

# Resolution No. 2007-01

[City Council meeting minutes of Feb 20 2007](#)

## RESOLUTION NO. 2007-01

A RESOLUTION of the City Council of the City of Lakewood,

Washington, accepting the recommendations of the Personal Care Facilities & Home Based Business Task Force and Planning Advisory Board regarding the placement of home based businesses and group accommodations within Lakewood's residential districts.

WHEREAS, in 2006, the City of Lakewood received a petition from the Oakbrook Neighborhood requesting redress as to the number of adult family homes located within this part of the community; and,

WHEREAS, the petition was forwarded to the City of Lakewood Planning Advisory Board (PAB) which conducted investigatory hearings; and

WHEREAS, the PAB established and the City Council endorsed an ad hoc committee to seek collaborative solutions and address the concerns of elected officials, neighbors, providers, residents and advocates regarding not only adult family homes, but the placement of all residentially based personal care facilities and home based businesses within Lakewood's residential districts; and,

WHEREAS, the PAB recommended and the City Council adopted a list of objectives for this Task Force; and,

WHEREAS, this Task Force was officially known as the Personal Care Facilities and Home Based Business Task Force, being composed of two representatives from Lakewood neighborhoods, two representatives from the PAB, one member representing a local advocacy group for the disabled, two representatives from the Department of Social and Health Services (DSHS), one member representing home based business interests, and one member specifically representing adult family home operators; and,

WHEREAS, the Task Force conducted 11 meetings all of which were duly advertised and open to the public; and,

WHEREAS, the Task Force received a substantive amount of background materials from various federal, state, and local agencies, & special interest groups on the topic of home based businesses and personal care facilities; and,

WHEREAS, these background materials are herein made a part of this administrative record and are on file the Lakewood Community Development Department; and,

WHEREAS, in studying the subject, the Task Force developed four basic principles from which to make recommendations to appointed and elected officials:

- 1) The City of Lakewood lacked enabling legislation to address adult family homes;
- 2) Promoting public safety was paramount;
- 3) Even handed enforcement, although it could be strict, was supported; and
- 4) Providing for greater community acceptance and increased awareness and understanding of group home issues was also supported.

WHEREAS, on December 5, 2006, the Task Force adopted the recommendations contained in Exhibit ?A,? attached hereto and incorporated by this reference; and,

WHEREAS, these recommendations were forwarded to the Lakewood PAB; and,

WHEREAS, the Lakewood PAB reviewed the Task Force's recommendations on December 13, 2006; and,

WHEREAS, the Lakewood PAB recommend approval of the recommendations contained in Exhibit ?A? and forwarded these to the Lakewood City Council; and,

WHEREAS, the Lakewood City Council reviewed the recommendations of the Task Force and the PAB at a City Council Study Session, and at a regularly scheduled City Council meeting on February 12, 2007 and February 20, 2007, respectively.

Now, therefore, the city council of the city of Lakewood, Washington, hereby resolves, as follows:

Section 1. That the City Council expresses its deep appreciation to those who served on the Task Force and the Lakewood PAB.

Section 2. That public safety is a critical concern, shared by public officials, neighbors, providers and residents of group housing accommodations. Lakewood has a duty and the responsibility to ensure safety of all of its members.

Section 3. That federal and state law does not preempt local authority to deal with public safety issues. Even handed enforcement of rules designed to provide community tranquility is not discriminatory.

Section 4. State agencies with licensure authority over group housing accommodations should exercise a high level of responsibility and be held to a high level of accountability.

Section 5. That the City Council accepts and adopts the recommendations of the Task Force and the Lakewood PAB referred to as Exhibit ?A,? attached hereto, and incorporated by this reference.

Section 6. This Resolution shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council this 20<sup>th</sup> day of February, 2007.

CITY OF LAKEWOOD

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Claudia B. Thomas, Mayor

Attest:

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Alice M. Bush, MMC, City Clerk

Approved as to Form:

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Heidi Ann Wachter, City Attorney

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Exhibit ?A?

- 1) The City of Lakewood shall continue its current practice of accepting fully completed adult family home pre-inspection checklist applications; and providing onsite inspections by the City?s Building Official and Fire Marshal and/or their respective designees.
  - 2) The Task Force and PAB recommend that the Community Development Department provide a report to the planning advisory board and city council no later than the first quarter of 2007 regarding daycare facilities[1].
  - 3) The Task Force and PAB support the current development standards listed in the Lakewood Municipal Code (LMC) Section 18A.30.160 for the R1, R2, R3 and R4 zoning districts.
  - 4) Continue the current practice of requiring general business licenses and zoning certification for bed-and-breakfast operators, daycares, home occupations, and all types of group residential accommodations, including adult family homes and rental housing complexes[2]. The licensing and registration process is required for the reasons listed below:
    - ? To track and identify group accommodation locations within Lakewood and share this information with police, fire and medical aid service providers in an effort to provide efficiently and safely provide services not only in emergency situations, but also urgent situations such as client walkaways.
    - ? To ensure that facilities meet minimum health and safety requirements under the International Building and Fire Codes.
    - ? To analyze and mitigate for any vehicle parking or traffic safety impacts that facilities may have upon neighborhood excepting adult family homes.
    - ? To mitigate, condition and/or prohibit special ancillary events affiliated with bed-and-breakfast operations.
    - ? Subject to applicability criteria, ensure that accessory dwelling units, daycares, home occupations, hospice care centers, nursing homes and group homes meet the development standards contained in Title 18A.
  - 5) The Task Force and PAB affirm the following statement submitted to the City of Lakewood from Department of Social and Health Services (DSHS) in correspondence dated May 31, 2006,

?Adult family home licensing regulations do not prohibit a licensee from operating other businesses on the premises so long as the adult family home remains compliant with the licensing requirements of an adult family home. For example, to be compliant with an adult family home licensing law, everyone attending day camp on the property would need to have a criminal history background check because of the potential of having unsupervised access to residents of the adult family home. However, even if other business activities do not conflict with adult family home licensing requirements, those other businesses are not permitted simply because the home has met adult family home licensing requirements. They must still meet any licensing, zoning, permitting and regulations applicable to those businesses.?
  - 6) The Task Force and PAB direct the community development director to draft a ?Good Neighbor? brochure for any entity conducting a home occupation, daycare, adult family home, or group home located in residential zoning districts. The brochure is an advisory document. The content of the brochure shall be approved by the Task Force prior to public distribution. Copies shall be made available at public places including but not limited to, the local library, community centers, Lakewood City Hall, and on the City?s website.
  - 7) The Task Force and PAB recommend that city council expand its newsletter and website to better inform citizens about the regulatory environment for personal care facilities, daycares, group homes, home based businesses, and other related activities located in residential zoning districts.
- Specifically, the Task Force and PAB recommend that the City adopt the ?Portland **Community Residential Siting Program?** as a way to facilitate siting problems and establishing contacts within Lakewood?s neighborhoods. This program would offer the following services:

? Provide information and referral for siting related questions on a variety of land use types.

? Facilitate problem solving, strategy discussions, and resolution of specific issues arising before and during the siting process.

? Mediate issues that arise after a facility has been sited<sup>[3]</sup>.

8) The Task Force and PAB recommend that the City enforce building code regulations to prevent work being performed without construction permits, in addition to enforcing minimum health and safety and property maintenance regulations, public nuisances, and unsafe and dangerous building(s) rules. The Task Force and PAB further recommend that the city council expand the Community Development Department's code enforcement division.

9) The Task Force and PAB rejects administrative policies regarding parking and traffic safety mitigation measures for Type I Group Homes. However, such administrative policies may be appropriate for other group accommodations and higher intensity home based businesses on a case by case basis subject to administrative review.

10) The Task Force and PAB would petition the City to monitor shuttle bus operations in consultation with Pierce Transit.

11) The Task Force and PAB requests that the city council support legislation which amends the RCWs and WACs allowing community input into the siting process for group homes and adult family homes licensed by the Department of Social and Health Services (DSHS).

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<sup>[1]</sup> The state of Washington has recently changed the process for administration of daycare facilities. This change has impacted the Community Development Department. This report may suggest ordinance amendments and/or changes in current administrative policy.

<sup>[2]</sup> The licensing and certification process identifies service providers and operators; it does not identify clients.

<sup>[3]</sup> This specific service would require a contract with the Pierce County Center for Dispute Resolution Center. Cost estimate for 2006 is estimated at \$5,000 and is not a part of the City's adopted 2007 budget.