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11 **UNITED STATES DISTRICT COURT**  
12 **EASTERN DISTRICT OF WASHINGTON**  
13 **SPOKANE DIVISION**

14 LIGHTHOUSE CHRISTIAN MINISTRIES,

15 *Plaintiff,*

16 v.

17 CITY OF WENATCHEE,

18 *Defendant.*

Case No. 2:25-cv-00507-TOR

**FIRST AMENDED COMPLAINT**

**AMENDMENT SUMMARY**

1  
2 1. On April 14, 2026, the Court granted Defendant City of Wenatchee’s  
3 (“City”) motion to dismiss. ECF 17. The Court granted the motion to dismiss with  
4 prejudice as to Count I (substantive due process), but granted leave to amend as to  
5 Count II (equal protection) and Count III (takings).

6 2. Plaintiff Lighthouse Christian Ministries (“Lighthouse”) amends its  
7 original complaint to address issues the Court identified in granting leave to amend.

8 3. **Equal Protection:** The Court granted the motion to dismiss  
9 Lighthouse’s equal protection claim because “Plaintiff fails to identify how Grace  
10 City Church and Sage Hills Church were similarly situated to Plaintiff to withstand  
11 dismissal.” ECF 17 at 15. Furthermore, the Court also found that “[n]or does  
12 Plaintiff’s allegation that all Wenatchee property owners fall within the similarly  
13 situated category suffice.” *Id.*

14 4. Using public records of code enforcement and records obtained via  
15 public records requests, Lighthouse expands its allegations about how the City has  
16 applied its written and unwritten code enforcement policies and practices to property  
17 owners other than Lighthouse, including other conditional use permit (“CUP”) holders and service providers. In a nutshell, the City’s written and unwritten policies  
18 and practices consistently aim to have a property owner fix any code violation  
19 through an escalating series of enforcement actions beginning with a request for  
20 voluntary correction. In the case of Lighthouse, however, the City did not even notify  
21 the soup kitchen of any problem, much less proceed with notice and an opportunity  
22 to correct any alleged problem.  
23

1           5.     These new allegations about enforcement policies and practices with  
2 respect to other property owners in Wenatchee will enable the Court to understand  
3 how the City’s different treatment of Lighthouse plausibly lacked a rational basis  
4 and therefore why Lighthouse states an equal protection claim.

5           6.     **Takings:** The Court granted the motion to dismiss on the Fifth  
6 Amendment takings claims because it concluded that the proper focus of the claim  
7 was whether the revocation “deprived [Lighthouse] of all beneficial economic use  
8 of the Property” and that “the Complaint does not sufficiently allege facts relevant  
9 to the *Penn Central* analysis such as an occurrence of a diminution in economic  
10 value of the Property due to the CUP revocation.” ECF 17 at 16–17. The Court also  
11 noted the City’s nuisance-abatement defense but found that it could not “definitively  
12 conclude that the claimed nuisances would independently restrict Plaintiff’s use of  
13 the property.” *Id.* at 18. Plaintiff understands the Court to have been indicating that  
14 the CUP revocation might be a taking if the revocation did more than what could  
15 have been achieved under the City’s power to abate nuisances or if the revocation  
16 was not done to abate a nuisance at all.

17           7.     Lighthouse maintains that its CUP is a distinct property interest akin to  
18 an easement and that the revocation was a taking because it completely destroyed  
19 that property interest. Lighthouse clarifies that aspect of its takings claim below.

20           8.     In response to the Court’s ruling, Lighthouse also provides additional  
21 allegations explaining why the CUP revocation constitutes a taking under the *Penn*  
22 *Central* test.

1 9. Finally, in response to the City’s nuisance-abatement defense,  
2 Lighthouse provides a detailed analysis of what constitutes a nuisance, why none of  
3 Lighthouse’s activities constitute a nuisance, what procedures the government is  
4 supposed to follow in the event of a nuisance, and how the remedy for a nuisance is  
5 abatement, not terminating an otherwise lawful use.

6 10. Thus, Lighthouse states a plausible claim for a taking.

7 11. **The amended complaint tells a fuller story:** Relying on new public  
8 records, Lighthouse has discovered that the City’s decision to destroy Lighthouse,  
9 rather than give it an opportunity to correct any alleged problems, was the result of  
10 a desire to evict Lighthouse from the area because city officials and private investors  
11 considered the soup kitchen and its low income and homeless guests incompatible  
12 with a redevelopment plan. Because there was no legitimate basis for shutting  
13 Lighthouse down, and because having Lighthouse simply correct alleged problems  
14 would leave the soup kitchen in place, the City embarked on a bad-faith scheme to  
15 falsely portray Lighthouse as violating the conditions of its CUP to justify  
16 revocation. This scheme violated Lighthouse’s federal constitutional rights, as  
17 described more fully below.

18 **INTRODUCTION**

19 12. For six years, Lighthouse served as a critical lifeline for Wenatchee’s  
20 most vulnerable residents—feeding the hungry, providing a daytime refuge to the  
21 City’s most vulnerable residents, and serving as a hub for the region’s social-service  
22 network at its 410 South Columbia Street property. Lighthouse operated its soup  
23 kitchen in a manner consistent with its City-approved management plan, worked

1 closely with the City’s own homeless-services administrator, and coordinated with  
2 the police to address problematic behavior by the guests that the soup kitchen served.  
3 Nothing in Lighthouse’s operations resembled mismanagement.

4 13. Lighthouse’s ability to operate its soup kitchen on its property  
5 depended on a conditional use permit that it had secured from the City in 2016.  
6 Under Wenatchee’s ordinances and Washington law, that CUP was a vested property  
7 right running with the land, not a temporary privilege. Only after obtaining the CUP  
8 did Lighthouse invest more than a million dollars renovating the vacant warehouse  
9 at 410 South Columbia Street into a soup kitchen and relocating its operations from  
10 one of Wenatchee’s main downtown thoroughfares where the soup kitchen had run  
11 for nearly a decade.

12 14. Yet in 2025—without prior notice, without issuing any citation, and  
13 without offering Lighthouse any opportunity to address the City’s alleged  
14 concerns—the City abruptly revoked the CUP, forcing Lighthouse to shut down its  
15 soup kitchen. To justify this extraordinary action, the City pointed to trivial, easily  
16 fixable issues, misrepresented public service call data, and improperly attributed to  
17 Lighthouse every complaint or incident occurring anywhere in the surrounding  
18 blocks, including conduct Lighthouse could not legally or practically control.

19 15. The City’s deliberate misrepresentation of public service call data is so  
20 blatant and so comprehensive that none of its assertions are trustworthy. The City  
21 blamed Lighthouse for nearly thousands of emergency service calls in the  
22 surrounding area without any basis for doing so, faulting Lighthouse for incidents  
23 that bore no connection to Lighthouse, such as by including routine police responses

1 to car accidents at a nearby busy intersection. The misuse of call data is so obvious  
2 that the only explanation is that the City was deliberately manufacturing false  
3 justifications for shutting down Lighthouse.

4 16. The real reason for the CUP revocation was a redevelopment plan.  
5 Public records reveal a plan to create a mixed-use redevelopment of housing and  
6 businesses along the Columbia Street corridor, the same street Lighthouse sits on.  
7 Political and business leaders decided Lighthouse and the vulnerable community it  
8 serves were incompatible with the “Reimagining Wenatchee” Master Plan. And so  
9 the Wenatchee Mayor and Director of Community Development Department  
10 implemented a plan to revoke Lighthouse’s CUP by ginning up code violations and  
11 manipulating data about emergency service calls to the area.

12 17. The City’s arbitrary and discriminatory revocation of Lighthouse’s  
13 conditional use permit was unconstitutional. It destroyed a vested property right,  
14 crippled Lighthouse’s ability to serve thousands of low-income and homeless  
15 residents, and inflicted severe financial and operational harm.

16 18. Lighthouse brings this case to invalidate the City’s revocation of its  
17 CUP. The City cannot weaponize its land-use authority to extinguish a vested  
18 property right. Lighthouse seeks restoration of its CUP and damages for the  
19 significant harms it has suffered.

20 19. In the alternative, Lighthouse seeks just compensation under the  
21 Takings Clause if the City’s revocation is deemed an exercise of eminent domain for  
22 a public use.

**JURISDICTION AND VENUE**

20. Plaintiff Lighthouse is suing under the Fifth and Fourteenth Amendments to the United States Constitution; the Civil Rights Act of 1871, 42 U.S.C. § 1983; and the Declaratory Judgment Act, 28 U.S.C. § 2201.

21. This Court has federal-question jurisdiction, 28 U.S.C. § 1331, and civil-rights jurisdiction, 28 U.S.C. § 1343.

22. Venue lies in this Court under 28 U.S.C. § 1391(b)(2) because the events giving rise to this action occurred in the City of Wenatchee, Chelan County, Washington State.

**THE PARTIES**

23. Plaintiff Lighthouse Christian Ministries is a 501(c)(3) charity organized as a “charitable organization” under the laws of the State of Washington. It is in good standing. Its principal address is 410 South Columbia Street, Wenatchee, WA 98801-3032.

24. Defendant City of Wenatchee is a municipality in Chelan County organized under the laws of the State of Washington.

**FACTUAL ALLEGATIONS**

**I. Lighthouse emerged as a critical community resource and worked to expand responsibly.**

25. A nondenominational Christian organization, Lighthouse was founded in 2009 in Wenatchee, Washington, during the “Great Recession” to provide a soup kitchen for homeless and low-income residents.<sup>1</sup>

26. Lighthouse initially opened its soup kitchen in a one-room downtown storefront on Wenatchee Avenue—one of the three “Main Street” throughfares in Wenatchee.

27. Lighthouse leased the room from which it operated its soup kitchen on Wenatchee Avenue.

28. From that single room, Lighthouse received, stored, cooked, and served food to Wenatchee’s most vulnerable residents for nearly 10 years.

29. But a few years after Lighthouse opened its soup kitchen, demand for its services rapidly outstripped its modest facility. By 2015, it had served more than 125,000 servings per year out of its original location. Unable to store all the food it needed to provide its guests with meal services or accommodate all guests in a single sitting, Lighthouse began to look for a new, larger location.

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<sup>1</sup> In addition to the soup kitchen that is the focus of this case, Lighthouse operates transitional housing in separate men’s and women’s group homes called Grace House and Mission House. These group homes are not part of the revocation.

1 30. Eventually, Lighthouse’s leadership identified an ideal location for  
2 expansion: a warehouse at 410 South Columbia that had originally been used for  
3 apple packing was being offered for sale.

4 31. The warehouse offered an ideal location because it had several floors  
5 with large open spaces and a loading dock that could be used to bring food in and  
6 out of the building. The building was also well situated in an industrial zone, which  
7 meant that its neighbors were other businesses, social service providers, or industrial  
8 operations rather than residences or schools.

9 32. The warehouse was close to Lighthouse’s original location, about two  
10 blocks away. But unlike the original location, the warehouse would provide  
11 Lighthouse’s soup kitchen services off “Main Street.”

12 33. 410 Columbia Street offered yet another benefit. It was located about  
13 160 feet from the bus transfer station, which would allow low-income and homeless  
14 guests without cars to more easily access the soup kitchen’s services.

15 34. Lighthouse’s leadership had a vision for the new location. Lighthouse  
16 could use the warehouse to provide an integrated food-services distribution system  
17 and community for Wenatchee’s most vulnerable. The large basement could be  
18 configured for food delivery and storage. And part of that storage could be set up as  
19 a food pantry that low-income folks could use to obtain “take away” items. The  
20 second floor could be a commercial kitchen with a dining room, office space, and  
21 meeting rooms. The third floor could offer a large space for public gatherings,  
22 including worship.

23

1 35. Recognizing that low-income and homeless individuals often  
2 desperately needed medical care, Lighthouse intended to relocate a nonprofit clinic  
3 it operated to the new warehouse location. This clinic served uninsured and under-  
4 insured residents of Wenatchee.

5 36. Although Lighthouse did not need any special zoning permission from  
6 the City when it opened its original location in 2009, the City had since amended its  
7 zoning code. A new location for the soup kitchen required a conditional use permit  
8 (CUP) for a “Humanitarian service and shelter facility.” Wenatchee, Wa. City Code  
9 (“WCC”) § 10.08.075.

10 37. Therefore, before purchasing 410 South Columbia, Lighthouse’s  
11 leadership reached out to the City to learn what it needed to do to secure a CUP.

12 38. On August 20, 2015, Lighthouse staff met with City staff for a “pre-  
13 application”—a meeting that a potential CUP applicant must complete before  
14 applying for a permit.

15 39. After that meeting, Lighthouse worked diligently to develop its plans  
16 for renovating the warehouse and to prepare its CUP application materials, investing  
17 thousands of dollars. After all, Lighthouse’s only reason for investing in the  
18 warehouse was to run a soup kitchen. To do so, it needed to be confident that it  
19 would get a CUP.

20 **II. Lighthouse obtained a CUP that ran with the land before investing**  
21 **millions of dollars.**

22 40. Less than two weeks after it purchased the warehouse, on November  
23 17, 2015, Lighthouse submitted its CUP application for 410 South Columbia,

1 paying a \$1,150 fee.

2 41. Among other things, Lighthouse’s CUP application described the  
3 extensive renovations Lighthouse planned to make to the warehouse and the soup  
4 kitchen’s intended operations.

5 42. Lighthouse’s application expressly stated that Lighthouse was reluctant  
6 to renovate the warehouse and make a large investment if the use of its building  
7 could be taken away. It sought a CUP that would be permanent, barring an egregious  
8 misuse of its property.

9 43. Lighthouse’s CUP application highlighted that the City of Wenatchee  
10 was currently working on a renewal effort for the South Wenatchee area. One of the  
11 concerns discussed as part of the renewal effort was the number of homeless people  
12 on Wenatchee Avenue. Although Lighthouse explained that homelessness is not  
13 caused by social services but by drugs, alcohol, mental illness, and generational  
14 poverty, Lighthouse stated that it believed moving its services off Wenatchee  
15 Avenue to South Columbia, as well as renovating the warehouse, would serve the  
16 city’s renewal goals and benefit the broader community.

17 44. In its application, Lighthouse detailed its efforts to be a good neighbor  
18 at its then-current location on Wenatchee Avenue: It worked diligently to develop  
19 relationships with neighboring businesses and local law enforcement agencies. It  
20 picked up trash in the surrounding neighborhood on a weekly basis. It shoveled snow  
21 for neighboring businesses, swept sidewalks, and pressure washed surrounding  
22 buildings, all in an effort to be a good neighbor. Lighthouse also provided the phone  
23 numbers of staff to neighboring businesses to call day or night if the soup kitchen’s

1 guests caused any problems. It explained that it had limited the hours of some of its  
2 social services to mitigate impacts to local businesses. Finally, Lighthouse and its  
3 staff fully cooperated with and supported local law enforcement operations when its  
4 guests were involved.

5 45. Lighthouse's CUP application also provided a parking plan and  
6 accounted for how guests would access its facility.

7 46. After reviewing Lighthouse's initial application, City staff asked  
8 Lighthouse to identify how it would mitigate its impact on surrounding properties.

9 47. Lighthouse promised that it would install security cameras, and that  
10 footage from those cameras would be accessible to Lighthouse staff and the  
11 Wenatchee Police Department. Lighthouse also promised to install lighting in its  
12 parking lot and along walkways, and build a six-foot chain-link fence around the  
13 property with a gate at the parking lot's entrance.

14 48. After receiving the supplement, City planning staff recommended that  
15 Lighthouse's CUP application be approved with a condition that Lighthouse provide  
16 the City with a management plan identifying how off-site impacts will be prevented  
17 and how complaints from neighbors would be addressed before it could get a  
18 building permit for the renovations.

19 49. Under Wenatchee's ordinances, a hearing examiner reviews CUP  
20 applications with staff recommendation and decides whether to grant a CUP in a  
21 quasi-judicial hearing. Wenatchee City Code § 10.65.070.

22 50. City ordinances require the hearing examiner to evaluate seven general  
23 criteria in considering a CUP application, which can be summarized as:

1 (1) requirements of the use can be satisfied; (2) requirements of the zoning district  
2 can be met; (3) the requirements of the larger Wenatchee code can be satisfied;  
3 (4) the proposal is compatible with adjacent uses; (5) no nuisances will result; (6) no  
4 undue impacts on public health, safety, or welfare will result; and (7) compatibility  
5 with the comprehensive plan. *Id.* § 10.65.060.

6 51. The Wenatchee hearing examiner conducted a public hearing on  
7 Lighthouse's CUP on February 23, 2016. The only public comment against  
8 Lighthouse's CUP came from Dan Hamilton, the owner of a neighboring property,  
9 who objected to the CUP, citing security concerns about more homeless in the area.  
10 Lighthouse responded to that public concern during the hearing by highlighting the  
11 security measures that Lighthouse would use: security cameras, the footage from  
12 which would be available to Wenatchee police, the fence, and lighting.

13 52. On February 29, 2016, the hearing examiner granted Lighthouse's CUP  
14 application and issued a seven-page decision with findings of fact, conclusions of  
15 law, and conditions of approval.

16 53. Among other things, the hearing examiner issued factual findings that  
17 Lighthouse's proposed use of its property was appropriate for the land use  
18 designation in which the property was located and that the proposed use would not  
19 cause significant impacts on human or natural environments that could not be  
20 mitigated by conditions of approval.

21 54. The hearing examiner's conclusions of law included that Lighthouse's  
22 conditional use permit would run with the land; the proposed use was consistent with  
23 Wenatchee's City Code and Comprehensive Plan; the proposed use would not be

1 significantly detrimental to the public health, safety, and welfare, diminish the value  
2 of nearby properties, or disturb persons in the use of property unless the conditional  
3 use is a public necessity; as conditioned, the proposed use was designed to minimize  
4 adverse effects on neighboring properties; the conditions of approval were  
5 measurable and could be enforced and monitored; and public use and interests would  
6 be served by approval of the CUP.

7 55. The hearing examiner’s approval of Lighthouse’s CUP was subject to  
8 14 conditions of approval:

- 9 1. All conditions imposed by the CUP are “binding on the  
10 ‘Applicant,’ which terms shall include the owner or owners of  
11 the property, heirs, assigns and successors.”
- 12 2. “The project shall proceed in substantial conformance with the  
13 plans and application materials on file except as amended by the  
14 conditions herein.”
- 15 3. “The applicant is responsible for compliance with all applicable  
16 local, state and federal rules and regulations, and it must obtain  
17 all appropriate permits and approvals.”
- 18 4. “Any lighting associated with the completed project shall not be  
19 installed to shine on adjoining properties.”
- 20 5. “Verification of compliance of the applicable standards and the  
21 recommended conditions of approval within the City of  
22 Wenatchee Development Review Engineer’s report prepared by  
23 Donald Nelson, dated December 28, 2015 prior to the issuance

1 of final occupancies for the building.”

2 6. “Any work or improvements in the public right-of-way shall  
3 require review and approval by the City of Wenatchee Public  
4 Works Department.”

5 7. The CUP applies only to 410 S. Columbia Street, identified by  
6 Assessor’s Parcel No.: 22-20-10-815-280.

7 8. Lighthouse shall “maintain compliance with the standards of  
8 WCC Title 10 Zoning and conditions of the CUP at all times.  
9 Violation of the terms of the permit and/or requirements of the  
10 WCC not expressly modified by the permit shall be processed as  
11 a violation pursuant to WCC Chapter 13.13 Enforcement and  
12 Penalties.”

13 9. An application for an amendment to the CUP will be required to  
14 provide overnight lodging or accommodations that would be  
15 classified as a shelter facility.

16 10. An application for an amendment to the CUP will be required if  
17 the use of the top (third) floor is to be used for any type of public  
18 assembly or worship not directly related to the humanitarian  
19 services identified in the application.

20 11. A landscape plan or alternative landscape plan meeting all  
21 applicable requirements of WCC 10.62 shall be submitted for  
22 review and approval for the completion of the commercial  
23 building permit process for this proposal.

1 12. “Hours of operation shall be maintained as identified in the  
2 application materials.”

3 13. “A management plan identifying potential off-site impacts from  
4 the facility, specific prevention to the City of Wenatchee  
5 Community and Economic Development staff for review and  
6 approval prior to the issuance of a commercial building permit  
7 for the subject property. The management plan must specifically  
8 address WCC Sections 10.65.060(5) and (6). A LINK  
9 Representative will be allowed to participate in this process, but  
10 ultimately it is an agreement whose terms will be decided by the  
11 City and the applicant.”

12 14. “A substantial increase in documented nuisance complaints that  
13 are not resolved by the applicant’s management plan, from the  
14 public and/or nearby properties in or adjacent to the block on S.  
15 Columbia Street and S. Wenatchee Avenue containing the  
16 subject property will be reviewed for the compliance with WCC  
17 Section 10.65.050 and Title 16.”

18 **III. Lighthouse met all CUP and City requirements, completed \$1.7 million**  
19 **in renovations, and received the City’s approval to open its soup kitchen.**

20 56. As required by condition 13 of its CUP, Lighthouse submitted a  
21 management plan to the City on August 13, 2016.

22 57. In its management plan, Lighthouse explained that it would “continue  
23 to monitor and care for the activities of our clients receiving our services” by taking

1 four escalating steps in response to negative guest behavior: (1) verbal warning;  
2 (2) removal from services for a day; (3) removal from services for a week or month;  
3 and (4) permanent removal from services with “police notification that if they return  
4 to the property trespassing charges will follow.”

5 58. Lighthouse’s management plan reflected the fact that all it could do to  
6 manage the behavior of its guests was to restrict access to Lighthouse’s property.

7 59. Beyond restricting access to its property, Lighthouse had no formal  
8 authority or practical ability to control homeless people once they were off  
9 Lighthouse’s property.

10 60. The CUP did not require, and could not have required, Lighthouse to  
11 assume responsibility for the behavior of homeless people, all of whom are grown  
12 adults, off its property.

13 61. The management plan required by the CUP expressly contemplated  
14 Lighthouse working with the Wenatchee police to exclude uncooperative guests  
15 from Lighthouse’s property.

16 62. Both at its original location and later at 410 South Columbia,  
17 Lighthouse’s soup kitchen was “low barrier.” That means the soup kitchen did not  
18 do drug or alcohol testing. Nor did it require guests to show identification. There  
19 were no criminal background checks. Nor was there a worship or other religious  
20 requirement for the soup kitchen’s services.

21 63. The soup kitchen served a community of homeless and low-income  
22 people that included those who were addicted to drugs or alcohol or who suffered  
23 from mental illness.

1           64. At all times before, during, and after the CUP application process,  
2 Lighthouse and the City understood that Lighthouse’s work serving the homeless  
3 population would present continuous challenges because homeless people are often  
4 struggling with addiction, mental health issues, medical issues, and the acute stress  
5 of living on the streets.

6           65. Homelessness and its effects on homeless individuals and the  
7 community at large are chronic problems to be managed by many groups and  
8 individuals, from the homeless themselves, to first responders like the police and  
9 paramedics, to mental health providers, to soup kitchens and shelters, to churches  
10 and charities, to psychiatric facilities, to drug and alcohol rehab centers, and to  
11 volunteers who lend their time, labor, and money.

12           66. The City cannot realistically eradicate homelessness and hunger in  
13 Wenatchee. If it could, it would have done so. Homelessness existed in Wenatchee  
14 before Lighthouse opened and continues to exist in the City today.

15           67. Lighthouse could not and cannot realistically eradicate homelessness  
16 and hunger in Wenatchee. If it could, it would have done so.

17           68. After reviewing Lighthouse’s management plan, the City issued  
18 Lighthouse a commercial building permit on September 9, 2016.

19           69. In issuing the commercial building permit, the City approved  
20 Lighthouse’s management plan.

21           70. Lighthouse raised money for its renovations and prospective operations  
22 at 410 South Columbia.

23           71. The extensive renovations—many of which were in response to CUP

1 requirements—took over three years, from 2016 to 2019, to complete.

2 72. Lighthouse invested \$1,679,000 to renovate the warehouse from the  
3 ground up. Among other interior improvements, Lighthouse installed:  
4 (a) commercial food storage in the basement with walk-in refrigerators and freezers;  
5 (b) a commercial kitchen and dining hall on the main floor; (c) office space and a  
6 medical/dental clinic on the main floor; (d) a worship/meeting area on the second  
7 floor; (e) an HVAC system; (f) a fire suppression system; and (g) an elevator. On  
8 the building's exterior, Lighthouse also: (h) expanded and paved a parking lot;  
9 (i) erected fencing; (j) installed lighting; and (k) invested in landscaping.

10 73. On July 19, 2019, the City issued Lighthouse a certificate of occupancy  
11 for 410 South Columbia Street.

12 74. The fact that the City issued Lighthouse its certificate of occupancy  
13 meant that the City concluded that Lighthouse met all conditions of its CUP that  
14 were prerequisites to the soup kitchen opening its doors—such as the fulfillment of  
15 engineering conditions (condition 5) and approval of a landscape plan (condition  
16 11).

17 **IV. Lighthouse used its property to provide a vital, City-supported hub for**  
18 **servicing Wenatchee's most vulnerable.**

19 75. In the summer of 2019, Lighthouse began operating its soup kitchen out  
20 of the former warehouse at 410 South Columbia Street.

21 76. Nearly all Lighthouse's guests were from the Wenatchee area and were  
22 struggling to make ends meet. The vast majority of Lighthouse's guests never  
23 showed any sign of problematic or antisocial behavior.

1 77. Lighthouse obtained food for the soup kitchen through monetary and  
2 food donations. It maintained relationships with local providers, including large  
3 grocery stores like Costco and Safeway. Restaurants also provided food.

4 78. Lighthouse also established a relationship with Second Harvest, which  
5 gathers surplus food from different businesses and farms, and distributes that food  
6 to nonprofits like soup kitchens and homeless shelters.

7 79. Every shelter and low-income housing provider in the area relied on  
8 Lighthouse's soup kitchen. Law enforcement would refer people to the soup kitchen  
9 and even bring them there for a meal.

10 80. Churches, nonprofits, government agencies, and others helping low-  
11 income and homeless people regularly referred hungry people to the soup kitchen.

12 81. Although its focus was providing daily meals, Lighthouse endeavored  
13 to be a resource to both the people it served and the broader community.

14 82. For a few years, before closing during the COVID-19 pandemic, a  
15 dental clinic operated from a portion of Lighthouse's property. The external entrance  
16 of the clinic required patients to enter the building via stairs or call ahead of time to  
17 be escorted in.

18 83. Neither Lighthouse nor the dental clinic ever received any complaints  
19 or citations about its stair-based entrance for the clinic.

20 84. The soup kitchen provided a warm, safe place for people to be during  
21 its daily operating hours. Vulnerable people, especially women, could find a refuge.  
22 People who were unwelcome everywhere else could use the restroom.

23 85. Guests without phones or mailing addresses would list phone numbers

1 from the soup kitchen and its staff as their own contact information.

2 86. Other nonprofits and governmental organizations would visit the soup  
3 kitchen during mealtimes to connect with and check on the people they served.  
4 Those organizations would also send the people to the soup kitchen for meals and  
5 community.

6 87. Lighthouse also hosted quarterly resource fairs at the soup kitchen. The  
7 resource fairs were set up in the dining hall. Representatives from different  
8 nonprofits and governmental organizations, which provided services such as  
9 housing or substance-abuse rehabilitation, would help people connect with the  
10 services they needed.

11 88. Chelan County employees sent out emails to the community advertising  
12 the soup kitchen's resource fair events and encouraging agencies to participate.  
13 County employees participated, too.

14 89. The soup kitchen operated with only a handful of employees, increasing  
15 its staff from two to five over time.

16 90. The soup kitchen primarily depended on hundreds of local volunteers,  
17 many of whom brought their entire families to participate, and many of whom had  
18 been former clients of Lighthouse who returned to the kitchen to give back.

19 91. Lighthouse's soup kitchen also served as a host site for interns from  
20 Service Alternatives, which places individuals receiving Temporary Assistance for  
21 Needy Families (TANF) in positions that enable them to gain job experience and  
22 skills while satisfying TANF's work requirement.

23 92. On October 24, 2021, Lighthouse completed the purchase of 410 South

1 Columbia, which it now owns free and clear of any debt.

2 93. Lighthouse paid off the mortgage on the building with the belief that  
3 410 South Columbia was going to be the soup kitchen's permanent home.

4 **V. Homelessness worsened during the pandemic and fentanyl crisis.**

5 94. The COVID-19 pandemic abruptly worsened homelessness and drug  
6 addiction in Washington state.

7 95. These statewide trends impacted Wenatchee.

8 96. According to the St. Louis Federal Reserve Bank housing market data,  
9 the price of housing in Wenatchee nearly doubled between when the soup kitchen  
10 opened in 2019 and when the City shut it down in 2025.

11 97. That near doubling is confirmed by Redfin data, showing the average  
12 Wenatchee home price climbing from \$320,000 in December 2020 to \$600,000 in  
13 September 2025.

14 98. According to the Wenatchee Chamber of Commerce, the population of  
15 Wenatchee increased between seven and eight percent each year between December  
16 2020 and September 2025, which drove up housing prices.

17 99. There has also been a sharp increase in abuse of the synthetic opioid  
18 fentanyl in Washington state and the nation as a whole.

19 100. According to the Chelan County Coroner's Office, annual drug  
20 overdose deaths increased by over 400 percent from the 2019-2021 period to the  
21 2022-2024 period.

22 101. The increased use of fentanyl among drug addicts has increased the  
23 amount of problematic behavior by drug addicts, including homeless drug addicts.

1 102. Lighthouse never allowed the consumption of drugs or alcohol on the  
2 premises.

3 103. Sometimes guests would use drugs or alcohol off-site.

4 104. Intoxicated guests who could not control themselves would not be  
5 admitted.

6 **VI. Lighthouse followed its City-approved management plan and did even**  
7 **more.**

8 105. Between its 2019 opening and being shut down by the City, Lighthouse  
9 consistently followed its four-step management plan to address problematic  
10 behavior by its guests.

11 106. Lighthouse regularly excluded and worked with the police to trespass  
12 guests for misbehavior.

13 107. Lighthouse did not tolerate misbehavior by its guests on its property or  
14 elsewhere.

15 108. As reflected in calls for emergency services, Lighthouse called for  
16 police or ambulance services when the situation required.

17 109. As reflected in its calls for emergency services, Lighthouse called the  
18 police for trespassing charges when former guests who had been permanently  
19 removed from Lighthouse's services returned to the property.

20 110. Low-income housing providers and homeless shelters in the greater  
21 Wenatchee area relied on Lighthouse's soup kitchen.

22

23

1 111. Lighthouse actively cleaned and maintained its property so that it was  
2 free of garbage or any other issues. Here’s how Lighthouse’s property looked in  
3 from the public right-of-way in October 2023:



10 112. Though not required by the CUP management plan, Lighthouse staff  
11 and volunteers patrolled the neighborhood weekly, picking up litter and erasing  
12 graffiti, regardless of whether there was any connection to the soup kitchen.

13 113. Nearby businesses had the Lighthouse director’s cell phone number and  
14 could call or message to notify Lighthouse about any problem. Lighthouse promptly  
15 responded to such calls and messages and did what it lawfully could do, always  
16 acting according to its management plan.

17 114. Lighthouse required guests to line up in an orderly manner on the  
18 sidewalk while waiting for the soup kitchen to open. Lighthouse only allowed this  
19 line to form shortly before it opened for meals or the pantry.

20  
21  
22  
23

1 115. Here's what one of those lines looked like:



11 116. Lighthouse forbade homeless residents from sleeping on its property or  
12 erecting tents in the vicinity.

13 117. When Lighthouse learned that guests were using a seemingly public,  
14 but in fact private, alley owned by neighbors to walk to the soup kitchen, Lighthouse  
15 spent \$5,000 installing a motorized gate to stop foot traffic. This was not required  
16 by the CUP management plan.

17 118. Lighthouse met its required off-street parking obligation.

18 119. However, in an effort to be a good neighbor, Lighthouse sought to  
19 carefully manage overflow parking and minimize street parking, which is legal on  
20 the public streets surrounding Lighthouse's property. When the immediately  
21 adjacent property in 2021, 430 Columbia Street, became available, Lighthouse  
22 leased it to park its trucks so that guests would not occupy spaces on the street.

23 120. 430 Columbia Street, the parking lot next door to Lighthouse's

1 property, is zoned as South Wenatchee Business District.

2 121. Parking is a permitted use for the South Wenatchee Business District  
3 that does not require a conditional use permit.

4 122. Grace City Church previously leased 430 Columbia Street for parking.

5 123. On information and belief, the City never cited or penalized Grace City  
6 Church or the owner of 430 Columbia Street for using the property as a private  
7 parking lot or for storing materials on the lot.

8 124. The City never so much as indicated that there was a problem with  
9 Lighthouse using the neighboring parking lot to park its vehicles before revoking the  
10 CUP. That omission is stark given that Lighthouse had been leasing the neighboring  
11 property since October 2022.

12 125. Lighthouse regularly worked with the City's homeless-services  
13 administrator, Josh Mathena, to address issues concerning the homeless population.  
14 Lighthouse's then-executive director, Shawn Arington, would regularly have one-  
15 on-one meetings with Mathena to discuss homeless issues in the community and  
16 specific individuals.

17 126. Mathena would text Shawn if he believed the homeless were  
18 misbehaving in a way that Lighthouse could assist.

19 127. For example, Mathena would text Shawn if he learned, via a complaint  
20 or otherwise, that someone had left litter on a neighbor's property. Shawn would  
21 respond to Mathena's texts as soon as possible. He always ensured that Lighthouse  
22 staff or its guests cleaned up the problem.

23 128. Mathena contacted Shawn about problems caused by the homeless in

1 the broader community. When homeless were loitering under a bridge that was in  
2 another part of Wenatchee than the soup kitchen, for example, Mathena notified  
3 Shawn and Shawn encouraged the homeless to disperse or otherwise be denied  
4 access to the soup kitchen. The City used Shawn's connections with other social  
5 service providers and the homeless community generally, which arose from  
6 Lighthouse's services and role as a hub in the community, to communicate with the  
7 homeless community.

8 129. Shawn would notify Mathena when Lighthouse excluded guests from  
9 its services that he believed Mathena knew from his work with the homeless or low-  
10 income community.

11 130. Mathena would ask Shawn to grant individuals previously excluded  
12 from the soup kitchen to be allowed to return to the soup kitchen. After conversations  
13 with Mathena, Lighthouse would sometimes grant these requests from the City.

14 131. In taking extra steps such as conducting clean-up patrols, building  
15 fencing and gates, and obtaining extra parking, Lighthouse was not conceding that  
16 its guests had an undue impact on neighboring properties beyond what the CUP  
17 process contemplated. Instead, these steps represent Lighthouse's efforts to go above  
18 and beyond its minimum obligations to help the needy while minimizing the effects  
19 of homelessness.

20 132. City staff knew, before Lighthouse entered the picture, that  
21 homelessness, poverty, and drug issues were intractable problems. City staff also  
22 knew that Lighthouse was doing its best to serve a difficult population, but in doing  
23 so it was providing a critical community resource.

1 133. Emails obtained via open-records requests confirm that community  
2 frustration with the homeless and impoverished stemmed from hostility to the  
3 disfavored population, not Lighthouse’s actions. Complaints about the homeless in  
4 the area began *before* Lighthouse ever moved to its Columbia Street location.

5 134. For example, in 2016, property owner Dan Hamilton (owner of the GO  
6 USA building)—who would later blame Lighthouse’s soup kitchen for  
7 homelessness issues and neighborhood problems, including the presence of  
8 motorhomes—complained about motorhomes being parked on his street and the  
9 people associated with those motorhomes before Lighthouse opened its new  
10 location. City staff could not do anything about that problem because the  
11 motorhomes were not parked illegally.

12 135. And after Lighthouse moved to its new location, business owners  
13 continued to complain about the homeless population. Indeed, business owners  
14 complained to City staff about Lighthouse’s new location because of “the way that  
15 [the homeless] all walk” and the garbage that they left behind. In response to that  
16 complaint, Glen DeVries, the Community Development Director, said the City  
17 would work with Lighthouse on their management plan obligations if the issues were  
18 tied to Lighthouse.

19 136. A City code enforcement officer then both inspected the areas that the  
20 complainer said had too much trash and visited Lighthouse. That officer had only  
21 *good* things to report: there was no trash problem; Lighthouse was working  
22 diligently to prevent trash from exiting the property; and Lighthouse was taking all  
23 the steps it could to encourage its guests to behave respectfully in the broader

1 community. The officer confirmed: The complaints “about garbage and debris in the  
2 areas of South Wenatchee and other areas of the City are not valid.” The complaints  
3 stemmed from hostility toward the population that Lighthouse served.

4 **VII. Lighthouse closed for five weeks in the spring of 2025 to become more**  
5 **effective.**

6 137. Lighthouse closed temporarily between March 5 and April 7, 2025, to  
7 implement a series of changes intended to improve its ability to help its guests,  
8 especially in light of persistent problems related to the fentanyl crisis.

9 138. First, Lighthouse hired a third-party consultant to help it implement a  
10 case-management system, which included using software called MissionTracker that  
11 is specifically designed for nonprofits serving vulnerable communities. The goal of  
12 the case management system was to better track guests, identify what other resources  
13 they were using, and what steps they were taking to improve their personal  
14 situations.

15 139. The goal of Lighthouse’s new case management system was to better  
16 hold guests accountable so that they would take steps to address their substance  
17 abuse and homelessness.

18 140. Through the new case management system and the corresponding  
19 software, Lighthouse had the ability to link each guest to resources that best suited  
20 their needs, set specific goals (educational, vocational, housing, substance abuse,  
21 mental health, etc.), and then track their progress.

22 141. Second, Lighthouse reconfigured how guests accessed the soup  
23 kitchen’s meal services. Before, guests had been able to walk directly into the dining

1 room. After the improvements, Lighthouse would require its guests to enter the  
2 building through the entrance of the space originally designed for a medical/dental  
3 clinic. That entrance offered a lobby area that Lighthouse would use to require guests  
4 to sign-in and complete a screening process before accessing the soup kitchen's  
5 meals. And by having guests enter through a lobby, Lighthouse could more easily  
6 exclude guests for bad behavior.

7 142. Because the former clinic entrance had stairs, Lighthouse installed a  
8 button for guests with disabilities, who would then be escorted in via the old  
9 entrance, which had wheelchair access.

10 143. Third, with the new case management system and the reconfigured  
11 entrance, Lighthouse would require identification. Identification could be something  
12 official like a driver's license, or it could be something issued by another nonprofit  
13 or even Lighthouse itself. The idea was to have a way of verifying who the guests  
14 were so that Lighthouse could better help them improve their personal situations.

15 144. Fourth, Lighthouse instituted a policy to encourage guests to take  
16 personal responsibility to escape poverty. If guests failed to make personal progress  
17 toward achieving goals to get back on their feet after two or three months, they would  
18 be required to meet with a program manager or the Lighthouse director to get on  
19 track. If a guest still failed to make progress after three such meetings, the guest  
20 would be excluded from Lighthouse's services.

21 145. Fifth, to highlight the improvements, Lighthouse rebranded its soup  
22 kitchen to "Downtown Connections." The idea was to differentiate the soup kitchen  
23 from Lighthouse's transitional housing programs (located on other properties in the

1 City) and emphasize that the soup kitchen was part of a larger network of nonprofits  
2 and government programs.

3 146. Although it rebranded its soup kitchen, Lighthouse did not change the  
4 services that it provided. Its focus remained on providing meals to the hungry while  
5 offering community, both religious and secular, and support to escape poverty.

6 147. Lighthouse worked with Mathena, the City's homeless-services  
7 administrator, throughout the transition to this new system.

8 148. Lighthouse staff explained the changes that it was implementing to  
9 Mathena, and Mathena indicated his approval and support for those changes.

10 149. During the temporary closure, Mathena visited Lighthouse's soup  
11 kitchen to meet with staff and learn more specifics about the changes that Lighthouse  
12 was implementing. Mathena praised Lighthouse for its renewed focus on guest  
13 accountability.

14 150. During the temporary closure, Mathena texted Lighthouse staff to ask  
15 if the soup kitchen had reopened. Lighthouse staff indicated that it was still training  
16 its staff on the new software and that it would consider reopening once the training  
17 was completed.

18 151. Lighthouse also worked with other social service providers throughout  
19 the transition to this new system.

20 152. Mathena brought contacts from other social service providers to the  
21 soup kitchen to help Lighthouse better coordinate with those providers.

22 153. Lighthouse invested thousands of dollars into making improvements in  
23 the spring of 2025, including paying for the new software and staff retraining.

1 154. When Lighthouse reopened in April 2025, it noticed almost immediate  
2 benefits from the new case management system, which reduced client conflicts and  
3 calls for emergency services, including police visits. The new system helped people  
4 identify goals, focus on those goals, and connect with the resources necessary to  
5 achieve those goals.

6 **VIII. The City decides to oust Lighthouse for being incompatible with a**  
7 **redevelopment plan.**

8 155. The City, in conjunction with the Chelan-Douglas Regional Port  
9 Authority, is pursuing an extensive and expensive redevelopment plan for the part  
10 of the City in which Lighthouse’s soup kitchen sits.

11 156. In 2023, the City commissioned a strategic master plan for the  
12 downtown area, known as the “Reimagine Wenatchee Target Area Master Plan” (the  
13 Master Plan). The Master Plan defined a “Target Area” for redevelopment—from  
14 Kittitas Street to 5th Street (north to south) and from Chelan Street to the Columbia  
15 River (west to east)—that the City intended to transform into a high-value  
16 commercial and residential district.

17 157. On May 9, 2023, a group of downtown stakeholders led City  
18 representatives, planners, engineers, and mobility experts on a walking tour of the  
19 Target Area to gain insights into the opportunities and challenges faced by  
20 downtown businesses, residents, visitors, and property owners.

21 158. In July 2024, the committee responsible for the Master Plan presented  
22 its results to the City Council. The Master Plan explicitly designated the “Columbia  
23 Street Warehouse District” as a “cornerstone project” of the Master Plan and

1 projected over \$200 million in planned or in-process investments for the whole plan.  
2 The Master Plan described Columbia Street, the street on which Lighthouse is  
3 located, as capable of becoming “a thread that ties Downtown together” and “the  
4 heart of the new warehouse district.”

5 159. Lighthouse’s property at 410 South Columbia Street lies immediately  
6 outside the southern boundary of the Master Plan’s Target Area—separated from the  
7 boundary by a single city block.

8 160. Lighthouse’s location just outside the Master Plan’s Target Area does  
9 not mean that it is excluded from the Master Plan. To the contrary, the Master Plan  
10 itself acknowledges that the Target Area is not a standalone area. It highlights the  
11 area’s half-mile walkshed, a region within an approximately 10-minute walk from  
12 the Target Area. The Plan notes that with “strategic improvements and careful  
13 attention to the quality of the public realm, many of the critical components of daily  
14 life—such as schools, medical care options, and grocery stores—could be made  
15 more convenient and accessible from the downtown.” Lighthouse’s soup kitchen sits  
16 in the overall geographic zone, that the City seeks to transform.

17 161. The Master Plan calls for the Target Area to be developed to attract  
18 more residential density and enable “stress-free visits” to downtown. To achieve  
19 those goals, the Master Plan recommends revitalizing Columbia Street—the very  
20 street that Lighthouse’s soup kitchen sits on—into a walking-friendly, business-  
21 focused streetscape.

22 162. The Master Plan also highlights how people will travel to the Target  
23 Area. Three of the options that the Master Plan calls attention to—Link Transit (bus),

1 the Amtrak Station, and a bike path—are right next to Lighthouse’s soup kitchen.  
2 Indeed, the proximity to Link Transit and Amtrak is one of the reasons that  
3 Lighthouse chose its 410 South Columbia location.

4 163. Lighthouse’s property therefore sits squarely within the path of the  
5 City’s redevelopment ambitions.

6 164. But those ambitions are not only the City’s. The Chelan-Douglas  
7 Regional Port Authority is also playing a role in the City’s redevelopment plan. The  
8 Port Authority is pursuing a multimillion-dollar revitalization effort of the same  
9 street where Lighthouse operated its soup kitchen.

10 165. The Port Authority owns nine Columbia Street warehouse buildings in  
11 the Target Area that it purchased in 2019 for \$4.5 million. In September 2024, the  
12 Port Authority secured a \$75,000 grant from the Washington State Department of  
13 Commerce Community Economic Revitalization Board to support the design phase  
14 of a “Craft District”—which is a key aspect of the City’s Master Plan. The vision  
15 for the Craft District is to turn the Port Authority’s Columbia Street warehouse  
16 properties into a commercial hub, a project that is estimated to cost \$15 to \$20  
17 million.

18 166. In January 2025, the Port Authority contracted architects to complete  
19 the design work for the Craft District, provide the documents required for the  
20 building permits, and formulate an estimate of the total construction costs. In May  
21 2025, those architects provided the initial results of their work with the remainder of  
22 work to be completed by end of 2025.

23 167. In sum, the Master Plan includes a coordinated and high-dollar effort

1 by the City and the Port Authority to transform the area around Lighthouse’s soup  
2 kitchen.

3 168. The Master Plan identified designing and constructing the Columbia  
4 Street improvement as “Step 1” in the overall redevelopment plan. That means that  
5 transforming the street on which Lighthouse’s property sits is the very first step in  
6 executing the Master Plan. Its success sets the trajectory for the rest of the  
7 redevelopment effort.

8 169. On information and belief, City staff viewed the City’s Master Plan  
9 goals as fundamentally incompatible with the continued operation of a soup kitchen  
10 serving homeless and low-income individuals.

11 170. Indeed, in 2023—approximately one month after the May 2023  
12 walking tour to evaluate the Target Area—a constituent involved with the  
13 redevelopment emailed the then-mayor Frank Kuntz. That email blamed Lighthouse  
14 for the increased presence of homeless in a nearby underpass and indicated that  
15 Lighthouse “may not be compatible with the plan to upgrade the waterfront. It’s  
16 certainly not compatible with an upscale residence, which is planned for our  
17 building.”

18 171. On information and belief, the constituent emailing the then-mayor was  
19 Jeffery Lucas. The “upscale residence” that Lucas mentions is a project planned for  
20 the Cascadian Fruit building, which is expected to provide luxury apartments. The  
21 Master Plan identified the Cascadian Fruit building as one of the “privately-owned  
22 properties along Worthen Street [that] have the potential to enliven the riverfront . . .

23

1 with redevelopment introducing new residents and new uses.” The Cascadian Fruit  
2 building is less than a block from Lighthouse’s soup kitchen.

3 172. Then-mayor Kuntz responded to Lucas’s email, “Been trying to get LM  
4 shut down for a while[,] [n]ot permanently but for 6 months to a year just to see what  
5 happens.” And the then-mayor also complained that “Spokane sent 30 or so  
6 homeless to Wenatchee a couple of weeks ago.” These comments reveal how the  
7 political winds in Wenatchee were changing. The City was no longer interested in  
8 working with Lighthouse to solve issues or investigating complaints to find out if  
9 they were valid. Rather, the City decided that it wanted to get rid of Lighthouse—  
10 not because of a safety or code compliance issue, but because the City wanted to  
11 reduce the number of homeless in the community.

12 173. The City understood that so long as Lighthouse operated its soup  
13 kitchen at 410 South Columbia Street, homeless and low-income individuals would  
14 continue to use the Columbia Street corridor to access the soup kitchen. City officials  
15 deemed the presence of the homeless and the soup kitchen as incompatible with the  
16 investment, tourism, and commercial activity that the City and the Port Authority  
17 seek to attract through the Master Plan and the Craft District.

18 **IX. The Big Picture: The City shuts down the soup kitchen by grossly**  
19 **exaggerating service calls and falsely declaring Lighthouse to be a**  
20 **nuisance.**

21 174. Normally, the purpose of code enforcement is to bring a property into  
22 compliance, not shut down the entity operating an otherwise lawful use on that  
23 property.

175. Likewise, the purpose of nuisance abatement, whether pursued through

1 the Wenatchee code or directly in state court under state nuisance statutes, is to abate  
2 the nuisance, not shut down the entity conducting an otherwise lawful use on that  
3 property.

4 176. But the City wanted to shut Lighthouse down to make way for the  
5 private redevelopment envisioned by the Master Plan and Craft District goal, not  
6 have Lighthouse simply correct any alleged violation.

7 177. Therefore, the City needed a process for shutting down Lighthouse that  
8 was different from simply enforcing ordinances against code violations or enforcing  
9 ordinances or state statutes against nuisance conduct. Again, either of these paths  
10 would simply result in the correction of problems, not the destruction of Lighthouse.

11 178. To shut Lighthouse down, the City used the ordinance that authorizes  
12 the administrator of the Community Development Department to issue an order to  
13 revoke a CUP—a move that it has never applied to anyone else. On information and  
14 belief, the City never revoked a CUP before revoking Lighthouse’s CUP.

15 179. For the City, the CUP revocation ordinance had distinct advantages  
16 over normal code enforcement or nuisance abatement processes.

17 180. First, as a matter of substance, revocation of the CUP would require  
18 Lighthouse to shut down, not simply correct alleged problems. This would help pave  
19 the way for redevelopment without having to deal with the reality of homeless and  
20 low-income city residents regularly coming to the area for Lighthouse’s services.

21 181. Second, as a matter of procedure, the CUP revocation process would  
22 allow the City to make allegations of nuisance behavior against Lighthouse without  
23 having to actually prove Lighthouse was causing a nuisance.

1 182. Under the CUP revocation process, the burden is entirely on the  
2 property owner to go before a hearing examiner and prove that the revocation order  
3 was in error by disproving every factual finding and every conclusion. The City has  
4 no burden at all. Not only does the City have no burden, but it solely possesses all  
5 of the underlying evidence. The City can choose to put what it wants into the closed  
6 administrative record and the most a property owner can do is use the public records  
7 act to obtain other evidence (evidence the City may or may not release or may not  
8 release in a timely way).

9 183. By contrast, the process for code enforcement, which goes through the  
10 City's code enforcement board, not the hearing examiner, places the burden squarely  
11 on the City under a preponderance of the evidence standard.

12 184. Likewise, a nuisance abatement civil suit in state court would place the  
13 burden squarely on the City under a preponderance of the evidence standard. And a  
14 criminal case for nuisance would put the burden on the City under a no reasonable  
15 doubt standard.

16 185. Thus, for a CUP revocation, and unlike a code enforcement or nuisance  
17 abatement process, the City didn't need to prove that Lighthouse did anything  
18 wrong; it simply needed to cast doubt on whether Lighthouse had proved that the  
19 City's revocation decision was in error.

20 186. As described more fully below, the City's strategy for creating this  
21 doubt was two-fold.

22 187. **First**, it would allege Lighthouse was violating the conditions of its  
23 CUP by maintaining a nuisance, which constituted both a violation of condition 14

1 of the CUP and the City Code (compliance was itself incorporated into the CUP's  
2 conditions). It would justify that claim by citing public service call data and  
3 complaints.

4 188. As will be shown below, the core part of the City's CUP revocation  
5 strategy was intentionally and systematically misconstruing emergency service call  
6 data to improperly blame Lighthouse for an increase in service calls.

7 189. Yet the City couldn't rely just on allegations of nuisance; it knew that  
8 those allegations might not be enough for multiple reasons. It understood that its  
9 allegations problematically attributed conduct to Lighthouse that was outside of  
10 Lighthouse's control. It also knew that public service call data and neighbor  
11 complaints did not necessarily amount to valid evidence that Lighthouse was  
12 maintaining a nuisance.

13 190. Further, under state law, the City couldn't prove Lighthouse was  
14 causing a nuisance. Whether a property is a nuisance is a factual question about  
15 reasonableness under the circumstances. An activity is only a nuisance if the harms  
16 in that specific location outweigh the social benefits of the activity. A court might  
17 very well find that some harms from operating a soup kitchen in a downtown  
18 warehouse district are reasonable because of the unique circumstances of serving a  
19 troubled population and the social benefits of doing so. In addition, nuisance activity  
20 on a property cannot be held against an owner unless the owner has knowingly  
21 acquiesced to it. Here, to the extent homeless people engage in nuisance activity,  
22 Lighthouse never acquiesced to it on or off Lighthouse's property. To the contrary,

23

1 Lighthouse took reasonable steps to prevent its guests from engaging in nuisance  
2 behavior.

3 191. Finally, compliance with legal duties cannot be a nuisance under state  
4 law. Here, Lighthouse was required under its CUP to call for emergency services,  
5 including the police, when necessary. Thus, the City would not be able to prove that  
6 calls to the Lighthouse property were nuisance activity because they were legally  
7 mandated by the terms of the permit.

8 192. Therefore, **second**, the City needed to allege that Lighthouse violated  
9 the terms of the CUP in an alternative way, even if it was not causing a nuisance.

10 193. So, to be on the safe side, the City looked for and asserted minor, fixable  
11 code violations (like a locked gate) as part of its claim that Lighthouse was violating  
12 the City Code to justify revoking the CUP. But those minor code violations could  
13 not be grounds for revocation because Lighthouse fixed them the moment the City  
14 identified them. Indeed, the City Code itself only contemplates revocation for code  
15 violations following the failure of the property owner to complete corrective action  
16 under the normal code enforcement process. WCC § 13.13.020.

17 194. If the City had followed its normal process for evaluating potential  
18 nuisance allegations or abating code violations, the City would not have been able  
19 to revoke Lighthouse's CUP. That's because the normal process would have  
20 afforded Lighthouse the ability to cure minor code violations and refute the City's  
21 allegation that it was causing a nuisance, and it would have done so.

22 195. With this big picture in mind, the following allegations explain how the  
23 City pursued its goal of shutting Lighthouse down to make way for a redevelopment

1 plan by deviating from the City’s written and unwritten policies and practices, by  
2 misrepresenting data, and by treating Lighthouse differently than any other property  
3 owner in Wenatchee.

4 **X. The City manufactures a case against Lighthouse to make way for**  
5 **redevelopment rather than working with Lighthouse to mitigate alleged**  
6 **impacts.**

7 196. On information and belief, getting rid of Lighthouse was a priority of  
8 the new Mayor Poirier. He was committed to realizing the Master Plan that had been  
9 initiated in 2023 by his immediate predecessor Kuntz. The planning process for the  
10 redevelopment plan was underway when Mayor Poirier took office in January 2024  
11 and, as mentioned above, the Master Plan was released to the public in July 2024.

12 197. The first step in executing that Master Plan was redeveloping Columbia  
13 Street, which put Lighthouse in the City’s crosshairs.

14 198. Mayor Poirier and DeVries, the Community Development Director,  
15 came up with a plan to shut down the soup kitchen: The City would revoke  
16 Lighthouse’s CUP—something that the City had never done before. Revocation  
17 would force Lighthouse to shut its soup kitchen doors, which the City believed would  
18 reduce the presence of homeless in the area. On information and belief, Mayor  
19 Poirier and DeVries consulted with the City’s attorneys to craft this plan.

20 199. An effort to revoke Lighthouse’s CUP overwhelmingly favored the  
21 City. In essence, for a CUP revocation, the burden of proof and the revocation  
22 process stacked the deck in the City’s favor. First, the City could revoke through a  
23 decision by DeVries. Second, DeVries’s decision to revoke would only be reviewed  
by a hearing examiner—one paid by the City and who rubber stamps the City’s

1 actions. That review only happened if Lighthouse appealed the revocation decision,  
2 something that required Lighthouse to file an appeal within 14 days of the revocation  
3 decision. WCC § 13.11.030. Third, the requirements of the notice of appeal required  
4 Lighthouse to marshal “[t]he specific reasons why [it] believes the decision to be  
5 wrong, including identification of each finding of fact, each conclusion, and each  
6 condition or action ordered which [it] alleges is erroneous.” *Id.* Fourth, the standard  
7 of review placed the burden on *Lighthouse* to prove that the CUP revocation was  
8 wrong, rather than place the burden on the City. *Id.* Fifth, the hearing examiner  
9 would conduct a closed-record hearing without any opportunity for discovery. *Id.*  
10 The City understood these advantages and used them.

11         200. The City could not openly admit that it sought to revoke Lighthouse’s  
12 CUP because of hostility toward the people Lighthouse served and a desire to  
13 remove them from an area the City planned to redevelop. To revoke the CUP, the  
14 City needed to cook up evidence that Lighthouse was violating the terms of the CUP.  
15 So the City began to formulate a claim that Lighthouse was a public nuisance.

16         201. Therefore, early in 2024—right after Mayor Poirier took office and  
17 *before* City staff began receiving emails complaining about Lighthouse—Mayor  
18 Poirier set a meeting with businesses in the GO USA building. Dan Hamilton, the  
19 owner of that building, as well as his brother Brett Hamilton, had long complained  
20 about the presence of the homeless and impoverished population around his  
21 building. On information and belief, the purpose of the meeting was to discuss  
22 Lighthouse’s soup kitchen and how the business owners and the City might  
23 collaborate to shut down Lighthouse’s soup kitchen.

1           202. In the wake of that meeting, businesses in the GO USA building and a  
2 couple of others in the surrounding area emailed the Mayor with complaints about  
3 Lighthouse and the homeless in the area. On information and belief, the seven emails  
4 the Mayor received were part of an organized effort to get the City to shut down  
5 Lighthouse because of hostility to the population that Lighthouse served, the  
6 homeless and impoverished, not because of Lighthouse’s mismanagement.

7           203. The emails blamed Lighthouse for being a “birdfeeder” to the homeless,  
8 complaining about the behavior of homeless people throughout the city rather than  
9 anything Lighthouse did.

10           204. Indeed, as one of the complaints expressly stated, the business owner  
11 had received “numerous complaints from my customers about their not wanting to  
12 stop due to these [homeless] individuals around our place of business[,]” but  
13 Lighthouse “[t]o their credit unusually handles these issues [with homeless behavior]  
14 in a timely manner to the best of their ability.”

15           205. The Mayor forwarded the emails that he received to DeVries.

16           206. Of those seven emails, three came from employees working at the same  
17 company. Five of the seven emails came from people working in the GO USA  
18 building.

19           207. Additionally, at some unknown date before May 1, 2024, the City  
20 received a typed statement from a business owner, Josh Tarr, whose business is  
21 located over a half a mile from Lighthouse. Tarr complained about the behavior of  
22 adults off of Lighthouse’s property and did not identify any wrongful action by  
23 Lighthouse. Tarr, like others, complained about the “bird feeding” situation.

1           208. On May 1, 2024, the seven emails plus Tarr’s statement were scanned  
2 into a single pdf and labeled “Lighthouse Emails 2024.”

3           209. Also in early 2024, city staff began efforts to use call data for public  
4 services to argue that there was an increase in call volumes that they could attribute  
5 to Lighthouse. Eric Mudgett, the code compliance supervisor, requested call data  
6 from the Wenatchee police department. He sought to use the general call list, not the  
7 actual call reports that had the details of the calls.

8           210. The Wenatchee Police Department provided Mudgett with calls from  
9 after January 1, 2016 within a radius of 1,320 feet of 408 Columbia Street (which is  
10 the property just south of Lighthouse’s property. Mudgett later asked for the 2015  
11 and 2014 data.

12           211. Mudgett and city analysts then used that data to create graphs of the call  
13 data. Those graphs are based on arbitrarily classifying the call data according to  
14 categories listed in an excel spreadsheet. To illustrate, any call that came in for  
15 something “suspicious” or for a “traffic offense” got coded as a nuisance. No one  
16 looked at what such calls were actually about, whether Lighthouse was actually  
17 involved, or whether the alleged problem could be abated. Nor did anyone look at  
18 whether the calls concerned the activities of someone alleged to be homeless or a  
19 guest of Lighthouse. That’s because the whole goal of the analysis was to attribute  
20 a large number of service calls to Lighthouse, regardless of whether Lighthouse  
21 actually had anything to do with them.

22

23

1           212. The City’s reasoning went like this: If there was an increase in the  
2 public service call data after Lighthouse was opened, Lighthouse could be falsely  
3 painted as a nuisance and shut down to allow for redevelopment.

4           213. Even so, the graphs that Mudgett and his colleagues created—  
5 especially the ones with the 2014 and 2015 data added in—do not reveal any  
6 substantial increase in public service calls. Instead, some categories of calls, like  
7 crimes against people, show a decline in calls.

8           214. Nevertheless, the City pushed forward to revoke Lighthouse’s CUP.  
9 Understanding that the call data and emails might not be enough to support  
10 revocation, Mudgett tasked his staff with using code enforcement as a weapon. The  
11 idea: find any code violations that the City could use to accomplish what it could not  
12 do openly—shut down a nonprofit serving the homeless because it didn’t want  
13 homeless people in its redevelopment corridor.

14           215. On information and belief, in late October 2024, City leadership,  
15 directed code enforcement to open a case about Lighthouse—an action that was  
16 prompted by the desire to shut down Lighthouse. On October 30, 2024, code  
17 enforcement supervisor Mudgett did indeed open a case concerning Lighthouse.

18           216. Before the October 30, 2024 enforcement case, there was no code  
19 enforcement case concerning Lighthouse. The October 30, 2024 case is the only  
20 code enforcement case that the City ever opened concerning Lighthouse.

21           217. The description for that code enforcement case is as follows: “Dozens  
22 of calls for the police reference activities on or around the property, Several  
23 complaints file[d] from businesses as well as employees.” The code enforcement

1 case record identified the code provision for chronic nuisances, WCC § 6A.14.20,  
2 as the relevant code provision. No other code provision is listed in the code  
3 enforcement case.

4 218. The City never notified Lighthouse that the City had opened a code  
5 enforcement case against it or that the City considered it to be violating City  
6 ordinances before revoking Lighthouse's CUP.

7 219. On the morning of October 31, 2024, code enforcement officer Mudgett  
8 conducted a site visit from the public right of way on Columbia Street to evaluate  
9 Lighthouse for code violations that could be used to shut Lighthouse down.

10 220. Unable to identify any actual code violations, much less anything that  
11 would rise to the level of a public nuisance, Mudgett suggested to DeVries that  
12 Lighthouse needed a CUP to park vehicles in the neighboring parking lot. Mudgett  
13 did not suggest this because Lighthouse's use of the neighboring parking lot was  
14 harmful to anyone. Mudgett suggested this because the mandate from his boss was  
15 to come up with some sort of technical code violation that could be used as a pretext  
16 for revoking Lighthouse's CUP for the actual purpose of eliminating the soup  
17 kitchen in advance of the redevelopment plan.

18 221. Mudgett emailed pictures of what was visible in the parking lots.  
19 Tellingly, those pictures do not contain any obvious evidence of code violations,  
20 much less nuisance behavior. Furthermore, there are no photographs of trash, weeds,  
21 loitering, or any problematic behavior. That's because there was none.

22 222. On November 1, 2024, Mudgett began drafting a compliance letter to  
23 Lighthouse. That draft letter was last modified on November 7, 2024, but it was

1 never sent to Lighthouse. Produced by the City in response to Lighthouse’s open  
2 records requests, the letter remains a draft. It was never finalized, signed, or sent to  
3 Lighthouse.

4       223. Critically, if the compliance letter had been sent, it would have notified  
5 Lighthouse of the problems that the City claimed Lighthouse was causing and would  
6 have directed Lighthouse to “submit an action plan to remediate and address the  
7 []described violations within 30 days[.]” If Lighthouse failed to do that, it would  
8 have been set for “a review before the hearing examiner and code enforcement board  
9 for the noted violations.” As drafted, the letter expressly provided Lighthouse “the  
10 opportunity to have these noncompliance issues remedied for the neighborhood.”  
11 Such an opportunity to remedy issues is the City’s standard practice for dealing with  
12 code enforcement issues.

13       224. Similarly, code enforcement’s online case management record,  
14 obtained via a records request, reflects that the City was going to provide Lighthouse  
15 with the opportunity to remedy any violations. This initial approach required  
16 Lighthouse to submit an action plan to remediate the alleged violations.

17       225. The City did not want to proceed down its normal path for resolving  
18 code violations for two reasons. First, the normal path begins by providing notice of  
19 an alleged violation and a mandatory opportunity for voluntary compliance. WCC §  
20 16.04.020 (“The administrator **shall** pursue a reasonable attempt to secure voluntary  
21 correction of violations.” (emphasis added)). The purpose of code enforcement is  
22 compliance with the code, not shutting down a property owner as a matter of first  
23 resort. *Id.* § 16.02.010 (“Therefore, it is the purpose and intent of the city, in enacting

1 this title to provide effective and efficient code enforcement processes by striving to  
2 obtain voluntary compliance with the Wenatchee City Code, followed with strict  
3 enforcement when timely voluntary compliance efforts fail to be achieved.”). The  
4 City did not want Lighthouse to remain open, and thus the City did not want to follow  
5 its normal procedures for obtaining voluntary compliance.

6       226. Second, the City did not want to follow the normal path because it  
7 would have had to produce solid evidence of code violations that could be attributed  
8 to Lighthouse and demonstrate that the asserted corrective action made sense. If  
9 voluntary compliance fails, the Wenatchee Code mandates a proceeding before its  
10 five-person code enforcement board. *See generally* WCC §§ 16.16, 10 *et seq.* In such  
11 a code enforcement proceeding, “[t]he city shall have the burden to prove by a  
12 preponderance of the evidence that a code violation has occurred and that the  
13 required corrective action is reasonable.” *Id.* § 16.16.060. As noted above, the City  
14 used CUP revocation procedures because an appeal of the revocation would go to a  
15 hearing examiner with the burden on Lighthouse, which had no direct access to the  
16 evidence supporting the City’s allegations. By failing to follow the normal code  
17 enforcement path, the City was able to sandbag Lighthouse with supposed evidence  
18 of nuisance that, as described more fully below, is divorced from reality.

19       227. But a document obtained via open records requests reveals that the  
20 opportunity to fix issues that the City originally intended to provide Lighthouse  
21 would have been a sham. In March 2025, DeVries provided Mathena, the City’s  
22 homeless-services administrator, with “some initial ideas” of talking points for a  
23 “response letter.” On information and belief, DeVries sought to brainstorm with

1 Mathena why *whatever* Lighthouse came up with to fix the issues the City planned  
2 to include in the compliance letter would not solve the problem. Here's some of the  
3 key language in the proposed talking points: (1) We “[a]ppreciate being provided a  
4 copy of the proposed revisions and the intent to address impacts[.]” (2) “It is unclear  
5 how the new proposal will address the noted impacts when the previous plan which  
6 includes similar components was not effective.” (3) “Ongoing non-compliance can  
7 lead to permit revocations as provided under .....

8       228. In other words, the City was planning to send a letter to Lighthouse  
9 telling it about the issues it claimed Lighthouse was causing, but the City was already  
10 planning for how it would explain to Lighthouse that the nonprofit's actions to fix  
11 those issues were inadequate. The trap was set.

12       229. Yet, Mayor Poirier and DeVries scrapped the compliance letter before  
13 ever finishing it. Instead, they began drafting a notice of revocation. The City  
14 deliberately decided not to provide Lighthouse with any chance to avoid the  
15 revocation.

16       230. Even as it drafted the revocation notice, the City knew that it still did  
17 not have a strong case for revocation. So DeVries requested that Chris Hanson, the  
18 City's Building Official/Fire Code Official, inspect Lighthouse's property from the  
19 public right-of-way. Hanson did so and reported his observations to DeVries directly  
20 via email on May 2, 2025.

21       231. As with Mudgett, DeVries sent Hanson to perform an inspection from  
22 the public right of way to manufacture evidence that could be used in a revocation  
23 proceeding.

1 232. Hanson noted that two of the soup kitchen building’s exits were inside  
2 a locked gate, that the parking lot was also behind a locked gate, and that the one  
3 entrance that remained outside the locked gate was not handicapped accessible.  
4 Rather, he pointed out that one entrance required handicapped people to ring for  
5 assistance. In a bottom-line statement, Hanson told DeVries that the main problem  
6 was the locked gate: “The gate shall be open anytime the building is occupied (even  
7 one person) inside the building.”

8 233. Again, if Hanson had seen other problems—such as people camping on  
9 the sidewalk, trash, or other issues—he would have reported those issues to DeVries.  
10 A locked gate was the worst that Hanson could come up with.

11 **XI. Consistent with its plan to get rid of Lighthouse, not work with it, the City**  
12 **revoked the CUP without warning.**

13 234. On May 12, 2025, the City issued an order revoking Lighthouse’s CUP.

14 235. The May 12, 2025 revocation order was signed by “Glen A. DeVries,  
15 Director of the Department of Community Development.” The revocation order was  
16 the City’s official written policy with respect to Lighthouse. Mr. DeVries is a final  
17 policymaker for CUP revocations.

18 236. Wenatchee Mayor Poirier was aware of and approved the revocation of  
19 Lighthouse’s CUP via the May 12, 2025 revocation order. Indeed, throughout the  
20 revocation process—including during preparation for the hearing before the hearing  
21 examiner—DeVries kept Mayor Poirier updated on the revocation as confirmed  
22 through emails obtained via open records requests. Mayor Poirier is a final municipal  
23 policymaker when it comes to CUP revocations.

1 237. The May 12, 2025 order asserted that Lighthouse violated the  
2 conditions in the CUP, provisions of the Wenatchee municipal code, and provisions  
3 of the International Building Code.

4 238. The May 12, 2025 order did not include supporting evidence of any  
5 kind: no documents, no photographs, no declarations or affidavits by any witness.

6 239. The allegations of the May 12, 2025 order were vague and framed at  
7 the highest level of generality. For example, the order claimed Lighthouse “ha[d]  
8 expanded operations beyond the permitted location.” The order did not explain that  
9 the City was faulting Lighthouse for parking its vehicles in the neighboring lot—  
10 something that arguably the Lighthouse could do without needing City approval.  
11 After all, Lighthouse was simply parking in the neighboring parking lot, which it  
12 leased, an action that other people had done before it and it had done since 2022.

13 240. The allegations were deliberately vague to hinder Lighthouse’s ability  
14 to respond to them and to make the case to revoke Lighthouse’s CUP seem stronger  
15 than it was.

16 241. At no point before the May 12, 2025 revocation order had the City  
17 warned Lighthouse that the City believed Lighthouse was in violation of the CUP  
18 conditions or any law.

19 242. At no point before the May 12, 2025 revocation order had the City  
20 issued Lighthouse any citation for violating any provision of the CUP or any law.

21 243. At no point before the May 12, 2025 revocation order did the City  
22 afford Lighthouse the opportunity to correct any deficiency.

23 244. The May 12, 2025 revocation order did not offer Lighthouse the

1 opportunity to correct any alleged deficiency to avoid revocation.

2 245. For example, to the extent the City objected to Lighthouse parking  
3 vehicles in a leased parking lot next door, the City did not ask Lighthouse simply to  
4 stop parking vehicles next door.

5 246. The City did not provide Lighthouse with notice of alleged deficiencies  
6 or any opportunity to correct those deficiencies even though correction of most of  
7 the deficiencies—redesignating the original entrance as the main one, unlocking  
8 gates, and not parking vehicles on the leased property—would have been minor and  
9 simple, effectively requiring a trivial amount of effort.

10 247. To the extent the May 12, 2025 revocation order relied on an alleged  
11 increase in complaints about homeless people in the neighborhood, the City did not  
12 provide Lighthouse with an opportunity to determine whether the complaints were  
13 legitimate or give it an opportunity to address those concerns.

14 248. At no point during Lighthouse’s temporary closure, during which it was  
15 actively working with the City homeless program administrator, did the City inform  
16 Lighthouse that it was failing to abide by the conditions of the CUP.

17 249. At no point during Lighthouse’s temporary closure, during which it was  
18 actively working with the City homeless program administrator, did the City inform  
19 Lighthouse that its new case management system would violate the conditions of the  
20 CUP.

21 250. Lighthouse’s soup kitchen was not a nuisance.

22 251. There was no substantial increase in documented nuisance complaints  
23 attributable to Lighthouse’s failure to implement its management plan.

1           252. The alleged code violations that the City identified would not have been  
2 a basis for revoking a CUP or requiring a nonprofit or business to close its doors  
3 under the normal process for code violations.

4           253. None of the City's stated reasons for revoking Lighthouse's CUP  
5 justified revoking the CUP, let alone for revoking Lighthouse's CUP without notice  
6 and an opportunity to fix the issues.

7           254. Here's one example: The City blamed Lighthouse for nuisance  
8 behavior related to bodily functions, highlighting complaints that unknown people  
9 urinated or defecated on property surrounding the soup kitchen. Even if some of  
10 these incidents occurred, Lighthouse did not cause them or control them. Bodily  
11 functions are basic human needs. The problem of homeless people relieving  
12 themselves at locations other than at proper restrooms is a problem endemic to  
13 homelessness. Lighthouse did not create the biological need to have bodily  
14 functions. Lighthouse cannot control the fact that there are few public restrooms and  
15 few places homeless people are welcome to use the restroom.

16           255. However, to handle the biological needs of its guests, Lighthouse's  
17 soup kitchen had restrooms that its guests could use when Lighthouse was open. By  
18 shutting Lighthouse down, the City closed one of the few places where homeless  
19 people were allowed to use the restrooms. Forcing Lighthouse to close its restrooms  
20 in response to complaints about public urination and defecation by unknown persons  
21 makes no sense.

22           256. Before the May 12, 2025 revocation order, the City had never revoked  
23 a CUP without providing notice of alleged deficiencies and an opportunity to correct.

1 257. As soon as it received the May 12, 2025 revocation order, Lighthouse  
2 took steps to correct alleged deficiencies. For example, it redesignated the  
3 handicapped accessible entrance as its main entrance, and unlocked the gate  
4 identified by the City. It took approximately one hour to make these fixes.

5 258. Lighthouse initially believed that the May 12, 2025 revocation order  
6 was a mistake. Lighthouse reached out to City staff to discuss or find a way to avoid  
7 revocation. City staff refused to discuss the revocation with Lighthouse.

8 259. Lighthouse appealed the revocation to the city hearing officer on May  
9 27, 2025, paying \$525.00 to the City as required.

10 260. But appealing the revocation was not the only action that Lighthouse  
11 took. Just in case the CUP revocation was upheld, Lighthouse filled out the  
12 paperwork for a pre-application meeting to learn about the process for securing a  
13 new CUP.

14 261. On July 10, 2025, City staff held the pre-application meeting for a new  
15 CUP with Lighthouse staff and one board member. At the meeting, City staff  
16 informed Lighthouse about the City's requirements for Lighthouse to receive a new  
17 CUP. Lighthouse staff shared information about the case management system that it  
18 had recently implemented and about how it intended to operate if a new CUP was  
19 required.

20 262. During the July 10th meeting, City staff deliberately avoided  
21 commenting on what Lighthouse could do to avoid revocation of the existing permit.

22 263. Five days after the pre-application meeting, on July 15, 2025, the City  
23 issued a new revocation order. This second revocation order retained the grounds for

1 revocation stated in the May 12, 2025 revocation order but added an additional  
2 ground: the new case management system allegedly expanded operations beyond  
3 what the CUP authorized.

4 264. The July 15, 2025 amended revocation order was also signed by  
5 DeVries in his capacity as final policymaker for City policy with respect to the  
6 revocation of Lighthouse's CUP.

7 265. DeVries signed the amended revocation order with Mayor Poirier's  
8 approval.

9 266. The City improperly used information that Lighthouse provided via the  
10 preapplication meeting as supplementary grounds for revoking the soup kitchen's  
11 CUP.

12 267. The second revocation order did not offer Lighthouse the opportunity  
13 to avoid revocation by ceasing its new case management system, even though ending  
14 the new system and reverting to the prior way of doing things would have been  
15 trivially simple and less costly than shutting down the entire soup kitchen.

16 268. In the two revocation orders, the City never identified how Lighthouse  
17 failed to carry out any aspect of its management plan. Specifically, the City made no  
18 allegation that Lighthouse failed to implement its four-step escalating response to  
19 negative client behavior or that Lighthouse failed to take action in response to  
20 complaints by neighboring property owners, the public, or city staff.

21 **XII. The City staff report deliberately misrepresented service call data to**  
22 **falsely portray Lighthouse as violating its CUP.**

23 269. As discussed earlier, a major part of the City's legal strategy to shutter

1 the soup kitchen depended on its claim that Lighthouse was causing a nuisance  
2 thereby violating condition 14 of its CUP and the City Code. The City’s position  
3 was that an increase in service calls alone, regardless of the reason or who was  
4 responsible for them, would be sufficient to show Lighthouse was violating its CUP  
5 by being a nuisance. After all, all the City needed to do was satisfy the lenient  
6 standard of the hearing examiner’s review *if* Lighthouse appealed.

7       270. The City’s position deliberately misconstrues condition 14 of  
8 Lighthouse’s CUP—which required “[a] substantial increase in documented  
9 nuisance complaints . . . not resolved by the applicant’s management plan[.] Calls  
10 for public services are not “documented nuisance complaints.”

11       271. But even assuming for the sake of argument that the number of service  
12 calls could be relevant to the City’s allegation that Lighthouse was a nuisance, the  
13 City systematically misrepresented the call data to reach its desired outcome: show  
14 the operations of Lighthouse’s soup kitchen increased public service calls to justify  
15 a revocation that had already occurred.

16       272. As the following shows, the City manipulated the service call data after  
17 the revocation to such an extent that its representations to the hearing examiner were  
18 intentionally misleading. That manipulation was shielded from scrutiny through the  
19 revocation process and the proceeding before the hearing examiner.

20       **a. The City revoked Lighthouse’s CUP first and manufactured call**  
21       **data graphs to justify that decision.**

22       273. The revocation orders only generally allude to “increased service calls.”  
23 The revocation orders do not include any data or analysis. That is because the City

1 did not have data showing that Lighthouse caused an increase in service calls when  
2 it revoked the CUP or thereafter.

3 274. Rather, City staff worked backwards to create graphs that the City could  
4 use to justify the revocation after the revocation had occurred. In doing so, City staff  
5 broke a cardinal data analysis rule: They manipulated the data to reach a  
6 predetermined conclusion.

7 275. On July 25, 2025—ten days after issuing the second revocation order  
8 and less than two weeks before the hearing on the revocations—the City produced a  
9 staff report containing the call data graphs that, among other things, purported to  
10 show that Lighthouse’s operations caused an increase in service calls. That staff  
11 report asked the hearing examiner to uphold the revocation.

12 276. The staff report was written *after* the City issued the second revocation  
13 order on July 15, 2025. It is a blatant post-hoc effort to justify the City’s decision to  
14 revoke the CUP because Lighthouse appealed, triggering the hearing requirement.

15 277. Emails from May 2025—after the City sent the original revocation  
16 notice—confirm that the City wasn’t able to show an increase in service calls to  
17 Lighthouse based on a good-faith presentation of the service call data. It therefore  
18 began a concerted effort to produce graphs that supported the predetermined  
19 conclusion that there was an increase in public service call data that could be used  
20 to justify revoking Lighthouse’s CUP. In doing so, City staff misrepresented the call  
21 data and produced a false and misleading staff report to justify the revocation.

22 278. The City decided to claim that Lighthouse was responsible for  
23 approximately 2,700 calls for service to its property and the surrounding area from

1 2019 to 2025—something that the City knew was inappropriate and untrue. Yet,  
2 because the City possessed all of the underlying service call data and had no  
3 intention of turning that over to Lighthouse, the City was confident that Lighthouse  
4 would be unable to carry its affirmative burden of proving that the CUP revocation  
5 decision was in error.

6 279. The misrepresentation of data in the staff report is so egregious that the  
7 only plausible explanation is a deliberate decision to misrepresent the data to  
8 Lighthouse, to the hearing examiner, and to the general public in order to justify  
9 revoking Lighthouse’s CUP. The City knew that the underlying data did not support  
10 the allegations that the staff report made against Lighthouse or the conclusions the  
11 staff report drew with respect to Lighthouse.

12 280. The actual purpose for misrepresenting the service call data was to have  
13 a pretextual justification for getting rid of the soup kitchen to reduce the number of  
14 homeless in the Columbia Street area.

15 281. The staff report is addressed directly to the hearing examiner. The staff  
16 report’s specific purpose was to convince the hearing examiner that Lighthouse was  
17 having a negative effect on the surrounding area. The staff accomplished that  
18 objective: The misrepresentations in the staff report convinced the hearing examiner  
19 to affirm the revocation order when that would not have happened had the staff  
20 report not misrepresented the service call data.

21 282. The City’s gross misrepresentation of the underlying public service call  
22 data means that none of the City’s conclusions are reliable.

23 283. The City identified Rivercom as the source of public service call data.

1 Rivercom is the 911 provider for the City of Wenatchee, but none of the exhibits to  
2 the staff report include the underlying data from Rivercom.

3 284. The staff report also does not state who analyzed the Rivercom data or  
4 what criteria were used to determine whether an alleged complaint was a nuisance,  
5 whether it could be attributed to a soup kitchen guest, or whether the complaint  
6 counted as evidence that Lighthouse’s management plan was not being  
7 implemented.

8 285. Because the City withheld the underlying data from Lighthouse and the  
9 hearing examiner prior to the August 2025 hearing, there was no way to assess the  
10 accuracy of the charts in the staff report before or during the hearing—which  
11 concerned a closed record anyway.

12 286. Lighthouse obtained the underlying data after the hearing examiner’s  
13 decision via multiple public records requests to Rivercom, the City, and the City  
14 police department, which produced the data over the course of several months.

15 287. The City’s portrayal in its staff report of the underlying service call data  
16 is false and misleading.

17 288. The following are examples of how the City deliberately misled  
18 Lighthouse and the hearing examiner. This is not an exclusive list of examples.  
19 These are a small subset of examples of the staff report’s misuse of data. Based on  
20 the excel documents that Lighthouse obtained via public records request, the  
21 underlying data cumulatively involves thousands of service calls coded in different  
22 ways. It is not practical to analyze the data from every angle in this complaint.

23 The following examples simply illustrate the comprehensive failure of the staff

1 report, and the City as a whole, to accurately represent the public service data that it  
2 claimed justified its decision to revoke Lighthouse’s CUP.

3 **b. The City eliminated data from its analysis that undermined the**  
4 **conclusion that Lighthouse caused an increase in public service**  
5 **calls.**

6 289. The City deliberately excluded parts of its data analysis that  
7 contradicted the conclusion that Lighthouse was to blame for an increase public  
8 service calls.

9 290. To start, the City has a pie chart on page 7 of the staff report indicating  
10 that it analyzed 2,600 service calls for the period when Lighthouse was open between  
11 2019 and 2025. According to this pie chart, 27 percent of calls came from Lighthouse  
12 itself whereas 73 percent came from areas surrounding Lighthouse.

13 291. These 2,600 services calls are based on an excel document that  
14 Lighthouse obtained via a public records request. The excel document is titled “2019  
15 to date with corrected geo base address” (Corrected Calls Excel).

16 292. The Corrected Calls Excel has 7,184 service calls in the vicinity of  
17 Lighthouse. The staff report did not use all 7,184 service calls in the Corrected Calls  
18 Excel. The staff report used approximately 2,600 without any explanation as to why  
19 it included some calls and not others.

20 293. But email obtained via open records requests reveals that DeVries,  
21 Mudgett, and a data analyst specifically defined the boundaries of the area that they  
22 wanted to analyze *after* the City issued the amended revocation order. In doing so,  
23 they excluded over 3,200 reports.

24 294. The 2,600 service calls that City staff did include are calls from within

1 four “quadrants” that the staff report identifies on page 13. Lighthouse itself is inside  
2 quadrant 1. Lighthouse looked at all 7,184 service calls in the Corrected Calls Excel  
3 and identified 701 service calls made for the Lighthouse property itself (410 South  
4 Columbia) and 1,923 service calls within the four quadrants that concerned a  
5 location other than Lighthouse (off site). This breaks down to approximately 27  
6 percent of service calls for the Lighthouse property and 73 percent for locations in  
7 the four quadrants other than Lighthouse, which matches the pie chart on page seven  
8 of the staff report This is how Lighthouse knows that the Corrected Calls Excel is  
9 the source of staff report data.

10 295. To summarize the impact of the exclusion of the 3,200 calls, if the  
11 quarter mile around Lighthouse is imagined as a donut, the four quadrants are the  
12 donut hole and everything else is the donut itself around the hole. The large number  
13 of service calls just outside the four quadrants illustrates that there is nothing special  
14 about the four quadrants. The area outside of the four quadrants had a comparable  
15 number of calls to the area within the four quadrants. A lot of service calls are the  
16 norm for a busy downtown.

17 296. Additionally, City staff manipulated the time window. Using public  
18 records requests, Lighthouse obtained another excel document called “incident  
19 reports 2014-2024” (Incident Reports 2014-2024). On information and belief,  
20 Incident Reports 2014-2024 contains service calls to the area within a quarter mile  
21 of Lighthouse.

22 297. The Incident Reports 2014-2024 excel does not show alarming trends  
23 within a quarter mile of Lighthouse’s property when comparing the years before

1 Lighthouse opened and after it opened. This excel has four relevant bar graphs that  
2 show annual incidents for four broad categories of service calls: Crimes Against  
3 People, Crimes Against Society, Nuisance, and Crimes Against Property.

4 298. Here is what the bar graphs show when comparing the average annual  
5 incidents from 2014-2019 with the average annual incidents from 2019-2024.  
6 Lighthouse included 2019 in both sets of averages because Lighthouse opened in  
7 mid-2019:

8 a. **Crimes Against People:** 2014-2019 average was 38; 2019-2024  
9 average was 20.

10 b. **Crimes Against Society:** 2014-2019 average was 107; 2019-2024  
11 average was 117.

12 c. **Nuisance:** 2014-2019 average was 419; 2019-2024 average was  
13 413.

14 d. **Crimes Against Property:** 2014-2019 average was 332; 2019-2024  
15 average was 357.

16 299. In sum, after Lighthouse opened, the average number of crimes against  
17 people went down, rose slightly for crimes against society, fell slightly for nuisance,  
18 and rose for crimes against property. There is no trend of increased service calls  
19 associated with Lighthouse. The data show roughly the same number of service calls  
20 before and after the soup kitchen opened in the area surrounding Lighthouse.

21 300. It is particularly notable that calls for nuisance—which was the focus  
22 of the City’s allegations against Lighthouse—decreased after the soup kitchen  
23 opened on South Columbia.

1 301. Given the stability in averages for the various categories of service calls  
2 when comparing the years before Lighthouse and the years after, Lighthouse did not  
3 cause any increase in overall service calls.

4 302. But City staff did not like that conclusion, so it narrowed the window  
5 of time for its dataset. Even though the City had the data from 2014 to 2018, it only  
6 included graphs of data from 2019 to early 2025 in the staff report. City staff  
7 deliberately focused on a shorter window because the data from the longer timeframe  
8 revealed that there was no increase in overall calls.

9 303. But even that shorter window does not show a clear trend of an  
10 increasing number of service calls. The number of calls decreased from 2019 to  
11 2020, and 2021 had fewer calls than 2019.

12 304. The staff report also failed to account for broader trends that influence  
13 public service call data. The City provided no information about whether public  
14 service calls were increasing throughout the City or whether the soup kitchen's  
15 presence on South Columbia meant there were fewer public service calls in other  
16 locations—such as on Wenatchee Avenue or surrounding parks visited by homeless  
17 individuals.

18 305. But the City had evidence about those broader trends and intentionally  
19 excluded that evidence.

20 306. For example, the City collected the data for calls to the Link Transit  
21 Columbia Station, a bus station which is located at 300 South Columbia Street. In  
22 2014 to 2019, before Lighthouse opened its Columbia Street soup kitchen, the station  
23 averaged 100 calls per year with 127 calls in 2014. After Lighthouse opened its soup

1 kitchen on Columbia Street, the number of calls to the station dropped dramatically,  
2 to 69 per year.

3 307. If anything, the data shows that Lighthouse’s presence on Columbia  
4 Street correlated with a reduction in service calls to other properties in the area—a  
5 fact the City possessed and concealed because it undermined the City’s narrative.

6 **c. The City used the police calls that Lighthouse made under the**  
7 **terms of its City-approved management plan against it.**

8 308. The City inappropriately *faulted* Lighthouse for following its  
9 management plan, which expressly contemplated calls to the police and the  
10 involvement of both the police and fire departments.

11 309. Calls that Lighthouse made under its management plan were not  
12 “documented nuisance complaints that [were] not resolved by the applicant’s  
13 management plan[.]” Nor were the calls grounds for concluding that Lighthouse was  
14 a nuisance under Washington law or the City code.

15 310. Given that the management plan contemplated Lighthouse calling the  
16 police when necessary and that Lighthouse served a troubled community, it was  
17 foreseeable and inevitable that calls for certain emergency services would increase  
18 when the soup kitchen opened, just as it would be foreseeable and inevitable that a  
19 specific piece of real property would have an increase in ambulance visits after a  
20 hospital opened there.

21 311. At all relevant times before its CUP was revoked, Lighthouse followed  
22 its City-approved management plan, worked to resolve neighbor complaints, and  
23 encouraged its guests to be good citizens both on and off of Lighthouse’s property.

1 312. The public service call data overwhelmingly confirm that Lighthouse  
2 complied with its management plan. Lighthouse obtained public records directly  
3 from Rivercom showing the emergency service dispatch report for each service call  
4 to the Lighthouse property or calls verifiably associated with the Lighthouse  
5 property.

6 313. Based on the public records that Lighthouse obtained via its public  
7 records requests, there were 882 calls arguably regarding the soup kitchen between  
8 mid-2019 when it opened and mid-2025 when the City shut it down.

9 314. Of those 882 calls, 433 (almost exactly half) were directly from soup  
10 kitchen staff or the director calling the police to have a guest escorted out, informed  
11 that he or she is excluded for a period of time, and told that he or she would be  
12 considered a trespasser if he or she returns.

13 315. These 433 calls were mandated by the management plan, which  
14 required Lighthouse to exclude guests who failed to adhere to the rules. Those calls  
15 are evidence of compliance with the management plan, not a failure to adhere to the  
16 management plan or evidence of nuisance activity.

17 316. Sometimes these trespass calls from Lighthouse were related to  
18 persistently problematic people. In 2024, for example, Lighthouse called police 13  
19 times about one person who had been given a trespass order but who nevertheless  
20 kept coming back. In repeatedly calling the police about someone with a trespass  
21 order, Lighthouse was complying with the management plan.

22 317. Of those 882 calls, 15 percent were calls from Lighthouse staff or soup  
23 kitchen guests requesting emergency medical services due to an acute medical crisis.

1 318. Homeless people have worse physical and mental health than the  
2 average person. Homeless people also often have no family members to turn to in  
3 times of acute physical and mental illness. Homeless people often rely on emergency  
4 services to deal with physical and mental crises.

5 319. Calling 911 to seek medical help for someone in acute physical or  
6 mental distress did not violate Lighthouse's management plan.

7 320. Of those 882 calls, 4.5 percent were related to false alarms triggered by  
8 malfunctions, rats, stray cats, or human error.

9 321. False alarms related to malfunctions, rats, stray cats, or human error did  
10 not violate Lighthouse's management plan.

11 322. Of those 882 calls, 18 percent came from Lighthouse guests who  
12 themselves called emergency services. And sometimes Lighthouse guests called 911  
13 to report crimes, whether against themselves or others, that occurred elsewhere.  
14 After all, a significant number of the homeless did not have cell phones and used  
15 Lighthouse's phone to make important calls.

16 323. Homeless people experience much higher rates of crime victimhood  
17 than average people. Homeless people often must seek the protection of the police.

18 324. When homeless people called 911 from Lighthouse to report crimes,  
19 that did not violate Lighthouse's management plan.

20 325. Of those 882 calls, seven percent were from various sources other than  
21 neighbors. For example, sometimes the police would call the 911 dispatch  
22 themselves from Lighthouse to note that a reported issue did not exist or had been  
23 resolved. Sometimes there were calls that mentioned Lighthouse but did not result

1 in emergency services being dispatched.

2 **d. The City blamed Lighthouse for every public service call in a**  
3 **quarter-mile radius, including calls for traffic matters and**  
4 **concerning the behavior of unknown adults off of Lighthouse's**  
5 **property.**

6 326. The staff report attributes *all* of the service calls in the four quadrants  
7 to Lighthouse. In other words, the staff report holds Lighthouse responsible for all  
8 service calls within the four quadrants even when those service calls had nothing to  
9 do with Lighthouse.

10 327. It is demonstrably false that all of the service calls within the four  
11 quadrants are attributable to Lighthouse. The exact opposite is true. Literally none  
12 of the 1,923 service calls in the four quadrants (those not tagged to Lighthouse) can  
13 be definitively attributed to Lighthouse guests, and much less can any call be  
14 attributed to a failure of Lighthouse itself to follow its management plan.

15 328. For example, the Corrected Calls Excel contains 103 calls for the  
16 intersection of Wenatchee Avenue and Spokane Street. Of those, 56 were related to  
17 traffic at this busy downtown intersection (DUI, hazard in the road, motor vehicle  
18 accidents, parking violations). In other words, over 50 percent of the service calls at  
19 this intersection couldn't possibly have anything to do with Lighthouse, yet by  
20 lumping these 103 calls at the corner of Wenatchee and Spokane into the 1,923 calls  
21 in the four quadrants, the staff report is blaming Lighthouse for things like car  
22 accidents at a busy intersection. And in blaming Lighthouse for random car accidents  
23 at a busy intersection, the staff report justifies revoking Lighthouse's CUP in part  
for the illogical reason that random people crashed into each other at Wenatchee and

1 Spokane.

2 329. The staff report never reveals any of this blatant data manipulation in  
3 the staff report, the City never revealed this manipulation to Lighthouse or the  
4 hearing examiner, and no one would know about it if Lighthouse had not used public  
5 records requests to get the underlying data.

6 330. But the problems with the City’s data presentation go beyond holding  
7 all traffic calls against Lighthouse. Of the remaining 48 service calls for the  
8 intersection of Wenatchee Avenue and Spokane Street, 16 (one third) are for welfare  
9 checks. In other words, a human being was possibly in trouble at a busy downtown  
10 intersection. There is no evidence that any of these people in trouble were related to  
11 Lighthouse. Nor is there any evidence that Lighthouse, which simply feeds the poor,  
12 could have caused someone to need a welfare check or that the welfare check was  
13 the result of Lighthouse not implementing its management plan.

14 331. Other service calls to the intersection are just as ambiguous, with the  
15 calls variously coded as “suspicious” or “warrant” or “court ordered violation.”  
16 There is no way to know if there was a suspicious person in reality or if someone  
17 arrested for a warrant was a Lighthouse guest (or simply the driver of a crashed car).  
18 There is no reason to believe that Lighthouse’s failure to implement its management  
19 plan *caused* a service call to the intersection of Wenatchee and Spokane because of,  
20 for example, suspicion that someone was violating some court order.

21 332. Overall, of the 103 service calls to this intersection, there is not enough  
22 information in the Corrected Calls Excel to attribute even a single call to Lighthouse.

23 333. This last point—that not even 1 of 103 service calls at Wenatchee

1 Avenue and Spokane Street can be attributed to Lighthouse—is a problem that  
2 pervades all of the City’s data. Other than the 701 calls made by Lighthouse itself,  
3 none of the other 1,923 service calls in the four quadrants can be attributed to  
4 Lighthouse. There is no way to know if any service call resulted in the discovery of  
5 an actual problem. For example, any random “trespass” call at some property in the  
6 four quadrants could have just been a mistake, and the supposed trespasser could  
7 have been a new employee. Nor is there any way to tell whether a call, even if  
8 assumed real, involved a guest of Lighthouse. Nor is there any way to tell whether a  
9 service call—assuming there was a factual basis for it and it involved a Lighthouse  
10 guest—was the result of Lighthouse failing to implement its management system.  
11 The staff report just crudely attributes all service calls in the four quadrants to  
12 Lighthouse and depicts each service call as a failure by Lighthouse to implement its  
13 management system. There is no basis in the data for any of the conclusions the staff  
14 report draws.

15       334. Lighthouse is not cherry-picking the data. Take another intersection, at  
16 Kittitas Street and Wenatchee Avenue, which is also inside the four quadrants. It had  
17 101 service calls. The staff report blames all 101 calls on Lighthouse by lumping  
18 these 101 calls at the corner of Kittitas and Wenatchee into the 1,923 service calls  
19 within the four quadrants that the staff report attributes to Lighthouse. Of these 101  
20 service calls, 51 service calls were traffic-related (again, over half of the service  
21 calls, on their face, have nothing to do with Lighthouse). Of the remaining 50 service  
22 calls, not a single one can definitively be attributed to Lighthouse, much less that  
23 Lighthouse caused the service call by failing to implement its management plan.

1 335. The arbitrariness of the staff report becomes even more evident if you  
2 walk one block west to the intersection of Kittitas Street and Mission Avenue. This  
3 intersection is *not* in the four quadrants. According to the Corrected Calls Excel, that  
4 intersection had 153 service calls. If 153 service calls to Kittitas and Mission is just  
5 a normal downtown intersection, why is the staff report treating 101 calls at the  
6 intersection of Kittitas and Wenatchee in the four quadrants as a crisis caused by  
7 Lighthouse (which, again, did not cause the calls at that intersection in the first  
8 place)?

9 336. Or consider two properties on the border of, but not in, the four  
10 quadrants: Wally's Tavern and Kaos Nightclub (formerly Nova Nightclub).  
11 According to the Collected Calls Database, these two properties at 322 South  
12 Wenatchee Street (Wally's) and 212 South Wenatchee Street (Kaos/Nova) had 285  
13 service calls. But in addition to having those calls to the properties themselves, these  
14 drinking establishments have customers who leave every day after drinking alcohol.  
15 It seems certain that some of those customers who have been consuming alcohol  
16 went into the four-quadrant area and generated service calls. But if that happened,  
17 as it surely has, the staff report would nevertheless have attributed those service calls  
18 to Lighthouse, not the tavern or nightclub. Because, again, the underlying data do  
19 not identify whether a service call was legitimate or what the cause was.

20 337. One possible destination for inebriated customers of Wally's Tavern  
21 and Kaos Nightclub is the public bus interchange at 300 South Columbia Street,  
22 which is just a few hundred feet from these bars. That bus interchange is not only a  
23 destination for people who have been drinking in a nearby bar, but for countless

1 people who work in South Wenatchee, go out for entertainment, or who simply  
2 transfer from one bus to another at the interchange. That interchange is in the four  
3 quadrants. According to the Corrected Calls Excel, there were 438 requests for  
4 service to the bus stop. By including these 438 service calls in the 1,923 service calls  
5 in the four quadrants, the staff report attributes literally every single one of these  
6 requests for service to Lighthouse, even though the bus interchange serves everyone  
7 in Wenatchee. It is not remotely plausible that a Lighthouse guest is the cause of  
8 literally every single call for service at Wenatchee’s major public bus interchange.  
9 Nor is it remotely plausible that every single service call to the bus stop is the result  
10 of Lighthouse failing to implement its management plan.

11 338. Another example of arbitrariness is a railway underpass. According to  
12 the Corrected Calls Excel, the railway underpass on Thurston Street generated 141  
13 service calls. That location is inside the four quadrants. A mere 250 feet away is the  
14 intersection of Thurston Street and Worthen Street, which generated 74 service calls.  
15 That intersection is outside of the four quadrants. So all 141 service calls for the  
16 underpass, but none of the 74 calls from the intersection a 45 second walk away, are  
17 attributed to Lighthouse. That is arbitrary.

18 339. Or consider zooming in even closer to La Mexicana, a grocery store  
19 right next to Lighthouse that serves the Latino community at 421 South Wenatchee  
20 Avenue. According to the Corrected Calls Excel, La Mexicana had 186 service calls.  
21 Twenty-five service calls were for theft or forgery. It isn’t plausible that the only  
22 calls for theft or forgery at a busy grocery store were due to Lighthouse guests. Thirty  
23 service calls were labeled “alarm” but all 30 of those calls were between September

1 2021 and September 2024, suggesting that La Mexicana used a security system for  
2 three years that generated 30 alarm calls for whatever reason. There is no indication  
3 that the alarms were real (as opposed to false alarms) or tied to any Lighthouse guest.  
4 Fifty-two service calls were for trespass, but none of those 52 calls indicate that the  
5 subject of the trespass call was from Lighthouse. In any case, 52 trespass calls in six  
6 years is fewer than one per month. That is trivial for a busy grocery store that serves  
7 hundreds of (perhaps more than 1,000) customers every day and is directly next door  
8 to a soup kitchen serving thousands of meals per month.

9 340. Finally, on an aggregate level, the City attributed all actions by  
10 unknown third parties off of Lighthouse's property to Lighthouse.

11 341. However, Lighthouse cannot control the behavior of its guests when  
12 they are offsite. Nor can Lighthouse control the behavior of other community  
13 members, housed or homeless, off of Lighthouse's property.

14 342. Lighthouse cannot control what adults do off Lighthouse's property,  
15 except to exclude people whose antisocial behavior is made known to Lighthouse.  
16 The fact that homeless people may relieve themselves inappropriately off  
17 Lighthouse's property was not a violation of Lighthouse's management plan.

18 343. By shutting Lighthouse down, the City has closed one of the few places  
19 where homeless people are allowed to use the restrooms.

20 344. In sum, the City grossly misrepresented the underlying public service  
21 call data, and none of the City's conclusions are reliable.

22

23

1 **XIII. Nuisance Primer: Lighthouse wasn't a nuisance as a matter of law and,**  
2 **even if it were, the remedy is abatement, not permanent closure.**

3 345. The staff report submitted to the hearing examiner manipulated service  
4 call data to portray Lighthouse as a nuisance.

5 346. The staff report cites Wenatchee's nuisance ordinances and the  
6 provisions of the CUP prohibiting operating in a way that is contrary to the welfare  
7 of the community. In turn, the hearing examiner's decision cites Wenatchee's  
8 nuisance ordinances and frames Lighthouse as a nuisance.

9 347. But even under the City's false and manipulated presentation of data,  
10 Lighthouse was not a nuisance as a matter of law under Washington state law and  
11 Wenatchee's own code.

12 348. First, someone is unlawfully causing a nuisance only if that nuisance  
13 activity can be attributed to an act or omission of the property owner—and that  
14 owner obstinately refuses to abide by their legal duties after clear warnings. WCC §  
15 6A.14.010. Wenatchee's nuisance ordinance expressly provides an opportunity to  
16 correct problems before conduct can be deemed a nuisance. The Code makes it  
17 unlawful for any person to “[c]ommit, create, permit, maintain, or allow a public  
18 nuisance” or “[w]illfully omit or refuse to perform any legal duty relating to the  
19 removal of any public nuisance **within 24 hours of having been notified to do so**  
20 **by a public or peace officer.”** *Id.* § 6A.14.030 (emphasis added).

21 349. Here, even if some homeless people engaged in nuisance behavior, that  
22 does not make the Lighthouse soup kitchen a nuisance Lighthouse affirmatively  
23 worked at all times to minimize community impacts and resolve all issues.

1 350. For example, Lighthouse worked with officials such as law  
2 enforcement and the City’s homelessness outreach coordinator Mathena to exclude  
3 problematic people from Lighthouse and minimize community impacts from the  
4 homeless around Wenatchee. And, the moment Lighthouse became aware of a code  
5 violation, such as the allegation of a locked gate, Lighthouse staff immediately  
6 corrected the problem. The lawful use of 410 South Columbia as a soup kitchen  
7 could not have been a nuisance because at all times Lighthouse complied with its  
8 responsibilities and worked in good faith with officials to do so.

9 351. Under Wenatchee’s own code, Lighthouse’s immediate responsiveness  
10 to problems that the City identified means that Lighthouse could not have been a  
11 nuisance as a matter of law.

12 352. Second, allegations of chronic nuisance require probable cause. WCC  
13 § 6A.14.020 defines “chronic nuisance” as “a person’s action or inaction [that] has  
14 caused a public nuisance and resulted in threshold numbers of “calls for service by  
15 separate individuals **residing in different households**” during particular periods of  
16 time (emphasis added). A qualifying “call for service” means “a call to any city  
17 department reporting a public nuisance concerning a **specific property or a specific**  
18 **person**, and there is **probable cause** that a violation of the city code has been  
19 committed.” *Id.* § 6A.14.020 (emphasis added). The City’s manipulated service call  
20 data and coordinated neighbor complaints don’t meet that requirement.

21 353. Third, whether something is a nuisance under Washington law is a  
22 question of fact about reasonableness that takes context into account to balance the  
23 harms of the activity with the social benefits. Thus, the question isn’t whether

1 Lighthouse generated a certain number of emergency services calls.  
2 The question is whether the number of emergency calls was *unreasonable* in light  
3 of the social benefits and challenges that come with operating a soup kitchen trying  
4 to reduce the impact of public homelessness. Under this fact-specific analysis, a  
5 number of emergency services calls that would be patently unreasonable for a video  
6 arcade for teenagers might be entirely reasonable for a social services organization  
7 like Lighthouse.

8 354. Fourth, under Washington law, if a use of property is lawful—such as  
9 a soup kitchen or restaurant—that property does not become a nuisance simply  
10 because illegal or antisocial activity occurs there. A property is a nuisance only if  
11 the owner acquiesces or participates in nuisance behavior, such as by affirmatively  
12 allowing drug dealing to occur at an otherwise lawful nightclub. If, by contrast, a  
13 property owner affirmatively tries to stamp out nuisance behavior and cooperates  
14 with officials in doing so, that property cannot be a nuisance as a matter of law. *See*  
15 *City of Seattle v. McCoy*, 101 Wash. App. 815, 838 (2000).

16 355. Fifth, compliance with statutory duties cannot be a nuisance as a matter  
17 of law. RCW 7.48.160. Although the City’s CUP ordinance, and permits issued  
18 pursuant to it, are not state statutes, the same underlying principle applies: a  
19 governmental body cannot legally mandate an act and then treat that act as a  
20 nuisance.

21 356. Here, Lighthouse was required by the terms of its CUP to implement a  
22 behavior management plan that included excluding problematic people from  
23 Lighthouse via trespass orders. Those trespass orders required calls to the police.

1 Because those service calls were legally required duties, they cannot be deemed  
2 evidence of a public nuisance. To the contrary, they are evidence of responsible  
3 citizenship and compliance with the law.

4 357. Sixth, the antisocial behavior of an entity’s clientele off the entity’s  
5 property, at least to the extent the entity isn’t serving alcohol, can’t be attributed to  
6 the entity. If someone shops at Wal-Mart and then litters block away, Washington  
7 nuisance law wouldn’t treat Wal-Mart as the litterer.

8 358. Here, however, even if someone who ate at Lighthouse engaged in  
9 antisocial conduct off Lighthouse’s property, the City treated that as Lighthouse  
10 conduct. But Lighthouse is not responsible for that as a matter of nuisance law.  
11 Lighthouse is trying to help a troubled community on its own property. The law  
12 doesn’t make Lighthouse responsible for everything every homeless person does in  
13 the area surrounding Lighthouse’s property.

14 359. Seventh, under state law and Wenatchee ordinances, a nuisance action  
15 places the burden squarely on the one alleging the nuisance to prove the existence  
16 of a nuisance by a preponderance of the evidence. The City must “establish[] by a  
17 preponderance of the evidence that a [public nuisance] has occurred and that the  
18 required corrective action is reasonable” in a hearing before the code enforcement  
19 board. WCC § 16.16.070.

20 360. Here, by contrast, despite making extensive allegations of nuisance, the  
21 City proceeded with a CUP revocation rather than a nuisance proceeding before its  
22 own code enforcement board or a lawsuit in state court precisely so the City wouldn’t  
23 have any legal burden and could hide its data manipulation from Lighthouse and the

1 hearing examiner. If the City had followed its normal policies, Lighthouse would  
2 have corrected the minor code violations and would have refuted the nuisance  
3 allegations.

4 361. Last, the remedy for nuisance is actual damages and abatement of the  
5 nuisance, not termination of a lawful use. “If judgment be given for the plaintiff in  
6 such action,” then the plaintiff can obtain damages, a warrant to the sheriff to abate,  
7 deter, or prevent the resumption of the nuisance, or an order enjoining the defendant  
8 from continuing the nuisance behavior. RCW 7.48.020. A defendant may, however,  
9 move to stay a warrant to the sheriff “to allow the defendant to abate the nuisance  
10 himself or herself[.]” RCW 7.48.040. *See also* RCW 7.48.250 (describing remedy  
11 of abatement).

12 362. Here, even if Lighthouse were a nuisance, which it was not, the remedy  
13 should have been an order to curtail alleged nuisance behavior.

14 **XIV. When other properties, including CUP holders, have code enforcement**  
15 **issues, including issues that the City regards as nuisance conduct, the City**  
16 **seeks corrective action instead of trying to shut the entity down.**

17 363. The City has written policies, enacted via ordinance, that govern its  
18 code enforcement process. The purpose and intent of the City in enacting the  
19 ordinances was to “provide effective and efficient code enforcement processes by  
20 striving to obtain voluntary compliance with the Wenatchee City Code, followed  
21 with strict enforcement when timely voluntary compliance efforts fail to be  
22 achieved.” WCC § 16.02.010.

23 364. If the City’s code official identifies a code violation, it is **mandatory**  
under the City code that the official afford the property owner an opportunity to

1 correct the alleged violation voluntarily. “The administrator **shall** pursue a  
2 reasonable attempt to secure voluntary correction of [code] violations[.]” WCC  
3 §16.04.020 (emphasis added). “This chapter [on voluntary correction] **shall** apply  
4 **whenever** the administrator determines that a code violation has occurred or is  
5 occurring.” *Id.* § 16.04.010 (emphasis added). The City’s voluntary correction tools  
6 “include but are not limited to personal correspondence, correction notice, and  
7 providing educational materials[.]” *Id.* § 16.04.020. As part of the effort to secure  
8 voluntary compliance, the City may enter a voluntary correction agreement with the  
9 person responsible for the violation. *Id.* § 16.04.030.

10 That agreement is a contract between the City and the responsible party where the  
11 responsible party “agrees to abate the violation within a specified period of time and  
12 according to specified conditions.” *Id.* § 16.04.040. If the terms of a voluntary  
13 correction agreement are not met, the person responsible for the violation shall be  
14 assessed liquidated damages of \$150.00 per day plus all costs and expenses of  
15 abatement. *Id.* § 16.04.090.

16 365. Alternatively, the City can proceed directly to formal notice of a code  
17 violation—“without having attempted to secure voluntary correction”—if one of the  
18 following exceptions applies: emergencies, repeat violations, situations in which the  
19 administrator determines the violation cannot or is unlikely to be corrected, and  
20 when the person responsible for the violation “knows or reasonably should have  
21 known that the action is in violation of Wenatchee City Code or ordinance as  
22 documented by the city.” WCC § 16.06.010 (2).

23 366. But even if the City skips attempting to secure voluntary correction, it

1 must still give a potential violator the opportunity to avoid any enforcement action  
2 by fixing the problem. The administrator “issue[s] a notice of code violation to any  
3 and all person(s) responsible for the violation,” WCC § 16.06.010(1) and that notice  
4 must include very specific things:

- 5 (1) “The name and address of the person to whom the notice of code  
6 violation is being issued”;
- 7 (2) “The street address or a description sufficient for identification  
8 of the building, structure, premises, or land upon or within which  
9 the violation(s) has occurred or is occurring”;
- 10 (3) “A description of the violation and a reference to the sections(s)  
11 of the Wenatchee City Code or ordinance that has been violated”;
- 12 (4) “The required corrective action”;
- 13 (5) “The date, time and location of the hearing before the code  
14 enforcement board which shall be not less than 10 business days  
15 from the date the notice of code violation is issued”;
- 16 (6) “A statement indicating that the hearing will be canceled if the  
17 person responsible for the violation abates the code violation and  
18 the administrator approves the abatement prior to the hearing”;
- 19 (7) “A statement that the costs and expenses of abatement incurred  
20 by the city as specified in WCC 16.14.050 may be assessed  
21 against the person to whom the notice of code violation is  
22 directed”;
- 23 (8) “A statement that a monetary penalty in an amount per day for  
each violation as specified in WCC 16.16.090 may be assessed  
against the person to whom the notice of code violation is  
directed as ordered by the code enforcement board”; and
- (9) “A statement indicating that a mandatory fee of \$150.00 as  
specified in WCC 16.16.080 will be charged for each notice of  
code violation issued for the purpose of covering administrative  
costs if the violation is affirmed by the code enforcement board.”

1 WCC § 16.06.020.

2 367. As the notice requirements indicate, each potential code violator is  
3 entitled to a hearing before the code enforcement board, a hearing that must be ten  
4 business days after the notice of code violation is issued. WCC § 16.16.020. A  
5 potential violator can avoid that hearing by taking corrective action before the  
6 hearing. WCC § 16.06.050(1). In other words, potential violators can avoid code  
7 enforcement penalties and proceedings by voluntarily fixing issues upon receiving  
8 notice of a violation.

9 368. In proceedings before the code enforcement board, the City has “the  
10 burden to prove by a preponderance of the evidence that a code violation has  
11 occurred and that the required corrective action is reasonable.” WCC § 16.16.060;  
12 *see also id.* § 16.16.070 (“ The code enforcement board shall determine whether the  
13 city has established by a preponderance of the evidence that a violation has occurred  
14 and that the required corrective action is reasonable[.]”).

15 369. The code enforcement board “shall” impose “[a] mandatory fee of  
16 \$150.00 . . . for each notice of code violation affirmed by the code enforcement  
17 board” and “shall” impose a monetary penalty “for each separate code violation  
18 affirmed by the code enforcement board. WCC §§ 16.16.080, 16.16.090. The  
19 monetary penalty “shall be a minimum of \$100.00 per day and a maximum of  
20 \$200.00 per day.” *Id.* § 16.16.090.

21 370. The only mechanism permitting the City to act without prior notice and  
22 without an opportunity to voluntarily correct a violation is expressly limited to  
23 violations causing “an immediate and emergent threat to the public health, safety or

1 welfare or to the environment[.]” WCC §16.14.020. In that instance, the City may  
2 “summarily and without prior notice abate the condition” but even then the City must  
3 notify the violator “[a]s soon as reasonably possible after the abatement.” *Id.*

4 371. For dangerous buildings specifically, the director of the department of  
5 community development may disconnect utilities, post or secure the property against  
6 entry, and prohibit occupancy until all violations are corrected. WCC §§ 16.14.020–  
7 30. These drastic actions are conditioned on the “immediate and emergent threat”  
8 finding.

9 372. To summarize, when faced with code violations, the City’s written  
10 policy provides City staff with three options: (1) ask for voluntary correction;  
11 (2) issue a notice of violation, set a hearing before the code enforcement board, but  
12 give the property owner the chance to avoid the hearing by voluntarily abating the  
13 violation; or (3) summarily abate the violation if it is an immediate danger.

14 373. The City follows these written policies in enforcing its code for  
15 properties other than Lighthouse’s soup kitchen.

16 374. If the City had followed its policies for Lighthouse’s soup kitchen, the  
17 City would have given Lighthouse the opportunity to abate the alleged code  
18 violations and Lighthouse would have done so to the fullest extent possible. Indeed,  
19 Lighthouse did fix the minor code violations after receiving the first revocation  
20 order.

21 375. If after an opportunity to cure, the City maintained that Lighthouse was  
22 still a nuisance, the City would have been required to prove that Lighthouse was a  
23

1 nuisance before the code enforcement board by a preponderance of the evidence. It  
2 could not have met that burden.

3 376. But even assuming for the sake of argument that the City *could* have  
4 met its burden, in the worst-case scenario, the code enforcement board would have  
5 ordered Lighthouse to pay a mandatory fee and a daily monetary penalty. It would  
6 not have summarily revoked Lighthouse's CUP or ordered it to close its soup  
7 kitchen.

8 377. Lighthouse was not causing an immediate and emergent threat to the  
9 public health, safety or welfare or to the environment. Summarily abating any  
10 alleged code violations was not appropriate.

11 378. On information and belief, in practice, Wenatchee's code enforcement  
12 process follows a tiered escalation system that aligns with the City's written policies.  
13 Parties responsible for a code violation are given verbal warnings or courtesy letters  
14 about code violations. Most responsible parties fix code violations upon receiving  
15 notice, and the City takes no further action.

16 379. The City applies that tiered escalation system to properties where there  
17 is an alleged zoning violation, a fire safety issue, or a nuisance allegation.

18 380. The City's code enforcement board has monthly meetings (although  
19 sometimes those monthly meetings appear to be canceled, especially during the  
20 winter holiday season). For many of those meetings, the code enforcement board  
21 publishes its agenda with the prior month's code enforcement statistics attached.  
22 Those code enforcement statistics show the City's code enforcement practices—and  
23 demonstrate that no other property owner or tenant was treated like Lighthouse.

1 381. No city-ordered facility, business, or nonprofit closures appear in the  
2 public code enforcement records for 2022 to 2025.

3 382. No city-conducted abatement actions for code violations appear in the  
4 public code enforcement records for 2022 to 2025.

5 383. On information and belief, for each code enforcement case listed in the  
6 code enforcement stats from 2022 to 2025, every responsible party (be they owner  
7 or tenant) received notice of a violation and opportunity to cure a violation before a  
8 sanction was imposed. Indeed, for the 18 months of available records of code  
9 enforcement statistics, code enforcement sent 555 courtesy letters to alleged  
10 violators. Still other alleged violators received verbal or written warnings.

11 384. In the City's public records, numerous code enforcement cases identify  
12 a property for a zoning violation. The code enforcement action for these properties  
13 includes a verbal warning, a courtesy letter, case closed with no violation, and  
14 compliance. The same is true for cases listed as a fire inspection case. The code  
15 enforcement action for these properties generally features a verbal warning, a  
16 courtesy letter, case closed with no violation, and compliance.

17 385. On information and belief, when a responsible party does not  
18 voluntarily fix an alleged code issue, code enforcement issues a notice of code  
19 violation and puts the property on the code enforcement board agenda.

20 386. For example, in September 2024, code enforcement issued 1500 N  
21 Wenatchee a courtesy letter for a zoning violation. The zoning violation was not  
22 remedied. On information and belief, code enforcement subsequently issued 1500 N  
23 Wenatchee a notice of code violation. On November 12, 2024, 1500 N Wenatchee

1 was an item on the code enforcement agenda. The code enforcement board found  
2 that the responsible party, Muro Properties LLC, was in violation of the Wenatchee  
3 City Code, and imposed a fee of \$150.00. Additionally, the code enforcement board  
4 mandated that Muro Properties LLC be given two weeks to correct the violations  
5 before the imposition of a monetary penalty of \$100.00 per day. If after 30 days, the  
6 violation was still not remedied, the board authorized the City to abate the violation.

7 387. Similarly, the City applied tiered escalation to 1223 Methow, a single-  
8 family residence. On information and belief, city staff opened a code enforcement  
9 case 24-696 for the 1223 Methow property in November or December 2024 and  
10 sought voluntary compliance. When the responsible party, Caleb Nerland, failed to  
11 fix the problem, code enforcement issued a notice of violation and placed the  
12 property on the February 11, 2025 code enforcement board agenda. The code  
13 enforcement board found that the responsible party, Caleb Nerland, was in violation  
14 of the Wenatchee City Code, and imposed a fee of \$150.00. Additionally, the code  
15 enforcement board mandated that Caleb Nerland be given two weeks to correct the  
16 violations before the imposition of a monetary penalty of \$100.00 per day. If after  
17 30 days, the violation was still not remedied, the board authorized the City to abate  
18 the violation.

19 388. The tiered escalation exemplified by 1500 N Wenatchee and 1223  
20 Methow is the path for an unremedied code violation. It appears across the public  
21 code enforcement records for non-compliant properties.

22 389. There are twelve nuisance cases in the 2022-2025 public code  
23 enforcement records (excluding the one concerning Lighthouse opened in October

1 2024). Ten of these twelve code enforcement cases involve alleged nuisances at  
2 single-family residences. The two other cases involved an alleged nuisance at the  
3 Wenatchee Valley Technical Skills Center at 327 E. Penny Road, and the other  
4 involved an “unknown” address.

5 390. Five of the responsible parties in these cases received “courtesy” letters  
6 for their cases.

7 391. For all of the twelve nuisance cases, on information and belief, the City  
8 either secured voluntary compliance and required the responsible party to pay a  
9 monetary fee or investigated the nuisance issue to ultimately conclude that there was  
10 no nuisance problem. The City left none of these twelve cases in an open or pending  
11 status for months—like it did for Lighthouse’s code enforcement case.

12 392. On information and belief, none of the City’s nuisance cases concern  
13 holding a property owner or tenant responsible for the actions of third parties—over  
14 which that party had no control—off of the subject property.

15 393. The City does not treat other CUP holders as the targets of a strict  
16 liability regime where any code violation warrants revocation of the CUP. Rather,  
17 like all other properties in Wenatchee, the City seeks to bring those properties into  
18 voluntary compliance with the City Code.

19 394. For example, on April 2, 2018, the City issued Little Friends Daycare a  
20 CUP to operate a daycare at 1720 Walnut Street in Wenatchee. In 2019, the City  
21 identified code violations on the Little Friends Daycare property, but it sought to  
22 bring the property into compliance. The City and the person responsible for the  
23 property entered a voluntary correction agreement through which the person

1 responsible promised to complete three corrective actions in approximately a month:  
2 pave and stripe parking, submit a landscape plan, and install that landscaping. Little  
3 Friends Daycare did so, and its CUP was not revoked, suspended, or modified. Little  
4 Friends Daycare continues operating today.

5 395. Awaken Wenatchee Church provides yet another example. Awaken has  
6 a CUP to use 2 Fifth Street as a place of worship. As with many houses of worship,  
7 Awaken opened a preschool on its property to meet the childcare needs of its  
8 congregants and the community. On November 16, 2023, the City issued Awaken a  
9 notice of code violation for operating the preschool on its property. The notice  
10 informed Awaken that it needed to obtain a CUP to operate a daycare, specified the  
11 required corrective actions (stop operating a daycare and remove all daycare-related  
12 items), and provided Awaken notice of a hearing before the code enforcement board.  
13 The notice of code violation also indicated that Awaken could avoid the hearing by  
14 completing the corrective actions and set out the penalties if Awaken failed to take  
15 corrective action: monetary penalties and the potential for the City to abate the  
16 violation at Awaken's expense. Critically, nothing in the notice of code violation  
17 indicated that Awaken could lose its CUP to use its property as a place of worship.

18 396. As a third example, on information and belief, the City did not close  
19 down Sage Hills Church, which operates with a CUP, when it opened a coffee shop  
20 on its premises. Upon determining that the CUP did not allow a coffee shop, the City  
21 notified the church of the alleged violation. The City did not revoke the CUP of Sage  
22 Hill Church.

23 397. As a final CUP-holder example, Catholic Family & Child Services

1 holds a CUP for a humanitarian service and shelter facility at 145 South Worthen  
2 Street. Catholic Services’ CUP includes conditions that are nearly identical to  
3 conditions in Lighthouse’s CUP. Specifically, Catholic Services’ CUP requires the  
4 organization to “maintain compliance with the standards of WCC Title 10 Zoning  
5 and conditions of the conditional use permit at all times” with “[v]iolations of the  
6 terms of the permit and/or requirements of the WCC not expressly modified by the  
7 permit . . . processed as a violation pursuant to WCC Chapter 13.13 Enforcement  
8 and Penalties.” The CUP also mandates that “[a] substantial increase in documented  
9 nuisance complaints that are not resolved by the applicant, from the public and/or  
10 nearby properties in or adjacent to the block on S. Worthen Street containing the  
11 subject property will be reviewed for the compliance with WCC Section 10.65.050  
12 and Title 16[]”—similar to condition 14 of the Lighthouse CUP.

13 398. On information and belief, the City has not analyzed the public service  
14 call data in the area surrounding Catholic Services’ property or sought to identify  
15 code violations on that property. The City has not looked for a reason to revoke  
16 Catholic Services’ CUP because Catholic Services provides appointment-based  
17 social services (like counseling, minor medical services) or offsite assistance.  
18 Because Catholic Services does not have a significant number of homeless and  
19 impoverished people visiting its site, the City has not made any effort to revoke its  
20 CUP.

21 399. On information and belief, 349 public service calls are attributed to  
22 Worthen Street from 2019 to mid-2024, with 2022 featuring the highest number of  
23 calls. The City has not blamed Catholic Services for these public service calls.

1 400. Additionally, if a responsible party uses property in a way that requires  
2 a CUP, the City does not immediately slam the door on continued use of the property.  
3 Rather, the City works with the responsible party to evaluate whether voluntary  
4 compliance is possible.

5 401. For example, when Sage Hills Church began improving 307 N Western  
6 Ave to use it as a parking lot without a permit, code enforcement informed  
7 stakeholders that it needed city approval on October 23, 2018. The City then allowed  
8 Sage Hills Church to submit a CUP application for its parking lot, but code  
9 enforcement noted that it would “reinstate [the] case if follow through is not  
10 completed.”

11 402. There are several nonprofit organizations in the City of Wenatchee that  
12 use real property to serve homeless or low-income populations.

13 403. Some of the nonprofits serving the homeless and impoverished  
14 populations have CUPs.

15 404. Many of the nonprofit organizations serving the homeless and  
16 impoverished populations—such as Wenatchee Rescue Mission, Columbia Valley  
17 Community Health, Chelan-Douglas Community Action Council, the Salvation  
18 Army, and Community for the Advancement of Family Education (CAFE)—make  
19 calls to the police or emergency medical responders for drug use, trespass, property  
20 destruction, or other problematic behavior on their property or in the immediate area.

21 405. The neighbors of these nonprofits periodically complain about the  
22 behavior of the people the nonprofits serve off of the nonprofit property. On  
23 information and belief, neighbors of the nonprofits sometimes complain to the City

1 about the behavior of homeless or impoverished people and attribute that behavior  
2 to the nonprofits.

3 406. At least one of these nonprofit organizations, Wenatchee Rescue  
4 Mission, has been informed by City staff that it was generating too many calls for  
5 service and neighbor complaints. On information and belief, the City notified  
6 Wenatchee Rescue Mission of these issues to enable the nonprofit to implement  
7 remedial measures.

8 407. Wenatchee Rescue Mission is over a mile from the Target Area and is  
9 outside the walkshed.

10 408. On information and belief, the City has not instituted any code  
11 enforcement action against any nonprofit serving homeless or impoverished people  
12 other than Lighthouse.

13 409. On information and belief, City staff did not inspect the property of  
14 other nonprofits from the public right-of-way to search for potential code violations  
15 following complaints about the homeless and impoverished people the nonprofits  
16 serve.

17 410. The City has not revoked the CUP of any other property owner based  
18 on trivial code violations.

19 411. The City does not hold other property owners and tenants responsible  
20 for the actions of guests off property. Nor does the City fault other property owners  
21 or tenants for making public service calls to exclude patrons, get medical help, or  
22 report crime.

23 412. Wenatchee is home to at least a dozen restaurants or bars that serve

1 alcohol. Patrons sometimes leave these establishments under the influence of alcohol  
2 and trigger calls for public service. The City does not hold these establishments  
3 responsible for the off-site actions of these patrons.

4 413. For example, as referenced above, Wally’s Tavern, also known as  
5 Wally’s House of Booze, is located at 322 South Wenatchee Avenue, less than a  
6 block away from the soup kitchen. From 2019 to 2024, there were 122 public service  
7 calls to Wally’s. From 2014 to 2018, there were 147 public service calls to Wally’s.  
8 But there is no way to tell what number of calls off of Wally’s property were  
9 attributable to patrons who had consumed alcohol at Wally’s. Indeed, the City  
10 doesn’t even try. It only faults Lighthouse for the off-property behavior of its guests.

11 414. There are several cannabis dispensaries in Wenatchee. On information  
12 and belief, the City does not hold the cannabis dispensaries responsible for the  
13 actions of their patrons that occur off property.

14 415. There are several nonprofits or businesses in Wenatchee that provide  
15 addiction treatment, recovery programs, and support groups. On information and  
16 belief, the City does not hold these nonprofits or businesses responsible for the  
17 behavior of their guests or clients off property.

18 416. Every other property owner or tenant—whether it be a nonprofit  
19 serving the homeless, a bar whose patrons spill out onto the street, or a business  
20 whose customers generate public service calls—has received an opportunity to fix  
21 nuisance or code issues. Only Lighthouse has not.

22 417. Furthermore, Lighthouse is its own comparator. It has two other  
23 properties that are completely separate from its soup kitchen property where it

1 provides transitional housing. One of those properties is the site of Lighthouse’s  
2 transitional housing program for men, Mission House. Mission House has a CUP  
3 and is located in Wenatchee.

4 418. Lighthouse has received complaints from neighbors related to the  
5 actions of Mission House residents, but Lighthouse responded to those complaints—  
6 just like it did for its soup kitchen property. And just like for Lighthouse’s soup  
7 kitchen, the main mechanism for holding Mission House residents accountable is  
8 excluding the residents from its housing program and services.

9 419. Lighthouse has called the police when its residents or other guests are  
10 being excluded from services at Mission House.

11 420. On information and belief, the City has not collected or evaluated the  
12 public service call data for the area surrounding Mission House.

13 421. On information and belief, the City has never instituted a code  
14 enforcement action concerning Mission House.

15 422. On information and belief, the City has never inspected Mission House  
16 for the purpose of identifying a code violation.

17 **XV. Lighthouse shut down its soup kitchen at great cost and lost valuable food**  
18 **contracts.**

19 423. Following a decision by the Wenatchee hearing examiner upholding the  
20 City’s revocation, Lighthouse shut down its soup kitchen.

21 424. In doing so, it gave away all its remaining food—perishable, frozen,  
22 and pantry items—to other service organizations or members of the community.

23

1 425. Lighthouse also sold or gave away much of its soup kitchen equipment  
2 to minimize its costs. For example, it sold one of its delivery trucks rather than allow  
3 the truck to sit idle in its parking lot while the nonprofit continued to pay for  
4 insurance.

5 426. Lighthouse no longer employs personnel devoted to its soup kitchen.  
6 The former soup kitchen employees have found or are seeking other positions.

7 427. Lighthouse currently pays approximately \$5,200 per month in carrying  
8 costs for items like insurance, maintenance, utilities, and security for the ownership  
9 of its building at 410 South Columbia Street.

10 428. Lighthouse had built direct relationships with food providers such as  
11 major grocery stores.

12 429. Ordinarily, these food providers distributed their excess food by giving  
13 it to the nonprofit Second Harvest, which in turn distributes it. Many of Lighthouse's  
14 food providers deal only with Second Harvest as a matter of administrative  
15 convenience.

16 430. Second Harvest has contractual relationships with food providers and  
17 community partners like Lighthouse that require it to be the exclusive distributor of  
18 food from providers to community partners. This one-distributor system ensures an  
19 orderly and fair distribution of donated food to community partners.

20 431. Lighthouse's direct relationships with various food providers were  
21 grandfathered in the sense that the providers themselves, Second Harvest, and  
22 Lighthouse all agreed that Lighthouse's preexisting relationships could operate  
23 outside of Second Harvest's distribution system. If Lighthouse failed to maintain its

1 preexisting relationships, however, it would lose those relationships, and it would be  
2 forced to the back of Second Harvest's line to receive donated food.

3 432. When Lighthouse was forced to close its soup kitchen due to the loss  
4 of its CUP, Lighthouse was forced to terminate its grandfathered relationships with  
5 food providers.

6 433. If Lighthouse is able to reopen its soup kitchen, it will have to buy all  
7 its food until it is eligible to receive food through Second Harvest.

8 434. Lighthouse may not be able to obtain food in the same quantities or  
9 with the same reliability from the general public market or Second Harvest as  
10 compared to the past.

11 435. Lighthouse has lost donations due to the shutdown of its soup kitchen,  
12 and now its budget is 35 to 40 percent of the number its board usually relies on.

13 436. As a 501(c)(3) charity with a specific mission, Lighthouse cannot use  
14 its soup kitchen for some profitable business purpose, even if Lighthouse had, which  
15 it does not, the desire, expertise, investment capital, and time to transform 410 South  
16 Columbia Street into a business.

17 437. The revocation gutted Lighthouse's ability to fulfill its mission of  
18 feeding the hungry. As other social service providers in Wenatchee have recognized,  
19 shutting down Lighthouse's soup kitchen has increased the need for food assistance  
20 in the Wenatchee community.

21 438. On information and belief, the food assistance resources in Wenatchee  
22 do not meet the need. More people are going hungry in Wenatchee because the City  
23 shut down Lighthouse's soup kitchen.

**INJURY TO PLAINTIFF**

1  
2 439. The City’s revocation of Lighthouse’s CUP for its soup kitchen  
3 deprived Lighthouse of a permanent, vested property right.

4 440. But for the CUP revocation, Lighthouse would not have shut down its  
5 soup kitchen.

6 441. But for the CUP revocation, Lighthouse would now be serving meals  
7 to the hungry.

8 442. But for the CUP revocation, Lighthouse would continue to serve as a  
9 day shelter in Wenatchee.

10 443. But for the CUP revocation, Lighthouse would still have valuable  
11 contracts with numerous local food vendors.

12 444. But for the CUP revocation, Lighthouse would not have experienced a  
13 reduction in donations.

14 445. But for the CUP revocation, Lighthouse’s soup kitchen would continue  
15 to act as a liaison for other services and treatments for the needy in the area.

16 446. But for the CUP revocation, Lighthouse would be able to put its  
17 renovated property at 410 South Columbia to its intended use.

18 447. But for the CUP revocation, Lighthouse’s soup kitchen would be a  
19 place for generous citizens of Wenatchee to help the needy by volunteering at the  
20 soup kitchen.

21 448. But for the CUP revocation, the homeless and needy in Wenatchee  
22 would have a dependable place for nutritious food and contacts with social service  
23 providers.

1 449. But for the CUP revocation, Lighthouse would not have to try to find  
2 other uses for 410 South Columbia.

3 450. But for the CUP revocation, Lighthouse would not face the loss of the  
4 value of its extensive property renovations.

5 451. But for the CUP revocation, Lighthouse would not have to continue to  
6 incur the time and expense of maintaining 410 South Columbia—insurance,  
7 security, upkeep, utilities—without being able to use the property to advance its  
8 mission of feeding the hungry.

9 452. But for the CUP revocation and the City’s gross misrepresentation of  
10 service call data, Lighthouse would not have suffered damage to its reputation  
11 among the public and its donors, and subjected its employees, including its former  
12 director, to extreme personal stress.

13 **CONSTITUTIONAL VIOLATIONS**

14 **Claim I, Substantive Due Process Violation**

15 **Via § 1983**

16 453. Lighthouse realleges and incorporates by reference the allegations in  
17 paragraphs 1 through 452. Although the Court previously dismissed Lighthouse’s  
18 substantive due process claim and did not grant Lighthouse leave to amend for this  
19 claim, Lighthouse keeps its allegations here, within the amended complaint, for  
20 preservation purposes and for ease of reference to a single complaint.

21 454. Under the Due Process Clause of the Fourteenth Amendment to the  
22 United States Constitution, the City of Wenatchee cannot deprive Lighthouse of  
23 “liberty, or property, without due process of law.”

1 455. Lighthouse has a liberty interest in operating a charitable,  
2 noncommercial soup kitchen to provide free meals to those in need.

3 456. Lighthouse has property interests in its CUP and in its fee simple  
4 ownership of 410 S Columbia St, Wenatchee, WA 98801-3032.

5 457. The Due Process Clause of the Fourteenth Amendment has a  
6 substantive component. Count I is a claim for substantive due process. It is not a  
7 claim for procedural due process.

8 458. By revoking the CUP, the City arbitrarily and irrationally deprived  
9 Lighthouse of its liberty interest in feeding the needy, of its vested property interest  
10 in its CUP, and of its property interest in using 410 S Columbia St, Wenatchee, WA  
11 98801-3032 as a soup kitchen for the needy.

12 459. For the violation of its federal substantive due process rights,  
13 Lighthouse is seeking compensatory and nominal damages, declaratory relief, and a  
14 permanent injunction.

15 **Claim II, Equal Protection Violation**

16 **Via § 1983**

17 460. Lighthouse realleges and incorporates by reference paragraphs 1  
18 through 452.

19 461. The Equal Protection Clause of the Fourteenth Amendment requires the  
20 government to treat similarly situated people or entities alike.

21 462. Lighthouse is similarly situated to other social service providers, to  
22 other CUP holders, and to other property owners and tenants that the City may  
23 perceive as having committed a code violation or having caused a nuisance.

1 463. As Lighthouse has detailed extensively above, particularly in  
2 paragraphs 363 through 422, the City treated Lighthouse differently from any other  
3 property owner or tenant.

4 464. The City has written and unwritten policies and practices for addressing  
5 violations of its zoning code, including violations of provisions of CUPs.

6 465. Those written and unwritten policies begin with the premise that the  
7 purpose of code enforcement, including compliance with CUP conditions, is to fix  
8 alleged problems so that lawful uses may continue.

9 466. Those written and unwritten policies pursue enforcement through an  
10 escalation model in which the City begins with notice of a problem and the  
11 opportunity to voluntarily correct any issue.

12 467. If notice and voluntary correction fail, the City may escalate to a notice  
13 of violation and commence proceedings before the code enforcement board.

14 468. The City follows this code enforcement model for property owners in  
15 general.

16 469. The City follows this code enforcement model for other CUP holders.

17 470. The City follows this code enforcement model for other social service  
18 organizations, including those that deal with low-income and homeless people.

19 471. In the past, the City has notified businesses that they have code  
20 violations. The City has not used code enforcement or CUP revocation to destroy  
21 those businesses.

22 472. In the past, the City has notified social service organizations dealing  
23 with the homeless that they are generating too many emergency services calls. The

1 City has not used code enforcement or CUP revocation to destroy those  
2 organizations.

3 473. The City's decision to treat Lighthouse differently was intentional. It  
4 deliberately deprived Lighthouse of the opportunity to cure any issue.

5 474. Mayor Poirier solicited private complaints about Lighthouse that then  
6 served as the predicate for enforcement rather than responding to organic complaints  
7 the way code enforcement normally works. On information and belief, Mayor  
8 Poirier has not spearheaded a campaign against any other property owner or tenant.

9 475. Other than in the case of Lighthouse, the City has never manipulated  
10 emergency service call data to portray a business or nonprofit as responsible for all  
11 emergency service calls in an area.

12 476. Other than in the case of Lighthouse, the City has never tried to shut a  
13 business or nonprofit down because of the behavior of grown adults off the property  
14 of the business or nonprofit. This includes establishments that sell alcohol or  
15 cannabis.

16 477. Other than in the case of Lighthouse, the City has never sent its  
17 employees to a business or nonprofit to observe the location from the public right of  
18 way to come up with trivial, technical infractions, like having a locked gate, and then  
19 used those infractions to justify shutting down the business or nonprofit.

20 478. Other than in the case of Lighthouse, the City has never portrayed a  
21 business or nonprofit as a nuisance, using manipulated and fabricated data, to justify  
22 shutting down that business or nonprofit.

23

1 479. Catholic Services is a particularly compelling comparator. Catholic  
2 Services holds a CUP with conditions nearly identical to Lighthouse’s—including  
3 the same nuisance compliance language. Yet the City has never analyzed public  
4 service call data around Catholic Services’ property or looked for code violations to  
5 use against it. The only material difference is who Catholic Services serves: it  
6 provides appointment-based counseling and medical services, not daily meals to the  
7 homeless on-site.

8 480. The City’s enforcement action was not a response to code violations  
9 but a means to an end that had already been decided—removal of homeless and  
10 impoverished from the Target Area. Indeed, the decision to eliminate Lighthouse  
11 predates any enforcement action and is evidenced by the former mayor’s written  
12 statement that the City had been trying to shut Lighthouse down. That statement  
13 reveals that the City’s objection was to the homeless and impoverished population  
14 Lighthouse served, not to Lighthouse’s conduct.

15 481. The sequence of events—the Master Plan walking tour in May 2023,  
16 the constituent email calling Lighthouse incompatible with redevelopment in June  
17 2023, the then-mayor’s response saying he’d been trying to shut Lighthouse down  
18 and expressing hostility to the homeless, Step 1 of the Master Plan being improving  
19 the Columbia Street Corridor, Mayor Poirier taking office and immediately meeting  
20 with business owners in early 2024, the initial analysis of service call data that  
21 revealed no substantial increase in calls correlated with Lighthouse’s operation at  
22 410 Columbia Street, the opening of a code enforcement case in October 2024  
23 without any normal code enforcement actions, City staff’s manipulation of service

1 call data after revocation to justify its decision to the hearing examiner—shows that  
2 the enforcement apparatus was activated in service of a predetermined outcome, not  
3 triggered by any observation of code violations.

4 482. The City’s revocation of Lighthouse’s CUP was motivated by animus  
5 to the homeless. Animus towards the homeless is not a legitimate government  
6 interest under *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 448 (1985)  
7 (“Private biases may be outside the reach of the law, but the law cannot, directly or  
8 indirectly, give them effect.”).

9 483. The violation of Lighthouse’s equal protection rights was caused by a  
10 City policy that violated Lighthouse’s constitutional rights. That policy was an effort  
11 led by Mayor Poirier and DeVries to shut Lighthouse down through a revocation  
12 proceeding that pretextually imposed a strict-liability regime on Lighthouse and  
13 Lighthouse alone.

14 484. For the violation of its federal equal protection rights, the Lighthouse  
15 soup kitchen is seeking compensatory and nominal damages, declaratory relief, and  
16 permanent injunctive relief.

17 **Count III, Takings Clause Violation**

18 **Via § 1983**

19 485. Lighthouse realleges and incorporates by reference paragraphs 1  
20 through 452.

21 486. The Fifth Amendment Takings Clause applies to the City via the  
22 Fourteenth Amendment.

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**A. The City took Lighthouse’s Property.**

487. Lighthouse asserts a Takings Clause violation under two alternative takings theories: (1) the City completely deprived Lighthouse of its vested property interest in its CUP by revoking the CUP and (2) the City completely destroyed Lighthouse’s existing investment-backed use of its property as a soup kitchen.

488. **First Theory:** Revoking Lighthouse’s CUP was a taking of its vested property right that runs with the land.

489. Under Washington law, a vested conditional use permit is stronger than the property right afforded to a nonconforming use. In being a vested property right running with the land that allows a specific use (operating as a soup kitchen), Lighthouse’s CUP is analogous to an easement that allows a specific use, such as utility lines, or to other forms of property that authorize a specific use, such as the right to mine coal.

490. In revoking the CUP, the City completely destroyed Lighthouse’s property interest in its CUP. The complete destruction of Lighthouse’s property interest is a taking.

491. If the City were to take an existing powerline easement for a walking trail for its Master Plan, the City would be condemning private property and would be required to pay just compensation. So, too, with Lighthouse’s CUP, which the City took out of animus to the homeless and low-income population Lighthouse served, whose presence in a specific redevelopment area the City viewed as inconsistent with its Master Plan.

1           492. **Second Theory:** Revoking Lighthouse’s CUP was a taking because it  
2 completely destroyed Lighthouse’s existing, investment-backed use of 410 South  
3 Columbia Street as a soup kitchen.

4           493. “*Pennsylvania Coal v. Mahon*, 260 U.S. 393 (1922), is the leading case  
5 for the proposition that a state statute that substantially furthers important public  
6 policies may so frustrate distinct investment-backed expectations as to amount to a  
7 ‘taking.’” *Penn Cent. Transp. Co. v. New York City*, 438 U.S. 104, 127 (1978).

8           494. In *Pennsylvania Coal*, “the claimant had sold the surface rights to  
9 particular parcels of property, but expressly reserved the right to remove the coal  
10 thereunder. A Pennsylvania statute, enacted after the transactions, forbade any  
11 mining of coal that caused the subsidence of any house, unless the house was the  
12 property of the owner of the underlying coal and was more than 150 feet from the  
13 improved property of another. Because the statute made it commercially  
14 impracticable to mine the coal . . . and thus had nearly the same effect as the complete  
15 destruction of rights claimant had reserved from the owners of the surface land . . .  
16 the Court held that the statute was invalid as effecting a ‘taking’ without just  
17 compensation.” *Penn Central*, 438 U.S. at 127–28.

18           495. In *Penn Central* itself, by contrast, the designation of the Grand Central  
19 Station terminal as a historical landmark, which prohibited construction of an office  
20 tower in the airspace above the terminal, was not a taking because it prohibited only  
21 future activity and did not interfere with existing operation of the terminal.

22           496. The revocation of the CUP is equivalent to the destruction of the right  
23 to conduct residual mining operations in *Mahon*. The prohibition on further mining

1 did not destroy all economic value of the land. The Supreme Court did not measure  
2 the effect of the prohibition that way. Instead, the Supreme Court focused on the  
3 destruction of the right of a coal mine to continue mining. Here, the City destroyed  
4 an ongoing use with significant investment-backed expectations to the extent that no  
5 soup kitchen operations can be carried on, just as in *Mahon* no further coal extraction  
6 could occur.

7 497. The City destroyed Lighthouse's ability to carry on its investment-  
8 backed use to eliminate the presence of the homeless in a specific redevelopment  
9 area because the City viewed the presence of homeless in the area as inconsistent  
10 with its Master Plan.

11 **B. The City's taking of Lighthouse's property violates the Takings Clause.**

12 498. The City violated the Takings Clause because it did not take  
13 Lighthouse's property for a public use.

14 499. Taking Lighthouse's CUP to eliminate a lawfully operating soup  
15 kitchen because the City wants to reduce the homeless population in a particular area  
16 is not a public use.

17 500. Taking Lighthouse's CUP out of hostility to the homeless population  
18 that the soup kitchen served is unconstitutional and does not serve a public use.

19 501. Alternatively, to the extent taking Lighthouse's CUP serves some  
20 public use like advancing the City's redevelopment goals, the City must pay  
21 Lighthouse just compensation.

22 502. The violation of Lighthouse's rights under the Takings Clause was  
23 caused by a City policy that violated Lighthouse's constitutional rights. That policy

1 resulted from the decision by Mayor Poirier and DeVries to revoke Lighthouse's  
2 CUP and thereby destroy its property interest to reduce the homeless population in  
3 a specific area that the City is targeting for redevelopment.

4 **C. The City's nuisance-abatement defense fails**

5 503. The City didn't revoke the CUP to halt a nuisance. The City revoked  
6 Lighthouse's CUP out of animus to the homeless and low-income population  
7 Lighthouse served, whose presence in a specific redevelopment area the City viewed  
8 as inconsistent with its Master Plan.

9 504. Lighthouse's lawful operation of its soup kitchen was not a nuisance.

10 505. Lighthouse did not operate its soup kitchen in a way that maintained or  
11 permitted a public nuisance as a matter of Washington state law and City ordinances.

12 506. All allegations that Lighthouse caused a nuisance concerned either  
13 behavior by third parties or Lighthouse's obligation to call the police when it  
14 observed illegal or anti-social behavior by its guests or other third parties.

15 507. Lighthouse could not prevent illegal activity by its guests on or off of  
16 its property. At most, Lighthouse could exclude guests who it knew committed  
17 illegal or unsocial acts and could call the police to report such behavior.

18 508. Lighthouse took reasonable steps to eliminate illegal and anti-social  
19 behavior of its guests both on and off of its property.

20 509. Lighthouse staff did not consent to any illegal or unsocial behavior by  
21 its guests on or off of its property.

22 510. Lighthouse staff exercised reasonable care to prevent nuisance behavior  
23 by third parties, including its guests. Indeed, Lighthouse went above and beyond to

1 mitigate the neighborhood impacts of third-party nuisance behavior by regularly  
2 cleaning up trash and graffiti in the surrounding area when it had no indication that  
3 its guests were responsible.

4 511. Nuisance law—as defined by both Washington law and the City  
5 Code—did not allow closure of Lighthouse’s soup kitchen for its lawful service of  
6 food and social support to the homeless. A nuisance abatement order can only  
7 mandate the closure of a lawful business or nonprofit if that entity is unable to be  
8 operated in a manner that will not cause a nuisance.

9 512. Lighthouse maintains that it did not operate its soup kitchen in a way  
10 that allowed nuisance activity. But even assuming the City’s public nuisance  
11 allegations had some merit, the City’s revocation of Lighthouse’s CUP went far  
12 beyond what the City could have done under its power to abate nuisances that affect  
13 the public generally.

14 513. That conclusion is underscored by the fact that the City made no effort  
15 to evaluate whether Lighthouse’s soup kitchen could be operated in a way that would  
16 not cause a nuisance. Municipal power is limited to abating the nuisance, not  
17 terminating existing and lawful property uses.

18 514. For the violation of its rights under the Takings Clause of the Fifth  
19 Amendment, Lighthouse is seeking just compensation, declaratory relief, and  
20 permanent injunctive relief.

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**PRAYER FOR RELIEF**

- A. For an award of compensatory or nominal damages due to the violation of Lighthouse’s constitutional rights;
- B. For a judgment declaring that the City violated Lighthouse’s constitutional rights;
- C. For a permanent injunction prohibiting the City from enforcing its unlawful revocation of Lighthouse’s CUP;
- D. For an award of reasonable attorneys’ fees and costs;
- E. For an award of just compensation, in the alternative; and
- F. Such other relief as this Court deems appropriate.

1 Dated: May 21, 2026

Respectfully submitted,

2  
3 /s/ Riley Grace Borden

Riley Grace Borden

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 21, 2026, I electronically filed the foregoing document with the Clerk of this Court using CM/ECF, causing a copy to be served on all counsel of record via Notice of Electronic Filing.

/s/ Riley Grace Borden  
Riley Grace Borden