

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 September 20, 2023

Roll Call

Approval of Minutes

1. CDC Meeting Minutes of 8/23/23

Discussion Items

2. Special Events Code Amendment – LMC 5.30
3. Screening and Enclosing Patios within Rear Setbacks – LMC 19.22.030(E)
4. Interlocal Agreement re Cost Sharing for Comp Plan 2025

Next Meeting: October 18, 2023

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	September 20, 2023
Name of Agenda Item:	CDC Meeting Minutes of 8/23/23
Section of Agenda:	Approval of Minutes
Department:	Community Development Department
Attachments:	
CDC Meeting Minutes of 8/23/23	
Summary Statement:	
CDC Meeting Minutes attached for committee review.	
Recommended Action:	
Review and correct as needed.	

CITY OF LYNDEN

PLANNING DEPARTMENT
Heidi Gudde – Planning Director
(360) 354 - 5532



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 Strengholt
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.

Strengholt 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 ground 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



CDC Meeting Date:	September 20, 2023	
Name of Agenda Item:	Special Events Code Amendment – LMC 5.30	
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 checked="" type="checkbox"/> Other Committees	<input type="checkbox"/> Recommended
<input type="checkbox"/> Schedule for full Council	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Not Required
Attachments:		
Draft of proposed redlines to LMC 5.30		
Summary Statement:		
<p>The Community Development Committee met and reviewed proposed revisions to the code regulating special events. The amendment includes moving the section from LMC Chapter 9 to Chapter 5. Feedback from the August 23rd meeting has been integrated into the attached draft.</p> <p>This draft will be discussed at the meeting with the intent of bringing the draft to the Public Safety Committee in October for their review and feedback.</p>		
Recommended Action:		
Discuss and provide feedback.		

Chapter 5.30 PARADES AND SPECIAL EVENTS

Sections:

5.30.010 Definitions.

In this chapter, unless a different meaning plainly is required, the following definitions shall apply:

- A. "Chief of police" means the chief of police of the city of Lynden.
- B. "City" means the city of Lynden.
- C. "Parade" means a large group of persons with or without animals or vehicles moving in a public procession or march in or upon any street, sidewalk, park, or other public place. A large group of persons means a group of more than fifteen persons.
- D. "Special events permit" means a permit as required by this chapter.
- E. "Special event" means an event organized by any person or which will generate or invite considerable public participation and/or spectators, for a particular and limited purpose and time, including, but not limited to concerts, fun runs, [roadway foot races](#), fundraising walks, bike-a-thons, carnivals, shows, exhibitions, ~~circuses festivals, block parties, and certain community events, and fairs~~. Special events are not limited to those events conducted on the public streets but may occur on private property. **This code does not include public dances as specified under LMC 5.32.**
- F. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
- G. "Street" or "Streets" means any public highway, sidewalk, alley, or portions thereof in the city of Lynden dedicated to the public use.
- G-H. "Substantial impact" means creating an increase in the amount, scope or level of need for city-provided emergency or protective services such as police, fire or medical aid and/or necessitating special traffic control measures such as barricades, traffic direction by police, or similar measures above those that would normally be required without the event and that results in actual, documented costs to the city due to the event.

(Ord. 1141 § A (part), 2002).

5.30.020 Permit—Required—Exceptions.

- 1) Permit Required: No person shall engage in, participate in, aid, form or start a special event or parade unless a permit has been obtained. Applications for permits must be obtained from the city administration office, completed by the applicant, and returned to the city administration office.
- 2) Special Event Permit Tiers:
 - a) Tier 1: Permit required, application fee waived, no insurance or indemnification agreement required, administrative approval.

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Commented [DT1]: This statement was not fully clarified at the August CDC meeting. Should public dances still be regulated separately or can they just be considered a special event and the appropriate tier permit requirements - as with any other similar special event? I believe the way this chapter is being re-written, public dances would be included here in this chapter as a normal special event.

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- i) A private event, on private property, more than 75 participants, and no substantial impact on public property, public streets, public services, neighbors, or other community members.
- ii) Political or religious activity primarily intended for the communication or expression of ideas presumed to be protected by the First and Fourteenth Amendments of the United States Constitution.
- b) Tier 2: Permit required, application fee required, administrative approval.
 - i) A private or public event, on private property, more than 75 participants, with substantial impact on local traffic, noise, and the neighborhood, but does not require public services.
- c) Tier 3: Permit required, application fee required, public services fee may be determined, administrative approval.
 - i) A private or public event that uses private and/or public property (this may include non-arterial street closures and 4th St between Front and Grover), more than 75 participants, and may result in substantial impact to public services (Police, Public Works, etc).
- d) Tier 4: Permit required, application fee required, public services fee may be determined, City Council approval.
 - i) A private or public event that uses private and/or public property (specifically which includes arterial street closures and streets besides 4th St in the HBD), more than 75 participants, and a substantial impact to public services (Police, Public Works, etc).
- 3) Permit Exemptions: The permit requirement does not apply to the following:
 - a) Funeral and wedding processions.
 - b) A private event on private property, involving less than 75 participants, and which has no substantial impact on the neighborhood or on public services.
 - c) Groups of students involved in a school sponsored, school supervised event.
 - d) Events conducted in a facility designed for that purpose such as theaters, auditoriums, places of worship, etc.
 - e) Events separately approved by the Lynden Parks Department for use at a park property.
 - f) The annual Northwest Washington Fair. Other events held throughout the year at the Fairground's property and event center property are not exempt.
- 2)4) Indemnification Agreement: ~~In addition,~~ The applicant must file an "Indemnification Agreement" in order to obtain a permit. ~~An "Indemnification Agreement" section is included on the Special Event Application. This section must be completed (with appropriate signatures) with the application prior to issuance of the permit. forms must be obtained from the city administration office, completed and signed by the applicant and returned to the city administration office. In order for a permit to issue, the "Indemnification Agreement" must be signed on behalf of the city by the mayor or his or her designee.~~
- 5) Insurance Requirements: General Requirements:
The following insurance shall be required for special event permit approval:
-\$2,000,000 commercial general liability insurance per occurrence combined single limits.

Commented [DT2]: Not at all tied to this number (75). 75 seems like its pretty close to where there starts being an unique event but I'm not sure what that right number is.

Commented [DT3R2]: I see the in the June CDC minutes the number discussed was 60? I'm fine changing this to 60.

Commented [DT4R2]: No real discussion occurred at August CDC meeting regarding the appropriate number. As such, I am keeping the number at 75.

Commented [DT5]: This one could be moved to the "Exemption" section, but it may be nice to still require the permit just so the City knows it is happening.

In this format, a permit would still need to be filed with the city, but no fee, no restrictions could be placed, and the City really can't deny it.

Commented [DT6R5]: No real discussion occurred at August CDC as to whether Constitutionally protected events should simply be an exemption or this Tier 1 event - where a permit would still be required but no regulation of the event would occur.

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Commented [DT7]: Following August CDC meeting: 5th St was left out of the HBD exception (4th St) so that 5th St events would still require Council approval.

Commented [DT8]: In my interpretation of this one, this would also include the Mt Baker Rotary building.

Commented [DT9R8]: Following August CDC meeting - deleted event center and clarified f) to just include the actual Fair.

Commented [DT10]: Probably not necessary to list this due to Exemption d)

Commented [DT11R10]: Also, how do we want to approach other events (not the fair) that are held at the fairgrounds at other times of the year?

Commented [DT12R10]: Rewrote following August CDC meeting to indicate that only the actual Fair is exempt from the permit requirement - other events on the entire Fairground property (including Mt Baker Rotary) are not exempt.

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Commented [DT13]: Following Aug CDC meeting: Updated to 2 and 5 million.

\$5,000,000 aggregate unless waived by City Administrator.

A Certificate of Insurance, listing the City as an endorsement, shall be submitted with the Special Event Application.

~~3)6) Liability: \$1,000,000, etc.~~

4) Permit Exemptions: This chapter shall not apply to the following:

- ~~1. Funeral and wedding processions;~~
- ~~2. Funeral and wedding processions; Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;~~
- 3. A governmental agency including military units of the State of Washington and the United States acting within the scope of its functions.
- 4. Groups required by law to be so assembled;
- 5. Groups which are permitted by the U.S. Constitution and/or Washington State Constitution to be so assembled without the necessity of obtaining a permit as a condition precedent; or
- 6. The Northwest Washington Fair.

7) Permit renewal: for recurring annual events.

a) Annual events are required to submit an application every year the event occurs. The application shall be submitted no less than 60 days prior to the event. Any changes to the event, and ongoing requests for public services shall be indicated in the application.

~~5) The city administrator shall have the authority to renew permits for regularly recurring events without requiring the applicant to submit a new application for subsequent editions of the recurring event. Permits issued for recurring events shall be known as "annual permits." In order to obtain a renewal of an annual permit, the applicant must notify the city administrator in writing no less than sixty days prior to the event. In addition to the date upon which the event will be held, the applicant seeking a renewal must inform the city administrator of any changes between the most recent previous edition of the event and the edition contemplated by the renewal. If the city administrator denies the renewal, he or she must do so no later than twenty five days prior to the date upon which the event is scheduled to occur. The applicant may appeal from a denial of a request for renewal of an annual permit as provided in this chapter.~~

(Ord. 1141 § A (part), 2002).

8) Fees for Public Services Required:

a) Upon approval of an application for a permit for a special event, the administrator should provide the applicant with a statement of the estimated cost of providing public services (personnel and equipment) to support the event. The applicant/sponsor of the event should be required to prepay these estimated costs for city services and equipment ten (10) days prior to the special events. City services and equipment may include the use of police officers and public employees for traffic and crowd control, pickup and delivery of traffic control devices, picnic tables, extraordinary street

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Commented [DT14]: This section included for discussion - language taken from a different WA city.

I am fine deleting if this is not something we'd like to administer. C) allows us to not collect a fee for public services but having this section in Code does allow a fee if deemed appropriate. Are there any events currently that would warrant a fee due to public incurred expenses?

Commented [DT15R14]: August CDC meeting: Consensus by committee to keep this section in code.

Commented [DT16R14]: Will need to determine actual cost/fee numbers for specific services.

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sweeping, and any other needed, requested or required city service and the cost of operating the equipment to provide such services.

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b. If the actual cost for city services and equipment on the date(s) of the event is less than the estimated cost, the applicant/sponsor will be refunded the difference by the city in a timely manner. If the actual cost for city services and equipment on the date(s) of the event is greater than the estimated cost, the applicant/sponsor will be billed for the difference.

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c. Permit fees and fees for the use of public services and equipment may be waived in part or in full by the City, if in review of the application it is found that the event is of sufficient public benefit to warrant the expenditure of city funds without reimbursement by the applicant/sponsor and would not result in the private financial gain of any individual or "for profit" entity.

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5.30.030 Permit—Application and contents.

- A. A person seeking issuance of a special event permit shall file an application with the city administration office on forms provided by the city.
- B. Filing period. An application for a special event permit shall be filed with the city administration office not less than sixty days before the date on which it is proposed to conduct the parade or special event.
- C. Contents. The application for a parade or special event permit shall set forth the following information:

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- 1. The name, address and telephone number of the contact person seeking to conduct such special event;
- 2. If the special event is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization;
- ~~3. The name, address and telephone number of the person who will be the parade chair and who will be responsible for its conduct;~~
- ~~4.3. The date when the event is to be conducted, the hours when the event will begin and finish, and a detailed description of the event to be held;~~
- ~~5.4. The location event will be held or (for parades) the route to be traveled, the starting point and the termination point;~~
- ~~6.5. The number of persons who it is anticipated will participate in said event and the numbers and types of animals and vehicles that will be used in said event;~~
- ~~7. The hours when such event will start and terminate;~~
- ~~8. For any requested street closures, a description of which streets, how much of the street will be used, a plan for any necessary traffic control, street barricades requested, any officer presence needed, and a plan for cleanup and reopening after the event. A statement as to whether the event will occupy all or only a portion of the width of any streets proposed to be traversed;~~

Commented [DT17]: This section should be finalized once full chapter edits are determined. This section should reflect chapter updates and the application itself will need to be appropriately updated.

Commented [DT18R17]: No changes made to this section following the August CDC meeting

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- a. A description of any temporary street assembly areas shall be included in this request.

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~~9. The location by streets of any assembly areas for such event;~~

~~6. The time at which units of the event will begin to assemble at any such assembly area or areas;~~

~~7. A detailed request for Public Services needed to support the event:~~

~~a. Equipment such as street barricades, utility needs, street sweeper, etc~~

~~b. Staffing such as Public Works staff, Police and/or Fire personnel and equipment.~~

8. Detailed description and the proposed location of any private support services, such as waste management, portable toilets, food vendors, etc. that may be placed to support the special event.

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9. Indemnification Agreement

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10. Insurance requirements

11. Agent authorization. If the special event is designed to be held by and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the city administration office a communication in writing from the person proposing to hold the event, authorizing the applicant to apply for the permit on his or her behalf.

(Ord. 1141 § A (part), 2002).

5.30.040 Permit—Issuance standards.

The city administrator or his or her designee shall issue a permit as provided for under this chapter, when, from a consideration of the application and from such other information as may otherwise be obtained, he or she finds that the following conditions exist:

- A. The conduct of the special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its location;
- B. The conduct of the special event will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
- C. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
- D. The concentration of persons, animals and vehicles at assembly points of the event will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to such assembly areas;
- E. The conduct of such special event will not interfere with the movement of fire fighting equipment en route to a fire;
- F. The special event or parade is scheduled to move from its point of origin to a point of termination expeditiously and without unreasonable delays en route;
- G. The special event is not to be held for the sole purpose of advertising any product, goods or other event, and is not designed to be held purely for private profit;

H. That the indemnification agreement required to have been submitted with the application for a permit is in proper order and has been countersigned by the Mayor or his or her designee as required in LMC 9.32.020(A).

Commented [DT19]: Administrator?

(Ord. 1141 § A (part), 2002).

5.30.050 Permit—Rejection—Notice.

The city administrator or his or her designee shall act upon the application for a special event permit as promptly as is administratively feasible and shall notify the applicant of their decision no later than twenty-five days prior to the date upon which the event is proposed to be held. If the city administrator disapproves the application, they shall notify the applicant of their reasons for the denial of the permit.

(Ord. 1141 § A (part), 2002).

5.30.060 Permit—Rejection—Appeal.

Any person aggrieved shall have the right to appeal the denial of the permit to the city council. The appeal shall be taken within three days after notice. The city council shall act upon the appeal at its next regular or special meeting after receiving notice of appeal.

(Ord. 1141 § A (part), 2002).

5.30.070 Permit—Alternate.

The city administrator, in denying an application for a special event permit, shall be empowered to authorize the conduct of the event on a date, at a time, at a location or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within three days after notice of the action of the city administrator, file a written notice of acceptance with the city administrator. An alternate permit shall conform to the requirements of and shall have the effect of a special event permit under this chapter.

(Ord. 1141 § A (part), 2002).

5.30.080 Permit—Notice to officials—Contents.

A. Immediately upon receiving a completed application for a special event permit, the city administrator or their designee shall forward the application to the following personnel for their review prior to issuing the permit:

- 1. The chief of police;
- 2. The fire chief;
- 3. The public works director;
- 4. If the application proposes to use city park facilities, the parks director.

4- B. Any requirements determined by the reviewing personnel shall be indicated on the permit approval documents. If the applicant is not able to meet the requirements, the application shall be denied.

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~~B. If the event is a parade, each permit shall state the following information:~~

Commented [DT20]: This section is redundant? Application contents section.

- ~~1. Starting and terminating time;~~
- ~~2. The portions of the streets to be traversed that may be occupied by the parade;~~
- ~~3. Such other information as the chief of police and fire chief shall find necessary to the enforcement of this chapter;~~
- ~~4. The number of participating vehicles;~~
- ~~5. The number of participating pedestrians.~~

(Ord. 1141 § A (part), 2002).

(Ord. No. 1586, § 1, 6-17-19)

5.30.085 Animal prohibition.

- A. General Authority. At the request of the chief of police, the parks director if the special event will use city park facilities, or on his or her own initiative, the city administrator may condition the approval of a special event permit on the limitation or prohibition of animals from the event area during the hours of the special event. Such a condition on a special event permit approval shall require a written finding by the city administrator that the presence of animals would present an undue risk to the health and safety of persons or animals attending the event.
- B. Specific Special Event Prohibitions. Animals are prohibited from all event areas of the following event in the city: annual Raspberry Festival.
- C. Signage. Permittees for any special event for which animals are restricted or prohibited pursuant to subsections (A) or (B) herein shall post conspicuous signage in and around the event area. Said signage must clearly describe the event area from which animals are restricted or prohibited. Sign locations and content shall be approved in advance by the city administrator or his or her designee.
- D. Exemptions. This section does not apply to:
 - 1. Service animals as defined in the Americans with Disabilities Act, 42 USC § 12101 et seq. or the Washington Law Against Discrimination, Chapter 49.60 RCW; or
 - 2. Animals being used by a public officer in the performance of official duties.

(Ord. No. 1586, § 2, 6-17-19)

5.30.090 Permit—Compliance with directions—Display.

- A. A permittee under this chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- B. The chair of the event, or other person heading or leading such activity shall carry the special event permit upon their person throughout the entire duration of the event.
- C. The chair of the event, or other person heading or leading such activity shall be responsible for dissemination to every person responsible for each component of a special event and/or any entry in a parade, of the pertinent law and safety regulations for participation in such activity as set forth in the special event permit.
- D. Any violations of the requirements set forth in the special event permit will be grounds for immediate revocation of the permit and termination of the event.

(Ord. 1141 § A (part), 2002).

5.30.100 Public conduct.

- A. No person shall unreasonably hamper, obstruct, impede or interfere with any parade or event assembly or with any person, vehicle or animal participating or used in an event.
- B. No driver of a vehicle shall drive between the vehicle or persons comprising a special event or parade when such vehicles or persons are in motion.
- C. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a special event or parade. The city shall post signs to such effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof and the same may be impounded for safekeeping by the city police. No person shall be liable for parking on an unposted street.
- D. Whenever animals have been limited or prohibited from an event area pursuant to Section 9.32.085(A) or (B), no person having custody of an animal may knowingly cause or allow the animal to be in the area designated for the event during event hours, except as specified in Section 9.32.085(D).

(Ord. 1141 § A (part), 2002).

(Ord. No. 1586, § 3, 6-17-19)

5.30.110 Violation—Penalty.

Any person found guilty of a violation of the provisions of 5.30.100 shall be deemed guilty of a misdemeanor.

(Ord. 1141 § A (part), 2002).



CDC Meeting Date:	September 20, 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.</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 23-16xx

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. 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. Every exterior edge 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.

 - 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.



CDC Meeting Date:	September 20, 2023	
Name of Agenda Item:	Interlocal Agreement re Cost Sharing for Comp Plan 2025	
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 Interlocal Agreement		
Summary Statement:		
<p>Whatcom County and the cities located within the county cooperate in shared tasks when updating Comprehensive Plans. The Planners Group associated with these jurisdictions has created a scope of work which identifies 10 shared tasks. The total costs associated with these tasks have been estimated to equal \$600,000 which is more than what was initially estimated.</p> <p>Cost shares are determined primarily by population with Whatcom County and the City of Bellingham covering larger portions than any other jurisdiction (35.45% and 36.10% respectively). The City of Lynden is asked to contribute 6.91% of the cost which equates to \$41,421.</p> <p>The city’s portion of this cost can be covered by State grant money awarded to the city. The total grant available is \$125,000 allotted toward the periodic update and up to \$500,000 allotted to resiliency planning.</p> <p>The interlocal agreement will be discussed at the meeting with the goal of scheduling the document for Council review and approval in October or November.</p>		
Recommended Action:		
Discuss and provide feedback ahead of Council review.		

DRAFT INTERLOCAL AGREEMENT
BETWEEN
WHATCOM COUNTY, WCOG, AND THE CITIES OF BELLINGHAM,
BLAINE, EVERSON, FERNDALE, LYNDEN, NOOKSACK, SUMAS
CONCERNING COST SHARING FOR PLANNING STUDIES
ASSOCIATED WITH THE COMPREHENSIVE PLAN UPDATE AND UGA REVIEW

This agreement is made by and between Whatcom County (herein after referred to as the “County”) and the Cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas (herein after referred to as the “Cities”) and the Whatcom Council of Governments (hereinafter referred to as “WCOG”).

WHEREAS, the Growth Management Act (GMA) requires the County and Cities to update their respective comprehensive plans and review and, if necessary, revise urban growth areas by June 30, 2025 (RCW 36.70A.130); and

WHEREAS, cooperative relationships, joint review of growth management planning issues, and coordination between the County and Cities are mutually beneficial; and

WHEREAS, the Cities, WCOG, and County desire to share costs for planning, transportation analysis, and environmental studies associated with the comprehensive plan urban growth area review that is due by 2025;

NOW, THEREFORE, subject to the terms and conditions contained herein, the Cities, WCOG and County agree as follows:

Section 1. Cost Sharing for Planning Studies

The Cities, WCOG and the County agree to provide a total of \$600,000 for:

- * County-wide population and housing projections and allocations to urban growth areas;
- * County-wide employment projections and allocations to urban growth areas;
- * Allocation of housing, households, population and employment to other geographic units;
- * Land Capacity Analysis;
- * Environmental review under the State Environmental Policy Act;
- * Transportation model analysis support;
- * Housing element work products;
- * Tribal participation in planning;
- * Climate planning – resiliency sub-element (GMA amendments in House Bill 1181);
- * The 40 year planning strategy; and
- * Project management, periodic update checklist, and expenses.

The WCOG will provide \$40,000 for technical allocations of population, dwelling units, households, group quarter population, and employment and transportation model analysis tasks.

The remaining \$560,000 will be apportioned as shown in the chart below. The County and each city will contribute a flat amount of \$5,000 and the remaining costs will be distributed based upon the percentage of population in the respective jurisdiction relative to the total population of Whatcom County in 2023.

	2023 OFM Population	% of Total Pop.	Equal Allocation Shares	Population Allocation Shares	Total Share for 2025 Update	% of Total Cost
Whatcom County (Unincorporated)	94,175	39.94%	\$5,000	\$207,680	\$212,680	35.45%
Bellingham	95,960	40.70%	\$5,000	\$211,617	\$216,617	36.10%
Blaine	6,310	2.68%	\$5,000	\$13,915	\$18,915	3.15%
Everson	3,135	1.33%	\$5,000	\$6,913	\$11,913	1.99%
Ferndale	16,330	6.93%	\$5,000	\$36,012	\$41,012	6.84%
Lynden	16,520	7.01%	\$5,000	\$36,431	\$41,431	6.91%
Nooksack	1,560	0.66%	\$5,000	\$3,440	\$8,440	1.41%
Sumas	1,810	0.77%	\$5,000	\$3,992	\$8,992	1.50%
WCOG					\$40,000	6.67%
TOTAL	235,800	100%	\$40,000	\$520,000	\$600,000	100.00%

Section 2. Invoicing and Reimbursements

The County agrees to invoice the Cities and WCOG for their respective portions of the costs every three months. The Cities and WCOG agree to reimburse the County for their respective portions of the costs within 30 days of receiving an invoice.

Section 3. Budgeting

In order to facilitate budgeting by the Cities and the County, it is agreed that:

- The cities and WCOG will plan to pay the County 50% of their total funding share by June 30, 2024.
- The cities and WCOG will plan to pay the County 25% of their total funding share between July 1, 2024 and December 31, 2024.
- The cities and WCOG will plan to pay the County 25% of their total funding share between January 1, 2025 and June 30, 2025.

The percentages in Section 3 of this agreement may be modified by written agreement of all of the County and city planning directors (or designees), without the need to amend this Interlocal Agreement. The County will invoice the cities at least 30 days prior to when payment is due.

Section 4. Effective Date, Duration and Termination

This agreement shall be effective upon signature by the Mayor and/or City Manager of each of the seven Cities, the Executive Director of WCOG and the Whatcom County Executive. This agreement shall remain in effect until June 30, 2026 unless modified or terminated by written agreement of the parties.

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

CITY OF BELLINGHAM

By _____
Seth Fleetwood, Mayor

Date _____

Approved as to form:
Office of the City Attorney

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

CITY OF BLAINE

By _____
Michael Harmon, City Manager

Date _____

Approved as to form:
Office of the City Attorney

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

CITY OF EVERSON

By _____
John Perry, Mayor

Date _____

Approved as to form:
Office of the City Attorney

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

CITY OF FERNDALE

By _____
Greg Hansen, Mayor

Date _____

Approved as to form:
Office of the City Attorney

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

CITY OF LYNDEN

By _____
Scott Korthuis, Mayor

Date _____

Approved as to form:
Office of the City Attorney

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

CITY OF NOOKSACK

By _____
Kevin Hester, Mayor

Date _____

Approved as to form:
Office of the City Attorney

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

CITY OF SUMAS

By _____
Bruce Bosch, Mayor

Date _____

Approved as to form:
Office of the City Attorney

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

WHATCOM COUNCIL OF GOVERNMENTS

By _____
Hugh Conroy, Executive Director

Date _____

Each signatory below to this agreement warrants that he/she is the authorized agent of the respective party; and that he/she has the authority to enter into the agreement and bind the party thereto.

WHATCOM COUNTY

By _____
Satpal Sidhu, County Executive

Date _____

Approved as to form:
Whatcom County Prosecutor
