



**COMMUNITY DEVELOPMENT COMMITTEE
and
SPECIAL (Non-quorum) PLANNING COMMISSION MEETING**

MINUTES

4:00 PM November 16, 2022

Police Department Training Room – Lynden Police Department

1. ROLL CALL

City Council: Gary Bode, Brent Lenssen, Nick Laninga, Mayor Scott Korthuis
Kyle Strengtholt – absent

Planning Commission: Blair Scott, Hollie Lyons, Khush Brar

Staff: Dave Timmer, Heidi Gudde, John Williams

2. APPROVAL OF MINUTES

- a. Community Development Committee Meeting Minutes of 9/28/22. No decision made on Minutes approval as Councilor Strengtholt is not present.

3. DISCUSSION ITEMS – Community Residential Facilities – Draft Ordinance 1654

Councilor Lenssen read a prepared statement as introduction to the discussion. The statement explained the work that has gone into the drafting of this Ordinance and the previous temporary ordinances. Furthermore, it explained that the City has received a legal challenge to some of the previous wording regarding distancing regulations on recovery housing. It was found that this type of housing is federally protected by the Fair Housing Act. As such the new draft ordinance is not including that type of housing in its regulations.

Director Gudde welcomed the Planning Commission members, and explained the basics of the new draft Ordinance, including the table (proposed LMC 19.49.030) which defines the various categories of CRFs which are being regulated by this Ordinance. Notice this does not include recovery housing. Also, these are not government run facilities – in practice, in Lynden, these facilities tend to be privately, or non-profit managed and operated. The regulations associated with each of these are careful to take into account that there are currently several CRF facilities already actively operating in the City. We do not want these regulations to render them out of compliance, or not able to continue their use. Furthermore, the Ordinance creates a registry so that the

City is knowledgeable of their location, purpose, and if there are any specific unique characteristics associated with the property (privacy concerns, medical equipment, resident mobility issues, etc).

With this Ordinance, staff is recognizing a need for these types of facilities in the city and attempting to balance gov't involvement (mostly by the registry and distancing regulations where applicable), and legal requirements, with private, non-profit, and religious endeavors to meet this need. Staff is requesting feedback on the ordinance as presented. It will come to the Planning Commission in a public hearing in December and to the City Council, for adoption, in March of 2023.

Committee / Public Discussion

Discussion did not revolve around the Ordinance, or its proposed regulations, as was presented. PC members, and the public, had several questions and concerns about this issue – for the most part, about recovery residences which this Ordinance does not address. In general, they felt that the City was being forced by the state to provide housing for these people and to create this ordinance. Questions and statements included:

- Would a church that housed flood victims during last year's flood now need a permit from the City to do that?
- Will the State force Lynden to take care of disaster victims from other places? Will they bus homeless people to Lynden?
- Expressions of trepidation regarding the type of people that would be housed in these facilities. Drug addicts, criminals, and murderers?
- Can the City allow some but then place a limit on the number of these facilities so they don't end up on every corner?
- Can the City decide to break Federal and State laws on this issue?
- Who is going to be held accountable when something goes wrong at one of these houses? When a Fisher student finds a fentanyl needle?
- Is the City gearing up to hire more police officers because of these houses?

In conclusion, Director Gudde asked for feedback regarding the notification requirements as are detailed in the Ordinance. Should these CRFs have to notify the neighbors of their existence? The consensus from the Committee was that they should notify the neighbors.

Councilor Lenssen then described the upcoming schedule for additional review and eventual adoption of this Ordinance.

Dec 1 – Public Safety Committee

Dec 15 – Planning Commission hearing, after which it will be sent to the Dept of Commerce for their 60-day review.

March 5 – City Council adoption

Meeting adjourned at 5:45pm.

Next Meeting Date: December 20, 2022