

CITY OF LYNDEN

PLANNING DEPARTMENT

Heidi Gudde – Planning Director

(360) 354-5532



Community Development Committee Meeting Agenda

City Hall - 300 Fourth Street

4:00 PM October 18, 2023

Roll Call

Approval of Minutes

1. CDC Meeting Minutes of 9/20/23

Discussion Items

2. Amendment to LMC 19.22.030(E) - Porches, Decks, and Enclosed Patios
3. CDC Meeting Schedule - Remaining 2023 Meetings

Informational Items

4. 2023 Development Report – July through September
5. Amendment to Special Events Code - Summary Memo
6. Comprehensive Plan - HB 1181 Climate Planning Strategy

Next Meeting: TBD

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	October 18, 2023
Name of Agenda Item:	CDC Meeting Minutes of 9/20/23
Section of Agenda:	Approval of Minutes
Department:	Community Development Department
Attachments:	
CDC Meeting Minutes of 9/20/23	
Summary Statement:	
CDC Meeting Minutes attached for committee review.	
Recommended Action:	
Review and correct as needed.	



COMMUNITY DEVELOPMENT COMMITTEE MINUTES

4:00 PM September 20, 2023
2nd Floor Conference Room, City Hall

1. ROLL CALL

Council: Brent Lenssen, Gary Bode, Kyle Strengholt, Mayor Scott Korthuis
Staff: John Williams, Dave Timmer, Heidi Gudde, Chief Mark Billmire, Jon Hutchings
Guests: Dale Assink

2. APPROVAL OF MINUTES

Community Development Committee Meeting Minutes of 8/23/23 approved as presented.

3. DISCUSSION ITEMS

LMC Text Amendment - Special Events

Dave Timmer gave the committee a summary of the edits and notes that had been made following the last CDC meeting. The proposed code includes four tiers of events. The tiers relate to the scale of event and the level of city involvement. Tier 1 would replace the “Dance Permit” that’s currently in the code. Tier 4 would be used for the largest events such as the Farmers Day Parade that include significant street closures and City Council approval.

Exemptions for private property were discussed. Some unease about the city barging into a private event on private property. This led to further discussion regarding the number of people that triggers a “special event” – 75 is the number listed. This is a somewhat random number with the thought that impacts beyond the private property likely occur. More than 75 would require the permit – following this discussion that number remains unchanged.

The goal of the permit, especially the first couple of tiers, is to inform the city about events that are occurring so that police and fire are aware. This would include constitutional protected events that are not subject to a fee or regulation. Keeping these as tier 1 should be beneficial for both the city and the organization.

The special event permit also gives staff an opportunity to require trash collection, portable restrooms, etc which lessens the impact to businesses and surrounding properties.

Additional discussion occurred as to what arterial streets could be closed administratively. The committee concluded that 4th street closures and non-arterials could be administratively, but all other arterial streets would require Council approval to close (including 5th St). Neighborhood collector streets could be closed administratively (for block parties, for example).

The Committee did not give specific direction on application fees or costs associated with city services.

Conclusions: Code revisions to go to Public Safety Committee in October.

a. LMC Text Amendment – Patio Screening and Enclosure

Discussed the details of a text amendment to the deck and patio screening and enclosure in LMC 19.22.030. The Committee discussed the amount of ventilation that would be required to keep the space unsealed from the outside. Consensus was that the square footage should match at the bottom and the top of solid screening panel or within the truss if trusses are exposed.

Conclusions: Staff to revise the language to include specifics about venting.

b. Cost Sharing Interlocal Agreement – Comp Plan 2025

The committee discussed the interlocal agreement for cost sharing the expenses associated with consultant assistance with a series of tasks which will benefit Whatcom County and the cities within Whatcom County. The cost shares are determined primarily on population. The group discussed the total contract that Whatcom County will be executing as well as the consultant selection process.

The Committee did not suggest any changes to the interlocal and asked that staff bring it to full Council for review.

Next Meeting Date: October 18, 2023

CITY OF LYNDEN

EXECUTIVE SUMMARY – Community Development Committee



CDC Meeting Date:	October 18, 2023	
Name of Agenda Item:	Screening and Enclosing Patios within Rear Setbacks – LMC 19.22.030(E)	
Section of Agenda:	Discussion	
Next Steps Proposed by Staff:		Legal Review:
<input type="checkbox"/> Staff revisions	<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Completed
<input type="checkbox"/> Return to CDC	<input type="checkbox"/> Other Committees	<input type="checkbox"/> Recommended
<input checked="" type="checkbox"/> Schedule for full Council	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Not Required
Attachments:		
Draft of proposed text to replace LMC 19.22.030(E)		
Summary Statement:		
<p>Per the Council request to reconsider as detailed in Res 23-1076, staff has drafted revised language to the section of code regulating front entries, patios, and decks. The amendment is meant to provide for additional screening and enclosure options for outdoor living spaces that encroach into rear yards. It is also meant to clarify existing portions of code related to deck and patio heights and associated setbacks.</p> <p>Options for enclosing patio and deck spaces now include flexible and rigid materials but only when permanent ventilation to the outdoors is provided. The language has been updated to include specific provision related to the ventilation requirement per the CDC recommendation on 9-20-23.</p> <p>This draft will be discussed at the meeting with the intent of returning the amendment to full Council for review and adoption.</p>		
Recommended Action:		
Discuss and provide feedback.		

Exhibit A – Ord 23-1674

19.22.030 Residential architecture and attached garages.

E. Porches, Stoops, Decks, and Patios.

1. General Provisions for Porches, Decks, and Patios

- a. All decks, porches, and patios must be included in calculations of maximum impervious lot coverage, as established in LMC 19.11.020.
- b. All decks, patios, porches, or similar must be designed so as not to drain to surrounding properties.
- c. No element of the deck or patio including footings may encroach into a neighboring property or an existing easement.

2. Front Entries and Front Yards

- a. Primary pedestrian entrances must include cover from the elements. Eave overhang alone does not constitute cover.
- b. Steps used to access front porches or stoops must be complimentary to the primary structure through the use of coordination materials or architectural elements.
- c. Stairs with open risers are not permitted on front porches or front stoops.
- d. Front yard decks and patios.
 - i. Uncovered decks and patios may encroach into a front yard but must maintain a minimum setback of 10 feet and shall not exceed eighteen (18) inches above the natural grade.
 - ii. Decks and patios that are covered or those that are uncovered but exceed eighteen (18) inches above the natural grade must meet the front setback assigned to the primary structure.

3. Uncovered Decks and Patios in Rear and Side Yards

- a. Uncovered decks and patios are permitted within side and rear setbacks. Uncovered decks and patios not over twenty-four (24) inches are permitted within six (6) feet of rear and side property lines.
- b. Patios and decks more than 24 inches above the natural grade must maintain a rear setback of eighteen (18) feet and a side setback of six (6) feet.

4. Covered decks and patios are subject to general provisions as well as the following standards described here. Covered decks and patios which are detached from a primary residence by six (6) or more feet are regulated as accessory structures per LMC 19.22.040.

a. Setbacks

- i. Covered decks and patios may encroach into a rear yard but a minimum rear setback of eighteen (18) feet must be maintained. This setback is measured from the property line to the farthest extent of the roof structure.
- ii. Roof structures may encroach into side yard setback as much as two (2) feet.

b. **Enclosure.** Covered decks and patios attached to a residence may be screened, secured, or enclosed to extend the usefulness of these outdoor spaces however, enclosures, whether conditioned or unconditioned, are not intended to become extensions of indoor living space unless the enclosure meets all setbacks applicable to the primary residence. Screening and enclosure of covered decks and patios encroaching into a rear yard setback is subject to the following regulations:

- i. **Ventilation.** ~~Every~~ Exterior edges of a covered deck or patio must include air gaps or screened openings to remain vented to the outdoors at all times. Walls, windows, and doors which can be made to seal the space are not permitted on any exterior edge. Vented openings must be present at the top and bottom of rigid enclosure walls. At a minimum, venting must include a 3.5-inch air gap at floor level, horizontally running the full perimeter of the patio's exterior between vertical supports. Additionally, an area equivalent to this floor level ventilation must be provided at the top of enclosure walls. Venting an enclosed attic (such as when a ceiling is present on a patio) will not be counted toward the ventilation required for the enclosed patio / deck space.
- ii. The portion of patio or deck enclosed with rigid and opaque screening materials may not occupy more than sixty (60) percent of the total linear length of the rear façade.
- iii. Materials used to enclose or screen patios and decks that encroach into a rear yard may vary but the design must maintain the intent to provide ventilated outdoor, rather than indoor, living space. Examples of methods and materials include flexible and retractable opaque or transparent patio screens or sunshades; framed insect screening; railings, louvered or rigid windscreens, or privacy panels which are mounted with brackets to the floor, ceiling, or vertical supports; tinted or transparent glass or plexiglass may be used except that highly reflective or mirrored glazing is not permitted.

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	October 18, 2023
Name of Agenda Item:	CDC Meeting Schedule – Remaining 2023 Meetings
Section of Agenda:	Informational Items
Department:	Community Development Department
Attachments:	
Summary Statement:	
<p>The November Community Development Committee meeting, per the typical schedule, would fall on the Wednesday before Thanksgiving – November 23, 2023. In anticipation of this, at the start of the year, it was shifted to November 15th on the City’s meeting calendar. However, the Department Director now anticipates being out of town the week of the 15th for a hunting trip to Montana. Will the Committee consider other dates in November to meet? Additionally, the December Community Development Committee meeting is currently slated for December 20th. Staff does not anticipate pressing issues at the close of the year but will likely have updates related to the legal scrub of the sign code and the update to the civil penalties code to share with the Committee by mid-November.</p> <p>Perhaps the Committee would consider combining the November and December meetings to a date in late November or early December?</p> <p><u>Suggested Dates for combined November / December meeting:</u></p> <p>Wednesday, November 29 Thursday, November 30 Tuesday, December 5 Wednesday, December 13</p> <p><u>Other events to consider:</u></p> <p>Comp Plan Kick-off with Whatcom County – November 8, Parks Committee - November 20 and December 18, PW Committee - December 6, City Christmas Party-December 7</p>	
Recommended Action:	
Review dates and confirm remaining CDC meeting(s) for 2023.	

CITY OF LYNDEN

EXECUTIVE SUMMARY



<u>Meeting Date:</u>	October 18, 2023
<u>Name of Agenda Item:</u>	2023 Development Report – July through September
<u>Section of Agenda:</u>	Informational Items
<u>Department:</u>	Community Development Department
<u>Attachments:</u>	
Development Report – July through September	
<u>Summary Statement:</u>	
Community Development Reports for July-Sept attached for committee review.	
<u>Recommended Action:</u>	
Review	

Monthly Development Report for July 2023

Building Permit Activity: Permits Issued

	July-22	July-23	Percent Change
Number of SFR Permits Issued	5	1	-80.0%
Number of Accessory Dwelling Units	0	1	100.0%
Total SFR Construction Cost	\$2,102,426	\$530,000	-74.8%
Number of MF Units	0	0	0.0%
Total MF Construction Cost	\$0	\$0	0.0%
Total Residential Units (Includes SF, MF & ADU)	5	2	-60.0%
Number of CS/ID Permit Issued	2	2	0.0%
Total CS/ID Construction Cost	\$125,000	\$160,000	21.9%
Total Building Permits Issued	48	49	2.1%
Total Permit Construction Value	\$2,630,848	\$1,091,000	-58.5%
Total permits incl: (fence, mech, shed)			

Development Permit Activity: Applications Filed

Annexation	
Administrative Appeals	
Comprehensive Plan Amendment	
Conditional Use Permit	
Design Review	1
Long Plats	
Lot Line Adjustment	
SEPA	1
Short Plats	
Shoreline Substantial Development	
Development Standards Variance	
Rezone	
Variance (Hearings Examiner)	
Zoning Text Amendment	
Home Occupation Permit	
Vacate	1

Complaints and Zoning Violations:

Type	Jul-23
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Monthly Development Report for August 2023

Building Permit Activity: Permits Issued

	August-22	August-23	Percent Change
Number of SFR Permits Issued	0	6	600.0%
Number of Accessory Dwelling Units	2	2	0.0%
Total SFR Construction Cost	\$290,000	\$1,810,700	524.4%
Number of MF Units	0	0	0.0%
Total MF Construction Cost	\$0	\$0	0.0%
Total Residential Units (Includes SF, MF & ADU)	2	8	300.0%
Number of CS/ID Permit Issued	3	3	0.0%
Total CS/ID Construction Cost	\$630,000	\$870,000	27.6%
Total Building Permits Issued	52	45	-13.5%
Total Permit Construction Value	\$1,340,815	\$3,056,161	127.9%
Total permits incl: (fence, mech, shed)			

Development Permit Activity: Applications Filed

Annexation	
Administrative Appeals	
Comprehensive Plan Amendment	
Conditional Use Permit	1
Design Review	
Long Plats	
Lot Line Adjustment	
SEPA	
Short Plats	
Shoreline Substantial Development	
Development Standards Variance	
Rezone	
Variance (Hearings Examiner)	
Zoning Text Amendment	
Home Occupation Permit	1
Vacate	

Complaints and Zoning Violations:

Type	Aug-23
RV as living quarters	1
Misc Debris	1

Monthly Development Report for September 2023

Building Permit Activity: Permits Issued

	September-22	September-23	Percent Change
Number of SFR Permits Issued	4	4	
Number of Accessory Dwelling Units	0	2	
Total SFR Construction Cost	\$1,349,250	\$1,123,000	-16.8%
Number of MF Units	0	1	100.0%
Total MF Construction Cost	\$0	\$150,000	150.0%
Total Residential Units (Includes SF, MF & ADU)	4	7	75.0%
Number of CS/ID Permit Issued	2	3	33.3%
Total CS/ID Construction Cost	\$747,000	\$5,405,000	86.2%
Total Building Permits Issued	48	39	-18.8%
Total Permit Construction Value	\$2,289,250	\$6,938,716	203.1%
Total permits incl: (fence, mech, shed)			

Development Permit Activity: Applications Filed

Annexation	
Administrative Appeals	
Comprehensive Plan Amendment	
Conditional Use Permit	1
Design Review	2
Long Plats	
Lot Line Adjustment	3
SEPA	1
Short Plats	1
Shoreline Substantial Development	
Development Standards Variance	
Rezone	1
Variance (Hearings Examiner)	
Zoning Text Amendment	
Home Occupation Permit	
Vacate	

Complaints and Zoning Violations:

Type	Sep-23
Temp Signs in ROW	5



Council Meeting Date:	TBD
Project:	Special Events – Code Rewrite (LMC 5.30)
Department:	Community Development Department
Attachments:	
<ul style="list-style-type: none"> • LMC 5.30 Special Events – Redlines (Amended LMC 9.32) • LMC 5.30 Special Events – Clean 	
Summary Statement:	
<p>Currently, LMC 9.32 regulates how the city approves and supports “Special Events”, such as parades, fun runs, concerts, and the like. In June, Administration asked Planning staff to review the current code and application, to research how other Washington cities regulate these activities, and to prompt discussion on how Lynden might wish to update this code. The general understanding is that these events are good for the city, they build community and create a festive atmosphere. The intent in this code rewrite is not to get in the way of these events happening, but to clarify regulations and responsibilities, and ensure that appropriate communication with the various departments and policy makers can occur through the application process.</p> <p>Some of the questions that helped focus this review were:</p> <ul style="list-style-type: none"> • Where should this code chapter be located in the LMC? • Is the current approval process most appropriate for Lynden special events? • Are the current insurance / indemnification requirements satisfactory? • How does the street closure request and approval process work? • How should chapter violations be treated / enforced? <p>Since June, Planning staff has discussed potential amendments and redlines to the Special Events code with the Community Development Committee (August and September) and the Public Safety Committee (October). At the October Public Safety Committee meeting, the Committee asked that the entire Council have a chance to review the proposed rewrite prior to its proposed adoption. Therefore, for your current review, attachments include a <u>redline</u> version of the chapter as well as a <u>clean</u> version. Please provide Planning staff with any feedback you might have by October 31. Any desired changes will be discussed at the November CDC meeting.</p> <p>Summary of Significant Changes:</p> <ul style="list-style-type: none"> • Moving this code chapter from LMC Chapter 9 (Criminal Code) to LMC Chapter 5 (Business Licensing and Regulation). • Establishing a 4-tiered permit system. These tiers recognize the difference in substantial impacts, the need for public services to support the event, and clarifies who approves the permit. Tier 4 - which includes arterial street closures - requires Council approval. With this update, “Dance Permits” would be reviewed as a Tier 1 – Special Event. 	

- Update / edit the permit exemptions – this clarifies that the annual NWW Fair is exempt from the permit, but other events held on the fairground’s property, including at the Rotary Building, are not exempt from the permit.
- Update the insurance and indemnification requirements to WCIA recommended levels.
- Inclusion of a requirement for the “Reimbursement of Public Service Costs”. This recognizes that some events cost the city money so this section allows the city to require reimbursement for some of those costs. This section also allows for a waiver of this required reimbursement if the event is deemed a significant public good.

Of note: Application fees have not been determined. Options are to have one fee for all applicants, or the fee could be based on Tier. Staff recommends that Tier 1 = \$0; Tier 2 = \$25; Tier 3 = \$50; Tier 4 = \$75.

Additionally, fees for Public Services also need to be worked out – in those circumstances where reimbursement is warranted. Potential public costs could be: Police Officer, Police Equipment, Fire Personnel, Fire Equipment, Public Works Personnel, Public Works Supplies (barricades, etc), Public Works equipment (street sweeper, etc). Please provide feedback on these potential cost items.

Once the code updates are settled and the code update ordinance is adopted, staff will update the Special Events Permit application accordingly.

Recommended Action:

Review attachments and provide feedback to Planning staff by October 31. Any suggestions will be incorporated into the November 15 CDC meeting packet.

CITY OF LYNDEN

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



Date: October 13, 2023

To: Community Development Committee

RE: Climate Planning Strategy – Comp Plan Update 2025

HB1181, approved by the State legislature in 2023, requires the City to address the causes and impacts of climate change in the City's Comprehensive Plan. This will take place as part of the 2025 Comp Plan update. The City has been granted \$500,000 from the Dept of Commerce for this work. This is a significant amount of funding for planning and some implementation (urban tree plans, erosion control plans / designs, etc) but not for capital purchases.

Requirements: In general, HB1181 requires the City to address climate change throughout its Comp Plan in each of the Land Use, Capital Facilities, Utilities, and Transportation Elements. This will include a general review of these chapters and the appropriate updates that address climate risks and adaptation.

Secondly, it requires the City to add a new Climate Element to the Comp Plan. This will include an identification of city assets (infrastructure, buildings and public property, and natural resources), an evaluation of their vulnerability and risks, an assessment of impacts to vulnerable communities, the promotion of multimodal transportation networks, and the establishment of goals and policies that address this issue.

The new Climate Element shall include two specific sub-elements: 1) Greenhouse Gas Emissions (GHGs); and 2) Climate Resilience.

- 1) The Greenhouse Gas Reduction Sub-element requires the City to include strategies for reducing greenhouse gas emissions. Work on this sub-element generally identifies sources of GHGs in the City and discussion of measures that can be taken to reduce those emissions city wide. In some cases, cities have conducted a greenhouse gas inventory – this can include both public emissions (from City fleets, public buildings, etc) and emissions generated by private industry, businesses, and residential uses. The Dept of Commerce has produced an extensive “Menu of Measures” to reduce GHGs of which could be discussed / implemented to reduce GHGs in Lynden. In the absence of an inventory, the focus of this sub-element could be these measures.
- 2) The Climate Resiliency Sub-element requires the City to include strategies for reducing the adverse impacts of climate change to residents, businesses, and natural resources in the City. This includes hazards identification (extreme heat, water supply, flooding, landslides, etc) and the development of natural hazards mitigation plans to prepare for these impacts. The Dept of Commerce's “Menu

of Measures” can also be discussed for specific resiliency measures. In addition, Whatcom County has a FEMA approved Natural Hazards Mitigation Plan (2021) which includes Lynden, but mitigation strategies that are Lynden focused are warranted for this update.

Public Outreach: An important component of this update is to engage the public on this issue. This will take several forms. Planning Staff will develop an online survey with questions targeted toward getting a sense of how community members are thinking about climate change and its impacts – knowledge, awareness of the issue, and sense of what measures might be appropriate in Lynden for adaptation and resilience. In addition, the City with a selected consultant, will organize an open house / public meeting to inform and gather feedback from meeting attendees. If appropriate, the City will use electronic voting devices to record real time feedback at this meeting. As drafts of the climate related updates and the new chapter is developed, the City will organize an “advisory committee” made up of targeted community members. This committee will review and provide feedback on the updates. Finally, the proposed element updates for the full Comp Plan (including Climate updates) will go through the public noticing and hearing process with the City’s Planning Commission and City Council.

Next Steps: Planning staff are working on the next steps in this process which includes completing an application to the Department of Commerce for the allotted grant funds by the end of October. This application will include a proposal for scope of work and planned fund expenditures. Subsequently staff will be creating a draft scope of work, advertise for proposals, and move forward with consultant selection. Staff anticipates that the scope of work and deliverables will flex based on consultant feedback.