



COMMUNITY DEVELOPMENT COMMITTEE

MINUTES

4:00 PM August 23, 2023
2nd Floor Conference Room, City Hall

1. ROLL CALL

City Council Members: Gary Bode, Brent Lenssen, Kyle Strengtholt
Staff: Dave Timmer, Heidi Gudde, John Williams
Community Members: Gary Vis, Mike Engels, Adam Prentice

Introductions of meeting attendees.

2. APPROVAL OF MINUTES

Community Development Committee Meeting Minutes of 7/19/23 approved as presented.

3. DISCUSSION ITEMS

Conversion of Mixed-Use Spaces to Accommodate Additional Residential Units

Mike Engels, local contractor, and Adam Prentice, property manager of mixed-use building located at 2202 Mercedes joined the committee meeting. The building has 20 residential units and has commercial space on the first floor. Mike and the building manager described the commercial portion of the building as unleaseable. Anecdotally, this is thought to be because of its location within a residential neighborhood. It lacks commercial traffic or other commercial users other than large-scale storage.

Mike was told by Planning Staff, about HB 1042 which may provide the opportunity to convert this commercial space to residential uses.

Gudde gave the group a brief background on HB 1042 which is recent legislation about the required allowance to convert existing mixed-use buildings to add residential units. The legislation also prevents local governments from requiring additional parking upon conversion. The City of Lynden is subject to making these changes within 6 months of our next Comp Plan update. This means the revision would be in effect at approximately the start of 2026.

The building on Mercedes is one of two that utilized the City's older mixed-use code to maximize unit count, building height, and setbacks. As a result, these buildings do not fit into a residential category. The maximum density of units per acre exceeds any residential category that the city has. As a result, even if the

property were rezoned to a residential use it could not accommodate additional units because it would exceed maximum density. The zoning remains CSL. The best path for a conversion of commercial to residential use appears to be this revision required by HB 1042.

Gudde indicated that the revision, if prioritized by Council, could be done earlier than the deadline set by the State. However, we do not have the Dept of Commerce's (DOC) guidance on how to implement this legislation so we would be interpreting on our own.

Williams noted that the DOC will create a rule making committee to clarify the legislation for cities to implement but this will take this time as the DOC is focused on legislation that has more immediate deadlines.

Strengtholt asked about any potential changes to the requirements prior to the due date. Gudde agreed this was a possibility. One of the reasons the City's due date to comply was set so far into the future is because of the possibility of challenges or changes in the next legislative session. Our lobbyist has pointed this out to us.

The group discussed the potential of making code changes that would then need to be reversed. The parking issue was also discussed as it related to the subject building as well as others in the city.

Conclusions: Committee asked that staff review the steps that would be needed to make the code changes and report back to the Committee. Review the city for other potential conversions including potential. Return to CDC with some conclusions, pros and cons of making these changes earlier. Report back at the September meeting.

LMC Text Amendment - Special Events

Dave Timmer gave an overview of the work that he's done on the edits to the special events code including an explanation of the tiers of events. Tier 1 being equal to a "Dance Permit" and the other Tiers potentially having more impact to the community. The draft included notes and talking points.

Feedback from the group included the following:

- Committee support for the use of 4th Street for special events and potentially 5th Street if conflict with existing businesses is considered. These and smaller streets could be closed administratively. Discussed when Council approval is needed for street closure.
- Draft code to allow multiple events from the same entity in the same year but notes that additional review may be required. This keeps the opportunities open without putting an arbitrary, numerical limit on the number of events.

- Discussed the use of the Fairgrounds as an event center and if the facility, as a whole, would be exempt. General consensus seemed to indicate that the Committee did not want to exempt events (outside of the actual Fair time) at the fairgrounds from permitting requirements because they want the City to be aware. Revise the language on exemptions to clarify that the Fair itself is exempt from the permit but other events that take place on the fairgrounds property through the year still require the permit application and city review.
- Requirements must include indemnification agreement and insurance. Revise to include WCIA recommendations for insurance coverage.
- No 'grandfathering' of events. Re-review (including submission of a new permit application) needed annually. It's a good opportunity to update on any changes to the event details, remind the city of the event dates, and ensure insurance and indemnification components are up to date.
- Committee is OK with keeping the proposed Public Services Fee section in the code. This provides the option for recovering public costs associated with an event if necessary. It also provides waiver option is applicable. Some discussion on actual costs of those services may be necessary (ie. street barricades, public works time, etc). Fee details can be added to the unified fee schedule.
- Send the update to Public Safety Committee for review.

2024 Budget Outlook

Gudde gave an overview of the budget memo that was included in meeting packet. She noted that the largest expenditure, the permit tracking software, will be beneficial to multiple departments with Comm Dev representing about 65% of the usage and expense. Public Works, Fire, Police, and Admin representing the other 35% of use and expense.

Gudde mentioned other programs that may be included in the upcoming budget such as an Urban Forestry Program. This is a form of green infrastructure that is likely to become a requirement of our stormwater permit with the Dept of Ecology. The also relates to possible tree retention programs.

4. INFORMATIONAL ITEMS

Development Report and Project Updates were discussed.

The group discussed various projects within the City and the images that were included in the meeting packet.

Building Division Fee Comparison

Gudde has provided early numbers collected that compare building permit fees with other jurisdictions. For the most part the city's fees are comparable to others. Gudde informed the group that Fire's plan review fees will likely be going up as they are relatively low compared to other cities, but we don't expect big changes for the review fees on the building permits. The group discussed some possible changes to the fees for mechanical permits.

Next Meeting Date: Sept. 20, 2023