当物业的任何状况或使用对公众的健康和安全造成或构成，或合理推断地似乎造成或构成迫在眉睫的或直接的危险时，执法人员有权立即且无需通知地消除该危险。任何即决减少违规所产生的费用应成为对责任人的民事债务，并应采取与欠市政府的任何其他民事债务相同的方式收取。

民事减少违规上诉程序

根据 BMC 10.28.035:

任何根据本章被市政府通知消除或减轻滋扰问题的人，可以在通知上规定的消除期限内，通过向听证官提交书面上诉通知，说明上诉理由并附上一份减少违规令的副本，向听证官提出对减少违规令的上诉。市政府的民事减少违规程序应暂停，直至听证官听取上诉并作出裁决。听证官的决定将为最终决定。如果未及时提出上诉，则发出减少违规通知的行政官员的决定为最终决定。根据本节提出的上诉不应影响或延误任何刑事诉讼。

寻求修改、撤销、搁置或责令本章规定的市政府诉讼的诉讼应在听证官做出最终决定之日起 14 天内向有管辖权的法院提起。

根据 BMC 10.65.225:

任何根据 BMC 10.60.220 收到清除杂物通知的人，可以在通知之日起 10 天内，通过向听证官提交一份书面通知，说明上诉理由并附上一份减少违规令的副本，向听证官提出对减少违规令的上诉。市政府进一步的减少违规程序应暂停，直至听证官听取上诉并做出决定，该决定将为最终决定。如果未及时提出上诉，则发出减少违规通知的行政官员的决定为最终决定。

寻求修改、撤销、搁置或责令本章规定的市政府诉讼的诉讼应在市政府做出最终决定之日起 14 天内向有管辖权的法院提起。

考虑到让您的物业符合规定所需的大量工作以及有关露营地的特殊安全问题，请致电 BPD 法规执行官 Zachary Miles (360.778.8702)，讨论未来最合理的行动方案。备用联系人为 BPD Lt. Claudia Murphy (360.778.8834)。

此致，

Rebecca Mertzig

警察局长

A handwritten signature in black ink, appearing to read 'Rebecca Mertzig', written over a horizontal line.

Zachary M. Miles

法规执行官

360-778-8614

zmiles@cob.org

账户

物业编号:	55607	简要法律说明	N 1/2 SE NW
地块编号/Geo ID:	3803071973630000	代理编码:	
类型:	Real	土地使用法规	88
税区:	0100- BELLINGHAM 501 AH	DFL	Y
开放空间:	N	改造物业:	N
历史财产:	N	区域:	07
多户住宅重建:	N	法定英亩面积:	20.0000
乡镇:	T38N		
范围:	R03E		

地点

地址:	BELLINGHAM, WA	Mapsco:	
邻里:	6110010600-DFL	地图编号:	6PK_KELLOG
邻里 CD:	6110010600		

业主

姓名:	LI-CHING FANG	业主编号:	563192
邮寄地址:	921 KUNG-I RD CHUNAN MIAOU TAIWAN 360	% 所有权:	100.000000000000%
		豁免:	

该物业目前没有应付金额。

截至 2022 年 11 月 16 日的物业税信息

应付金额, 如果付款于: 注意: 如果您计划在未来的日期提交付款, 请确保输入日期并单击
“重新计算” 以获得正确的应付金额。

单击“报表详情”可展开或折叠税务报表。

年 报表 ID	基本金额第 一部分	基本金额第 二部分	罚金	利息	已付基本金 额	应付金额
报表详情 2022 32860	\$49.50	\$0.00	\$0.00	\$0.00	\$49.50	\$0.00
报表详情 2021 33015	\$45.47	\$0.00	\$0.00	\$0.00	\$45.47	\$0.00
报表详情						

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2024 SEP 16 P 1:35
WHATCOM COUNTY
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**THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

CITY OF BELLINGHAM, a municipal
corporation,

 Plaintiff,

v.

LI-CHING FANG,

 Defendant,

and

52nd & BROOKLYN, LLC, a limited
liability company,

 Intervenor.

NO. 24-2-00355-37

**DECLARATION OF MICHAEL
OLINGER IN SUPPORT OF THE
CITY'S RESPONSE TO
INTERVENOR'S MOTION FOR
SUMMARY JUDGMENT**

JUDGE LEE GROCHMAL

I, Michael Olinger, declare under penalty of perjury under the laws of the State of Washington that the following statements are true and correct to the best of my knowledge:

1. I am over the age of 18 and competent to be a witness herein. I make this declaration concerning facts and events of my own personal knowledge.
2. I am currently the interim Director of the City of Bellingham Public

1 Works Department. I have been employed by the City of Bellingham since 1997.

2 3. My duties include overseeing the Operations Division of Public Works
3 including utilities, streets, and the solid waste division of the Public Works
4 Department. I have experience estimating the costs of Public Works projects for
5 over 25 years including new construction, utilities, street construction,
6 environmental remediation, new vertical construction and other rehab work.
7

8 4. I possess a Bachelor of Science degree in Management and a Master
9 of Business Administration degree. I am a State Certified Water Distribution
10 Manager and Water Treatment Plant Operator.
11

12 5. I have been aware of an encampment near Wal-Mart since 2013.
13 However, I started to receive more and more complaints regarding the
14 encampment starting in 2020. Li-Ching Fang owns the property on which the
15 central part of the encampment is located, but the encampment problem spans
16 multiple parcels.
17

18 6. On May 7, 2024, I was present for a site inspection of the Fang
19 Property. The primary purpose of the site inspection was to accompany Sean
20 Simmons, a contractor hired by Li-Ching Fang, onto the property so he could
21 provide a quote on the clean-up costs of the property. I was there to estimate the
22 cost to the City to clean and remediate the property. Members of the Bellingham
23 Police Department escorted us through the property.
24

25 7. Litter, waste, and refuse heavily impact the entire site. I observed
26 significant environmental damage throughout the property on all adjacent east,
27 south, and west properties. At times, it was very unclear which property we were
28

1 on as the camp has expanded on to the other properties significantly. I believe the
2 surrounding properties have equal environmental damage.

3 8. In particular, the property immediately to the west of Ms. Fang's
4 property owned by the Intervenor, 52nd & Brooklyn, LLC, contains multiple
5 encampments.
6

7 9. Garbage, waste, and refuse cover nearly the whole site. Small
8 pockets of thick stinging nettles did not appear to have damage. However, after
9 further investigation, invasive species (stinging nettles) reclaimed areas where
10 individuals previously abandoned an encampment.
11

12 10. Waste disposal, foot traffic, trail construction, latrine usage, shopping
13 carts set as fish traps in the creek, and other activities heavily impact wetlands and
14 water bodies on the site.

15 11. The property had at least ten significant "homestead" sites. I use the
16 term "homestead" as these areas had legitimate structures- homes and then
17 fenced yards, some constructed with split rail fences, others with chain link fences.
18 Some "homesteads" had gardens, rock gardens, and drainage carved into the
19 ground, and they were established as if an individual were homesteading the land.
20 I would estimate that at least ten more large encampments were located on
21 adjacent properties. Each of these "homesteads" was a complete structure, some
22 multi-story, with fenced-in areas and gates. Five to ten small tent-type structures
23 surrounded each of these large sites. The ten larger structures were significant,
24 and the extent of the material in these sites could not be determined. The small
25 surrounding tents and structures that were able to be seen were significantly full of
26
27
28

1 debris, and there were significant signs of sharps (these are items associated with
2 human injection via needle). I saw the presence of sharps throughout the site and
3 in the structures I could see inside.

4
5 12. Nearly all trees on the site have significant scars from axes, hatchets,
6 knives, saws, and anything else you can imagine. Some trees have been debarked
7 around the tree's circumference, and I expect them to die shortly. Many of the
8 trees have significant fire damage, and some have already started to die due to the
9 damage. Several trees have significant root damage from individuals trying to
10 tunnel under the trees. Some of these trees have blown over in past storms.

11
12 13. The site contains an estimated 1000-2000 tons of solid waste. I
13 witnessed solid waste embedded into the ground, requiring soil removal to clean
14 the site effectively.

15
16 14. I observed multiple burn pits that appeared to be significant. One
17 specific burn pit on the north end of the property appeared to be 20+ feet in
18 diameter with a depth that could exceed 10 feet based on the surrounding
19 topography. Burn barrels are located throughout the site, and some were still
20 smoking from the night before.

21
22 15. Approximately 300 shopping carts spread throughout the site. The
23 exact number of shopping carts could be greater because the carts are being used
24 as the spine for many structures and fortify some areas, such as fences and walls.

25
26 16. I observed at least two vehicles that were in different states of
27 destruction. Large equipment is required to remove the vehicles from the property.


28 17. The estimated cost for the City to remove the waste currently on the

1 site is in excess of \$2 million. That estimate only considers the solid waste I
2 observed during my site walkthrough. I witnessed multiple areas on the site that
3 appeared to be dug out and filled with garbage, which cannot be accurately
4 estimated for cost without knowing how deep the waste goes into the soil. As the
5 property does not have a transportation system to allow transportation of the waste
6 off the site. Access roads would need to be constructed for heavy machinery to
7 clean the Property.
8

9 18. The estimated cost for the City to remediate the wetland and the
10 stream on the site would be an additional \$2-4 million. Remediate includes
11 removing contaminated soil, making soil amendments, and re-planting native
12 vegetation. A more accurate estimate requires access to the site. Public Work
13 would need to dig holes in the soil to determine how far the solid waste is pushed
14 in to the ground, and mapping for access roads would need to occur.
15

16 19. Any clean-up or remediation would require securing the site. The City
17 must ensure that contractors will be safe while working. Securing a site with
18 encampments requires removing the encampments, fencing the property, and
19 patrolling the site to ensure the site does not accumulate more waste from new
20 encampments.
21

22
23
24 Respectfully submitted this 13th day of September, 2024.

25
26 
27 **Michael Olinger**
28 Interim Director of Public Works
City of Bellingham

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**THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

CITY OF BELLINGHAM, a municipal
corporation,

Plaintiff,

v.

LI-CHING FANG,

Defendant,

and

52nd & BROOKLYN, LLC, a limited
liability company,

Intervenor.

NO. 24-2-00355-37

**DECLARATION OF SEAN O'NEILL
IN SUPPORT OF THE CITY'S
RESPONSE TO INTERVENOR'S
MOTION FOR SUMMARY
JUDGMENT**

JUDGE LEE GROCHMAL

I, Sean O'Neill, declare under penalty of perjury under the laws of the State of Washington that the following statements are true and correct to the best of my knowledge:

1. I am over the age of 18 and competent to be a witness herein. I make this declaration concerning facts and events of my own personal knowledge.
2. Since 2022, I have been the Sanitation and Solid Waste Manager of

1 the City of Bellingham Public Works Department. Before working for Bellingham
2 PublicWorks, I was the executive director of LifeCare Centers of America, a skilled
3 nursing facility.

4
5 3. My duties include managing the contracts for clean-up efforts for all
6 types of illegal dumping and litter on City property. Additionally, I manage the city's
7 contracts for residential municipal solid waste collection, hauling, and disposal and
8 three of the city's post-closure landfills.

9
10 4. The City cleaned up approximately 970 abandoned encampments
11 last year.

12
13 5. I am certified in Hazardous Waste Operations and Emergency
14 Response, Certified Erosion and Sediment Control Lead, and Integrated Solid
15 Waste Management.

16
17 6. Sometime in 2022, I learned of a growing encampment near Wal-
18 Mart on multiple properties. Li-Ching Fang owns the property on which the central
19 part of the encampment is located.

20
21 7. On May 7, 2024, I was present for a site inspection of the Fang
22 Property. The primary purpose of the site inspection was to accompany Sean
23 Simmons, a contractor hired by Li-Ching Fang, onto the property so he could
24 provide a quote on the clean-up costs.

25
26 8. The Fang Property contained multiple encampments. The scale of
27 encampments on the property is much greater than what I commonly see as the
28 Sanitation and Solid Waste Manager. A phased approach similar to the city's
standard procedure for public property cleanups is necessary to address the
challenges posed by this illegal encampment. First, thorough outreach must be

1 conducted to ensure that all occupants know about the cleanup and have access
2 to relocation services. Following this, the second phase focuses on safely
3 relocating the occupants. Once the area is vacated, the third phase involves
4 securing the site and preparing it for further action. This is crucial to prevent
5 unauthorized re-entry and to ensure a safe environment for the cleanup crew. The
6 fourth phase includes the physical cleanup of the site, removing debris and
7 hazardous materials, and setting up ongoing monitoring to prevent the re-
8 establishment of illegal encampments. In the fifth phase, ecological restoration
9 efforts are initiated to repair environmental damage, such as soil stabilization and
10 habitat restoration. Lastly, continuous monitoring is essential to ensure the site's
11 long-term recovery and to prevent future encampments from forming. This phased
12 approach ensures environmental protection and sustainable land use while
13 addressing the community's needs.

14
15
16
17 9. The Property's topography creates challenges to clean-up efforts.
18 First, Spring Creek runs down the middle of the property from north to south, with
19 a steep slope going down to Spring Creek. Second, the flat areas of the property
20 are largely wetlands. Lastly, the Property is forested. These features make it
21 difficult for machinery to get in and out of the Property. Access roads would likely
22 have to be created to effectuate a clean-up.

23
24 10. I photographed the property during the site inspection. I attached
25 forty-two photographs taken on May 7, 2024, to **Exhibit A**. The photographs
26 attached as Exhibit A were all taken on the Fang Property and are true and
27 accurate depictions of what I witnessed while on the site visit.

28 11. Photos 1-8 demonstrate solid waste's impact on the wetlands and

1 Spring Creek. Photo 1 shows a latrine situated in a wetland. Photo 5 shows the
2 blockade of Spring Creek affecting fish passage and increasing turbidity.

3 12. Photos 9-22 show the major encampments on the property and
4 garbage buried below the surface, which could potentially cause groundwater
5 contamination.
6

7 13. Photos 25-36 show solid waste spread throughout the Fang Property,
8 as well as burned garbage piles containing plastics known to produce toxic
9 materials such as dioxins, furans, and PCBs.
10

11 14. Photos 37-42 show some tree damage and erosion control concerns
12 along the creek bank and hillside adjacent to the creek.
13

14
15
16
17 Respectfully submitted this ____ day of September, 2024.
18

19
20 

21 **SEAN O'NEILL**
22 Sanitation and Solid Waste Manager
23 City of Bellingham
24
25
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28

EXHIBIT A



EXHIBIT A-1



EXHIBIT A-2

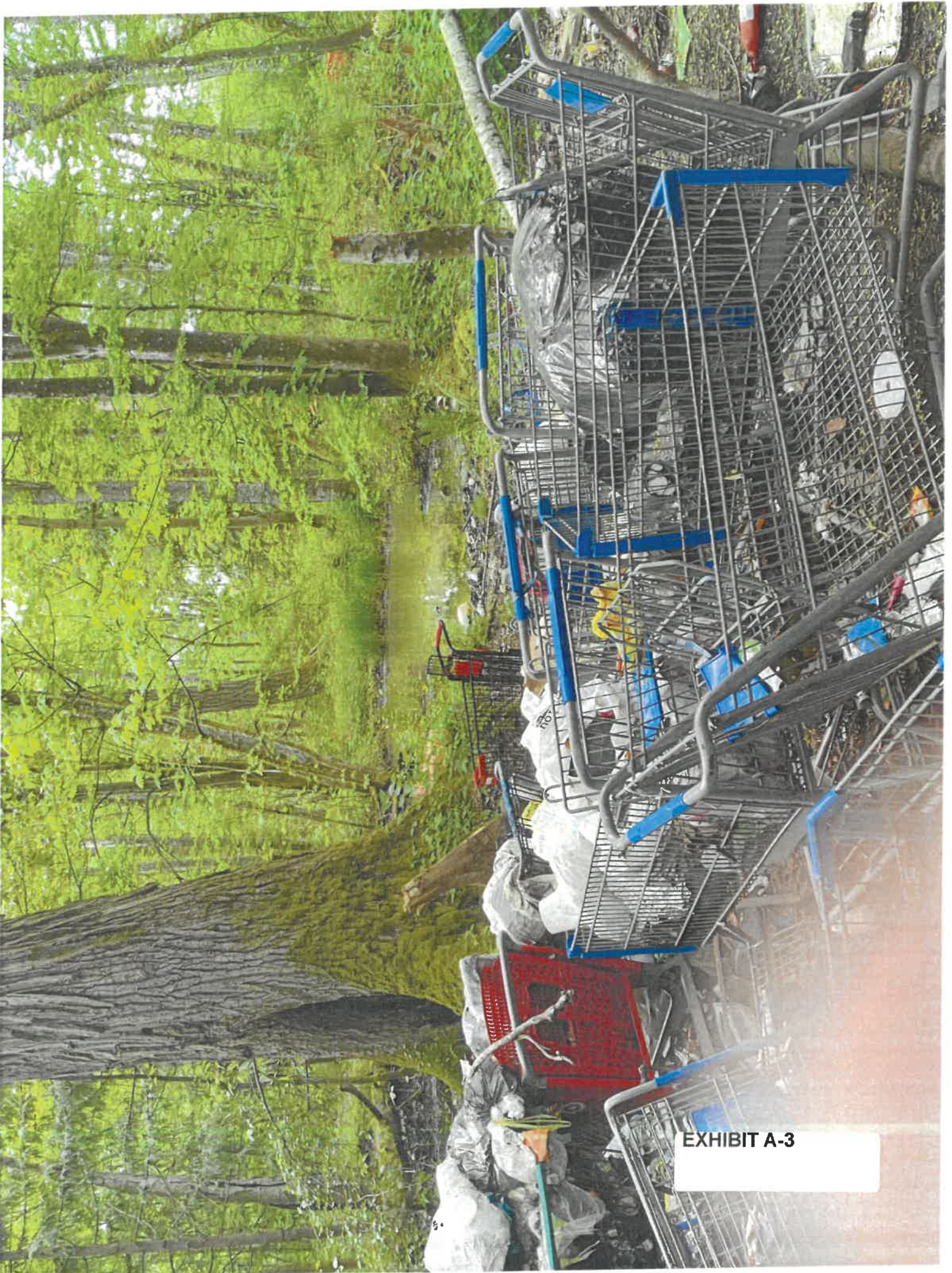


EXHIBIT A-3



EXHIBIT A-4



EXHIBIT A-5



EXHIBIT A-6



EXHIBIT A-7



EXHIBIT A-8



EXHIBIT A-9



The McShin Family

NO
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EXHIBIT A-10



EXHIBIT A-11



EXHIBIT A-12



EXHIBIT A-13



EXHIBIT A-14



EXHIBIT A-15

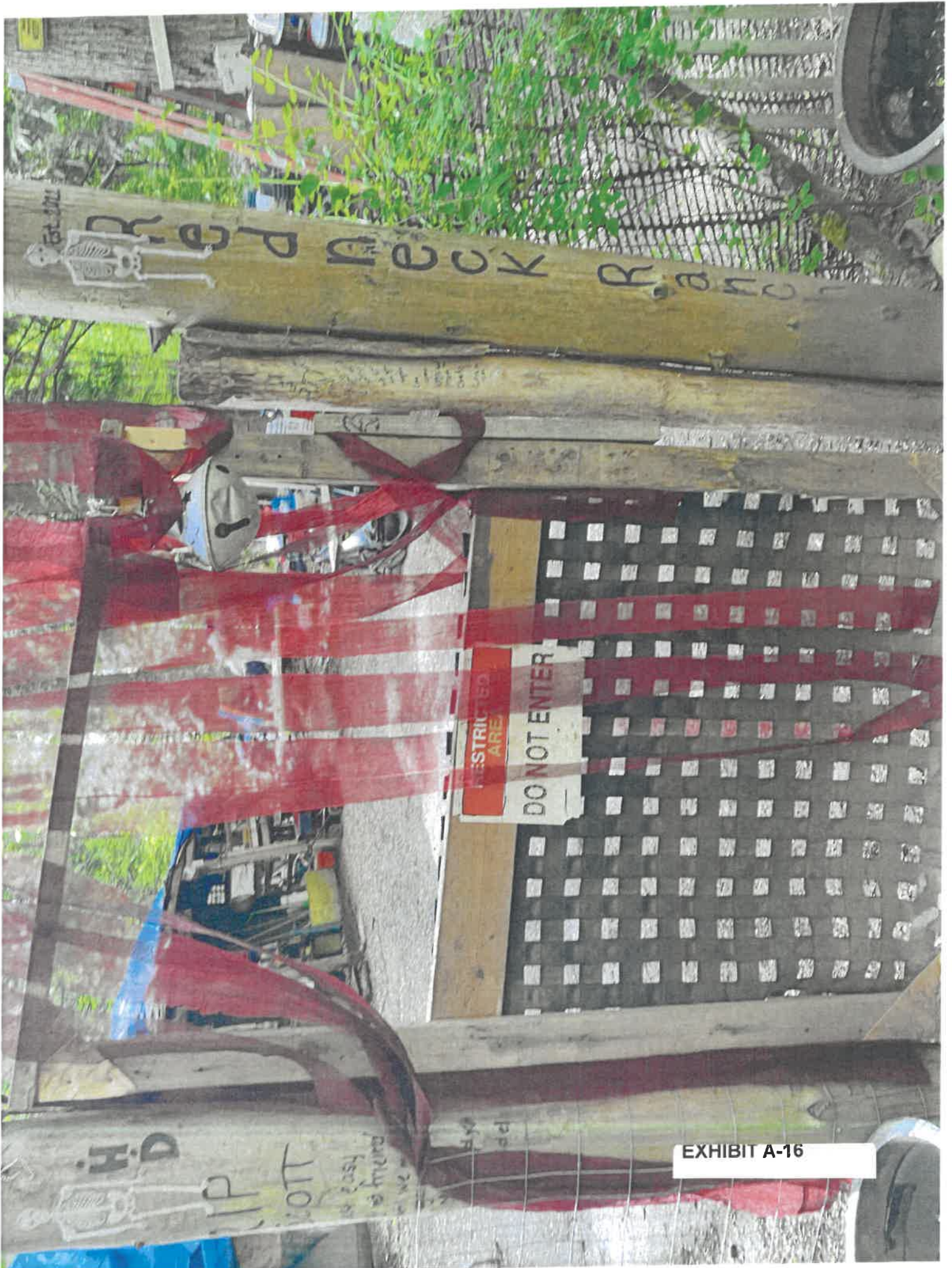


EXHIBIT A-16



EXHIBIT A-17

WARNING
Security Cameras In Use

♿
MEN

EXHIBIT A-18





EXHIBIT A-19



EXHIBIT A-20



EXHIBIT A-21



EXHIBIT A-22



EXHIBIT A-23



EXHIBIT A-24



EXHIBIT A-25



EXHIBIT A-26



EXHIBIT A-27



EXHIBIT A-28



EXHIBIT A-29



EXHIBIT A-30

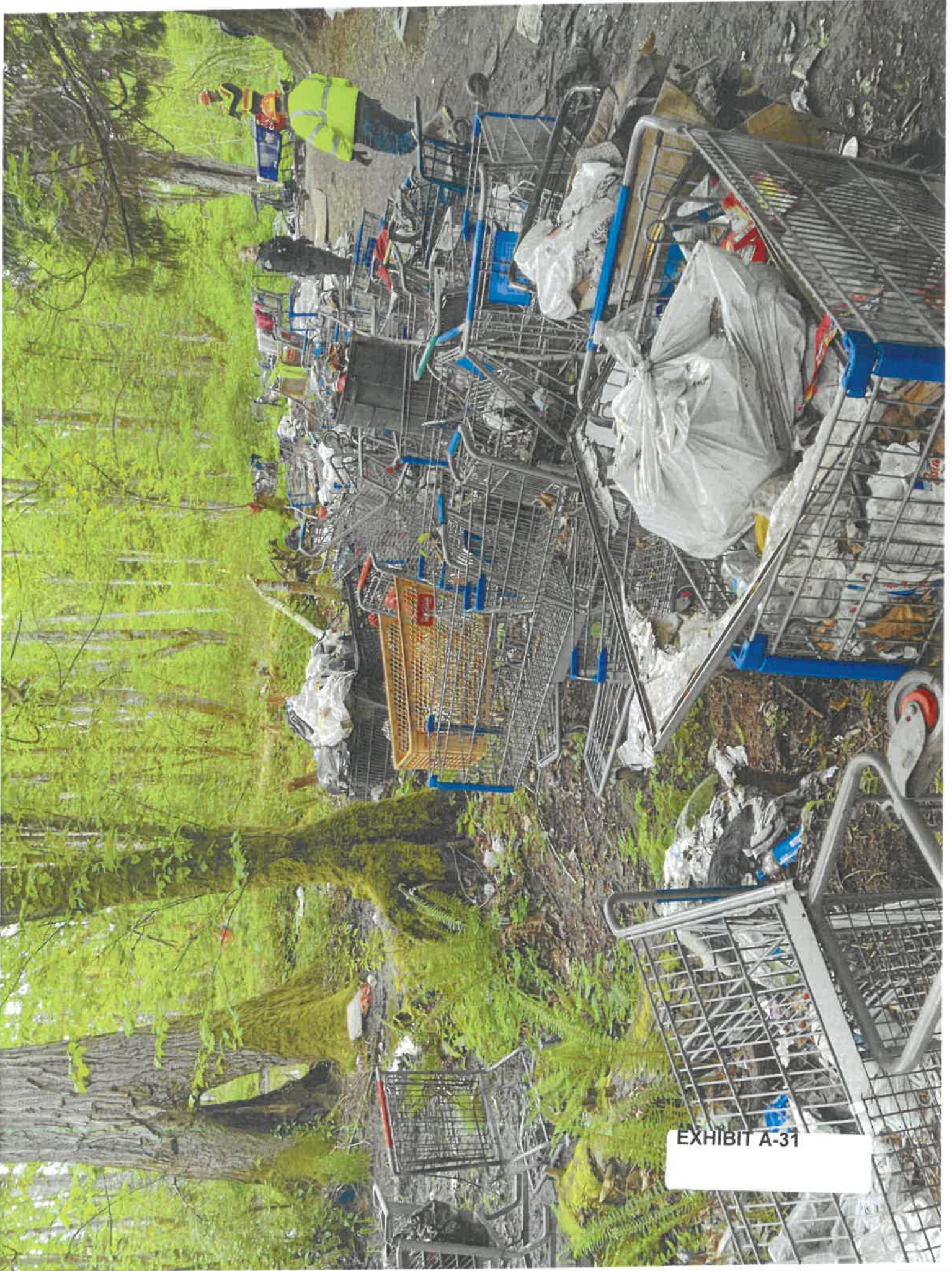


EXHIBIT A-31

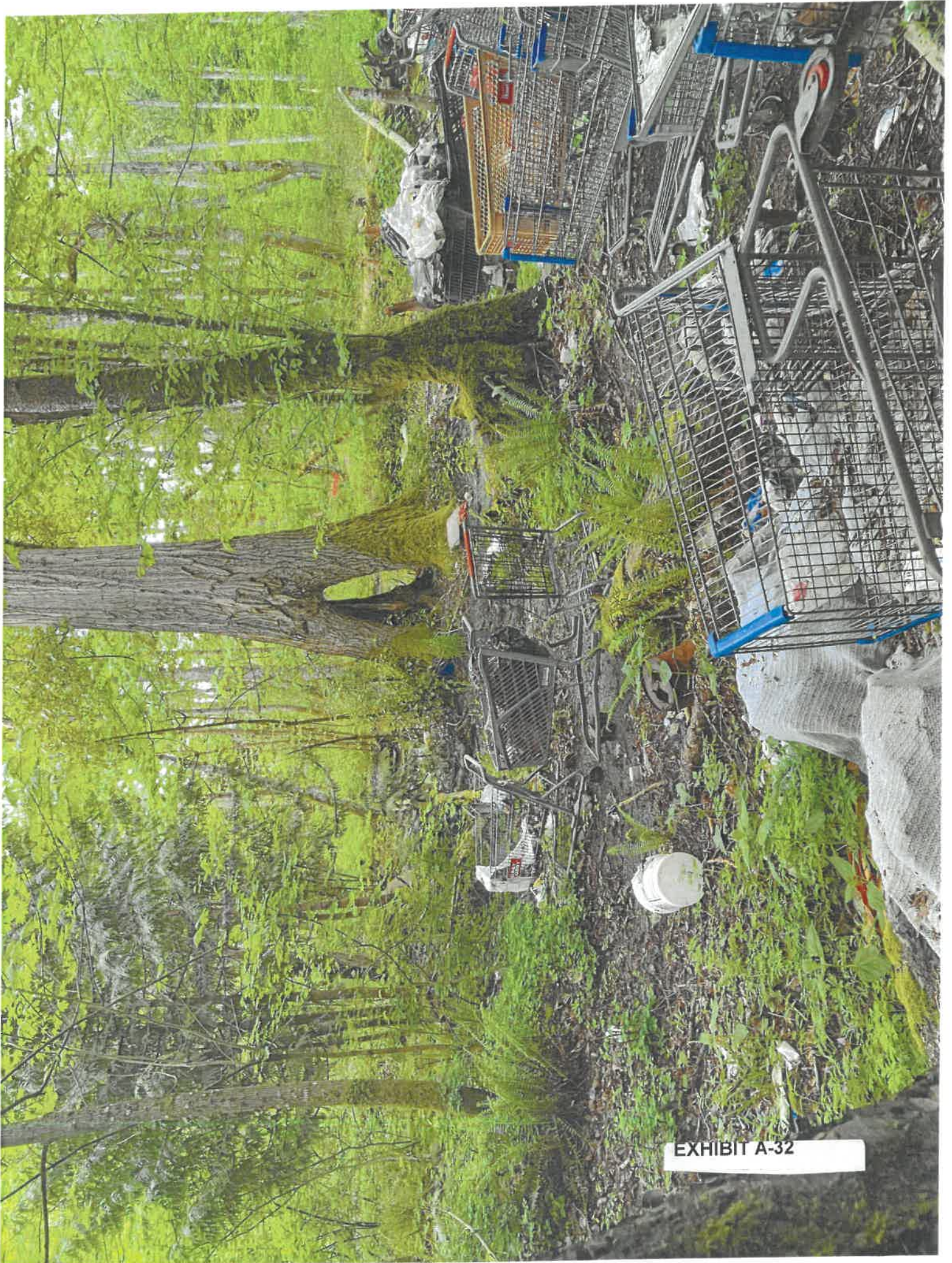


EXHIBIT A-32



EXHIBIT A-33



EXHIBIT A-34

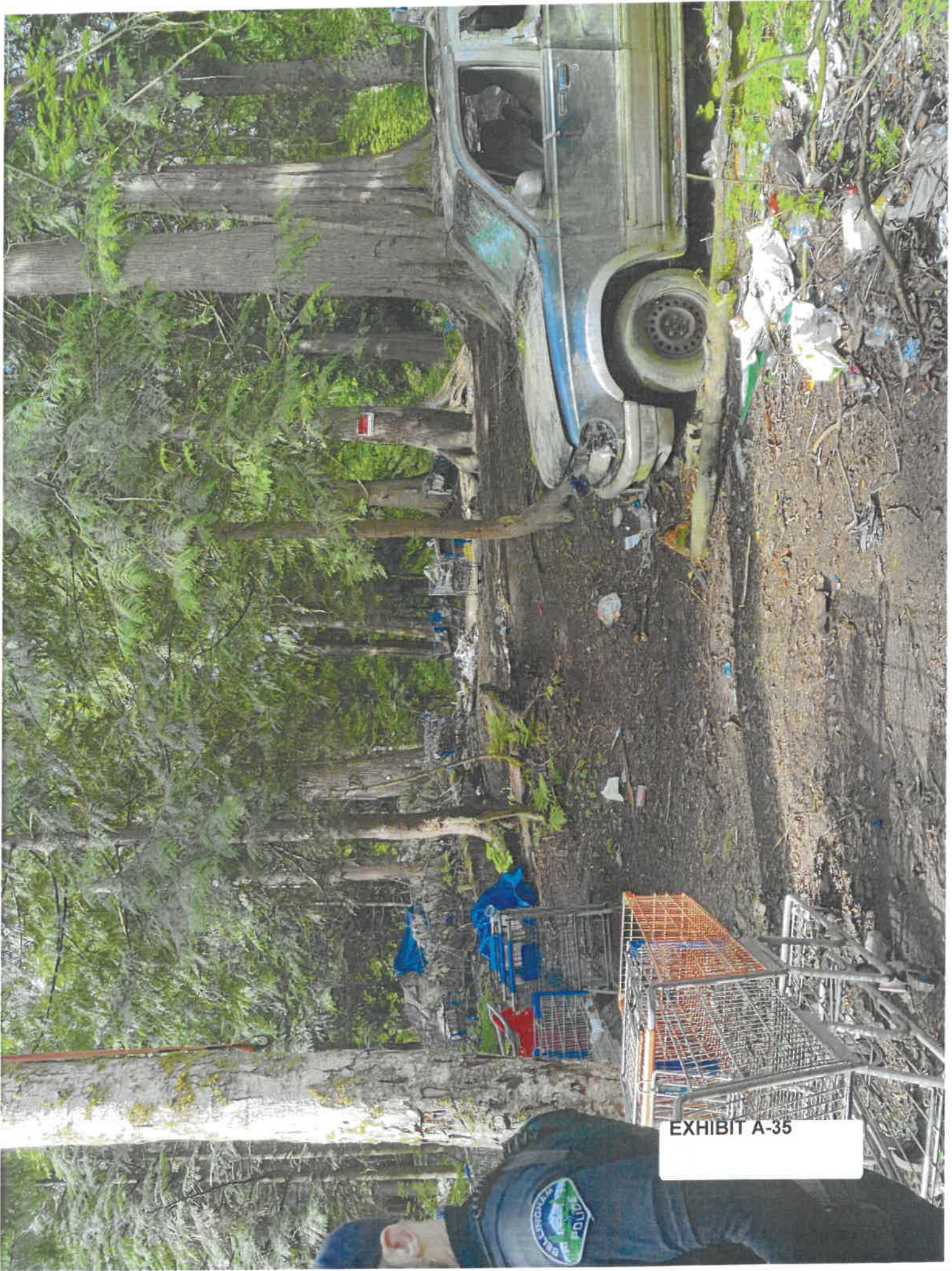


EXHIBIT A-35



EXHIBIT A-36



EXHIBIT A-37



EXHIBIT A-38

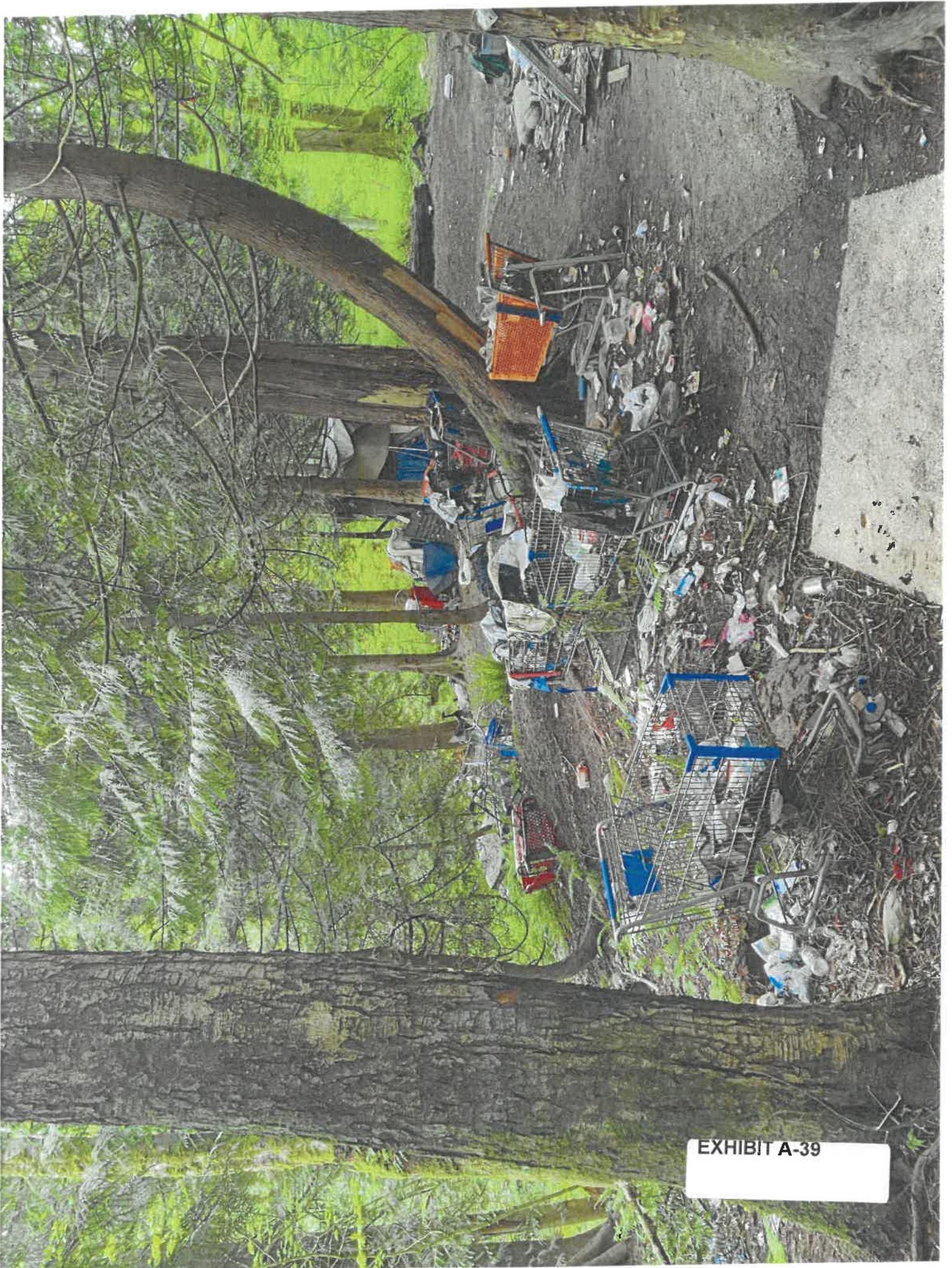


EXHIBIT A-39



EXHIBIT A-40



EXHIBIT A-41



EXHIBIT A-42

FILED
COUNTY CLERK

2024 SEP 16 P 1:36

WHATCOM COUNTY
WASHINGTON

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**THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

CITY OF BELLINGHAM, a municipal
corporation,

Plaintiff,

v.

LI-CHING FANG,

Defendant,

and

52nd & BROOKLYN, LLC, a limited
liability company,

Intervenor.

NO. 24-2-00355-37

**DECLARATION OF STEVEN
SUNDIN IN SUPPORT OF THE
CITY'S RESPONSE TO
INTERVENOR'S MOTION FOR
SUMMARY JUDGMENT**

JUDGE LEE GROCHMAL

I, STEVEN SUNDIN, declare under penalty of perjury under the laws of the
State of Washington that the following statements are true and correct to the best
of my knowledge:

1. I am over the age of 18 and competent to be a witness herein. I make
this declaration concerning facts and events of my own personal knowledge.

1 2. I have a Bachelor of Geography / Regional Urban Planning from
2 Western Washington University.

3 3. I am employed by the City's Planning and Community Development
4 Department as a Senior Environmental Planner. I have been with this Department
5 since 1998.
6

7 4. My current duties with the Planning and Community Development
8 Department include administering the City's Critical Areas Ordinance at BMC
9 16.55. Critical areas include wetlands, streams, floodplains, the buffers associated
10 with each of these features, and habitat corridors to protect the water quality,
11 function, and habitat these critical areas provide.
12

13 5. I am professionally experienced with critical areas and the ecological
14 functions associated with each of them. I am also experienced with impacts that
15 can compromise those environments and the functions that are reduced when
16 impacts occur.
17

18 6. The purpose and intent of applying the City's Critical Areas
19 Ordinance is to protect, maintain, and restore healthy, functioning ecosystems
20 through the protection of unique, fragile, and valuable elements of the environment,
21 including, but not limited to, ground and surface waters, wetlands, fish and wildlife,
22 and their habitats; and to conserve the biodiversity of plant and animal species. In
23 addition, the critical areas ordinance intends to prevent cumulative adverse
24 environmental impacts to water quality, wetlands, and fish and wildlife habitat, as
25 well as the overall net loss of wetlands, frequently flooded areas, and habitat
26 conservation areas.
27
28

1 7. I am familiar with Li-Ching Fang's property (Property), located
2 southeast of Wal-Mart, with a known encampment of unhoused individuals.

3 8. The main stem of Spring Creek flows north to south through the
4 Property. There are wetlands that are associated with and, therefore, likely to be
5 hydrologically connected to Spring Creek. Other wetlands on the subject property
6 may not have a direct hydrological connection but provide suitable habitats for
7 various aquatic and upland species. Spring Creek connects to Baker Creek which
8 connects into Squalicum Creek which flows into Bellingham Bay.

9 9. I visited the Fang Property on May 7, 2024. The property was overrun
10 with garbage, refuse, litter, and miscellaneous items. The extreme conditions of the
11 property and the materials that I observed within these environmental features are
12 likely to directly impact water quality and soil conditions, harming various aquatic
13 species, including anadromous and resident fish species. Two of these
14 anadromous species are listed under the ESA: Puget Sound Chinook salmon and
15 steelhead.

16 10. When I inspected the properties, I observed the following violations:

- 17 • BMC 16.55.490-500, unpermitted structures within Spring
18 Creek and its associated buffers; and
- 19 • BMC 16.55.310; unpermitted activities within wetlands and
20 their associated buffers


21 11. I concluded that the property's current condition negatively affects
22 these environmental features. Litter, refuse, garbage, and trash impact water
23 quality and the functions of these critical areas and result in an overall net loss of
24 function.

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12. The Property lacks facilities to dispose of human waste safely. I saw a latrine in the middle of a wetland. The lack of safe waste disposal likely impacts the wetland and Spring Creek, affecting the overall water quality in the stream system.

13. Spring Creek also has fish traps and an unauthorized bridge spanning the creek. The fish traps affect resident fish species by potentially preventing movement to feed and find cooler water. Erosion from human foot traffic around the bridge increases sediment loading to Spring Creek which can negatively affect downstream salmon habitats.

Dated this 12th day of September 2024, in Bellingham, Washington.



STEVEN SUNDIN

FILED
COUNTY CLERK

2024 SEP 16 P 1:36

WHATCOM COUNTY
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**THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

CITY OF BELLINGHAM, a municipal
corporation,

Plaintiff,

v.

LI-CHING FANG,

Defendant,

and

52nd & BROOKLYN, LLC, a limited
liability company,

Intervenor.

NO. 24-2-00355-37

**DECLARATION OF WILLIAM
ANGEL IN SUPPORT OF THE
CITY'S RESPONSE TO
INTERVENOR'S MOTION FOR
SUMMARY JUDGMENT**

JUDGE LEE GROCHMAL

I, WILLIAM ANGEL, declare under penalty of perjury under the laws of the
State of Washington that the following statements are true and correct to the best
of my knowledge:

1. I am over the age of 18 and competent to be a witness herein. I make
this declaration concerning facts and events of my own personal knowledge.

1 2. Currently I am employed by Whatcom County Health and Community
2 Services (WCHCS) as an Environmental Public Health Specialist. I have been
3 employed in this capacity for 25 years.

4 3. I have previously worked as an environmental site clean-up
5 contractor.

6 4. As part of my training for my current position, I am certified as a
7 Registered Sanitarian and I have a B.S. degree in Environmental Public Health,
8 from the University of Washington School of Public Health.

9 5. My current duties with WCHCS include: responding to potential state
10 and county health code violations, conducting inspections of potential
11 environmental hazards, meeting with and helping property owners mitigate
12 environmental hazards, and acting as a program lead in the Environmental Health
13 division.

14 6. I am familiar with the property owned by Li-Ching Fang. The property
15 is located to the southeast of Wal-Mart and has a known long-term encampment
16 of unhoused individuals. WCHCS has been aware and received complaints about
17 waste concerns due to encampment activities on the property since 2019, and
18 responded to concerns at the site at that time when a previous owner was engaged
19 in some site cleanup actions. WCHCS received complaints and responded to the
20 site again this year to evaluate public health concerns related to unsanitary
21 homeless dwelling conditions for possibly hundreds of persons, and the
22 uncontained wastes and sewage present at the property.
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1 7. I am professionally experienced with evaluating and consulting and
2 enforcing the abatement of unsanitary conditions, public health nuisance violations,
3 and public safety risks that can result from encampments of the unhoused.

4 I personally visited the Fang Property on May 7, 2024, in coordination with City of
5 Bellingham police and attorneys, and public works, and with WCHCS Response
6 Systems outreach staff.

7
8 I observed that hundreds of tons of garbage are littered and burned and buried on
9 the property without any sanitary controls, and that the wastes and residues are
10 polluting the property and the surface water flowing through the land, attracting
11 pests and animals, and polluting the air during and after waste burning activities.

12
13 I observed many unauthorized and unsanitary areas of improperly disposed
14 human fecal waste that has polluted the ground and the surface waters,
15 especially near the dozens of 'dwelling area compounds' that are present
16 throughout the entire 20-acre forested property.

17
18 The conditions observed on the property are causing environmental public health
19 nuisance conditions by maintaining unsafe and unsanitary waste handling,
20 sewage handling, and water contact conditions for the people living on the
21 property, contaminating water and land and air, attracting and harboring rodents
22 and insects, and causing area-wide nuisance conditions for public health and
23 public safety.

24
25 8. The property was completely overrun with garbage, refuse, litter, and
26 miscellaneous items. The extreme condition of the property creates significant
27 unsanitary conditions, harborage of vectors, and increased spread of disease
28

1 potential for the neighborhood. Based on the enormity of the litter, garbage, refuse
2 and the like at these properties, they are unsanitary and endanger the health of
3 neighbors. The owner, Li-Ching Fang, is therefore in violation of the County Health
4 Code.

5
6 9. When I inspected the property, I observed violations of the following
7 regulations:

- 8 • WCC 8.15.110, Unlawful disposal of solid waste
- 9 • WCC 8.28.080, Illegal dumping
- 10 • WCC Chapter 24.06 Solid Waste Rules and Regulations –
Standards and Permits
- 11 • WAC 173-350 Solid Waste Handling Standards
- 12 • WCC 24.05 On-Site Sewage System Regulations
- 13 • RCW 70.05.070 - The local health officer is empowered to
control, abate or prevent nuisances that are detrimental to
14 public health.

15 10. I concluded that the unsanitary condition of these properties creates
16 a public health nuisance that endangers the health of the people living at the
17 property, the neighbors, and the public, including the potential of exposure to
18 disease and other health issues related to the unsanitary conditions.

19
20 Dated this 12th day of September, 2024, in Bellingham, Washington.

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WILLIAM ANGEL

FILED
COUNTY CLERK

2024 SEP 16 P 1:35

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**THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

CITY OF BELLINGHAM, a municipal
corporation,

Plaintiff,

v.

LI-CHING FANG,

Defendant,

and

52nd & BROOKLYN, LLC, a limited
liability company,

Intervenor.

NO. 24-2-00355-37

**DECLARATION OF
ZACHARY MILES**

JUDGE LEE GROCHMAL

I, Zachary Miles, declare under penalty of perjury under the laws of the State of Washington that the following statements are true and correct to the best of my knowledge:

1. I am over the age of 18 and competent to be a witness herein. I make this declaration concerning facts and events of my own personal knowledge.

1 2. I am currently employed as a code enforcement officer with the
2 Bellingham Police Department ("BPD"). I am tasked with enforcing various
3 violations of the Bellingham Municipal Code ("BMC") in the City of Bellingham ("the
4 City").
5

6 3. I have been employed with the City as the code enforcement officer
7 for approximately five and a half years. I began my work with the City in December
8 2018. Before my current employment, I was retired from United States Air Force.
9 As a 23 year enlisted member of the Air Force, I served in a variety of capacities
10 including as an electrician journeyman, career field instructor, professional
11 education administrator, and inspector general team member.
12

13 4. As part of my duties as the code enforcement officer, I investigate
14 complaints from citizens about nuisance properties.
15

16 5. Through my employment as a code enforcement officer with the City,
17 I am familiar with the N 1/2 SE NW / Parcel No. 3803071973630000 ("Property"). I
18 learned of and am familiar with this property through multiple complaints made to
19 the BPD and other City departments. The Property has gone by many names,
20 including the "Walmart Encampment" and the "E. Stuart Rd. Encampment."
21

22 6. The Property currently has an encampment of unhoused individuals
23 living upon it. Garbage, refuse, and litter have impacted the natural environment
24 and habitat of the Property to a substantial degree. The property has been the
25 subject of consistent and ongoing complaints from adjacent property owners.
26
27
28

1 7. Through my investigations and previous code enforcement
2 investigations of the property, records with the County Assessor confirmed that Li-
3 Ching Fang is the owner of the Property.

4 8. I visited the property on November 16, 2022, to investigate code
5 violations. While on the property, I witnessed excessive trash, litter, refuse, and
6 garbage accumulation. The trash, litter, refuse, and garbage released offensive
7 odors, which I believe would be detrimental to the health of persons living and
8 working adjacent to the property. I also witnessed numerous unpermitted structures
9 located on the property. The structures were built of wood, plastic, and metal.
10 Extensive clearing of the trees and vegetation occurred around these structures.

11 9. I sent Ms. Fang a letter on November 22, 2022, regarding the
12 condition of her property. Attached hereto as **Exhibit A** and incorporated herein by
13 this reference is a true and accurate copy of the Municipal Code Violation Notice
14 sent to Li-Ching Fang.

15 10. Shortly after sending the nuisance notification letter, I received a
16 phone call from Albert. Albert claimed to be working on behalf of Ms. Fang and
17 stated they were working to address the issues on the property.

18 11. At the time the nuisance notification letters were sent, I observed the
19 following code violations at the Property:

- 20 • BMC 10.28.020(U) – release of offensive odors
- 21 • BMC 10.60.120 – deposit of litter on private property
22 prohibited
- 23 • BMC 10.60.130 – property owner’s duty to keep premises
24 litter-free
- 25 • BMC 10.60.140 – deposit of litter on vacant lots prohibited
- 26 • BMC 16.55.070(A) – alternations to a critical area without a
27 permit
- 28

- BMC 16.60.080(A) – clearing or removal of vegetation and trees cleared without a permit

12. The code violations I identified were primarily based on the immense amount of litter, garbage, refuse, and debris that has overtaken the property.

Therefore, I declared the property a nuisance because:

- It annoys, injures, or endangers the safety, health, comfort, or repose of the public;
- Offends public decency; and
- Renders the public insecure in life or in the use of property.

13. The nuisance notice stated that Ms. Fang had up to ten (10) days to abate the nuisance on her property or appeal the nuisance declaration pursuant to BMC 10.28.030. No work occurred on the Property, and Mr. Fang did not appeal the nuisance finding.

14. I walked through the property on May 7, 2024, as part of the contingent from the City of Bellingham. The nuisances that I observed back in November 2022 remained. It appeared that no work had been completed on the property. There was still litter, and the garage and refuse were scattered throughout the property. The structures were still present on the Property. All of the Bellingham Municipal Code violations that I sent a notice about in November 2022 remain on the property. Additionally, I identified two wrecked vehicles on the Property which are considered a nuisance under the Bellingham Municipal Code.

Dated this 10th day of September 2024, in Bellingham, Washington.


 ZACHARY MILES

EXHIBIT A

22B 73162



505 Grand Avenue, Bellingham, Washington 98225
Telephone: (360) 778-8800
Fax: (360) 778-8601 Administration Fax: (360) 778-8701 Records
Seth Fleetwood, Mayor
Rebecca Mertzig, Chief of Police

MUNICIPAL CODE VIOLATION NOTICE

November 22, 2022

Li-Ching Fang
921 Kung-I Rd
Chunan Miaoli Taiwan 360

RE: 22B-73162, Municipal Code Violations at Property ID: 55607, Bellingham, WA.

To whom it may concern,

The Bellingham Police Department (BPD) code enforcement office has received a complaint regarding multiple Bellingham Municipal Code (BMC) violations at the address referenced above. According to the Whatcom County Assessor's website, you are the property owner of Property ID: 55607 (parcel # 3803071973630000) in Bellingham, WA and, as such, you are responsible for ensuring that your property is in compliance with the BMC.

On November 16th, 2022, a site visit at your property was conducted by staff from the BPD where it was determined the current state and overall condition of your property has become a public nuisance.

Per BMC 10.28.010, the definition of a "nuisance" is any act, condition, thing, omission, or use of property which does the following:

1. *Annoys, injures, or endangers the safety, health, comfort, or repose of the public.*
2. *Offends public decency.*
3. *In any way renders the public insecure in life or in the use of property.*

A large illegal encampment on your property has resulted in the accumulation of an excessive amount of trash, garbage, litter, and refuse. The following nuisances have been declared:

BMC 10.28.020(U): Nuisance Declared

U. The release of offensive odors, noises, or substances, except those which are permitted by law, which unreasonably disturb, or which are detrimental to the health or safety of, the persons residing or working nearby, or the public.

The accumulation of excessive trash, litter, refuse and garbage collected on the property is causing the release of offensive odors which is detrimental to the health of persons living and working adjacent to your property.

Further observations by BPD staff discovered the following violations of the municipal codes:

BMC 10.60.120: Deposit on Private Property Prohibited

No person shall throw or deposit litter on any occupied property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk, or other public place upon any private property.

There is an excessive accumulation of trash, litter, refuse and garbage on the property.

BMC 10.60.130: Property Owners' Duty to Keep Premises Litter Free

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

There is an excessive accumulation of trash, litter, refuse, and garbage on the property with no authorized receptacles or containers for collection or storage thereof.

BMC 10.60.140: Deposit on Vacant Lots Prohibited

No person shall throw or deposit litter on any open or vacant private property within the city whether owned by such person or not.

There is an excessive accumulation of litter deposited on the property with no authorized receptacles or containers for the collection or storage thereof.

BMC 16.55.070(A): Determination of Requirement for Critical Area Permit

A. Any proposal to alter any critical area and/or required buffer including, but not limited to, clearing, grading, draining, removal of vegetation, construction of buildings, facilities, utilities and related infrastructure shall require a critical area permit.

Large areas of your property have been cleared including the removal of trees and vegetation. Additionally, there are a collection of unauthorized structures on the property. A query of City Permit Center database did not disclose an approved critical area permit on file for the vegetation removal or the construction of the structures.

(Continued on next page)

BMC 16.60.080(A)(1) Requirements and Procedures

A. The following requirements shall apply to all nonexempt lands subject to the provisions of this chapter:

1. No clearing or removal of vegetation shall be permitted on any undeveloped or partially developed lot, parcel, street or utility without a valid building, street or utility construction permit.

Large areas of your property have been cleared including the removal of trees and vegetation. A query of City Permit Center database did not disclose an approved permit on file for the clearing or vegetation removal on the undeveloped property.

Abatement Requirements

As the property owner, it is imperative that you take the necessary steps to bring your property into compliance. To abate all the code violations associated with your property, you must complete the following within 24 hours of the date of this notice:

1. Remove all substances from the property that result in the release of offensive odors.
Ref: BMC 10.28.020(U)

(Note: This office understands this municipal code violation notice is being served via international mail and the "24-hour abatement" requirement is unreasonable. Please make every effort to abate the violation as soon as reasonably possible.)

You must complete the following within 7 days of the date of this notice:

1. Remove all the unpermitted structures from the property.
Ref: BMC 16.55.070(A)
2. Obtain a critical area permit and restore the property to its original condition
Ref: BMC 16.60.080(A)(1)

(Note: This office understands this municipal code violation notice is being served via international mail and the "7-day" requirement could be unreasonable. Please make every effort to abate the violation as soon as reasonably possible.)

You must complete the following within 10 days of the date of this notice:

1. Clear your property of all the trash, litter, and garbage.
Ref: BMC 10.60.120/130/140
2. Eliminate any environmental hazard from the property.
Ref: BMC 10.60.100(B)

(Note: This office understands this municipal code violation notice is being served via international mail and the "10-day" requirement could be unreasonable. Please make every effort to abate the violation as soon as reasonably possible.)

Failure to complete the abovementioned will result in the following enforcement action:

BMC 10.28.050: Violation – Penalty

- A. It is unlawful for any owner, occupant, or agent of the owner or occupant to permit, maintain, suffer, carry on, or allow upon any premises or waterway a public nuisance as declared by this chapter.*
- B. It is unlawful for any person to create, maintain, carry on, or do any of the acts or things declared by this chapter to be a public nuisance.*
- C. It is unlawful for any person to willfully omit or refuse to perform any legal duty relating to the removal of such nuisance as provided in this chapter.*
- D. Any person convicted of violating any provision of this chapter shall be guilty of a misdemeanor. Any person convicted of violating the provisions of this chapter may, in the sound discretion of the court in which he was convicted, be directed by the court to abate or remove any public nuisance prior to the date of the execution of the sentence or any part thereof.*
- E. The abatement of any nuisance by the city or by any person or persons shall not preclude the charging of a violation of any provision of this chapter on account of which such nuisance was abated.*

BMC 10.60.230: Abatement by City – Action Upon Noncompliance

Upon the failure, neglect, or refusal of any owner or agent so notified to properly dispose of litter dangerous to the public health, safety, or welfare within 10 days after receipt of written notice provided for in BMC 10.60.220, or within 10 days after the date of such notice in the event the same is returned to the city because of post office inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the city is authorized and empowered to pay for the disposing of such litter or to order its disposal by the city or others.

BMC 10.60.240: Abatement by City – Civil Debt

When the city has effected the removal of such dangerous litter or has paid for its removal, the actual cost thereof plus accrued interest at the rate of six percent per year from the date of the completion of the work, if not paid by the owner prior thereof, shall become a civil debt owed to the city.

(Continued on next page)

BMC 16.55.040: Enforcement and Penalties(B)(C)(E)(F)***B. Civil Violations and Penalties.***

- 1. Any person who violates any provision of this chapter shall be subject to a civil infraction not to exceed \$2,050 for each violation. The minimum civil penalty shall be \$100.00.*
- 2. Each violation of this chapter shall be a separate offense, and in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct violation.*
- 3. Civil infractions under this chapter shall be issued and processed in accordance with Chapter 7.80 RCW.*
- 4. All civil infractions under this chapter shall be heard by municipal court.*

C. Criminal Violations and Penalties.

- 1. Any person who intentionally, knowingly, recklessly, or criminally negligently violates any provision of this chapter shall be guilty of a gross misdemeanor.*
- 2. Any person convicted of a crime under subsection (C)(1) of this section shall be punished by a fine of not more than \$5,000 and/or imprisonment of not more than 364 days. In no case shall such a violation be punished by a fine of less than \$1000.00.*

E. Critical area and Buffer Restoration. *In the event of a violation of this chapter, the director shall have the authority to order critical area or buffer restoration measures for the damaged or destroyed area by the person and/or property owner responsible for the violation. The party responsible for the violation shall restore, or otherwise mitigate for, the damaged area by obtaining a critical area permit conditioned such to meet the provisions of this chapter. The critical area permit application shall include all the critical area report requirements, including compensatory mitigation, for the specific critical area. If the responsible party does not comply, the city may either issue a civil infraction or restore the affected critical area and/or buffer to its prior condition.*

F. Recovery of Enforcement and Other Costs.

- 1. In addition to other remedies available under this chapter, the city may charge any property owner who violates any provision of this chapter with the costs of enforcement, restoration, abatement, and bringing the violations into compliance.*
- 2. The city may collect these costs by turning the debt over to a collection agency, filing a civil lawsuit, filing a lien against the property, or any other legal means.*

****IMPORTANT NOTICE****

The Code Enforcement Office at the Bellingham Police Department has determined the property meets the criteria of an immediate danger due to the multiple municipal code violations that currently exists on the grounds. Please read and understand the following authorization per the municipal code.

BMC 10.28.040: Immediate Dangers – Summary Abatement Authorized

Whenever any condition on or use of property causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health and safety of the public, the enforcement officer shall have the authority to summarily and without notice cause the same to be abated. The expenses incurred in any summary abatement shall become a civil debt against the responsible person or persons and shall be collected in the same manner as any other civil debt owing to the city.

Civil Abatement Appeal Process**Per BMC 10.28.035:**

Any person who has been notified by the city to remove or abate a nuisance under this chapter may, within the time period for abatement stated on the notice, appeal the abatement order to the hearing examiner by filing with the hearing examiner a written notice of appeal stating the grounds for the appeal and attaching thereto a copy of the abatement order. Civil abatement proceedings by the city shall be held in abeyance until the hearing examiner has heard and determined the appeal. The decision of the hearing examiner shall be final. If no timely appeal is filed, the decision of the administrative officer issuing the notice to abate shall be final. An appeal filed pursuant to this section shall not affect or delay any criminal proceedings.

An action seeking to modify, reverse, set aside or enjoin an action of the city under this chapter shall be filed in a court of competent jurisdiction within 14 days of the date of the final decision of the hearing examiner.

Per BMC 10.65.225:

Any person who has been provided with a notice to remove litter pursuant to BMC 10.60.220 may, within 10 days of the date of the notice, appeal the order to abate to the hearing examiner by filing with the hearing examiner a written notice stating the grounds for the appeal and attaching thereto a copy of the order. Further abatement proceedings by the city shall be held in abeyance until the hearing examiner has heard the appeal and rendered its decision, which shall be final. If no appeal is filed in a timely manner, the decision of the administrative officer issuing the notice to abate shall be final.

An action seeking to modify, reverse, set aside or enjoin an action of the city under this chapter shall be filed in a court of competent jurisdiction within 14 days of the date of the final decision of the city.

22B 73162

Considering the extensive number of tasks required to get your property into compliance and the distinctive safety concerns regarding the encampment, please call BPD Code Enforcement Officer Zachary Miles (360.778.8702) to discuss the most reasonable course of action moving forward. An alternate point of contact is BPD Lt. Claudia Murphy (360.778.8834).

Sincerely,

Rebecca Mertzig
Chief of Police



Zachary M. Miles
Code Enforcement Officer
360-778-8614
zmiles@cob.org

22B-73162

Account

Property ID:	55607	Abbreviated Legal Description:	N 1/2 SE NW
Parcel # / Geo ID:	3803071973630000	Agent Code:	
Type:	Real		
Tax Area:	0100 - BELLINGHAM 501 AH	Land Use Code:	88
Open Space:	N	DFL:	Y
Historic Property:	N	Remodel Property:	N
Multi-Family Redevelopment:	N		
Township:	T38N	Section:	07
Range:	R03E	Legal Acres:	20.0000

Location

Address:	BELLINGHAM, WA	Map ID:	6PK_KELLOG
Neighborhood:	6110010600-DFL		
Neighborhood CD:	6110010600		

Owner

Name:	LI-CHING FANG	Owner ID:	563192
Mailing Address:	921 KUNG-I RD CHUNAN MIAOLI TAIWAN 360	% Ownership:	100.000000000000%
		Exemptions:	

There is currently No Amount Due on this property.

Property Tax Information as of 11/16/2022

Amount Due if Paid on: **NOTE:** If you plan to submit payment on a future date, make sure you enter the date and click RECALCULATE to obtain the correct total amount due.

Click on "Statement Details" to expand or collapse a tax statement.

Year	Statement ID	First Half Base Amt.	Second Half Base Amt.	Penalty	Interest	Base Paid	Amount Due
▶ Statement Details							
2022	32860	\$49.50	\$0.00	\$0.00	\$0.00	\$49.50	\$0.00
▶ Statement Details							
2021	33015	\$45.47	\$0.00	\$0.00	\$0.00	\$45.47	\$0.00
▶ Statement Details							