

CITY OF LYNDEN

CITY COUNCIL



City Council - Regular Meeting
Annex - 205 Fourth Street
March 4, 2024

Call to Order

Pledge of Allegiance

Roll Call

Oath of Office

Summary Reports and Presentations

Approval of Minutes

- [1.](#) Draft Council Minutes - February 20, 2024

Citizen Comment

Consent Agenda

- [2.](#) Approval of Payroll and Claims
- [3.](#) Set the Public Hearing -Zoning Text Amendment 24-01 Regarding ADU Regulations

Public Hearing

- [4.](#) Partial Vacate of Lawrence and Pine St Right-of-Ways – Vacate Application 23-01

Unfinished Business

New Business

- [5.](#) RES-24-1093 Intent Regarding Pepin Parkway Alignment

Reports

- [6.](#) Draft Public Works Committee Meeting Minutes-February 7, 2024
- [7.](#) Draft Community Development Committee Mtg Minutes-February 21, 2024

Executive Session

Adjournment

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	March 4, 2024	
Name of Agenda Item:	Council Meeting Draft Minutes	
Section of Agenda:	Approval of Minutes	
Department:	Administration	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Other: None
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	Draft council minutes.	
Summary Statement:	N/A	
Recommended Action:	Review and approval of draft council minutes.	

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



February 20, 2024

1. CALL TO ORDER

Mayor Korthuis called to order the February 20, 2024 regular session of the Lynden City Council at 7:00 p.m. in the city's council chambers.

PLEDGE OF ALLEGIENCE

OATH OF OFFICE

ROLL CALL

Members present: Councilors Gary Bode, Gary Vis, Brent Lenssen, Nick Laninga, Kyle Strengholt, and Mark Wohlrab.

Members absent: Councilor Beld absent with notice.

Staff present: Fire Chief Mark Billmire, Police Chief Steve Taylor, Public Works Director Jon Hutchings, and City Clerk Pam Brown.

SUMMARY REPORTS AND PRESENTATIONS - None

APPROVAL OF MINUTES

Councilor Vis moved, and Councilor Strengholt seconded, to approve the January 29, 2024 Work Session minutes, the February 5, 2024 Regular Council minutes, and the February 8, 2024 Joint Work Session with Lynden School Board and Regional Parks and Recreation District minutes (with one noted correction to the council members in attendance at the joint meeting). Motion approved on 6-0 vote.

CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden

- Presidents Day
- Invitation to Council to May 5th Pro Life Conference at Saint Joseph's
- Protection of state property rights

Mikal Nichols, Andres Lane, Lynden

Mr. Nichols provided a summary of his alleged victimization by city of Lynden officials and police officers.

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CITY COUNCIL
MINUTES OF REGULAR MEETING

2. CONSENT AGENDA

Payroll Liability to January 14 through January 27, 2024

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$500,416.18
Check Liability	\$0.00
Total Non-L&I Liabilities	\$500,416.18
Quarterly Liabilities	\$13,444.27

Total EFT & Other Liabilities	\$603,860.45
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Payroll Liability to January 28 through February 10, 2024

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$430,041.32
Check Liability	\$0.00
Total Non-L&I Liabilities	\$430,041.32
Quarterly Liabilities	\$13,302.93

Total EFT & Other Liabilities	\$443,344.28
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Approval of Claims – February 6, 2024

Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$0.00
Voucher Warrants No.	<u>29269</u>	through	<u>29396</u>		\$511,696.35
EFT Payments					<u>\$789,458.24</u>
				Sub Total	\$1,301,154.59
				Total Accts. Payable	\$1,301,154.59

Approval of Claims – February 21, 2024

Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$0.00
Voucher Warrants No.	<u>29410</u>	through	<u>29518</u>		\$711,105.75
EFT Payments					<u>\$82,200.52</u>
				Sub Total	\$793,306.27
				Total Accts. Payable	\$793,306.27

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CITY COUNCIL MINUTES OF REGULAR MEETING



Motion made by Councilor Bode, seconded by Councilor Strengholt to approve the Consent Agenda. Motion approved 6-0.

3. PUBLIC HEARING – None.

4. UNFINISHED BUSINESS – None.

5. NEW BUSINESS

Amendment with the Department of Commerce for Periodic Comprehensive Plan Update Grant Funds – [this item was not on the agenda.](#)

The State of Washington has awarded the City of Lynden a grant of \$125,000 to aid in the update of the Comprehensive Plan. The funds will be administered by the Department of Commerce (DOC) over the next 18 months with the goal of completing the Plan update by the close of June 2025. The contract includes an outline of the city's required deliverables and timeline. Approximately \$41,000 of the grant funding will be utilized for work items shared with Whatcom County and other municipalities within the County. The Planning Division is reviewing proposals from consultants who will be able to assist staff in the community outreach and Comprehensive Plan update.

A draft of this document was reviewed with the CDC at the January 10 meeting and is now seeking Council approval in its final form.

Motion made by Councilor Lenssen, seconded by Councilor Strengholt to approve the Interagency Agreement identified as Contract No. 24-63335-056 with the Department of Commerce's Growth Management Services to receive grant funding for the periodic update to the City of Lynden Comprehensive Plan Amendment. Motion approved 6-0.

Agreement with the Department of Commerce for Climate Planning Grant Funds- [this item was not on the agenda.](#)

The State of Washington has awarded the City of Lynden a grant to add a Climate Planning element to the City's comprehensive plan as required by recent state legislation. The grant, which is administered by the Department of Commerce, totals \$500,000. This is in addition to another \$125,000 grant for the general periodic update comprehensive

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CITY COUNCIL MINUTES OF REGULAR MEETING



plan. Some of these funds have been allocated to be used over the next 18 months for planning actions. Remaining funds have been requested to be transferred to implementation strategies beyond the Comp Plan deadline of June of 2025. The contract includes an outline of the city's required deliverables and timeline.

While final details of the contract were resolved, planning staff has solicited proposals from consultants who can assist in these planning efforts. Proposals are currently under review with consultant selection and scope review slated for the end of February and into March. A draft of this document was reviewed with the CDC at the January 10 meeting and is now seeking Council approval in its final form.

Motion made by Councilor Lenssen, seconded by Councilor Strengholt to approve the Interagency Agreement identified as Contract No. 24-63610-137 with the Department of Commerce's Growth Management Services to receive grant funding for the required addition of a Climate Planning Element to the City of Lynden Comprehensive Plan. Motion approved 6-0.

6. REPORTS

Councilor Strengholt reported Finance Committee discussion on the following:

- Review of payroll and claims.
- Review of overtime hours.
- Review of sale tax which remains strong.
- Review of monthly financial statements.

7. EXECUTIVE SESSION

The Council did not hold an executive session.

8. ADJOURNMENT

February 20, 2024 regular session of the Lynden city council adjourned at 7:20 p.m.

Pamela D. Brown, City Clerk

Scott Korthuis, Mayor

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	March 4, 2024	
Name of Agenda Item:	Approval of Payroll and Claims	
Section of Agenda:	Consent	
Department:	Finance	
Council Committee Review:	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:	None	
Summary Statement:	Approval of Payroll and Claims	
Recommended Action:	Approval of Payroll and Claims	

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	March 4, 2024	
Name of Agenda Item:	Set the Public Hearing to consider ZTA 24-01 re ADUs	
Section of Agenda:	Consent	
Department:	Community Development Dept	
Council Committee Review:	Legal Review:	
<input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	<input type="checkbox"/> Yes - Reviewed
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	<input type="checkbox"/> No - Not Reviewed
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Review Not Required
Attachments:		
Proposed Zoning Text Amendment, Application, Staff Report, Public Comment		
Summary Statement:		
<p>The City Council will be asked to hear and consider a proposed amendment to the City's development regulations related to accessory dwelling units (ADUs) as found in LMC 19.20. The attached staff report includes analysis of the city's existing code and the proposed amendment. Although the amendment would personally benefit the applicant, it is important to note that the State has required that these changes occur. This proposal would simply implement these changes prior to the State's deadline.</p> <p>The Council should consider Planning Commission and Technical Review Committee recommendations, review the proposal, and decide if it would be beneficial for the amendment to occur at the timeline proposed. The Council may also wish to include additional changes to the ADU code or revise the proposed implementation dates. While the State has required the city to become more lenient in the quantity, size, and location of ADUs the city may opt to provide even more incentive to the creation of ADUs.</p> <p>The proposed amendment is legislative in nature. It will go before the City Council as an additional public hearing – where public comment will be accepted.</p>		
Recommended Action:		
Motion to set the public hearing of April 1, 2024, for Zoning Text Amendment 24-01 concerning revisions to the City's development standards for Accessory Dwelling Units.		



February 16, 2024

CITY OF LYNDEN TECHNICAL REVIEW COMMITTEE STAFF REPORT

Re: The application of Jamie and Rachel Vos for a Zoning Text Amendment to LMC 19.20

Vacate #24-01, Vos Zoning Text Amendment

I. APPLICATION SUMMARY AND RECOMMENDATIONS

Proposal: The applicant is requesting a zoning text amendment to Chapter 19.20 of the Lynden Municipal Code regarding Accessory Dwelling Units. See project description below.

Recommendation: The Technical Review Committee recommends approval of the proposed Zoning Text Amendment with specific conditions related to effective dates.

II. PRELIMINARY INFORMATION

Applicant: Jamie and Rachel Vos

Property Owner: Jamie and Rachel Vos

Property Location: City Wide Zoning Text Amendment

Parcel Number: City Wide

Legal Description: N/A

<u>Notice Information:</u>	Application Submitted:	December 28, 2023
	Notice of Application:	January 24, 2024
	Notice of Hearing:	January 24, 2024
	Comment Period Ending:	February 7, 2024
	Public Hearing:	February 22, 2024

<u>SEPA Review:</u>	SEPA Determination	January 19, 2024
	Notice of SEPA Determination	January 24, 2024

Vos Zoning Text Amendment – TRC Report

Authorizing Codes, Policies, and Plans:

- LMC Chapter 17 Land Development
 - LMC Chapter 17.09, Review and Approval Process
 - LMC Chapter 17.09.040, Planning Commission Review and Recommendation
- LMC Chapter 19 Zoning Code
 - LMC Chapter 19.20 – Accessory Dwelling Units
- LMC Chapter 17.09.030 – Legislative Decisions
- LMC Chapter 16 Environmental Policy
- RCW 36.70A.680 and RCW 36.70A.681- Accessory Dwelling Units

III. ACCESSORY DWELLING UNIT DEFINITION

An Accessory Dwelling Unit (ADU) is a self-contained residential unit located on the same lot as an existing single-family home. A detached accessory dwelling unit is housed within a separate structure while an attached accessory dwelling unit is located within the primary dwelling unit.

Traditionally these have also been called mother-in-law suites as they can provide a co-housing option for multiple generations or family members who require support of assistance with basic living functions. ADUs can also provide rental income that, by supplementing mortgage costs, make home ownership financially feasible for the primary homeowner.

The City of Lynden currently allows ADUs to be constructed in association with any single-family home. ADUs are not permitted in association with duplexes or other multi-family units.

IV. PROJECT DESCRIPTION

This text amendment application proposes to update Lynden Municipal Code Chapter 19.20 regarding Accessory Dwelling Units (ADUs). The update would further ease potential barriers for residents in establishing legal ADUs on residential properties in the City. The City is required to adopt these updates by December 31, 2025, as a condition of HB1337, which was passed by the state legislature in 2023. The city intends to make

Vos Zoning Text Amendment – TRC Report

these ADU code updates for compliance as part of its Comprehensive Plan update process and expects to be in compliance by the State’s deadline (2026). Ahead of that deadline, this text amendment request is being brought forward by a private property owner and, if approved, would bring the city into compliance with HB 1337.

The applicant is motivated to spearhead the text amendment because the change would correct a current building height violation at their property located at 143 Terrace Drive. Here, construction is nearly complete on a detached accessory dwelling unit. Unfortunately, prior to completion, it was discovered that the building had reached a height that exceeds the current 18-foot maximum allowed in the city. The error was made early in the process when the starting grade was established at an elevation which was inconsistent with the approved permit. Modifying the constructed building to conform with the City’s current code on height (18 ft) is possible but difficult. Instead, the applicant is proposing this text amendment which would increase the maximum permitted height of detached ADUS, bringing their building into compliance, and would amend the city’s code as required by HB 1337.

This Zoning Text Amendment is not exclusive to this project or a specific zoning designation but would affect all properties within the city limits that permit accessory dwelling units.

V. PUBLIC NOTICE AND COMMENT

Notice of Application: Formal legal notice for this application was published in the Lynden Tribune on January 24, 2024

Public Comment Received:

Letter of support received from Jerry Roetcisoender, JWR Design..

VI. ANALYSIS AND CONSISTENCY WITH REGULATIONS

The City recognizes the value of ADUs in helping meet resident housing needs. This form of housing:

- Adds to the diversity of housing types in the city (particularly for seniors and smaller household sizes).
- Promotes the ability of intergenerational living.
- Provides a type of housing that blends into existing low-density neighborhoods.

Vos Zoning Text Amendment – TRC Report

- Adds units as infill to neighborhoods that already have service infrastructure available.
- Provides a type of housing that is typically more affordable than traditional single-family homes and provides an opportunity for a homeowner to supplement their housing costs through renting out the ADU.

When ADU regulations are difficult to meet, homeowners are motivated to create unregulated “illegal” ADUs. Recognizing this, the City updated its code on ADUs in 2018 to increase feasibility. The amendment allowed detached ADUs for the first time, increased the maximum size of the units, and clarified design standards for their construction.

The city’s goals in ADU creation have sought to support homeowners rather than investors / landlords and, to facilitate this, has required property owners to record a covenant that mandates that the owner live either in the primary home or the ADU. This requirement is aimed at preventing investors from beating out homebuyers in order to hold residential properties as rental investments – leasing out both the primary home and the ADU.

Since the 2018 update the city has seen more ADUs being constructed and approved on residential lots, particularly on new construction. According to recent building permit data, approximately 10% of new home construction in Lynden now include an ADU.

As mentioned above in Section IV, HB 1337, passed in 2023, now requires Lynden to revise its ADU regulations to conform to the mandates of the bill within 6 months after the periodic update of the Lynden Comprehensive Plan. . The State sees ADUs as a vital component of easing the housing crisis by further reducing barriers to the construction and approval of ADUs. While Lynden’s current ADU code is fairly amenable, the new requirements will further reduce regulations by increasing the number of ADUs permitted, increasing the size and height of detached units, reducing parking requirements, and eliminating the owner occupancy requirements.

RCW 36.70A.680 and RCW 36.70A.681 (as a result of HB1337) requires all local governments planning under the Growth Management Act (GMA), to revise their regulations as needed to conform with HB 1337. The following list highlights the limitations on local regulation as required by HB 1337:

- **Minimum number of ADUs per lot:** Two ADUs per lot must be allowed in all GMA urban growth areas, in addition to the principal unit, for lots that meet the minimum lot size required for the principal housing unit. Local regulations must permit ADUs to be attached, detached or a combination of both types. In addition,

Vos Zoning Text Amendment – TRC Report

a conversion of an existing structure, such as a detached garage, must be allowed.

- **Maximum ADU size and height standards:** Local governments may not require ADUs to be smaller than 1,000 gross square feet in size and may not establish roof height limits on an accessory dwelling unit of less than 24 feet, unless the height limitation that applies to the principal unit is less than 24 feet.
- **Dimensional standards:** A local government may not impose setback requirements, yard coverage limits, tree retention mandates, or restrictions on entry door location that are more restrictive than those required for the principal unit.
- **Street improvements:** A local government may not require street improvements as a condition of permitting accessory dwelling units.
- **Owner occupancy:** A local government may not require owner occupancy for a principal unit or ADUs.
- **Condominium sales:** Local governments may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an ADU.
- **Design review:** Local governments may not impose aesthetic standards or requirements for design review that are more restrictive for ADUs than those for principal units.
- **Required parking:** There are restrictions on how much on-site parking can be required, with a sliding scale for smaller-sized lots.
- **Impact fees:** Impact fees for ADUs are limited to no more than 50% of those assessed to the principal housing unit. (The City of Lynden currently does not charge impact fees on ADUs).
- **Rear Setbacks:** A city must allow detached accessory dwelling units to be sited at a lot line if the lot line abuts a public alley, unless the city routinely plows snow on the public alley.
- **Critical Areas:** Critical Area provisions (LMC 16.16) still apply to ADU construction if there are critical areas and/or their buffers on that lot.

Vos Zoning Text Amendment – TRC Report

- **Common Interest Communities:** New “Common Interest Communities” (for example, a new subdivision with a homeowners association) are prohibited from adopting covenants, conditions, and restrictions (commonly called “CC&Rs”) that would limit the construction of ADUs on any lot. Existing CC&Rs, however, are not impacted by the new law and may remain in effect.

The LMC 19.20 amendments being proposed by the applicant take these requirements into account and do not propose additional changes. The city may elect, through the public hearing process, to further reduce the restrictions.

Staff is supportive of the revisions proposed by the applicant but has provided a revised amendment that addresses additional details outlined in HB 1337, clarifies the process for securing ADU approval, and includes some provisions as to staggered dates of effectiveness. The resulting amended document showing staff recommended text with staff comments is attached to this report.

VII. TECHNICAL REVIEW COMMITTEE COMMENTS

Community Development Department Comments

1. *Owner Occupancy Requirements:* Staff has proposed that, consistent with the city’s goals to support homeownership, and to allow for additional time to assess impacts, that the owner occupancy requirement be maintained until January 1, 2026
2. *Impact Fees:* Staff has proposed that ADUs be subject to 50% of applicable residential impact fees starting January 1, 2026 which coincides with the proposed timeline to lift the owner-occupancy requirement.
3. *Restricted Commercial Use:* It should be noted that the use of an ADU for commercial purposes is restricted by permitted uses defined for each zoning designation. The use of an ADU as a vacation / Short-Term Rental (STR) is limited as outlined in LMC 19.57.300 – 19.57.320.
4. *ADU Approval:* Staff revisions are intended to clarify the process for ADU approval. Although owner occupancy requirements are being lifted in 2026 the proposed code maintains a requirement for property owners to record a covenant on the property related to ADU use and associated regulations.

Vos Zoning Text Amendment – TRC Report

- 5. *Inspection:* Be advised, ADUs are subject to inspection to insure that zoning, building, and fire codes are addressed. An applicable inspection fee, as set by the city’s unified fee schedule, is required.

Public Works Department

- 6. *Utilities:* Water, sewer and stormwater requirements are addressed at the time of building permit and / or ADU covenant review.

Fire and Life Safety

- 7. *Life and Safety:* Life and safety standards will be addressed at time of building permit and verified at the time of ADU inspection.
- 8. *Impact Fees:* The Fire Department anticipates that ADU inhabitants, like all residents of the city, will impact the service demands on the Fire Department and agrees that collecting impact fees on ADUs will assist in offsetting the cost of these demands in addition to the ambulance fee which is already collected on ADUs within the city.

Parks and Recreation

- 9. *Impact Fees:* The Parks Department anticipates that ADU inhabitants will utilize and impact the city’s park and trail system and is supportive of collecting impact fees on ADUs to offset these impacts and assist in providing facilities for all users.

VIII. RECOMMENDATION

The Technical Review Committee recommends the approval of the proposed Zoning Text Amendment with the clarifications added to the attached, amended document of LMC 19.22. This includes a proposed delay to the following revisions:

- 1. Owner occupancy requirement to remain in place until January 1, 2026.
- 2. Assessment of impact fees on ADUs in the amount of 50% of that assessed to a single-family home begin on January 1, 2026. (RCW 36.70A.680 limits impact fee assessment to no more than 50% of the impact fees that would be imposed on the primary residence).

Edits as Recommended by the Technical Review Committee

Chapter 19.20 ACCESSORY DWELLING UNITS¹

19.20.010 Purpose.

It is the provision of this chapter to implement the goals and policies as identified under the housing element of the city of Lynden Comprehensive Plan.

- A. The city of Lynden will encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage the preservation of existing housing.
- B. To consider other creative methods, such as cluster housing, cottage housing, accessory housing, and transfer of development rights to increase density and promote the opportunity for ownership of single-family homes.
- C. The city will also look to provide homeowners with a means of obtaining rental income, companionship, security and services through tenants in either the accessory dwelling unit or principal unit of the single-family dwelling.
- D. To provide a place to facilitate the care of family members who are unable to live independently.

[E. To address the State of Washington Accessory Dwelling Unit \(ADU\) provisions per RCW 36.70A.680 – 681.](#)

(Ord. No. 1657, § C(Exh. A), 12-19-2022)

19.20.020 Accessory dwelling unit.

Accessory dwelling unit (ADU) is a subordinate, complete living unit which includes permanent kitchen and sanitary facilities, that is secondary to a single-family home located on the same lot as defined in LMC Section 17.01.030 and further subject to the following requirements:

- A. ADU's are permitted in all residential zones including planned residential developments provided that ~~only a maximum of two (2) ADUs are allowed~~ **per lot as an accessory use to a single-family home.** ADU's are permitted in multi-family zones only on lots which are restricted, by lot area, to a single-family residence.
- B. ADU's can be attached as a separate unit within the existing home or an addition to the home, or detached as a separate structure on the lot, ~~or any configuration of attached or detached units.~~
- C. ~~Only one~~ **Two (2) ADUs are allowed** per detached single-family residence. ADU's are not permitted as part of any other housing type. Accessory dwelling units are exempt from the density limitations of the underlying zone.

Commented [DT1]: A, B, C, D - required by HB1337

¹Editor's note(s)—Ord. No. 19.20, § C(Exh. A), adopted Dec. 19, 2020, repealed the former Ch. 19.20, §§ 19.20.010—19.20.040, and enacted a new Ch. 19.20 as set out herein. The former Ch. 19.20 pertained to similar subject matter and derived from Ord. No. 1547, § 9, adopted Dec. 4, 2017.

- D. ~~An attached ADU ADUs of all types are is-~~ limited to a maximum of one thousand square feet ~~and two bedrooms. A detached ADU is limited to a maximum of eight hundred square feet and one bedroom.~~
- E. ~~A detached ADU, or ADU addition, must be of the same construction type as the primary structure. The exterior finish, material, trim, and roof pitch for the ADU must be similar in type and size of the primary structure.~~
- F. ~~Only one entrance for the entire primary structure and ADU combined shall be visible from the primary street. A detached ADU shall not be forward to the primary unit in relation to the front yard.~~
- G. Parking spaces dedicated to the ADU are required in addition to the parking required for the primary residence. One parking space per ADU bedroom, in addition to those required for the single family residence, will be required for the ADU's. All parking spaces for the primary structure and the ADU must be located on site.
 1. On lots of 6,000 square feet or larger, one (1) parking space per ADU bedroom is required up to a maximum requirement of two (2) spaces dedicated to the ADU.
 2. On lots less than 6,000 square feet only one parking space must be dedicated to the ADU regardless of ADU bedroom count.
- H. ~~If necessary based on building location, landscaping shall be installed to provide privacy and screening of the adjacent properties. A landscape plan must be approved by the planning director.~~
- I. Utilities. All utilities servicing the site may require upgrades based on the project size. Any utilities installed on site must meet the requirements of the city of Lynden Manual for Engineering Design and Development Standards.
- J. Until January 1, 2026, ~~the~~ primary residence or the ADU must be owner occupied. A~~The~~ required ADU perpetual covenant against the property, approved by the planning Community Development ~~De~~partment must be signed by the owner and recorded with the Whatcom County Assessor's Office which specifies this requirement.
- K. ~~The ADU shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit except that, per RCW 36.70A.681, the city shall not prohibit the sale or other conveyance of a condominium unit independently of the primary structure solely on the grounds that the condominium unit was originally built as an accessory dwelling unit.~~

(Ord. No. 1657, § C(Exh. A), 12-19-2022)

19.20.030 Setback and height requirements.

The following text provides regulations for height and setback requirements:

- A. All setbacks are measured from the property line to the building foundation. It is the property owner's responsibility to have the property lines clearly marked for inspection.
- B. ~~An attached ADU may be built as close as seven feet to the side property line provided that the living area setbacks total the minimum required within the underlying zone.~~
- C. ~~A detached ADU may be built as close as ten feet to the rear property line and shall follow the side setbacks 1 in accordance with the requirements of the underlying zone. All ADUs shall follow the setback requirements for the underlying zone.~~
 1. Detached ADUs are subject to accessory structure setbacks except that-~~Detached ADUs may be situated on a lot line that abuts a public alley. No ADU may encroach into an existing easement, unless the city or county routinely plows snow on the public alley.~~
 2. Attached ADUs are subject to the setbacks associated with the primary structure.

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Commented [DT2]: Deleted as this is an aesthetic standard.

Commented [DT3]: Deleted as an aesthetic standard.

Commented [HG4]: RCW36.70A.681(2,a). The city may not:
ii) Require more than one off-street parking space per unit as a condition of permitting development of accessory dwelling units on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits; and
(iii) Require more than two off-street parking spaces per unit as a condition of permitting development of accessory dwelling units on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

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Commented [DT5]: The city may not require owner-occupied - RCW 36.70A.681(1,b). Also - as such, the covenant is no longer required.

Commented [DT6]: We may need to clarify "detached" ADU setbacks in light of this. "Underlying zone" would default to accessory structure setbacks? But, this would be different for alley lots if it isn't plowed. I don't believe the City plows alleys so no setback on any public alley in town.

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- ~~D.C.~~ An existing non-conforming building shall not be used for an ADU unless the structure is brought into conformance with City Code except that existing buildings that violate setbacks or lot coverage may be converted to include an ADU. The ADU conversion shall not result in an increase in the nonconformity.
- ~~E.~~ ~~On any lot, the minimum distance between the garage door and the property line or access easement parallel to the garage door must be twenty-five feet.~~
- ~~F.D.~~ On corner lots in all residential zones, the side yard setback adjacent to the street must reflect the minimum side yard of that zone.
- ~~G.E.~~ ~~Only one driveway access is allowed per lot. Driveway access shall be allowed according to any requirements for the underlying zone.~~
- ~~H.~~ ~~Detached ADU's may not be located forward of the primary residential structure.~~
- ~~I.~~ ~~To be considered a "detached" structure, the minimum distance between two structures shall be six feet measured from foundation to foundation with no projections greater than eighteen inches.~~
- ~~J.E.~~ The maximum height of any detached structure housing an ADU shall be ~~eighteen~~ twenty-four (24) feet.
- ~~K.G.~~ The maximum lot coverage is subject to the associated zone. Thirty-five percent (is all RS zones, thirty-five percent in the RMD zone, thirty-five percent in the RM-1 zone, forty percent in the RM-2 and RM-3 zones and forty-five percent in the RM-4 zone. For lot coverage requirements within a PRD check with the PRD contract. Lots which are existing non-conforming in that they exceed lot coverage requirements are not prevented from converted existing structures into ADUs. ADU conversion shall not result in an increase in the nonconformity. Refer to LMC 19.35 regarding permitted actions as to the maintenance and demolition of non-conforming structures.

Commented [DT7]: Should clarify G, H, and I:

G: Would be the typical driveway standard for residential. G may just be a delete.

H: Is this an aesthetic standard?

I: "Detached" as 6 ft is defined in our Design Standard chapter. 6 ft is city-wide requirement for detached accessory structures - this wouldn't be more restrictive for ADUs so it could probably remain.


(Ord. No. 1657, § C(Exh. A), 12-19-2022)

19.20.040 Permitting and enforcement.

- A. Covenant Application. In addition to any building permit that may be required for the creation of an ADU, the property owner shall apply for an ADU permit covenant with the planning Community Development Department. Application for the covenant must demonstrate that the ADU meets all requirements as listed above. The applicant must also acknowledge any private covenants such as those imposed by a homeowners association that may exist on the property.
- B. Applicable Codes. The accessory dwelling unit shall comply with all construction codes set forth in the city of Lynden Engineering Design and Development Standards and the Lynden Zoning Code however, per RCW 36.70A.681 public street improvements shall not be required as a condition of permitting ADUs.
- C. Design Requirements. A detached ADU must be reviewed consistent with applicable portions of LMC Section 19.22 Residential Design Requirements as they relate to accessory structures.
- D. Inspection. Prior to the approval of an ADU, the city may inspect the property to confirm that all applicable requirements of this code and other codes have been met. An inspection fee is required as set by the city's unified fee schedule.
- E. Recording Requirements. Prior to a request for final building ADU inspection for either an attached or detached accessory dwelling unit, the property owner shall file with the Whatcom County Assessor an accessory dwelling unit covenant with all conditions and restrictions as provided by the city. The covenant will require owner occupancy of either the primary residence or the ADU until January 1, 2026. After this date owner occupancy is not required.

-
- F. [Successors.](#) The ADU covenant is binding upon any successor in ownership of the property. Lack of compliance shall ~~cause for~~[cause](#) the city to revoke the occupancy of ~~the~~ accessory dwelling unit ~~permit~~[and / or cite the property for a zoning violation and assess associated fines.](#)
 - G. [Variances.](#) Any variances to this section will be subject to Chapter 19.47 of the Lynden Municipal Code.
 - H. [Impact Fees.](#) As of January 1, 2026, the city will assess impact fees on the construction of ADUs in the amount of fifty percent (50%) of the impact fees that would be imposed on the primary unit.

(Ord. No. 1657, § C(Exh. A), 12-19-2022)



January 31, 2024

JWR Design is in full support of the zoning text amendment, given its positive contributions to the City of Lynden’s ability to accommodate densification, provide more affordable housing opportunities, and support families ability to both grow and age in the same location.

First, Additional Dwelling Units (ADU’s) are a great way to use residential design strategies to accomplish greater densification within smaller cities given the flexibility they provide in residentially zoned areas.

Second, by allowing for ADU’s, the extremely high housing costs can be softened. The primary way we have seen this occur is through a property owners’ ability to provide people from the community a place to live/rent for a reduced price given the landowners ability to utilize the property where they currently reside. This also allows the property owner another means of income utilizing their personal property.

Third, as families continue to grow and age, ADU’s provide a great opportunity to promote what has always been a strong attribute of the City of Lynden which is a strong and close community centered around strong families that care for each other across generations. ADU’s provide families with a great opportunity to care for one another as needs continue to arise.

Jerry Roetcisoender, President



JWR

RCW 36.70A.680 Accessory dwelling units—Local regulation.

(1) (a) Cities and counties planning under this chapter must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section and of RCW 36.70A.681, to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130.

(b) In any city or county that has not adopted or amended ordinances, regulations, or other official controls as required under this section, the requirements of this section and RCW 36.70A.681 supersede, preempt, and invalidate any conflicting local development regulations.

(2) Ordinances, development regulations, and other official controls adopted or amended pursuant to this section and RCW 36.70A.681 must only apply in the portions of towns, cities, and counties that are within urban growth areas designated under this chapter.

(3) Any action taken by a city or county to comply with the requirements of this section or RCW 36.70A.681 is not subject to legal challenge under this chapter or chapter 43.21C RCW.

(4) Nothing in this section or RCW 36.70A.681 requires or authorizes a city or county to authorize the construction of an accessory dwelling unit in a location where development is restricted under other laws, rules, or ordinances as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property.

(5) Nothing in this section or in RCW 36.70A.681 prohibits a city or county from:

(a) Restricting the use of accessory dwelling units for short-term rentals;

(b) Applying public health, safety, building code, and environmental permitting requirements to an accessory dwelling unit that would be applicable to the principal unit, including regulations to protect ground and surface waters from on-site wastewater;

(c) Applying generally applicable development regulations to the construction of an accessory unit, except when the application of such regulations would be contrary to this section or to RCW 36.70A.681;

(d) Prohibiting the construction of accessory dwelling units on lots that are not connected to or served by public sewers; or

(e) Prohibiting or restricting the construction of accessory dwelling units in residential zones with a density of one dwelling unit per acre or less that are within areas designated as wetlands, fish and wildlife habitats, flood plains, or geologically hazardous areas. [2023 c 334 § 3.]

Findings—Intent—2023 c 334: "(1) The legislature makes the following findings:

(a) Washington state is experiencing a housing affordability crisis. Many communities across the state are in need of more housing for renters across the income spectrum.

(b) Many cities dedicate the majority of residentially zoned land to single detached houses that are increasingly financially out of reach for many households. Due to their smaller size, accessory dwelling units can provide a more affordable housing option in those single-family zones.

(c) Localities can start to correct for historic economic and racial exclusion in single-family zones by opening up these neighborhoods to more diverse housing types, including accessory dwelling units, that provide lower cost homes. Increasing housing options in expensive, high-opportunity neighborhoods will give more families access to schools, parks, and other public amenities otherwise accessible to only the wealthy.

(d) Accessory dwelling units are frequently rented below market rate, providing additional affordable housing options for renters.

(e) Accessory dwelling units can also help to provide housing for very low-income households. More than 10 percent of accessory dwelling units in some areas are occupied by tenants who pay no rent at all; among these tenants are grandparents, adult children, family members with disabilities, friends going through life transitions, and community members in need. Accessory dwelling units meet the needs of these people who might otherwise require subsidized housing space and resources.

(f) Accessory dwelling units can meet the needs of Washington's growing senior population, making it possible for this population to age in their communities by offering senior-friendly housing, which prioritizes physical accessibility, in walkable communities near amenities essential to successful aging in place, including transit and grocery stores, without requiring costly renovations of existing housing stock.

(g) Homeowners who add an accessory dwelling unit may benefit from added income and an increased sense of security.

(h) Accessory dwelling units provide environmental benefits. On average they are more energy efficient than single detached houses, and they incentivize adaptive reuse of existing homes and materials.

(i) Siting accessory dwelling units near transit hubs, employment centers, and public amenities can help to reduce greenhouse gas emissions by increasing walkability, shortening household commutes, and curtailing sprawl.

(2) The legislature intends to promote and encourage the creation of accessory dwelling units as a means to address the need for additional affordable housing options." [2023 c 334 § 1.]

RCW 36.70A.681 Accessory dwelling units—Limitations on local regulation. (1) In addition to ordinances, development regulations, and other official controls adopted or amended to comply with this section and RCW 36.70A.680, a city or county must comply with all of the following policies:

(a) The city or county may not assess impact fees on the construction of accessory dwelling units that are greater than 50 percent of the impact fees that would be imposed on the principal unit;

(b) The city or county may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot;

(c) The city or county must allow at least two accessory dwelling units on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes in the following configurations:

(i) One attached accessory dwelling unit and one detached accessory dwelling unit;

(ii) Two attached accessory dwelling units; or

(iii) Two detached accessory dwelling units, which may be comprised of either one or two detached structures;

(d) The city or county must permit accessory dwelling units in structures detached from the principal unit;

(e) The city or county must allow an accessory dwelling unit on any lot that meets the minimum lot size required for the principal unit;

(f) The city or county may not establish a maximum gross floor area requirement for accessory dwelling units that is less than 1,000 square feet;

(g) The city or county may not establish roof height limits on an accessory dwelling unit of less than 24 feet, unless the height limitation that applies to the principal unit is less than 24 feet, in which case a city or county may not impose roof height limitation on accessory dwelling units that is less than the height limitation that applies to the principal unit;

(h) A city or county may not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for accessory dwelling units that are more restrictive than those for principal units;

(i) A city or county must allow detached accessory dwelling units to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley;

(j) A city or county must allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage;

(k) A city or county may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an accessory dwelling unit; and

(l) A city or county may not require public street improvements as a condition of permitting accessory dwelling units.

(2) (a) A city or county subject to the requirements of this section may not:

(i) Require off-street parking as a condition of permitting development of accessory dwelling units within one-half mile walking distance of a major transit stop;

(ii) Require more than one off-street parking space per unit as a condition of permitting development of accessory dwelling units on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits; and

(iii) Require more than two off-street parking spaces per unit as a condition of permitting development of accessory dwelling units on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

(b) The provisions of (a) of this subsection do not apply:

(i) If a local government submits to the department an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and the department finds and certifies, that the application of the parking limitations of (a) of this subsection for accessory dwelling units will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses. The department must develop guidance to assist cities and counties on items to include in the study; or

(ii) To portions of cities within a one mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.

(3) When regulating accessory dwelling units, cities and counties may impose a limit of two accessory dwelling units, in addition to the principal unit, on a residential lot of 2,000 square feet or less.

(4) The provisions of this section do not apply to lots designated with critical areas or their buffers as designated in RCW 36.70A.060, or to a watershed serving a reservoir for potable water if that watershed is or was listed, as of July 23, 2023, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)). [2023 c 334 § 4.]

Findings—Intent—2023 c 334: See note following RCW 36.70A.680.

CITY OF LYNDEN

ZONING TEXT AMENDMENT APPLICATION



<i>City of Lynden use only:</i>	
ZTA # <u>24-01</u>	Staff Initials: <u>KS</u>

Applicant / Agent

Name: Jamie Vos

Address: 143 Terrace Drive

Telephone Number: 360-815-2771 E-mail Address: jamiejayvos@gmail.com

Who is the primary contact for this project? This person will receive all official correspondence for the project. Property owner Applicant

Section(s) to amend:

Section 19.20

Please state the changes you are proposing:

The changes are redlined in another document.

Please state the reason(s) why the above section(s) of the Lynden Zoning Ordinance should be amended. Please note the potential benefits and the potential negative impacts of the amendment: (Attach additional sheets as necessary)

The reason for the changes are to align with new state mandated changes in the ADU codes to relieve some of the pressure on the pricing of housing by allowing for income generation as well as generational living on Single Family Properties.

By signing this application, I certify that all the information submitted is true and correct. I also understand that no final approval will be issued until all final review costs are paid in full.

Applicant's Signature: Jamie Vos Digitally signed by Jamie Vos
Date: 2023.12.28 13:08:09 -08'00' Date: 12/28/2023

Property Owner's Signature: Jamie Vos Digitally signed by Jamie Vos
Date: 2023.12.28 13:08:25 -08'00' Date: 12/28/2023

Property Owner's Printed Name: Jamie Vos Date: 12/28/2023

Chapter 19.20 ACCESSORY DWELLING UNITS¹

19.20.010 Purpose.

It is the provision of this chapter to implement the goals and policies as identified under the housing element of the city of Lynden Comprehensive Plan.

- A. The city of Lynden will encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage the preservation of existing housing.
- B. To consider other creative methods, such as cluster housing, cottage housing, accessory housing, and transfer of development rights to increase density and promote the opportunity for ownership of single-family homes.
- C. The city will also look to provide homeowners with a means of obtaining rental income, companionship, security and services through tenants in either the accessory dwelling unit or principal unit of the single-family dwelling.
- D. To provide a place to facilitate the care of family members who are unable to live independently.

(Ord. No. 1657, § C(Exh. A), 12-19-2022)

19.20.020 Accessory dwelling unit.

Accessory dwelling unit (ADU) is a subordinate, complete living unit which includes permanent kitchen and sanitary facilities, that is secondary to a single-family home located on the same lot as defined in LMC Section 17.01.030 and further subject to the following requirements:

- A. ADU's are permitted in all residential zones including planned residential developments provided that ~~only a maximum of two~~ **one** ADUs ~~are~~ **is** allowed per lot as an accessory use to a single-family home. ADU's are permitted in multi-family zones only on lots which are restricted, by lot area, to a single-family residence.
- B. ADU's can be attached as a separate unit within the existing home or an addition to the home, or detached as a separate structure on the lot, ~~or any configuration of attached or detached units.~~
- C. ~~Only one~~ **Two** ADUs ~~are allowed~~ per detached single-family residence. ADU's are not permitted as part of any other housing type. Accessory dwelling units are exempt from the density limitations of the underlying zone.
- D. ~~An attached ADU~~ **ADUs of all types are** ~~is~~ limited to a maximum of one thousand square feet ~~and two bedrooms. A detached ADU is limited to a maximum of eight hundred square feet and one bedroom.~~
- E. ~~———— A detached ADU, or ADU addition, must be of the same construction type as the primary structure. The exterior finish, material, trim, and roof pitch for the ADU must be similar in type and size of the primary structure.~~

¹Editor's note(s)—Ord. No. 19.20, § C(Exh. A), adopted Dec. 19, 2020, repealed the former Ch. 19.20, §§ 19.20.010—19.20.040, and enacted a new Ch. 19.20 as set out herein. The former Ch. 19.20 pertained to similar subject matter and derived from Ord. No. 1547, § 9, adopted Dec. 4, 2017.

- ~~F.~~ Only one entrance for the entire primary structure and ADU combined shall be visible from the primary street. A detached ADU shall not be forward to the primary unit in relation to the front yard.
- ~~G.~~ One parking space per ADU bedroom, in addition to those required for the single family residence, will be required for the ADU's. All parking spaces for the primary structure and the ADU must be located on site.
- ~~H.~~ If necessary based on building location, landscaping shall be installed to provide privacy and screening of the adjacent properties. A landscape plan must be approved by the planning director.
- ~~I.~~ Utilities. All utilities servicing the site may require upgrades based on the project size. Any utilities installed on site must meet the requirements of the city of Lynden Manual for Engineering Design and Development Standards.
- ~~J.~~ The primary residence or the ADU must be owner occupied. A perpetual covenant against the property, approved by the planning department must be signed by the owner and recorded with the Whatcom County Assessor's Office which specifies this requirement.
- ~~K.~~ The ADU shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit. (Ord. No. 1657, § C(Exh. A), 12-19-2022)

19.20.030 Setback and height requirements.

The following text provides regulations for height and setback requirements:

- A. All setbacks are measured from the property line to the building foundation. It is the property owner's responsibility to have the property lines clearly marked for inspection.
- ~~B.~~ An attached ADU may be built as close as seven feet to the side property line provided that the living area setbacks total the minimum required within the underlying zone.
- ~~C.~~ A detached ADU may be built as close as ten feet to the rear property line and shall follow the side setbacks in accordance with the requirements of the underlying zone. All ADUs shall follow the setback requirements for the underlying zone. Detached ADUs may be situated on a lot line that abuts a public alley, unless the city or county routinely plows snow on the public alley.
- ~~D.~~ An existing non-conforming building shall not be used for an ADU unless the structure is brought into conformance with City Code.
- ~~E.~~ On any lot, the minimum distance between the garage door and the property line or access easement parallel to the garage door must be twenty five feet.
- ~~F.~~ On corner lots in all residential zones, the side yard setback adjacent to the street must reflect the minimum side yard of that zone.
- ~~G.~~ Only one driveway access is allowed per lot. Driveway access shall be allowed according to any requirements for the underlying zone.
- ~~H.~~ Detached ADU's may not be located forward of the primary residential structure.
- ~~I.~~ To be considered a "detached" structure, the minimum distance between two structures shall be six feet measured from foundation to foundation with no projections greater than eighteen inches.
- ~~J.~~ The maximum height of any detached structure housing an ADU shall be eighteen-twenty-four feet.
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(Ord. No. 1657, § C(Exh. A), 12-19-2022)

19.20.040 Permitting and enforcement.

- A. Application. The property owner shall apply for an ADU permit with the planning department. Application must meet all requirements as listed above.
- B. Applicable Codes. The accessory dwelling unit shall comply with all construction codes set forth in the city of Lynden Engineering Design and Development Standards and the Lynden Zoning Code.
- C. A detached ADU must be reviewed consistent with applicable portions of LMC Section 19.22 Residential Design Requirements as they relate to accessory structures.
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- E. Recording Requirements. Prior to a request for final building inspection for either an attached or detached accessory dwelling unit, the property owner shall file with the Whatcom County Assessor an accessory dwelling unit covenant with all conditions and restrictions as provided by the city.
- F. The covenant is binding upon any successor in ownership of the property. Lack of compliance shall cause for the city to revoke the occupancy or accessory dwelling unit permit.
- G. Any variances to this section will be subject to Chapter 19.47 of the Lynden Municipal Code.

(Ord. No. 1657, § C(Exh. A), 12-19-2022)

Title 19 - ZONING
Chapter 19.20 ACCESSORY DWELLING UNITS

Applicant Submitted Edits

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(Ord. No. 1657, § C(Exh. A), 12-19-2022)

CITY OF LYNDEN

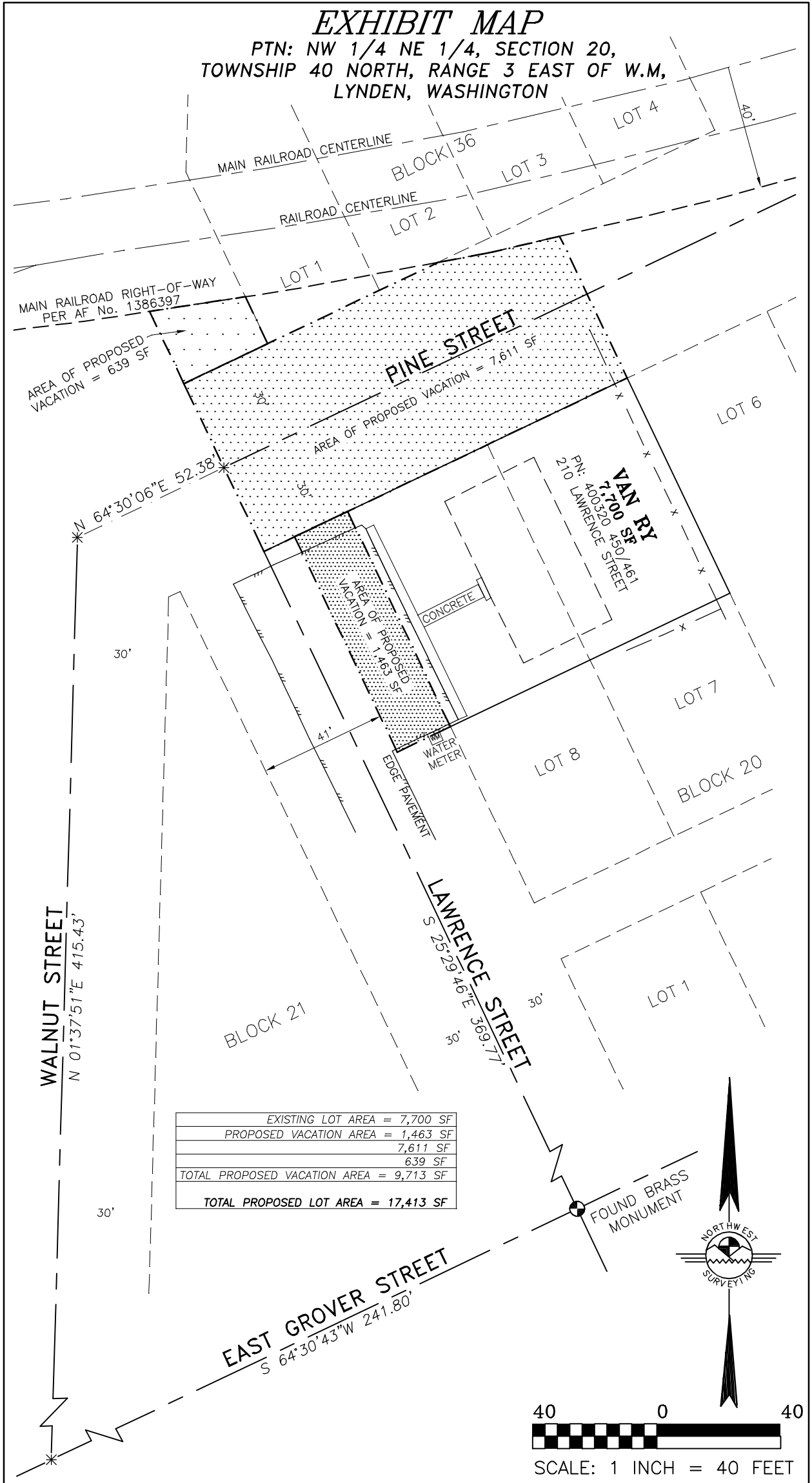


EXECUTIVE SUMMARY

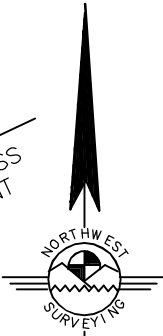
Meeting Date:	March 4, 2024	
Name of Agenda Item:	Partial Vacate of Lawrence and Pine St Right-of-Ways – Vacate Application 23-01	
Section of Agenda:	Consent	
Department:	Community Development	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
Application and corresponding staff report for Vacate Application 23-01		
Summary Statement:		
<p>The City Council is asked to hear and consider the proposal brought forward by Chad and Andrea VanRy who are property owners of 210 Lawrence Street. The VanRy’s have submitted Vacate Application 23-01 to request that portions of abutting rights-of-way be vacated in order to increase the net lot area of their residentially zoned parcel. If the lot area is increased as proposed the parcel will become a conforming size for the three units which are currently on the site and can also accommodate additional housing units. The area to be vacated is at the dead-end portion of Lawrence Street and abutting the Pine Street right-of-way which has historically been used by the railroad since the early 1900’s.</p> <p>The City’s long-range plans do not call for expansion of the transportation network on this property, the vacate avoids the railway easement, the vacation of this area would remove it from the city’s maintenance responsibilities and would facilitate residential infill.</p> <p>If the Council approves the vacate petition the applicant can then secure an appraisal which must include three comparable properties. Once completed, the item will return to the City Council to discuss the value of the property in light of the appraised value.</p>		
Recommended Action:		
Motion to approve the vacate petition and initiate review of property value.		

EXHIBIT MAP

PTN: NW 1/4 NE 1/4, SECTION 20,
TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.,
LYNDEN, WASHINGTON



EXISTING LOT AREA = 7,700 SF
PROPOSED VACATION AREA = 1,463 SF
7,611 SF
639 SF
TOTAL PROPOSED VACATION AREA = 9,713 SF
TOTAL PROPOSED LOT AREA = 17,413 SF



SCALE: 1 INCH = 40 FEET

Subject Area - Vacate Application 23-01





February 28, 2024

CITY OF LYNDEN TECHNICAL REVIEW COMMITTEE STAFF REPORT

Re: The application of Chad and Andrea Van Ry for a Vacate of a portion of Lawrence Street

Vacate #23-01 Lawrence Street
Vacation of Right-of-Way

I. APPLICATION SUMMARY AND RECOMMENDATIONS

Proposal: **Initial request indicated a vacate of 7,611 square feet which was later revised to 9,713 square feet** of the Lawrence and Pine Street rights-of-way adjacent to 210 Lawrence Street (hereinafter the Subject Property). The Subject abuts but does not include the inactive Burlington Northern Railroad (BNSF) rail corridor. The applicant intends to use the vacated area to expand the property’s minimum lot area in order to allow additional multi-family residential units to be added to the Subject Property.

Recommendation: The Technical Review Committee recommends approval of the vacate as because this unused property does not serve the general public, the city’s transportation network does not intend to expand the current right-of-way to include the area in question or to become a through street, and the existing lot will have the opportunity to conform to both parking and minimum lot size standards which are currently non-conforming.

II. PRELIMINARY INFORMATION

Applicant: Chad and Andrea Van Ry
Property Owner: Chad and Andrea Van Ry
Property Location: 210 Lawrence Street, Lynden
Parcel Number: 4003204504610000

Lawrence Street Vacate – TRC Report

Legal Description: HAWLEY-LAWRENCES ADDITION TO LYNDEN NWLY 77 FT OF LOTS 7-8 BLK 20

Notice Information: Application Submitted: August 16, 2023
Resolution to set hearing: February 5, 2024
Notice of Hearing: February 7, 2024
Comment Period Ending: March 4, 2024
Public Hearing: March 4, 2024

SEPA Review: SEPA Exempt per WAC 197-11-800(2)(i)

Authorizing Codes, Policies, and Plans:

- City of Lynden Comprehensive Plan – Appendix A, Transportation Element
- LMC Chapter 17.21 – Vacations of Public Rights-of-Way
- LMC Chapter 17.09.030 – Legislative Decisions

III. PROJECT DESCRIPTION

The portion of right-of-way proposed to be vacated is approximately 9,713 square feet in size and located at the northern terminus of Lawrence Street adjacent to the BNSF Railroad Easement. The addition to would allow the lot to reach a net area of 17,413 and accommodate five residential units (currently three units in the building).

The process for considering a petition to vacate a public right-of-way is outlined in Lynden Municipal Code Chapter 17.21. The Council will set a public hearing date by resolution and hold a public hearing to consider the vacate. The Council may grant the petition per the steps described below:

- a. If the City Council, after holding the required public hearing, determines to grant the petition or any part thereof, the applicants shall complete an appraisal of said property to be vacated. The appraisal shall be conducted by a certified appraiser and provide a minimum of three comparable properties.
- b. If the appraisal is found to be acceptable by the City Council, the City Council shall adopt an ordinance to vacate the street or alley; provided however, that said ordinance shall not be effective until the owners of property abutting upon the street or alley to be vacated have compensated the City in an amount not to exceed the full appraised value of the area vacated.
- c. The ordinance shall provide that the City shall retain easements for the installation, repair and maintenance of public utilities and services.

Lawrence Street Vacate – TRC Report

- d. A certified copy of said ordinance shall be recorded by the applicant in the office of the County Auditor.

IV. PUBLIC NOTICE AND COMMENT

Notice of Application: Formal legal notice for this application was published in the Lynden Tribune on February 7, 2024.

Resolution setting a public hearing per LMC 17.21.030(a): Proposed to be Considered by Council on February 5, 2024.

Public Hearing: Date to be set by Council resolution.

Public Comment Received:

No public comment received to date.

V. ANALYSIS AND CONSISTENCY WITH REGULATIONS

Criteria for Approval: The Lynden Municipal Code does not provide specific criteria by which a vacate petition is reviewed except that the city must verify if that the right-of-way is not needed for future expansion. This review is conducted by evaluation against with the City’s Comprehensive Plan including the Transportation Element and determine if the right-of-way is needed for public use.

The area requested to be vacated is currently vacant and, as the application states, is somewhat overgrown with unmaintained vegetation. This area is the intersection of what was Pine Street (now the rail corridor) with Lawrence Street (previously platted as Cherry Street) and Walnut Streets. Although the 1888 plat suggested that Lawrence (Cherry) Street would cross north over Pine Street, staff does not believe this ever occurred as in 1905 the railroad contracted with the City of Lynden for rights to the Pine Street right-of-way. As this area is located at the intersection of three streets that were not fully developed into streets, a surplus of dedicated right-of-way exists.

Staff review has concluded that the subject area of the right-of-way is not currently necessary for transportation circulation or public safety access. Additionally, this area has not been slated for expansion within the city’s long-range plans for the transportation network.

Lawrence Street Vacate – TRC Report

It should be noted that the adjacent BNSF Rail line is not currently active. However, the City, in cooperation with regional partners, has pursued a conversion of the rail line to a regional multi-modal trail. The vacate, if granted, would not conflict with this conversion to a trail and would provide an amenity to residents in the area. Due to the intersection of Walnut and Lawrence Streets just east of the proposed vacate, this area may provide opportunities for trail-related public parking. The applicant should be aware that if these efforts were successful the proposed vacation would be adjacent to a pedestrian trail rather than a rail line and public parking may be located nearby.

VI. TECHNICAL REVIEW COMMITTEE COMMENTS

Community Development Department Comments

- 1. Legal Description Needed: A full legal description of the vacated right-of-way as written by a licensed surveyor must be submitted to Planning staff prior to hearing.
- 2. Appraisal Needed: Be advised, if the petition to vacate is granted by the City Council the applicant will be required to provide an appraisal with no less than 3 comparable properties in order to determine the value of the land to be vacated.
- 3. Adjacent Users: The proposed vacate shall not include the Burlington Northern Railroad (BNSF) delegations. Documentation of the area to be vacated must be provided by a licensed land surveyor.
- 4. Transportation and Circulation: Be advised, the requirement to improve street frontage is triggered by new development.
- 5. Utility Easements Required:
 - a. The proposed vacation must include the vacation of any city utility easement which may fall within the area to be vacated. Note that new construction cannot encroach into recorded easements.
 - b. The revised lot, after vacate, must be recorded with standard 10-foot utility easements to the city and the city’s franchise utilities. These must be located within the interior of the lot on the west and north edges.
 - c. New 5-foot utility easement around the interior of the lot expanded by the vacate on the east and south are required.
 - d. At the time of recording the applicant may wish to secure and depict a private sewer easement if one is needed to service future development.

VII. RECOMMENDATION

The Technical Review Committee recommends the approval of the proposed vacate of the portion of Lawrence Street with the following conditions:

1. A full legal description of the vacated right-of-way is required and must be provided by a licensed surveyor prior to hearing.
2. The proposed vacation must avoid the Burlington Northern Railroad (BNSF) delegations. Documentation of the area to be vacated and its location in relation to the BNSF corridor must be provided by a licensed land surveyor.
3. A complete appraisal of said property to be vacated is required pending Council approval of the vacate petition. The appraisal shall be conducted by a certified appraiser and provide a minimum of three comparable properties. Payment of the appraised amount is required prior to final ordinance.
4. The lot, as recorded after being expanded through the vacation, must include the utility easements detailed in this staff report. This includes a 10-foot utility easement along the property’s west and north frontage and a 5-foot utility easement around the interior of the lot.
5. The applicant should be advised that the adjacent rail line may be converted to a regional trail in the future. This change would alter pedestrian and vehicular activity in the area.

CITY OF LYNDEN



VACATION OF CITY RIGHT-OF-WAY APPLICATION

<i>City of Lynden use only:</i>	
VAC # <u>23-01</u>	Staff Initials: <u>ky</u>

Applicant

Name: Chad & Andrea Van Ry

Address: 210 Lawrence St Lynden WA 98264

Telephone Number: 360-305-8068 E-mail Address: chad@expresselectric.com

Who is the primary contact for this project? This person will receive all official correspondence for the project. Property owner Applicant

Location of property to be vacated (give brief, common description & attach a complete legal description):
See attachment

The property is _____ x _____ = 7611 square feet

Provide a brief description of the reason for seeking the vacation (attach additional sheets if necessary):
Build additional apartments.

Provide a brief summary outlining the effect of the proposed vacation on the surrounding area (attach additional sheets if necessary):
The existing property is non maintained land filled with over brush and garbage. The effect would be a cleaner look to the area.

Applicant's Signature: <u>Chad Van Ry</u>	<small>Digitally signed by Chad Van Ry DN: cn=Chad Van Ry, o=Expres Electric, c=US Reason: I am approving this document Date: 2023.07.21 06:58:00-0700</small>	Date: <u>7/21/2023</u>
Property Owner's Signature: <u>Chad Van Ry</u>	<small>Digitally signed by Chad Van Ry DN: cn=Chad Van Ry, o=Expres Electric, c=US Reason: I am approving this document Date: 2023.07.21 06:58:12-0700</small>	Date: <u>7/21/2023</u>
Property Owner's Printed Name <u>Chad Van Ry</u>		Date: <u>7/21/2023</u>

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	March 4, 2024	
Name of Agenda Item:	Res 24-1093 Pepin Parkway Alignment	
Section of Agenda:	Public Hearing	
Department:	Community Development	
Council Committee Review:	<input checked="" type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review:
		<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	Proposed Res 24-1093, Supporting Documents	
Summary Statement:	<p>In 2021 the City adopted a transportation plan for the Pepin Creek Subarea. Since that time city staff, with the help of the city’s transportation and engineering consultants, have refined plans for future development of the Pepin Subarea. This work includes review of future street connection obligations, sewer network planning, and development of Benson Park and Benson Road. Staff have also met with various property owners to discuss development opportunities and obligations within the Subarea.</p> <p>This study and discussion resulted in a proposed revision to the traffic circulation network in the Subarea, primarily as it relates to the alignment of Pepin Parkway. The revision shifts the Parkway west onto an existing City easement and moves the north terminus of the Parkway to intersect with the expected extension of Homestead Boulevard rather than curving to intersect with Benson Road at Sunrise Drive. The benefits of these changes are listed in the proposed Resolution.</p> <p>The Resolution serves to endorse continued design of the Parkway, creek alignment, sewer network, and park design using this revised configuration. The city will use this configuration in pursuit of outside funding and in due diligence conversations with property owners within the subarea as the plan is more formally adopted through an amendment to the Comprehensive Plan and the update to the Transportation Element.</p>	
Recommended Action:	Motion to approve Resolution 24-1093 which documents the City intention to revise the alignment of Pepin Parkway and to authorize the mayor’s signature on the resolution.	

RESOLUTION 24-1093
A RESOLUTION OF INTENT OF THE LYNDEN CITY COUNCIL TO AMEND THE
PEPIN CREEK SUBAREA PLAN AND THE TRANSPORTATION ELEMENT TO
REFLECT A REVISED ALIGNMENT OF THE ARTERIAL CORRIDOR OF PEPIN
PARKWAY

WHEREAS, on August 16, 2021, the City of Lynden (“City”) adopted Ordinance 1632 amending the 2020 Pepin Subarea Plan. The adopted plan includes a roadway, called Pepin Parkway, to be constructed in order to provide an arterial connection through the Pepin Creek Subarea (“Subarea”) as shown in **Exhibit A**. It begins near the intersection of Benson Road and Sunrise Drive and then extends to a southern connection at Double Ditch Road; and

WHEREAS, Pepin Parkway is intended to reduce the infrastructure cost burden associated with improving both the Benson and Double Ditch Road corridors, which include fish bearing ditches, to full arterial standards by redirecting regional traffic to the Parkway, and to provide arterial access to developing properties within the subarea; and

WHEREAS, the redirection of traffic from the Benson Road corridor to the Parkway also will reduce associated traffic conflicts with the uses of Isom Elementary School and the Lynden Municipal Airport; and

WHEREAS, since Subarea Plan approval in August of 2021 the City conducted additional study of land use, transportation needs, and utility needs and determined that additional benefits of the Parkway could be realized if the corridor is shifted to the west and the northern intersection of the Parkway connected to an extension of Homestead Boulevard rather than Sunrise Drive; and

WHEREAS, these benefits include:

- Providing centrally located arterial that is more equitably accessible to developable properties of the Subarea.
- Providing an improved location for a deep sewer line which will allow for more efficient connections to the properties needing connection to the Subarea’s sewer pump station.
- Allowing direct access from the Parkway to the western edge of Benson Park which will provide entrance / exit opportunities to the park for vehicular and pedestrian traffic to balance the traffic utilizing the Benson Road entrance to the park.
- Increasing the distance between the end of the airport runway and the Parkway to reduce potential conflicts between land uses.

- Discourages the use of Sunrise Drive (a neighborhood collector) as an east / west connector and instead appropriately encourages the use of Homestead Boulevard (an arterial).
- Reducing the public cost of property acquisition by locating the Parkway primarily on property that is already owned by the City of Lynden.

WHEREAS, amendments to the roadway alignment will be reflected in an update to the Pepin Subarea Plan and the Transportation Element as components of the City’s Comprehensive Plan periodic update which is slated to be completed in June 2025; and

WHEREAS, in the meantime, city staff have worked with a transportation consultant to refine the transportation network including development obligations to provide roadway stubs to neighboring properties and review of critical intersections in the Subarea to respond to current development inquiries; and

WHEREAS, the transportation consultant has endorsed the shift of the Pepin Parkway corridor and its merits, especially as it relates to property access and intersection design; and

WHEREAS, the proposed revision to the alignment as shown in **Exhibit B** was presented at the January 10, 2024 Community Development Committee meeting, the January 29th Council work session, and the February 7th Public Works Committee; and

WHEREAS, city staff met with the property owners, or their representatives, who are most affected by the shift to the Parkway alignment; and

WHEREAS, Council endorsement of the alignment is needed ahead of the 2025 Comprehensive Plan update in order to continue design of the Parkway and the associated realignment of Pepin Creek, both critical components to the Pepin Subarea infrastructure; and

WHEREAS, improvements to Benson Road at the northeast corner of the Subarea and a 2026 Department of Transportation improvement to SR 546 at Benson Road require a certain location of Pepin Parkway as it influences traffic count and intersection design; and

WHEREAS, this resolution seeks to confirm the Council’s support of this realignment and endorse the pursuit of additional design work and funding opportunities so as to allow the private development prospects to move ahead and contribute to the infrastructure build-out.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Lynden, Washington as follows:

SECTION 1: City staff will continue to work with the city’s transportation consultant and engineering team to develop the alignment of Pepin Parkway and Pepin Creek as reflected in the attached **Exhibit B**. Notwithstanding additional refinements of radius and path within the shown corridor as determined by design standards and best available science.

SECTION 2: The City of Lynden intends to adopt a revision to Pepin Creek Subarea to update and refine the circulation network and infrastructure elements in order to provide clearly defined expectations to the development community.

SECTION 3: The City of Lynden will act in good faith to, as much as possible, utilize city-owned properties to locate necessary infrastructure and to distribute between the affected properties both the benefit and burden associated with the Pepin Creek and Pepin Parkway corridors.

SECTION 3: The City of Lynden will seek outside funding sources to assist in infrastructure improvements within the Subarea and these funding request will represent the Parkway alignment as shown in **Exhibit B**.

SECTION 4: If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Council hereby declares that it would have passed this code and each section, regardless of whether any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and if for any reason this Resolution is declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

SECTION 5: This resolution shall be in full force and effect on March 5, 2024.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE OF ____ IN FAVOR AND ____ IN OPPOSITION, AND SIGNED BY THE MAYOR THIS ____ DAY OF _____, 2024.

Scott Korthuis, Mayor

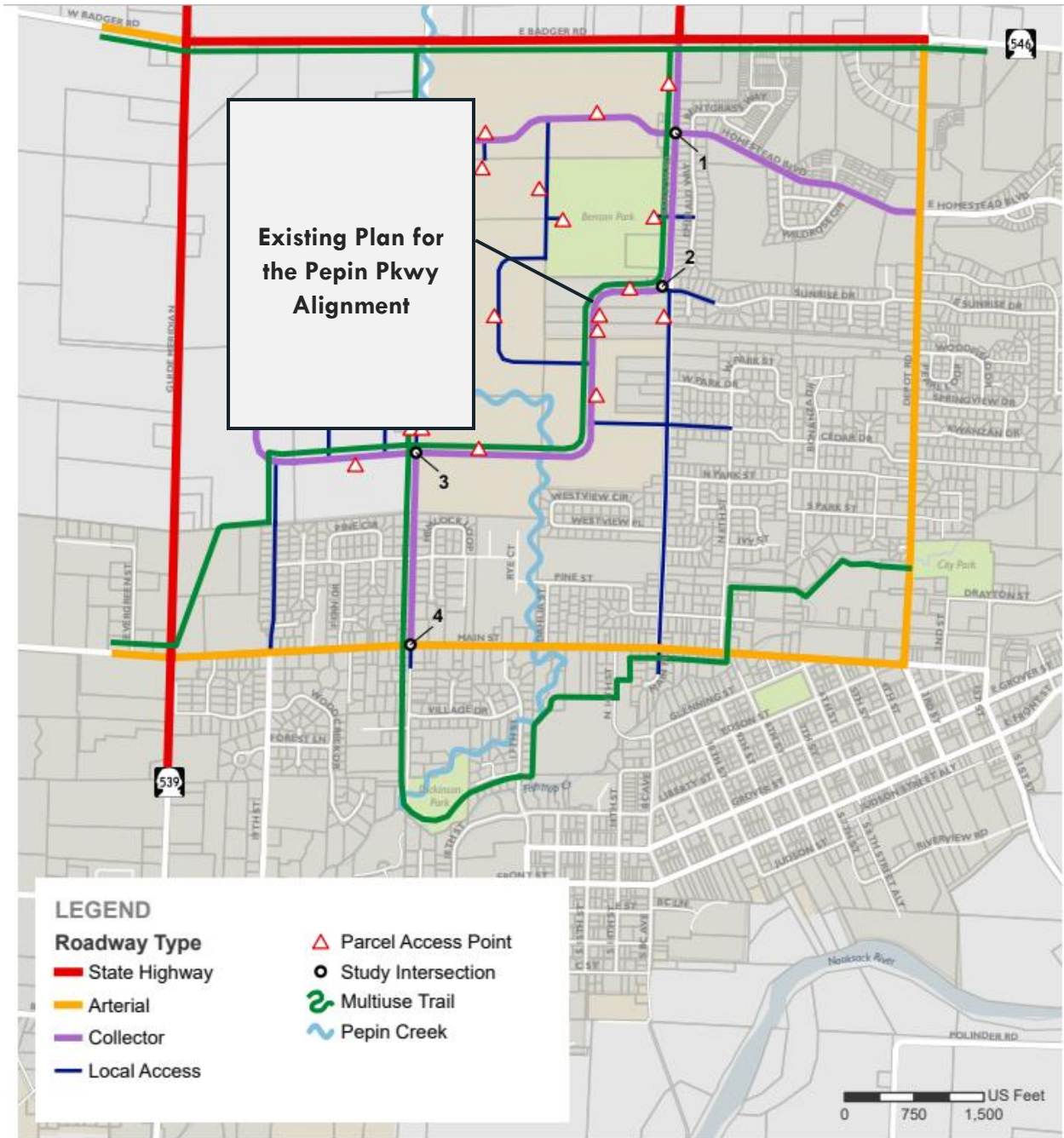
ATTEST:

Pam Brown, City Clerk

APPROVED AS TO FORM:

Bob Carmichael, City Attorney

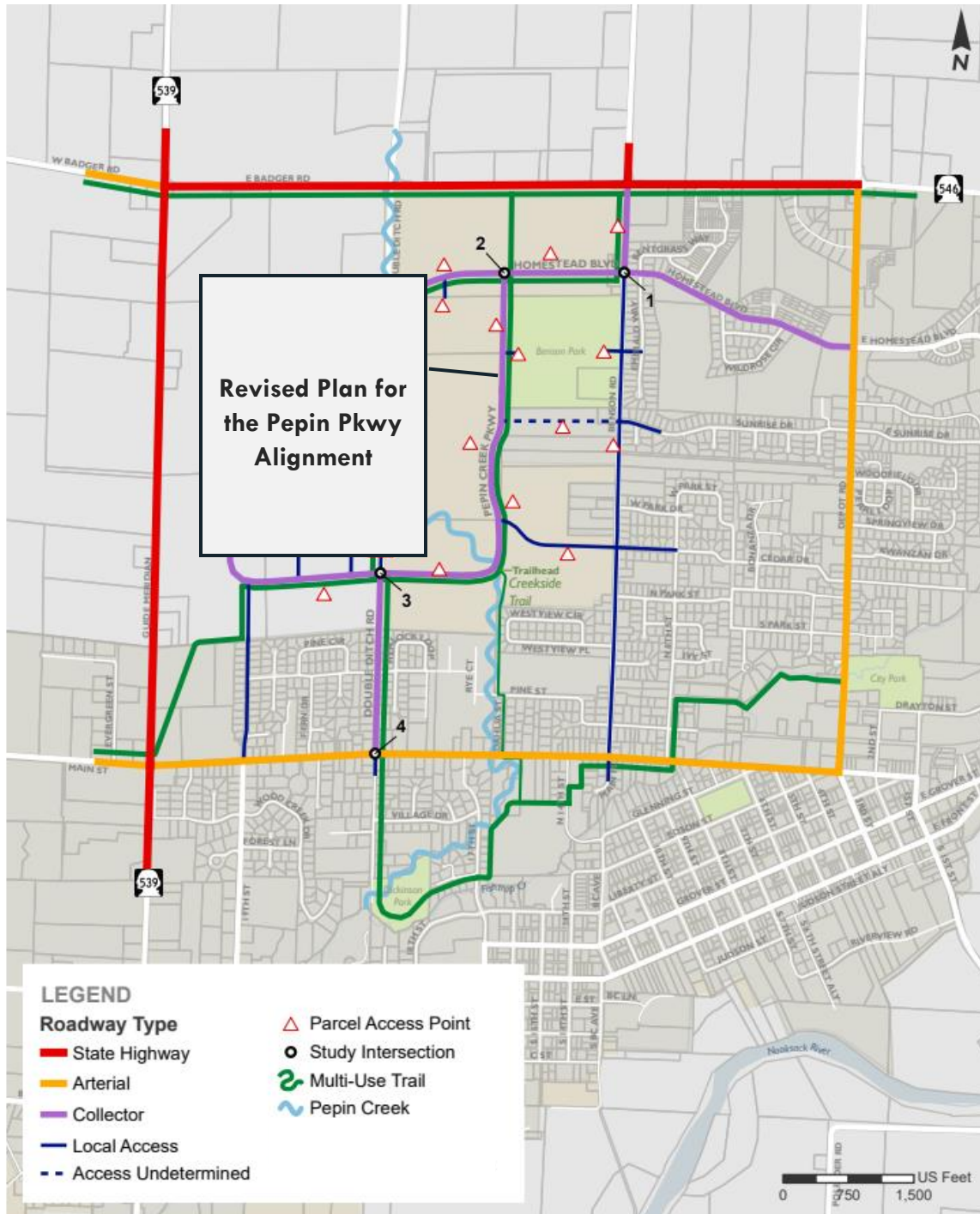
EXHIBIT A Existing Plan for the Pepin Pkwy Alignment



Pepin Creek Subarea Circulation Network
City of Lynden



EXHIBIT B Revised Plan for the Pepin Parkway Alignment



Pepin Creek Subarea Circulation Network
City of Lynden





PUBLIC WORKS COMMITTEE MINUTES

4:00 PM February 07, 2024

City Hall 2nd Floor Conference Room

CALL TO ORDER

Members Present: Councilors Gary Bode, Brent Lenssen, Gary Vis

Staff Present: City Administrator John Williams; Public Works Director Jon Hutchings; Community Development Director Heidi Gudde; Programs Manager Mark Sandal; Office Manager Heather Sytsma; and Senior Administrative Assistant Jennifer Bell

Public Present: Mark Wohlrab, Marty Gering, Mary Lou Childs, Dean Francis, Caroline Bergeron, Jonathan Henry, Lynnette Ondean, Stacy Torrance

ACTION ITEMS

1. Review Minutes from December 6, 2023

Action

The minutes from December 6, 2023, were recognized and accepted by the Committee.

2. Elect Committee Chair

Action

Lenssen motioned and Vis seconded to nominate Councilor Gary Bode as Public Works Committee Chair.

3. Reconsideration of Pepin Parkway Alignment

Hutchings briefly reviewed the history of the Pepin Creek Corridor since the previous Council’s layout was adopted in 2021. This layout extends Sunrise west and then south utilizing City property. He noted that, as conversations about development have progressed from there, sizeable inequities have been identified in the ability to access the parkway right-of-way from developable lands in that subarea. There have been many conversations with and among property owners about how inequity could be handled with regards to fees for road and other transportation and utility improvements. In addition, the question of how that roadway would interact with the realignment of Pepin Creek and how the realignment created a central interaction between trailheads, utilities, amenities all in one area and burdened one set of properties to the benefit of all others. The ultimate question is how to create a more equitable alignment of the road to act as a magnet to those who wish to develop and connect a transportation system to the parkway, removing the burden of having to make improvements later to connecting arterials.

Gudde stated that the City already owns the majority of the north-south section of the proposed corridor. Prior renditions had the Parkway going through Benson Park, but the newest sketch shows the Parkway going around the park. The Weg annexation would then have Parkway access. The central alignment is a more functional and equitable location for the deep sewer main that must serve most subarea developers. Gudde is working with Transpo Group regarding the obligations of property owners. The current proposal extends Homestead Boulevard west and then south along Benson Park. She noted that it's important that developments connect to each other for stronger infrastructure. There is also better alignment in the new proposal because there are fewer curves for a safer roadway, and it reduces conflict with the airport and airport runway.

Hutchings explained how the various property locations could benefit from existing sewer on Benson Road or a deep sewer line in Pepin Parkway. Williams added that the City is looking for legislative allocation for sewer infrastructure.

Mr. Francis expressed frustration with the City and the changes that have been made to the Pepin Creek corridor over the years. He explained that he has invested considerable time and money in his proposed development only to face further changes from the City. Bode stated that the City has spent a lot also, but the plan must define what is needed far into the future, which has caused considerable discussion and the resulting changes. Vis stated that developers should be cautioned regarding investing until the final plan for the property is developed.

Regarding Federal participation, Francis mentioned that maybe some assistance can go to the developers to alleviate the expense of building on this property. He also suggested that the City build the road and then have a latecomer agreement for developer participation.

Childs asked if the Transportation Impact Fee (TIF) pays for the road. Gudde explained that the TIF goes towards transportation infrastructure as a whole. The Parkway is one expense. Relocating the creek is another, as is improving Double Ditch and the northern portion of Benson Road. The general taxpayer is still helping to pay for all improvements. The City will try to get any funding available, but the TIF by no means covers all infrastructure required, regardless of how high it is. The City has received some Federal funding for the section of Benson north of Sunrise and has started preliminary investigations.

Vis asked if this would be presented at the next Council meeting. Hutching stated that is the intention. Lenssen asked if there should be a recommendation made at this meeting. The Committee decided that this can be brought to the City Council for discussion and a motion made at that time if warranted. Lenssen clarified that Community Development should have a draft Resolution ready for the March 4 City Council meeting with a vote potentially at a subsequent meeting.

Action

The Committee concurred and requested that the Community Development Department forward the Pepin Creek Realignment to the March 4 City Council meeting for discussion and possible action.

INFORMATION ITEMS

4. Main and 1st Street Intersection Truck Turning Movements

Bode noticed that the house at the east end of Main Street was for sale. Sandal said the sale was pending, and the new owner said she is willing to work with the City regarding plans to aid the truck turning movements at this intersection.

5. Agreement for Airport Engineering Services – Precision Approach Engineering

Hutchings explained that the City would be entering into an agreement with Precision Approach Engineering (PAE), an aviation-specific engineer used in the past. With the questions surrounding development north of the Runway Safety Area, and with WSDOT-Aviation expressing concerns about the proposed development, PAE can assist staff with any decisions. The agreement will be on the next City Council agenda for approval.

6. WWTP Expansion Update

Hutchings asked to move this to the next meeting for lengthier discussion. Vis requested possibly having an additional meeting specifically to review the Wastewater Treatment Plant Expansion. Hutchings said he'd think about whether this warranted a separate meeting.

Hutchings summarized that the application for an \$18.5M State Revolving Fund loan for construction of the WWTP expansion has made the initial list but a final list won't be released until late in summer. There is a lot of work to get the project to the point where Ecology is confident the City can meet the State Revolving Fund requirements.

7. Projects Update

The Committee briefly reviewed current projects and received progress information.

Cedar Drive Sewer and Overlay – Property owners have been provided with the current driveway designs and with the stormwater proposal. Going out for bid late February.

Judson/9th – Second phase going out to bid soon.

Waterline Improvements – Seeking to incorporate Guide Meridian service area for insufficient water supply at some homes/businesses.

Bradley Road – Design is advancing.

High School Parking Lot – The Committee was reminded that this is the exchange for Bradley Road right-of-way. This should be done as soon as school is out.

Pine Street Bridge – Construction to occur late 2024 to early 2025.

Hannegan/1st – Construction to occur this summer. Bode asked whether the Hannegan/Riverview left-hand turn lane can be incorporated into this project. Hutchings said it will take longer to work with Whatcom County to get right-of-way for this project.

Depot / 8th Trail – Williams stated he will discuss a ribbon cutting with the Parks Committee, but that it won't occur until the trail is complete.

As an aside, Sandal noted that the snowplows scraped up many of the domes. Striping of these areas and recessed markers has been proposed.

NEW BUSINESS:

8. Cedar Drive Updates

- Sandal stated he contacted Whatcom County about chip sealing the east end of Cedar Drive and the County asked for a list of other streets Lynden wants to chip seal. He will look at problem areas with the Streets Superintendent tomorrow.

- Sandal met with Marty Gering regarding the proposed roadway improvements. Bode asked if the Department of Fish and Wildlife is satisfied with the solution. Sandal stated yes. He added that he is meeting with an arborist on Friday to look at the trees on the east end to review how best to manage them in the long term. Gering stated he got results of the longitudinal stream survey. Sandal said to work with Reichhardt and Ebe Engineering for a path forward and to talk with Dave Timmer in Planning regarding the creek, ditch, permits, and critical areas.

9. Reverse Osmosis System Proposal

Wohlrab introduced a proposal for a reverse osmosis system that would remove fluoride from water. He explained that it could be located near the Water Treatment Plant and dispensed via fob linked to a water utility account to those wanting to fill containers for home use. He noted that the City of Bellingham once had a similar system at their plant. Wohlrab explained that cost depends on the size of system, from about \$10,000 to \$12,000.

Hutchings noted that his general observation regarding changing water chemistry (i.e. removing a treatment chemical) is that people may notice other effects such as taste, which is another issue to be explored.

Lenssen noted that the best solution is going to be something that not everyone is satisfied with.

Williams noted the fluoride issue is in the process of being presented for Public Hearing in May. He explained that notices have gone out to account holders in the mail, a public notice has been in the Lynden Tribune, a general advertisement will follow closer to the hearing date, and a notice will be added to the utility bills in March and April.

Williams added that there is no limit to who can comment at the Public Hearing, only the three-minute comment period per person for verbal comment. There are no residency requirements. Vis noted that the Council will not be offering solutions or answering questions at the hearing. There won't be a pro/con panel. This is just an opportunity for the public to voice their opinion to the Council at a public hearing.

ADJOURNMENT: The meeting was adjourned at 5:32 pm.

NEXT MEETING: March 6, 2024

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	March 4, 2024	
Name of Agenda Item:	Draft Public Works Committee Meeting Minutes – February 7, 2024	
Section of Agenda:	Reports	
Department:	Reports	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	Public Works Committee Draft Meeting Minutes – February 7, 2024	
Summary Statement:	Public Works Committee Draft Meeting Minutes – February 7, 2024	
Recommended Action:	None.	

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	March 4, 2024	
Name of Agenda Item:	Community Development Committee Minutes of 2-21-24	
Section of Agenda:	Other	
Department:	Community Development Department	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	Draft CDC Minutes of 2-21-24	
Summary Statement:	Draft CDC minutes attached for review.	
Recommended Action:	Council review.	

CITY OF LYNDEN

COMMUNITY DEVELOPMENT DEPARTMENT
Heidi Gudde, Director
(360) 354 - 5532



COMMUNITY DEVELOPMENT COMMITTEE

MINUTES

4:00 PM February 20, 2024
2nd Floor Conference Room, City Hall

1. ROLL CALL

- a. Council Members: Gary Bode, Brent Lenssen, Kyle Strengtholt, Mayor Scott Korthuis
- b. Staff Members: Heidi Gudde, Dave Timmer

2. APPROVAL OF MINUTES

- a. Community Development Committee Meeting Minutes of 1/10/24 approved as presented.

3. DISCUSSION ITEMS

- a. **Downtown Parking.** (No written materials on the issue was distributed.) Lenssen introduced the topic as pressure is rising to address the parking concerns in the Historic Business District. He and Bode believe that the nature of businesses in this area has changed as more service-oriented businesses are located here - with slower turnover times - rather than retail where trip turnover is much faster. Also, because a visitor to town may park on Front Street and stroll through the HBD on foot – parking spaces remain occupied for longer periods of time. Retailers and some Council members are concerned that business will be lost as convenient parking for shoppers becomes more difficult to find.

The Committee discussed how much of the parking issue should be addressed by the city versus the businesses as parking is a function of business. Strengtholt asked if the issue could be funded by a Local Improvement District (LID). Korthuis noted that LIDs are generally expensive to administer which adds to the overall cost of the project. Korthuis suggested that the value of each property be used to determine cost distribution for a new parking lot downtown.

Bode mentioned areas near downtown that could be developed into parking lots and the committee discussed costs as compared to the cost of the city-built parking lot at Bender Park off of Aaron Drive.

Enforcement ability discussed was also discussed. Chalking tires vs. using a license plate reader was debated. What staff can / would write warnings or ticket vehicles parked longer than the allotted time. Gudde also noted that the City would need to establish a means of processing parking tickets. Mayor Scott suggested that enforcement be focused on Front Street and the code be modified if needed to have a 3-hour limit on the street but an alternate standard in the parking lots.

Strengholt recognized that the service industries like Elements and R&E filled spots when downtown was largely vacant – and their contribution to the downtown area should not be overlooked.

The Committee agreed that enforcement should be focused on Front Street rather than in the off-street parking lots. Initial strategies, they agreed, should include a letter to businesses letting them know that employees are encouraged to park in locations other than Front Street and that without cooperation the City may need to begin enforcement action.

Timmer mentioned that Teri Treat, from the Inn at Lynden, has been talking with him about potential alternatives and emphasized that it would be good to have a resource / map to show Front Street employees where they could park during the day without taking space on Front Street.

Conclusions:

- 1. Investigate a license plate reader – Mayor Scott to talk to John W. about this when he returns to the office.
- 2. Property values as a means of cost distribution for the construction of a new parking lot near the HBD – Mayor Scott to review.
- 3. Com Dev staff to review what section of code would need to be revised to identify a 3-hour parking limit on Front Street and potentially distinguish this from parking limits set for the off-street lots.
- 4. Com Dev to draft a letter from the City asking that businesses to have their employees park elsewhere. Draft for the March CDC meeting.
- 5. Com Dev to check in with Teri Treat and how the city can support efforts to encourage employees / long-term parkers to park elsewhere. Timmer suggested the city may be able to make maps that show other parking options for staff.

b. Recap of Joint School Board and Park and Recs Meeting. The Committee discussed the potential impacts of a new school being built in

the Pepin Creek Subarea and if construction would negatively impact the TIF that was expected to be collected.

Gudde explained that the TIF collected would be based on the PM peak hour trips that are generated by the school. They would not be exempt from TIF or other impact fees.

Lenssen recalled from the meeting that a new middle school was slated to require approximately 20 acres. Gudde noted that the cost comparison of residential use to a middle school – using 20 acres – could be estimated. She concluded that the Pepin Subarea is likely not as viable as other locations in west Lynden because of the additional TIF levied on the Pepin Subarea. The committee speculated about other locations on the west end of Lynden that might be feasible.

c. Text Amendment – LMC 5 Special Events Permits.

Timmer briefed the Committee on the application form that was drafted for special events. Bode asked about the insurance requirement for special events.

Korthuis asked about the potential for the Chamber to carry a rider on the insurance as a service to the community.

Discussed the fairgrounds and potential exemptions after having two police-involved incidents there in the last weekend. Lenssen asked how communication can be improved between the City and NW Washington Fair and the group discussed options.

Conclusions: Committee interested in understanding what insurance options the typical homeowner would have when needing insurance for events like a block party.

Mayor Scott to talk to NW Washington Fair staff about the need to communicate with the city about their schedule. Special events code to return to CDC in March.

d. Text Amendment to LMC 19.33 – Sign Code Revisions

Gudde introduced that topic with some changes that had been made as a result of the last CDC discussion. Korene Samec and legal counsel had created new language on the regulation of electronic reader board signs in order to limit their brightness and the frequency at which their displays change. Also drafted was revised wording on sign lighting that would allow for neon or neon-like lighting components.

Gudde reported back to the group about signs that are frequently asked for but not allowed – saying that some signs are submitted too large but

that reductions in size are rarely an issue. The bigger issue are signs that are used regularly but are not permitted. This includes the use of sandwich board (A-frame) signs throughout the city and window signs which completely fill the pane. The current code allows sandwich board signs to be used only in the HBD and then only within 15 feet of the main entrance of the establishment that it is advertising.

Gudde provided photo images of signs like these throughout the city.

Lenssen and Strengholt expressed support for enforcement of the sign code that allows sandwich board signs only in pedestrian areas and not along public streets. The committee noted that providing pedestrian passage is important. Bode expressed support for businesses that may rely on the sandwich board signs as an important factor in attracting business.

The group discussed how many sandwich board signs should / could be allowed along one frontage as well as signs that are clearly off-premise.

Conclusions:

- 1. Sandwich signs – Expand the use of these types of signs to include other commercial areas but only in pedestrian areas (internal to shopping centers and not along public streets.
 - As currently written in the code, signs must be located within 36” of the building. Increase the distance that a sign can be located from the curb to 24 inches in areas where parking is not permitted (sidewalk bulb-outs).
 - Add that sandwich board signs must continue to be placed in proximity to the main entrance of the business being advertised but increase this distance from 15’ to 25’.
- 2. The group recommended that staff get feedback from the Planning Commission on this and other sign issues. Code amendment is currently slated to go before the Planning Commission on April 25.

4. INFORMATIONAL ITEMS

a. Text Amendment 24-01 – LMC 19.20 ADU Code per HB 1337.

Staff review has concluded with a recommendation to approve the text amendment with the condition that the covenant for owner-occupancy is required until January 1, 2026. The recommendation also includes a start to collecting 50% of TIF (the State’s maximum) on ADUs.

Committee understood the reasoning behind the amendment and the staff recommendations. Committee discussed the start of a TIF for ADUs as the beginning of 2025 rather than 2026 to ramp up for impacts. Council members may raise this issue when the item comes before them later this spring.

b. Self Help Homes through Whatcom Skagit Housing.

Bode gave a summary of information that he has collected recently on this program. Dept of Agriculture funds are used to create home programs in rural areas (cities with a population of less than 35,000). Sweat equity is used to complete a group of homes. This has been done in neighborhoods throughout the County.

c. WTA Lynden Station.

Scott Korthuis introduced the proposal that Whatcom Transit Authority has been working on with RMC Architects and City staff. The proposal would convert the underused Park and Ride station to supportive housing – likely geared toward families. The proposal will go out to bid. WTA seeks bid from non-profits specializing in housing and associated services. Phase 1 of the project includes 60 units including 28 three-bedroom town homes, 15 two-bedroom units, and 17 one-bedroom units. Phase 2 is comprised of 56 additional units and would require 2 levels of structured parking in order to meeting current parking requirements.

Next Meeting Date: March 20, 2024