

**LYNNWOOD
CITY COUNCIL
Work Session**

**Date: Monday, July 30, 2018
Time: 7:00 PM
Place: City Hall Council Chambers**

- 7:00 PM **A** Amendments to LMC Regarding Homeless Housing
- 7:45 PM **B** Discuss Formation of Task Force for a Youth Council
- 8:05 PM **C** Break
- 8:15 PM **D** Executive Session, if needed
- 8:20 PM **E** Council President and Council Comments
- 8:25 PM **F** Mayor Comments and Questions
- Adjourn

Memorandums for Future Agenda Items:

Memorandums for Your Information:

Contact: Executive Office (425) 670-5001

CITY COUNCIL ITEM A

CITY OF LYNNWOOD Community Development

TITLE: Amendments to LMC Regarding Homeless Housing

DEPARTMENT CONTACT: Paul Krauss

SUMMARY:

Lynnwood as with most other communities has an increasing number of people who are homeless. Their situations can be short or long term and be due to a variety of causes. Temporary encampments or shelters are not a long-term solution but can help to address the crisis and hopefully give some people a start on a path back to stability.

The term tent cities has been in use for a long time but in fact there are a variety of types of housing and situations. These are organized and structured encampments often housed on the grounds of religious institutions and provided with varied levels of support. They have access to facilities such as bathrooms and cooking. They are distinctly different than the haphazard camps that are found under highway interchanges and the like.

Religious institutions agreeing to host homeless housing are generally protected in their right to do so if they believe that meeting the needs of the homeless is an act of faith. As a result, ordinances dealing with temporary homeless housing are somewhat unique, relying more on cooperation with the City and neighbors than on the use of the Cities authority to impose regulations.

Lynnwood, as with most cities in the region, adopted what was referred to as a “tent city” ordinance in 2008. However, until recently none were ever located in the City. A very small encampment was allowed to locate at Good Shepard Baptist Church several years ago. This was designed to provide housing for homeless students attending EdCC who are working to rebuild their lives.

The proposed ordinance amendment was developed to address three distinct purposes:

- The first is to allow the use of small portable structures as an alternative to tents in temporary tent encampments. Tents are not ideal shelters for this purpose. They are small, have proven difficult to keep warm and collapse in the snow. Additional standards have been proposed to make the structures as safe and livable as possible while acknowledging that they will not conform with all standard building codes.
- The second goal is offer flexibility to locate extreme weather housing for the homeless in buildings that do not full comply with all current codes. This problem has arisen with the cold weather shelter when churches willing to house it found they were unable to do so since the cost of upgrading their building to current codes was impractical. The State passed an WAC 51-16-030 Exemptions for Indigent Housing, that encouraged communities to provide exceptions on the basis that it is safer to have people sleeping indoors in buildings that are reasonably safe but don't meet all codes, than having them sleep outside.
- The final goal is to reaffirm that any proposals to build permanent housing for homeless or low income people must be built to all current codes.

The conceptual code amendment was discussed at a Council Work Session and referred to the Planning Commission for consideration. The Commission provided input but asked that additional input and recommendation be sought from the City's Human Services Commission. This was done at their April meeting and the HSC unanimously recommended that the ordinance be approved.

During the process of taking the ordinance before the Council and both Commissions, revisions were included to address the concerns that were raised.

- A purpose section was added.
- Time limits of 120 days are proposed to be automatically renewed as long as the operation is conducted in a manner consistent with the agreement was established for tent encampments.
- A six month limit was established for indoor temporary homeless housing to insure that permanent housing situations will need to meet all current building and fire codes.
- Additional standards for temporary encampments and housing were drafted to better describe the City's expectations with regards to minimum conditions and design.

The Planning Commission held a public hearing on April 26th and ultimately recommended that the Council approve the ordinance on a 4/1 vote.

The Council discussed the draft ordinance at a work session in July. Several additional questions were raised. The Mayor convened an internal committee including the three members of the Council, Lynnwood Police and Community Development. An approach termed "Compassion with Boundaries" was discussed and is being offered as the philosophy to guide future actions with regards to homelessness and similar issues. The current draft of the ordinance embodies this philosophy in the Intent Section. Other revisions include redefining temporary indoor shelters as "extreme weather shelters" to provide more clarity as to the intent. Additional clarification was added to better define the sponsoring agency as a religious or tax exempt institution and their responsibilities to the City and surrounding community.

The City was aware that the Cold Weather Shelter needed to relocate from the Edmond's Senior Center to a new location for the coming winter. We just learned that a church in Lynnwood is willing to host it but this likely requires the flexibility with regards to building codes contained in this ordinance.

DOCUMENT ATTACHMENTS

Description:

[Revised Draft Ordinance](#)

Type:

Backup Material

1 Chapter 21.74

2 TEMPORARY TENT ENCAMPMENTS, TEMPORARY HOMELESS SHELTERS AND EXEMPTIONS
3 FOR INDIGENT HOUSING

4 Sections:

5 **21.74.005 Purpose.** 

6 The City of Lynnwood strives to balance working to provide solutions to homelessness with
7 meeting our vision for being a safe and welcoming community. This approach is defined as
8 “compassion with boundaries”. These regulations are established to as part of the City’s efforts
9 to protect our citizens through compassionate enforcement of city laws and codes, and hold
10 people accountable for their actions and inactions, with specific expectations, so that our
11 citizens, employees, and guests are safe and feel welcome in our City.

12 **21.74.010 Regulations established**

13 Regulations concerning the establishment and processing of applications for temporary tent
14 encampments, extreme weather shelters and indigent housing (per WAC 51-16-030) in the city
15 are hereby established. Establishing such facilities contrary to the provisions of this chapter is
16 prohibited. Temporary use permits shall be required for temporary tent encampments and
17 extreme weather shelters located in the City.. If a temporary tent encampment or extreme
18 weather shelter is established in violation of this chapter or if, after temporary use permit is
19 issued for the same, the director of community development determines that the permit holder
20 has violated this chapter or any condition of the permit, the temporary tent encampment, its
21 sponsor and managing agency shall be subject to code enforcement and all activities associated
22 with the temporary tent encampment shall cease, and the site shall be vacated and restored to
23 its pre-encampment conditions. (Ord. 2731 § 1, 2008)

24 **21.74.020 Definitions.** 

25 The following definitions apply to temporary tent encampments:

26 : 1. “ Outdoor encampment” means a short-term (up to six months per calendar year) residence
27 facility for a group of people that is composed of tents or other temporary structures on a site
28 provided or arranged for by a sponsor with services provided by a sponsor and supervised by a
29 managing agency.

30 :2 Extreme Weather Shelters are facilities intended to house homeless persons for specific
31 intermittent situations such as cold or hot weather. The shelter would be in operation during
32 for the duration of the period that extreme weather situation persists, ,. Homeless housing

33 intended for longer term use will be processed under LMC sections applicable to multiple family
34 housing.

35 :3 Indigent housing is housing defined under WAC 51-16-030 and thereby allowed some
36 exemptions to standard Building and Fire Codes as explained later in this Chapter. Both
37 Temporary Tent Encampments and Temporary Homeless Shelters meet the definition of
38 indigent housing.

39 . 4 “Managing agency” means an organization identified as the manager of a temporary tent
40 encampment or extreme weather shelter that has the capacity to organize and manage a
41 outdoor encampment. A “managing agency” may be the same entity as the sponsor.

42 5. “Sponsor” means a religious congregation or an organization (1) that is recognized by the
43 Internal Revenue Service as exempt from federal income taxes and has as its purpose provision
44 of housing for the homeless or as a religious organization, that expresses its religious mission, in
45 part, by organizing living accommodations for the homeless; and which owns the property on
46 which the temporary housing will be located. The sponsoring organization shall be responsible
47 for insuring that the facility complies with the requirements of this chapter.

48 6 “Director” means the community development director. (Ord. 2731 § 1, 2008)

49 7. “Long Term and Transitional Housing for Homeless Persons” Is subject to all provisions of the
50 City Zoning and Building Codes and shall not be regulated under this Chapter.

51 **21.74.030 Requirements.** 

52 The following requirements shall apply to all outdoor encampments and extreme weather
53 shelters approved under this chapter, unless modified by the director through approval of a
54 temporary use permit:

55 A:1. Outdoor encampments may be permitted on the grounds of any religious institution shall
56 be located a minimum of 20 feet from the property line of abutting properties containing
57 commercial, industrial, professional office, and multifamily residential uses. The encampment
58 shall be located a minimum of 40 feet from the property line of abutting properties containing
59 single-family residential or public recreational uses, unless the director finds that a reduced
60 buffer width will provide adequate separation between the encampment and adjoining uses,
61 due to changes in elevation, landscaping, intervening buildings or other physical characteristics
62 of the site of the encampment.

63 A:2 Extreme weather shelters may be permitted in non-residential Zoning districts and in
64 religious institutions in residential Zoning districts.

65 B. No outdoor encampment shall be located within a critical area or its buffer as defined by
66 Chapter [17.10](#) LMC.

67 C. Outdoor Encampments:

- 68 • Shall be provided with six-foot-tall sight-obscuring fencing that is lockable for security
69 The fencing shall not create a sight obstruction at the street or street intersections or
70 curbs as determined by the city engineer, unless the director determines that there is
71 sufficient vegetation, topographic variation, or other site condition such that fencing
72 would not be needed.
- 73 • Shall have a minimum separation of 6' between other structures including tents
- 74 • Shall be provided with a serviced portable toilet unless provisions to use facilities in
75 adjacent buildings are arranged
- 76 • Shall be provided with a portable shower or bathing facility unless other arrangements
77 acceptable to the City are provided
- 78 • Common cooking facilities shall be provided unless other arrangements acceptable to
79 the City are provided
- 80 • "Permanent" power supply to the encampment is required although properly permitted
81 and installed construction site type electrical boxes are acceptable
- 82 • If a structure is used instead of a tent it shall have a door and at least one egress
83 window plus a smoke detector.
- 84 • Only wired electrical heating is allowed in housing units.
- 85 • . Exterior lighting must be directed downward and glare contained within the temporary
86 tent encampment.
- 87 • **Tents over 300 square feet in size and canopies in excess of 400 square feet shall utilize**
88 **flame retardant materials.**

89 Duration; The outdoor encampment may be granted automatic consecutive permit so long as it
90 is maintained in a manner consistent with the requirements of this Chapter.D Extreme Weather
91 Shelters:

92 Shelters placed within existing buildings meeting current state and local life/safety codes for
93 the type of occupancy are permitted. Shelters in buildings not meeting current codes shall be
94 allowed in accordance with the following standards.:

- 95 • The facility shall provide bathroom facilities sized for the demand.
- 96 • Smoke and Carbon Dioxide alarms (at a minimum battery powered units are acceptable.
- 97 shall be provided in each room used for sleeping accommodations.
- 98 • Sleeping areas will be provided with at least two means of egress
- 99 • The sponsoring organization shall insure that a “fire watch” of awake and capable adults
- 100 shall be provided and trained in how to call in emergency services

101 The sponsor or managing agency shall provide the City with information on what conditions
102 will cause the shelter to open (i.e. weather extremes)

103

104 E. The maximum number of residents at a outdoor encampment or at an extreme weather
105 shelter shall be determined by the director taking into consideration site conditions, but in no
106 instance, shall the number be greater than 100 people.

107 F. On-site parking of the sponsor shall not be displaced unless sufficient required off-street
108 parking remains available to compensate for the loss of on-site parking or unless a shared
109 parking agreement is executed with adjacent properties.

110 G. A transportation plan that considers how people arrive and depart from the facility shall be
111 provided

112 H. No children under 18 are allowed to stay overnight in the outdoor encampments or extreme
113 weather shelter, unless accompanied by a parent or guardian. If a child under the age of 18
114 without a parent or guardian present attempts to stay at the encampment or extreme weather
115 shelter, the sponsor and the managing agency shall immediately contact Child Protective
116 Services and shall actively endeavor to find alternative shelter for the child.

117 I. The sponsor or managing agency shall provide and enforce a written code of conduct, which
118 not only provides for the health, safety and welfare of the outdoor encampment or extreme
119 weather shelter resident, but also mitigates impacts to neighbors and the community. A copy of
120 the code of conduct shall be submitted to the city at the time of application for the temporary
121 use permit. Said code shall be incorporated into the conditions of approval.

122 J. The sponsor and the managing agency shall ensure compliance with Washington State laws
123 and regulations, the Lynnwood Municipal Code, and Snohomish health district concerning, but
124 not limited to, drinking water connections, solid waste disposal, human waste and electrical

125 systems. The sponsor and the managing agency shall permit inspections by state and/or local
126 agencies and/or departments to ensure such compliance and shall implement all directives
127 resulting therefrom within the specified time period.

128 K. Public health guidelines on food donations and food handling and storage, including proper
129 temperature control, shall be followed and homeless encampment residences involved in food
130 donations and storages shall be made aware of these guidelines consistent with the Snohomish
131 health district requirements.

132 L. The sponsor and the managing agency shall designate points of contact for the Lynnwood
133 police department. At least one designated point of contact shall be on accessible at all times.
134 The names of the on-duty points of contact shall be posted on-site daily and their contact
135 information shall be provided to the Lynnwood police department.

136 N. Facilities for dealing with trash shall be provided on-site throughout the encampment or
137 outside an emergency weather shelter. A regular trash patrol in the immediate vicinity of the
138 temporary tent encampment site shall be provided.

139 O. The sponsor and the managing agency shall take all reasonable and legal steps to obtain
140 verifiable identification from current and prospective encampment residents and use the
141 identification to obtain sex offender and warrant checks from appropriate agencies. The
142 sponsor and the managing agency shall keep a log of names and dates of all people who stay
143 overnight in the temporary tent encampment.

144 P. The sponsor and the managing agency shall immediately contact the Lynnwood police
145 department if someone is rejected or ejected from the encampment when the reason for
146 rejection or ejection is an active warrant or a match on a sex offender check, or if, in the
147 opinion of the on-duty point of contact or on-duty security staff, the rejected/ejected person is
148 a potential threat to the community.

149 R. The sponsor, the managing agency and temporary tent encampment residents shall
150 cooperate with other providers of shelters and services for homeless persons within the city
151 and shall make inquiry with these providers regarding the availability of existing resources.

152 S. The sponsor and/or managing agency shall provide before-encampment photos of the host
153 site with the application. Upon vacation of the temporary tent encampment, all temporary
154 structures and debris shall be removed from the host site within one calendar week. (Ord. 2731
155 § 1, 2008)

156 **21.74.050 Permit required.** 

157 Establishment of a outdoor encampment or extreme weather shelter shall require approval of a
158 temporary use permit, as described in this chapter, and compliance with all other applicable
159 city regulations. The director shall have authority to grant, grant with conditions or deny an
160 application for a temporary use permit under this chapter; provided, that the director shall
161 have no authority to modify the limits established in LMC [21.74.040](#). (Ord. 2731 § 1, 2008)

162 **21.74.060 Application.** 

163 Application for a temporary use permit shall be made on forms prescribed by the city, and shall
164 be accompanied by the following information; provided, that the community development
165 director may waive any of these items, pursuant to LMC [1.35.015](#)(A), upon request by the
166 applicant and finding that the item is not necessary to analyze the application. An application to
167 establish a temporary tent encampment shall be signed by both the sponsor and the managing
168 agency (“applicant”).

169 A. A site plan of the property, drawn to scale, showing existing natural features, existing and
170 proposed grades, existing and proposed utility improvements, existing rights-of-way and
171 improvements, and existing and proposed structures, tents and other improvements (including
172 landscaping and fencing at the perimeter of the proposed encampment and the property and
173 off-street parking);

174 B. A vicinity map, showing the location of the site in relation to nearby streets and properties;

175 C. A written summary of the proposal, responding to the standards and requirements of this
176 chapter;

177 D. The written code of conduct and a transportation plan as required by this chapter;

178 E. Statement of actions that the applicant will take to obtain verifiable identification from all
179 encampment residents and to use the identification to obtain sex offender and warrant checks
180 from appropriate agencies;

181 F. Project statistics, including site area, building coverage, number and location of tents and
182 temporary structures, expected and maximum number of residents, and duration of the
183 encampment;

184 G. A legal description of the subject property, including parcel number;

185 H. Photographs of the site;

186 I. A list of other permits that are or may be required for development of the property (issued by
187 the city or by other government agencies), insofar as they are known to the applicant;

188 J. Permits for temporary tent encampments shall be processed by the city without charge;

189 K. A list of any requirement under this chapter for which the applicant is asking to modify, as
190 allowed under LMC [21.74.070\(D\)](#). (Ord. 2731 § 1, 2008)

191 **21.74.070 Decision and appeal.** 

192 A. Notice. Final action on permit applications made under this section shall be rendered within
193 45 days of submittal. Within seven calendar days of receiving a completed application the
194 director shall publish a notice of application for a temporary use permit as provided herein. The
195 notice shall contain, at a minimum, the date of application, project location, proposed duration
196 and operation of the temporary tent encampment, number of residents for the encampment,
197 conditions that will likely be placed on the operation of the encampment, and requirements of
198 the written code of conduct. The notice shall be distributed as follows:.....

199 B. Decision and Notice of Decision. After conclusion of the 14-calendar-day notice/comment
200 period the director shall decide whether to grant, grant with conditions or deny a temporary
201 use permit. Before any temporary use permit may be granted, the applicant shall show that:

202

203 A notice of such decision stating whether the permit is granted or denied, along with
204 information regarding the procedure for appeal of the decision, shall be mailed as required for
205 the notice of application/hearing within three business days after the date of the decision. If
206 issued, the permit for the temporary tent encampment shall be issued jointly to the sponsor
207 and managing agency and each shall be responsible for compliance with the terms and
208 conditions of the permit and applicable city codes.

209 C. Conditions. Because each temporary indigent housing proposal has unique characteristics,
210 including, but not limited to, size, duration, uses, number of occupants and composition, the
211 director shall have the authority to impose conditions on the approval of a temporary use
212 permit to ensure that the proposal meets the criteria for approval listed above. Conditions, if
213 imposed, must be intended to minimize nuisance-generating features in matters of noise,
214 waste, air quality, unsightliness, traffic, physical hazards and other similar matters that the
215 temporary tent encampment may have on the area in which it is located. In cases where the
216 application for temporary use permit does not meet the provisions of this chapter (except

217 when allowed under subsection (D) of this section) or adequate mitigation may not be feasible
218 or possible, the director shall deny the application.

219 D. Modification of Requirements. The director may approve a temporary use permit for a tent
220 encampment that relaxes one or more of the standards in this chapter only when, in addition to
221 satisfying the decision criteria stated above, the applicant submits a description of the standard
222 to be modified and demonstrates how the modification would result in a safe encampment
223 with minimal negative impacts to the host community under the specific circumstances of the
224 application. In considering whether the modification should be granted, the director shall first
225 consider the effects on the health and safety of encampment residents and the neighboring
226 communities. Modifications shall not be granted if their adverse impact on encampment
227 residents and/or neighboring communities will be greater than those without modification. The
228 burden of proof shall be on applicant.

229 E. Appeal. The director's decision may be appealed to the hearing examiner under Process II
230 (LMC [1.35.200](#) et seq.). (Ord. 2731 § 1, 2008)

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232

CITY COUNCIL ITEM B

CITY OF LYNNWOOD City Council

TITLE: Discuss Formation of Task Force for a Youth Council

DEPARTMENT CONTACT: Council Member Ruth Ross

SUMMARY:

Discussion regarding the formation of a Task Force on a Youth Commission for the City of Lynnwood.

Below are comments provided by Beverly White, Arts Commissioner:

I have some ideas for a potentially smooth running Lynnwood Youth Council, and I would love to help in any way I can.

Here's where my mind goes with it:

We (a city council member & me or another volunteer) go to each high school - from what I can tell, we have three High Schools in Edmonds District, and only one of them is physically located in Lynnwood (Meadowdale) - We discuss this with the principal and set up a time to meet directly with their student council - and any other leadership type groups they already have established.

We ask for three or four students from each of three schools - specifically seeking students that live in Lynnwood, who would like to participate. Having three from each school to begin with gives us room to continue work when one drops out. We can aim for 10 students, that'll give us two per commission.

We assign them, based on interest and availability, at least one each to an existing city commission - to attend monthly meetings. Maybe a couple/few of them won't be assigned a commission, but will still attend the Youth Council Meetings...

- Arts
- Civil Service
- Diversity
- Human Svs
- Parks & Rec

Then, we set them up to meet once a month in the City Hall building where the City Council meets - because it's cool and inspiring - and a City Council Member will attend these meetings regularly also.

Then, one or two of the students who are willing and able can attend City Council meetings regularly to sit in and listen and to report on anything from the voices of the youth.

We buy them T-shirts, official city name-tags, put their faces all over the website, and in local news - feature their ideas whenever we can, and give them lots of opportunities to help and to recruit their friends to volunteer. We try to tap into the volunteer hours needed by high school students - so we are on those lists at the schools, for students to sign up with this Lynnwood Youth Council to earn their needed community service hours.

I am confident this can work. I am willing to help, and I think it can be extremely beneficial for us AND them.

Beverly White

POLICY QUESTION(S) FOR COUNCIL CONSIDERATION:

Composition of the Boards and Commissions of the City

ACTION:

Appoint Task Force.

FUNDING:

TBD

DOCUMENT ATTACHMENTS

Description:	Type:
No Attachments Available	

CITY COUNCIL ITEM C

**CITY OF LYNNWOOD
City Council**

TITLE: Break

DEPARTMENT CONTACT: Council President Benjamin Goodwin

DOCUMENT ATTACHMENTS

Description:

Type:

No Attachments Available

CITY COUNCIL ITEM D

**CITY OF LYNNWOOD
City Council**

TITLE: Executive Session, if needed

DEPARTMENT CONTACT: Nicola Smith, Mayor

DOCUMENT ATTACHMENTS

Description:

Type:

No Attachments Available

CITY COUNCIL ITEM E

**CITY OF LYNNWOOD
City Council**

TITLE: Council President and Council Comments

DEPARTMENT CONTACT: Council President Benjamin Goodwin

DOCUMENT ATTACHMENTS

Description:

Type:

No Attachments Available

CITY COUNCIL ITEM F

**CITY OF LYNNWOOD
City Council**

TITLE: Mayor Comments and Questions

DEPARTMENT CONTACT: Nicola Smith, Mayor

DOCUMENT ATTACHMENTS

Description:

Type:

No Attachments Available