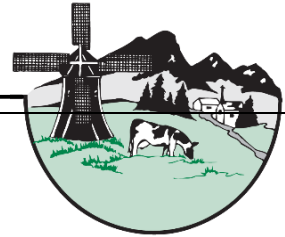
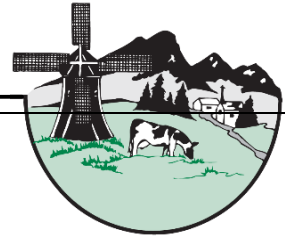


CDC Meeting Date:	February 22, 2023	
Name of Agenda Item:	Update on Ord 1654 – Community Residential Facilities and Short-Term Rentals	
Section of Agenda:	Discussion	
Next Steps Proposed by Staff:		Legal Review:
<input type="checkbox"/> Staff revisions	<input type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Completed
<input type="checkbox"/> Return to CDC	<input type="checkbox"/> Other Committees	<input type="checkbox"/> Recommended
<input checked="" type="checkbox"/> Schedule for full Council	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Not Required
Attachments:		
Draft of Ord 1654 with CDC recommended edits to Short-Term Rental Provisions		
Summary Statement:		
<p>The Department of Commerce (DOC) and the City's legal counsel have completed their review of proposed Ord 1654 which addresses community residential facilities. Legal edits have been made throughout to provide consistency throughout the document and to match State code when appropriate. The DOC, having worked with City staff on earlier drafts, did not have formal comments on the submittal.</p> <p>Note that attached draft has been updated since the Planning Commission recommendation as, more recently the CDC has discussed with staff, the provisions for home occupation permits and short-term rentals (STRs). These issues are aspects of Ord 1654 as they relate to atypical residential uses and because existing provisions were displaced from LMC 19.49 to LMC 19.57.</p> <p>The CDC asked that staff revise the provisions for STRs to be more stringent and thereby reduce the potential of vacation rentals pulling units from the City's housing stock and also striving to maintain the character of the City's residential neighborhoods. Additionally, at the request of CDC, staff has developed 15 specific criteria for approval that can be applied administratively through the Home Occupation Permit process and used as a punch list for site inspections prior to opening. These draft criteria include the following:</p> <ol style="list-style-type: none"> 1. STRs located in residential zones are not permitted to offer lodging to more than one guest group at a time. B&B establishments or STRs in commercial zones that offer three or more lodging units to travelers and transient guests for periods of less than 30 days shall be considered transient accommodations and will be subject to regulation of RCW 70.62. 2. In residential zones, the operator of a B&B or a STR must reside on the premises. 3. No other business, service or commercial activity beyond lodging may be conducted on the premises. For B&B establishments, only morning food service may be offered, and no meals may be served to the general public. 		



4. A B&B or STR shall appear as any other single-family residence within the surrounding area.
5. One flat, unlighted sign, not exceeding 16 square feet mounted flush against the building is permitted. In addition, B&B's may utilize a single monument sign if it meets the requirements for monument signs within Chapter 19.33.
6. If an establishment has a separate entrance for B&B or STR guests, it must not be obvious from the street so as not to detract from the primary entrance of the home. All entrances must be lit to ensure pedestrian safety.
7. The property's address numerals must be obviously displayed and mounted in an illuminated area so as to assist guests and emergency responders in locating the property.
8. The establishment shall meet all requirements for off-street parking related to any residential use as well as guest parking. Because lodging creates more activity and potentially larger parking areas than a typical residential home, the establishment may be required to mitigate impacts of parking areas. This could be accomplished with enhancements such as landscaping, decorative or privacy fencing, pergola structures, or attractive paving patterns.
9. Outdoor activity areas such as grills, fire pits, hot tubs, or playground equipment that are available for guest use must be screened from neighboring properties. This may be accomplished using landscape, fencing, screening or by using on site structures.
10. Prior to hosting guests, the establishment is subject to an inspection to ensure that it complies with local fire and building codes and any other precautions deemed necessary by the City Fire Chief or Building Inspector, including, but not limited to adequate exits as required by the Uniform Building Codes, fire and carbon monoxide alarm systems, and the presence of fire extinguishers as appropriate.
11. A land line telephone or free wi-fi shall be available for occupant use with emergency numbers and the address of the establishment posted in an obvious location.
12. Quiet hours that, at a minimum, include the time between 10pm and 7am, must be prominently displayed within guest accommodations.
13. Proprietors of a B&B or STR shall follow applicable health regulations of the Whatcom County Department of Health and Washington State regulations and may need to demonstrate compliance.
14. A business license filed through the State's Department of Revenue is required and must remain active as long as the establishment is hosting guests.
15. If an annual re-inspection is deemed necessary by the Fire Chief, the Building Official, or the Planning or Public Works Director to ensure compliance with the conditions of the Home Occupation Permit, an inspection fee, in an amount set by resolution of the Lynden City Council, shall be billed to the establishment. Re-inspection fees may apply if needed to achieve compliance.



Ord 1654 is slated to go to public hearing before the City Council on March 6. The moratorium on Community Residential Facilities expires March 15. Staff recommends to the Community Development Committee that this timeline be considered carefully and an extension of the moratorium be requested if additional review and edits to the ordinance are anticipated.

Recommended Action:

Review and provide feedback regarding the ordinance in general, the criteria for STR approval, edits to the Home Occupation Permit process, and the timeline for approval in light of the moratorium.