

CITY OF LYNDEN

PLANNING DEPARTMENT
Heidi Gudde, Planning Director
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PLANNING COMMISSION MEETING

7:00 PM December 15, 2022
Lynden City Hall Annex

1. CALL TO ORDER

2. ROLL CALL

Present: Tim Faber, Blair Scott, Bryan Korthuis Jim Kaemingk, Hollie Lyons, and Darren Johnson.

Absent: Khush Brar.

Staff Present: Gudde, Planning Director, Timmer, City Planner, Samec, City Planner

3. APPROVAL OF MINUTES

A. November 17, 2022, Scott / Korthuis 2nd 6-0

4. PUBLIC HEARING

A. **Draft Ord 1654 – Amending LMC 17 and 19 regarding Community Residential Facilities, Conditional Use Permits, Home Occupation Permits, and Short-Term Rentals**

Gudde summarized Draft Ordinance 1654 as well as a flier regarding Community Residential Facilities.

E2SHB 1220 – A city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed.

The bill addresses different types of housing. Emergency housing, Transitional housing, Permanent supportive housing.

At present time, the City does not have code to really address these types of housing. Ordinance 1654 proposes to create a framework by which the City has a better understanding of how many residential facilities are within the City and what sort of services they are offered to the community. The City will be creating a registry of facilities so that the community and emergency services are aware of the presence and the potential for additional support services. Lynden will also be working with other cities in Whatcom County to understand the need and availability for supportive housing and associated services. The proposed Ordinance also proposes to maintain a 500 foot buffer around K-12 educational uses in the City and a 300 foot spacing between facilities. This is meant to protect

Homelessness and housing affordability are issues challenging both urban and rural communities throughout the State of Washington. The U.S. Department of Housing and Urban Development (HUD) has reported that the State has seen a 6.2% rise in homelessness between 2019 and 2020. Sadly, the 2020 Annual Homeless Assessment Report indicated a 20% increase in family homelessness in this same time period. This issue has risen to crisis levels in some communities and the State of Washington has responded on multiple fronts.

In May of 2021 House Bill 1220 was passed as a means of motivating cities to actively address support services for homelessness. Specifically, it prohibits municipalities from using zoning code to create barriers to the establishment of community residential facilities such as indoor emergency housing, transitional and permanent supportive housing. Although House Bill 1220 reduces a city's ability to regulate the location of these facilities, it also states that reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance to protect health and safety for both facility residents and the broader community.

In support of creative housing solutions as cooperative or boarding houses, the State has also prohibited cities from defining the character of a household, that is, how many unrelated adults were considered a "family". Traditionally this number has been limited to 5 or 6 unrelated adults living in a single dwelling unit.

Draft Ordinance 1654 responds to the State's legislation and strives to establish reasonable standards for the safe operation and appropriate siting of housing facilities within the City of Lynden. Collectively these are called "Community Residential Facilities" (CRF) in the draft ordinance. Beyond the housing types the State has asked the City to address, this ordinance includes other facilities such as group housing and adult care facilities so that it acts as a comprehensive reference for community residential facilities within the City.

The new code language would be assigned to LMC 19.49. Subsequently the existing contents of LMC 19.49 are proposed to shift to be combined with the contents of LMC 19.57. As part of the amendment some updates and additions have also been proposed and are located in the Commissioners packages.

The following is a list of different types of Community Residential Facilities addressed by the proposed ordinance.

19.49.030 Community Residential Facilities Established: Their classifications, Demographic served, Maximum scale of facility, Permitted zoning and Applicable Codes:

Supportive Housing Adult Family Home

- Persons in need of permanent housing providing personal care and room and board who were experiencing homelessness or were at imminent risk of homelessness.
- Six (6) individuals, up to eight (8) with special approval
- All zoning categories permitting residential dwelling units
- LMC 19.49.050, RCW 35A.21.430 and 70.128

- No spacing requirements

Emergency Housing, Indoor; Emergency Shelter

- Individuals or families requiring shelter due to disaster, homelessness or imminent risk of homelessness.
- Small scale facility: six (6) beds. Large scale facility: up to 80 beds.
- HBD, CSL, CSR, and evacuation centers identified in the Whatcom County Natural Hazards Mitigation Plan.
- LMC 19.49.060, RCW 35A.21.430, 43.185C
- Spacing: Unless listed in the Whatcom County Hazards Mitigation Plan a subject EHIF shall not be located within 500 feet of a Community School or within 300 feet of another approved CRF.

Emergency Housing, Outdoor

- Individuals or families requiring shelter due to disaster during an official City of Lynden State of Emergency.
- 200 beds
- Facilities identified as emergency service locations and evacuation centers in the Whatcom County Natural Hazards Mitigation Plan.
- LMC 19.49.070, RCW 35A.21.430, 43.185C
- EHOFS may only be sited on locations identified in the Whatcom County Natural Hazards Mitigation Plan as evacuation centers or emergency services locations

Permanent Supportive Housing Group Homes

- Persons in need of permanent housing in a cooperative environment who were experiencing homelessness or were at imminent risk of homelessness.
- Six (6) individuals in facilities located in SF or RMD zoning categories. All zoning categories permitting hotels and residential dwelling units including SF and RMD categories
- Twelve (12) individuals in all other zoning categories where permitted. All zoning categories permitting hotels and all residential dwelling units except SF and RMD categories.
- LMC 19.49.080, RCW 35A.21.430.
- Spacing. A subject SHGH shall not be located within 500 feet of a Community School or within 300 feet of another approved CRF

Residential Reentry Facilities

- Individuals exiting the adult or juvenile correctional system or under court supervision.
- Three (3) beds. All zoning categories permitting residential dwelling units or hotels.
- Twelve (12) beds. Conditional Use in RM-3, RM-4 and all zones permitting hotels.
- LMC 19.49.090, RCW 35A.21.430.
- Spacing Shall not be located within 500 feet of a Community School or within 300 feet of another approved CRF.

Transitional Housing Facilities

- Persons experiencing homelessness or at imminent risk of homelessness in need of assistance transitioning into independent living and permanent housing.
- Six (6) individuals. All zoning categories permitting residential dwelling units or hotels.
- Thirty (30) individuals. Conditional Use in RM-3, RM-4 and all zoning categories permitting hotels.
- LMC 19.49.100, RCW 35A.21.430.
- Spacing: A subject THF shall not be located within 500 feet of a Community School or within 300 feet of another approved CRF.

Ord 1654 establishes buffers around certain types of CRFs from schools and other CRFs. SHGHs, Reentry Facilities.

Commissioner comments and questions:

Chair Faber gives overview of the hearing, and ground rules for audience participation.

Questions or Comments from the Public:

- Cynthia Sue, 7602 Guide Meridian – concerned about divisiveness about this situation. Please keep people safe.
- Nathan Libolt, 405 N 17th St. Recommend approval as written. Thank you for the hard work, recognizes the need. Appreciates the common sense approach of this document.
- Doris, no address given. Has a hard time with this meeting. Feels the city is being forced and cajoled into providing these types of housing. There is a drug and homelessness problem in this country.
- Bev Sterk. 405 Bluebell Drive. Appreciates the research and clarification put into this ordinance. We can do both (keep kids safe, and provide a housing need) as a

community – one where everyone can flourish. It takes a village. Our religious beliefs compel us to act. The marginalized can be served. Encourage the commission to look at the types of housing individually.

- Miles Davis, 1715 Judson St. Look closely at the definitions associated with the types of housing. Understands the concern, and the efforts to provide safety. Appreciates the Ordinance and the guidance it provides at this time. It can be adjusted.

Gudde: Besides the CRFs and how they are regulated. In the code, this chapter will fit into 19.49. which already exists. So, we shifted that chapter (Conditional Use Permits) to a new section. Also, Short term rentals, which had been regulated as Bed and Breakfast establishments, changes it to a Home Occupation Permit situation. Still requires review, and notification. It does not automatically require a public hearing, unless one is requested by the neighbors.

Faber asked the audience if anyone would like to speak on these issues. No one came forward with additional comments or questions.

Scott motioned to close the public portion of the hearing. Seconded by Korthuis and the motion passed 6-0.

Commission reviewed the package and the specific code sections.

Definitions: 17.01 – Appreciate the section of definitions. The terms are often interchangeable so can be difficult to wrap head around them.

19.15 – No comment

19.17 – No comment

19.18 – No comment

19.23 – Faber states the “Large Scale” facilities are conditional use permits. How do we accommodate emergency housing asap if needed? Gudde states the large scale facilities that are identified in the Whatcom County Hazard Plan do not need a CUP.

LMC 19.49 – Notice definitions are also included here, is that necessary? Can be. In this case, it is probably nice to have those listed here as well. Rather than having to search back in Chapter 17 for them.

Can we include or reword a definition for Short Term Rentals / Bed and Breakfast. LMC 19.57.300 states purpose but may rather be a definition of those things.

LMC 17.01.030 update to the definition of Bed and Breakfast to be 30 days to be consistent with 19.57.30.

No more questions or comments.

Korthuis made a motion to recommend the approval of Ordinance 1654 regarding Community Residential Facilities, Conditional Use Permits, Home Occupation Permits, and Short-Term Rentals as written with the additional condition:

- **LMC 17.01.030 update to the definition of Bed and Breakfast to be 30 days rather than 2 weeks to be consistent with 19.57.300.**

Seconded by Kaemingk and the motion passed 6-0.

5. ADJOURNMENT

Motion to adjourn by Korthuis at 8:15 pm. Seconded by Kaemingk 6-0.