

# CITY OF LYNDEN



Mayor  
Scott Korthuis

Council Members  
Gary Bode  
Ron De Valois  
Gerald Kuiken  
Nick H. Laninga  
Brent Lenssen  
Kyle Strengholt  
Mark Wohlrab

City Council - Regular Meeting  
Annex - 205 Fourth Street  
June 19, 2023

## **Call to Order**

## **Pledge of Allegiance**

## **Roll Call**

## **Oath of Office**

1. Oath of office for Police Officers Fletcher and Dykstra

## **Summary Reports and Presentations**

## **Approval of Minutes**

2. Draft Council Minutes – June 5, 2023

## **Citizen Comment**

## **Consent Agenda**

3. Approval of Payroll and Claims
4. Interlocal Agreement with Bellingham – RE Medic 75

## **Public Hearing**

5. RES-23-1072-Amendment to the County-wide Planning Policies
6. RES-23-1074 -Public Participation Plan and Schedule for Comprehensive Plan Update 2025
7. ORD-23-1669-Amending LMC 19 re Patio Screening and South HBD Small Scale Mixed-Use

## **Unfinished Business-None**

## **New Business**

8. RES 23-1073-Schedule for Joint County and City Review of Urban Growth Areas

**Other Business**

[9.](#) Draft Public Works Committee Meeting Minutes from June 7, 2023

[10.](#) Calendar

**Executive Session****Adjournment**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	June 19, 2023	
<b>Name of Agenda Item:</b>	Police Officers – Tawsha Dykstra & Jacob Fletcher	
<b>Section of Agenda:</b>	Oath of Office	
<b>Department:</b>	Police Department	
<b>Council Committee Review:</b>	<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: <u>          N/A          </u>
<b>Legal Review:</b>	<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>	Oath of Office	
<b>Summary Statement:</b>		
<b>Recommended Action:</b>	Mayor Korthuis to administer Ceremonial Oath of Office.	





# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	June 19, 2023	
<b>Name of Agenda Item:</b>	Draft Council Minutes – June 5, 2023	
<b>Section of Agenda:</b>	Approval of Minutes	
<b>Department:</b>	Administration	
<b>Council Committee Review:</b>	<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: N/A
<b>Legal Review:</b>	<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>	Draft Council Minutes – June 5, 2023	
<b>Summary Statement:</b>	Draft Council Minutes for Council review and possible approval.	
<b>Recommended Action:</b>	Review and approve draft minutes.	

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



June 5, 2023

### 1. CALL TO ORDER

Mayor Korthuis called to order the June 5, 2023 regular session of the Lynden city council at 7:00 p.m. in the city's council chambers.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

Members present: Councilors Ron De Valois, Gerald Kuiken, Brent Lenssen, Kyle Strengholt, and Mark Wohlrab.

Members absent: Councilors Bode and Laninga.

Staff present: Parks Director Brent DeRuyter, Planning Director Heidi Gudde, Police Chief Steve Taylor, Public Works Directors Steve Banham and Jon Hutchings, City Clerk Pam Brown, City Administrator John Williams, and City Attorney Bob Carmichael.

***Mayor Korthuis welcomed the newly elected Public Works Director Jon Hutchings to the city.***

### OATH OF OFFICE - None

### SUMMARY REPORTS AND PRESENTATIONS

Briahna Murray, State Lobbyist

Ms. Murray reminded that the 42<sup>nd</sup> District is currently represented entirely by democrats, those being Representative Shewmake, Representative Rule and Representative Timmons, several of which are in important leadership positions.

Ms. Murray provided council with an update for the three funding requests put forth by the city as follows:

- Lynden Community/Senior Center (\$300,000 received)- Representative Rule working as the lead.
- Schoolyard Park (\$300,000 submitted but not granted).
- Bradley Road Improvement Project (\$3 million allocated for the 2023-2025 biennium)- Representative Shewmake and Timmons working as leads.

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



Overall, this was a really challenging legislative session for a number of reasons. Thirty-six plus legislators were brand new to the process. Remote testimony has continued and probably will continue into the future. This may account for the lack of relationships between the parties and even internally within the caucuses although the current representative work well together. Overall, the session was a mixed bag for the cities as a whole.

***Councilor Lenssen thanked Ms. Murray for her years of dedicated service for the city of Lynden.***

### APPROVAL OF MINUTES

***Councilor Strengholt moved, and Councilor De Valois seconded to approve the May 15, 2023, regular meeting minutes and the May 24<sup>th</sup> special council meeting minutes. Motion approved on 5-0 vote.***

### CITIZEN COMMENT

#### Dale Assink, Lynden

Mr. Assink addressed Council as to the discussions being held in regard to amending the 2018 decision to cover rear patios and decks that extend into the setback. He would like to take that change a step further and allow for glass enclosures, sunrooms, more permanent structures. He feels there is a real need in the community for such structures due to the benefits of year-round use of outdoor living space making the enclosure winter friendly. Another benefit is the sound barrier created between neighbors. He asks Council to consider this item.

#### Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden

Cynthia commented on several general topics some of which included D-Day celebrations, a movie recommendation, support for the Lynden police department and the protest of the circus at the NW WA fairgrounds.

#### Gary Vis, Chamber of Commerce Director, Lynden

Mr. Vis expressed gratitude to all the volunteers, city council and city staff for their contribution to the success of the Farmer's Day parade. Mr. Vis estimates that there were approximately 16,000 in attendance.

# CITY OF LYNDEN



CITY COUNCIL  
MINUTES OF REGULAR MEETING

## 2. CONSENT AGENDA

### Payroll Liability to May 21 through June 3, 2023

#### EFT & Other Liabilities

#### Non-L&I Liabilities

Monthly EFT .....	\$588,275.14
Check Liability .....	\$0.00
Total Non-L&I Liabilities .....	\$588,275.14
Quarterly Liabilities .....	\$13,524.66
<b>Total EFT &amp; Other Liabilities</b>	<b>\$601,799.80</b>

### Approval of Claims – June 6, 2023

Manual Warrants No.		through			\$0.00
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$0.00
Voucher Warrants No.	<u>27409</u>	through	<u>27600</u>		\$481,543.50
EFT Payments					<u>\$911,263.00</u>
				Sub Total	\$1,392,806.50
				Total Accts. Payable	\$1,392,806.50

Resolution No. 23-1070- Acceptance of WA State DOT Aviation Division Grant to Lynden Municipal Airport

Resolution No. 23-1071-Increase in the Revolving Cash Fund

Resolution No. 23-1069-Accepting ROW from Whatcom County at the Main Street and Berthusen Road Intersection

Resolution No. 23-1063-Updating Park Fees

***Motion made by Councilor Kuiken, seconded by Councilor De Valois to approve the consent agenda as presented. Motion approved 5-0.***

# CITY OF LYNDEN

CITY COUNCIL  
MINUTES OF REGULAR MEETING



### 3. PUBLIC HEARING

#### Resolution No. 23-1064- Adopting a Six Year Transportation Improvement Program (STIP) 2024-2029

By law, a public hearing must be held for the City Council to consider comments regarding the City's Six Year Transportation Improvement Program (2024 to 2029). If approved by Council, these transportation improvement projects will be submitted to the Whatcom Council of Governments and from there to the Washington State Department of Transportation (WSDOT) as part of their statewide program.

To be eligible for funding for these projects, every city and county must prepare a planned local list of projects which ultimately is forwarded to the WSDOT by July 31 of each year for inclusion in the State's Transportation Improvement Program (STIP) list. The Public Works Committee reviewed the STIP projects at their April 5, 2023, meeting and recommended that Council set a public hearing date for 7:00 p.m. on June 5, 2023 to hear public comments.

Mayor Korthuis opened the public hearing at 7:36 p.m. There were no comments. Mayor Korthuis closed the public hearing at 7:36 p.m.

***Motion made by Councilor De Valois seconded by Councilor Kuiken to approve Resolution No. 23-1064 adopting the 2024-2029 Six-Year Transportation Improvement Program for the City of Lynden and authorize the Mayor's signature on the resolution . Motion approved 5-0.***

### 4. UNFINISHED BUSINESS - None

### 5. NEW BUSINESS - None

### 6. OTHER BUSINESS

Councilor Lenssen reporting for the Community Development Committee involving discussion of:

- Items moving forward in the Planning Department
- County-wide planning policies
- Affordable housing
- LCM 19.22
- Sign code

# CITY OF LYNDEN

CITY COUNCIL  
MINUTES OF REGULAR MEETING



## 7. EXECUTIVE SESSION

Council adjourned into executive session to consider sale or lease of real estate as allowed by RCW 42.30.110(1)(c). Council will be executive session until 7:50 p.m. and is not expected to take further action following the executive session.

## 8. ADJOURNMENT

June 5, 2023, regular session of the Lynden City Council adjourned at 7:50 p.m.

\_\_\_\_\_  
Pamela D. Brown, City Clerk

\_\_\_\_\_  
Scott Korthuis, Mayor

DRAFT

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	June 19, 2023	
<b>Name of Agenda Item:</b>	Approval of Payroll and Claims	
<b>Section of Agenda:</b>	Consent	
<b>Department:</b>	Finance	
<b>Council Committee Review:</b>	<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: _____
		<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>	None	
<b>Summary Statement:</b>	Approval of Payroll and Claims	
<b>Recommended Action:</b>	Approval of Payroll and Claims	

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	June 19, 2023	
<b>Name of Agenda Item:</b>	Interlocal Agreement with Bellingham – RE Medic 75	
<b>Section of Agenda:</b>	Consent	
<b>Department:</b>	Fire	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input checked="" type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>	Interlocal Agreement between the City of Bellingham and the City of Lynden regarding Medic 75	
<b>Summary Statement:</b>	This is the final agreement for reimbursable costs to the city for housing Medic 75 in the Lynden Fire Station. The agreement includes the costs, an administrative fee, and a CPI driven rate for the out years.	
<b>Recommended Action:</b>	Recommend Council pass a motion to approve the Interlocal Agreement and authorize the Mayor to sign.	

**INTERLOCAL AGREEMENT  
between the City of Bellingham and the City of Lynden  
regarding Medic 75**

**THIS INTERLOCAL AGREEMENT** (“Agreement”) is entered into by and between the City of Lynden and the City of Bellingham pursuant to the Interlocal Cooperation Act, Chapter 39.34 RCW, to establish the terms and conditions upon which the City of Lynden will host Medic 75 at Fire Station 75.

**RECITALS**

**WHEREAS**, emergency medical services (“EMS”), including basic life support (“BLS”) and advanced life support (“ALS”), are provided in Whatcom County through a unified and coordinated regional partnership between Whatcom County, as administrator, and the fire districts and city fire departments across the county that employ emergency medical technicians and paramedics; and

**WHEREAS**, in the fall of 2022, Whatcom County voters approved a regular, six-year property tax levy that provides continued funding for the Whatcom County EMS System (the “2023-2028 EMS Levy”), as authorized by RCW 84.52.069; and

**WHEREAS**, the 2023-2028 EMS Levy Plan, endorsed by the county-wide EMS Oversight Board, calls for levy funds to be used to expand ALS services in Whatcom County by adding a fifth paramedic unit in Lynden (Medic 75) that is to be staffed and operated by the Bellingham Fire Department; and

**WHEREAS**, by separate interlocal agreements, Whatcom County has provided EMS Levy funding to Lynden to remodel its Fire Station 75 to accommodate Medic 75 and to Bellingham to staff and operate Medic 75; and

**WHEREAS**, the purpose of this Agreement is to set forth the terms and conditions upon which Lynden will host Medic 75 at Fire Station 75.

**NOW, THEREFORE**, the Parties agree as follows:

**TERMS AND CONDITIONS**

1. **Term.** The initial term of this Agreement shall commence February 1, 2023, notwithstanding the date of execution hereof, and shall end December 31, 2023 (“Initial Term”). The term of this Agreement shall automatically renew for successive one-year periods (each a “Renewal Term”) unless either party provides a written “Notice of Nonrenewal” to the other party not less than 120 days prior to the end of the then-current term.

2. **Facilities.** The City of Lynden shall provide the following facilities to Medic 75 at Fire Station

75:

- a. Two dorm rooms for daily use. A third bedroom shall be available to accommodate paramedic students when necessary. Scheduling shall occur at least 30-days in advance of the need with the Fire Chief.
- b. One workstation (City of Bellingham to provide telephone and computer);
- c. One indoor parking space large enough to park a paramedic unit;
- d. Storage space for medical equipment, supplies and personal protective equipment; and
- e. Such other facilities as the Parties may agree upon.

3. **Utilities.** The City of Lynden shall be responsible for all utility costs associated with housing Medic 75.

4. **User Fee.** The City of Bellingham shall pay an annual User Fee to the City of Lynden in consideration of the facilities made available to Medic 75 under this Agreement. The User Fee shall be paid in advance for each calendar year on or before January 1, or within 30 days of invoicing, whichever is later. The amount of the User Fee shall be as follows:

4.1 *User Fee for Initial Term.* The User Fee for the Initial Term shall be based upon an annual fee amount of \$31,000, plus a 10% administrative fee resulting in a total annual fee of \$34,100. The initial term shall be prorated to reflect the fact that the Initial Term is less than a full year (February through December 2023), resulting in a prorated User Fee for the Initial Term of \$31,258.00.

4.2 *User Fee for Renewal Terms.* The User Fee shall increase annually by the June-to-June Consumer Price Index (CPI-U for Seattle Tacoma Bellevue). The full (non-prorated) User Fee for the 2023 Initial Term (\$34,100) shall be used to calculate the CPI-adjusted User Fee for the 2024 Renewal Term.

5. **True and Full Value.** The parties acknowledge and agree that the exchange described in this agreement constitutes an exchange of true and full value as required by RCW 43.09.210.

6. **Indemnification.** To the extent permitted by law, each party shall indemnify, defend, and hold harmless the other party, its elected officials, employees and agents from all claims, demands, costs of defense, expenses, losses and damages claimed against that party by any third party, if such loss was caused by, and in proportion to the amount of such loss caused by, any negligent or intentionally tortious acts or omissions of the indemnifying party, its elected officials, employees or agents. EACH PARTY WAIVES IMMUNITY GRANTED TO IT UNDER THE WASHINGTON INDUSTRIAL INSURANCE ACT, TITLE 51 RCW, TO THE LIMITED EXTENT NECESSARY TO FULFIL ITS OBLIGATION TO THE OTHER PARTY UNDER THIS AGREEMENT TO INDEMNIFY, DEFEND AND HOLD HARMLESS THE OTHER PARTY FROM CLAIMS ASSERTED BY ONE OF ITS EMPLOYEES.

7. **Entire Agreement.** This agreement constitutes the entire agreement between the parties and supersedes all prior oral or written agreements, commitments, or understandings concerning the matters provided for herein. This Agreement may be modified only upon a written modification hereto executed by both parties.

**EXECUTED** this \_\_\_\_ day of \_\_\_\_\_, 2023, for the **CITY OF BELLINGHAM** by:

**Departmental Approval:**

\_\_\_\_\_  
Seth Fleetwood, Mayor

\_\_\_\_\_  
Bill Hewett, Fire Chief

**Attest:**

**Approved as to form:**

\_\_\_\_\_  
Andy Asbjornsen, Finance Director

\_\_\_\_\_  
Office of the City Attorney

**EXECUTED** this \_\_\_\_ day of \_\_\_\_\_, 2023, for the **CITY OF LYNDEN** by:

**Departmental Approval:**

\_\_\_\_\_  
Scott Korthuis, Mayor

\_\_\_\_\_  
Mark Billmire, Fire Chief

**Approved as to form:**

\_\_\_\_\_  
Office of the City Attorney

EXECUTIVE SUMMARY

<b>Meeting Date:</b>	June 19, 2023 – <b>TABLED to a LATER DATE</b>	
<b>Name of Agenda Item:</b>	Reso 23-1074 – Amendment to the County-wide Planning Policies	
<b>Section of Agenda:</b>	Public Hearing	
<b>Department:</b>	Community Development Department	
<b>Council Committee Review:</b>	<input checked="" type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <input type="checkbox"/> Other: _____	<b>Legal Review:</b>
		<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>		
Draft Amendment to the County-wide Planning Policies		
<b>Summary Statement:</b>		
<p><b>Note:</b> This item must be postponed until feedback is collected from other jurisdictions and a shared planning consultant. <b>As June 19 was advertised as the hearing date, staff recommends that the Council make a motion to table the hearing to a later meeting with the date to be determined and re-noticed as required by law.</b></p> <p><b>Background:</b> County-wide Planning Policies are needed to establish consistent policies for cooperative and long-range planning. A planner subcommittee representing the County, Bellingham and the small cities was assigned to draft updates to the County-wide Planning Policies.</p> <p>Revisions have been drafted and feedback is being collected from each jurisdiction. The Community Development Committee reviewed at their May 17<sup>th</sup> meeting and provided staff with feedback that was shared with the Planner group.</p> <p>Many of the revisions focus on housekeeping updates including consistency with other documents and methods of communication with the public via online resources. Rationale for the changes is included under each section in the attached document.</p> <p>The City/County Planner Group will be working with a consultant for the upcoming Comprehensive review and will take that opportunity to collect recommendations for CWPPs relating to State legislative updates including:</p> <ul style="list-style-type: none"> <li>• Tribal cultural resources in accordance with House Bill 1717, passed in 2022, amending RCW 36.70A.210.</li> <li>• Climate change and resiliency in accordance with House Bill 1181, passed in 2023, amending RCW 36.70A.020.</li> </ul> <p>When all feedback has been collected the document will be finalized and returned to the City Council for review and approval.</p>		
<b>Recommended Action:</b>		
Motion to table the hearing for Resolution 23-1072 regarding an amendment to County-wide Planning Policies until a date which will be re-published.		

# CITY OF LYNDEN

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## Appendix C Countywide Planning Policies

### Whatcom County Countywide Planning Policies Adopted April 1993

(Revised March 11, 1997, January 25, 2005, and February 9, 2021)

#### A. Citizen Involvement

1. The eCounty and the cities shall cooperate to provide public education on the requirements of the Growth Management Act.
2. The eCounty and the cities shall provide opportunities for citizens to become involved in the growth management planning process through various mechanisms, such as surveys, public workshops, meetings, hearings, and advisory committees. The method of citizen involvement may vary based on the needs and constituents in various communities and shall include representation of both rural and urban interests on those issues that affect both urban and rural areas.
3. Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of on-line resources, notification lists, use of telephone hotlines, notification to interest groups, pre-development meetings, early timely consideration~~incorporation~~ of public comments, and broader notification of property owners and residents during a planning process, and as well as working more extensively with notification to community and neighborhood groups. The cities shall also develop a public participation process to solicit and consider~~incorporate~~ comments from residents outside city limits but within existing and proposed Urban Growth Areas.

Rationale for Changes: The County has a “notify me” list that people can sign up for various email lists. Telephone hotlines are generally not used. The Growth Management Act states that “. . . a ‘countywide planning policy’ is a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted . . .” (RCW 36.70A.210(1)). Countywide Planning Policies relate to the comprehensive plan adoption process, rather than to the permit review process. Therefore, “pre-development meetings” should be removed.

4. Citizen comments and viewpoints shall be considered in ~~incorporated into~~ the decision-making process in development of draft plans and regulations.

Consideration of citizen comments shall be evident in the decision-making process.

Rationale for Changes: The County Council, city councils, and public officials consider public comments when updating comprehensive plans. However, there are times when such comments may be diametrically opposed to one another. There may be other times when council members, duly elected by a majority of the citizens, may not think that public comments from individual community members reflect the good or viewpoints of the community at large. Therefore, it should be acknowledged that, while council members will consider public comments, they are not bound to follow them.

- 5. The eCounty and the cities shall establish a system for ~~subarea,~~ community and neighborhood liaison to foster communication between the respective government and its neighborhoods. This system would also provide a point of contact for issues that may affect ~~subareas,~~ the community, or neighborhoods.

Rationale for Changes: The County has repealed a number of Subarea Plans. Communication between the local government and the affected community or neighborhood is sufficient.

- 6. Various planning techniques, such as overlay maps and Geographic Information Systems, shall be utilized to allow citizens and public officials to evaluate planning proposals~~the ability to make accurate comparison of issues so appropriate trade-offs can be consciously made.~~

Rationale for Changes: Planning techniques, such as use of GIS, can be used in a variety of ways to evaluate planning proposals. Therefore, the language has been modified as shown above.

**B. Urban Versus Rural Distinctions**

- 1. Whatcom County shall primarily become a government of rural areas in land use matters directed towards agriculture, forestry and other natural resources and natural resource based industries. ~~The county shall work with citizens to define a variety of types of rural areas based on the characteristics and needs of different areas.~~ This Section shall not preclude eCounty governance of large urban industrial areas outside of the city UGA's (see Cherry Point below), ~~developed urban areas within~~ urban growth areas not yet annexed or incorporated, and developed rural areas where the "urban" designation is inappropriate.

Rationale for Changes: The Whatcom County Comprehensive Plan already defines a variety of types of rural areas. The County has jurisdiction over the portions of the UGAs associated with the seven cities that have not yet been annexed. The County also has jurisdiction over the three non-city UGAs (Birch Bay, Columbia Valley, and Cherry Point). The County has jurisdiction over all areas in these UGAs, regardless of whether they are developed or undeveloped areas.

- 2. The ~~e~~County shall discourage urban level or high intensity development outside Urban Growth Areas, ~~and limited areas of more intensive rural development (LAMIRDS), and vested plats outside of areas currently characterized by a development threshold greater than a rural development density.~~

Rationale for Changes – Urban level development and higher intensity development should only be allowed in UGAs, LAMIRDs, and previously approved subdivisions. This should be clearly stated.

- 3. Whatcom County shall promote appropriate land uses and allow for infill within ~~LAMIRDs rural settlements characterized by existing commercial, industrial and intensive residential development greater than a rural development density.~~ These areas ~~have been~~should be clearly delineated, and ~~will not be~~ expanded beyond logical outer boundaries in accordance with RCW 36.70.070(5). ~~Impacts on rural character, critical areas and other economic considerations as well as the availability of capital facilities and rural levels of service must be considered before allowing infill in these areas.~~

Rationale for Changes: Referencing LAMIRDs more clearly identifies the areas where rural infill is being promoted. LAMIRDs have already been delineated and development regulations adopted. The Growth Management Act states that “. . . a ‘countywide planning policy’ is a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted . . .” (RCW 36.70A.210(1)). Countywide Planning Policies relate to the comprehensive plan adoption process, rather than to the permit review process. Therefore, the last sentence should be deleted.

- 4. In the next 20 years, Whatcom County should discourage "new fully contained communities" (as defined and authorized by RCW 36.70A.350) outside designated Urban Growth Areas.

- 5. ~~Whatcom County should undertake a public process to define rural areas and rural growth as distinct from urban areas and urban growth.~~

Rationale for Changes: Whatcom County’s Comprehensive Plan now defines and distinguishes between rural and urban growth. Therefore, this policy is no longer needed.

**C. Urban Growth Areas**

- 1. Urban growth needs shall be met by a combination of in-fill within cities and by growth within designated ~~city~~municipal and ~~non-city~~non-municipal Urban Growth Areas.

Rationale for Change: The term “city urban growth area” is used in the Whatcom County Comprehensive Plan and substituting this term would likely make the above text easier to understand.

- 2. The size and location of Urban Growth Areas shall be consistent with the Growth Management Act, adopted local policies and ~~with the~~ capital facilities plans.

Rationale for Changes: The Growth Management Act imposes requirements that local governments must meet when determining the size and location of UGAs.

- 3a. ~~The County and Cities will work together to develop countywide population and housing need projections, and associated allocations to Urban Growth Areas, that are within the range of the Washington State Office of Financial Management projections. The County and Cities will also work together to develop countywide employment projections and associated allocations to Urban Growth Areas. The most current, accurate population projections based on a range provided for Whatcom County by the Office of Financial Management shall. These allocations will~~ be used to determine whether as the basis for determining that Urban Growth Areas ~~shall~~ include sufficient land capacity~~area~~ to permit the urban growth that is projected to occur in the eCounty for the succeeding twenty-year period.

Rationale for Changes: The amendments above more clearly state the process for developing countywide projections and UGA allocations. Additionally, it references “land capacity” that consists of both buildable area *and densities* in the UGA.

- 3b. The County and Cities shall develop a Land Capacity Analysis Methodology, which is a consistent approach to calculating the land supply needed within an urban growth area. ~~This approach shall~~ The Land Capacity Analysis Methodology will consider limitations imposed by critical area regulations, infrastructure needs, open space, existing uses, local market factors and the ability of the jurisdiction to provide services. It is recognized that the above limitations may vary by jurisdiction, but the method for applying them shall be consistent. Urban growth areas shall permit a range of densities and uses; however, in recognition of community character, these uses and densities may vary among jurisdictions.

Rationale for Changes: The County and cities have called the referenced approach the "Land Capacity Analysis Methodology."

- 4. Urban Growth Areas shall be evaluated in the timeframes set forth in the Growth Management Act~~at least every ten years~~ to determine if they contain sufficient land capacity~~area~~ to accommodate the urban growth that is projected for the succeeding twenty-year period. The market factor for each Urban Growth Area shall also be evaluated. The Land Capacity Analysis will be used to determine whether the land supply is adequate to meet the needs of the community or whether the land supply is excessive ~~and contributing to sprawl~~.

Rationale for Changes: The Growth Management Act governs how often UGAs need to be reviewed/updated (and this has changed from time to time). UGAs need to have sufficient land capacity, which consists of both area *and densities*. The Land Capacity Analysis shows whether the land supply is adequate or not. The market factor is one component of the Land Capacity Analysis, but there are other important components that go into determining the capacity of land to accommodate growth. Finally, the Growth Management Act requires that UGAs be sized to accommodate the 20-year growth allocations (basically, no more and no less). Land supply can be excessive while still not contributing to sprawl. County zoning typically does not allow low-density sprawl in UGAs.

- 5. Urban Growth ~~a~~Areas should be established in a way that preserves agricultural land, forestry, mineral resources, water resources, and critical areas. Urban growth shall maintain proper buffers from natural resource areas to minimize conflicts with natural resources and industries based on them.

**D. City Urban Growth Areas**

- 1. The Urban Growth Areas for the small cities shall be of an adequate size to allow them to become viable economic centers with a balance of jobs and housing. The small cities shall do appropriate planning to ensure adequate

distribution of land uses and services at a range of urban densities and zoning classifications.

- 2. Urban Growth Areas for cities shall include those areas contiguous to cities that are suitable for urban growth as set forth in~~and with urban characteristics as defined by~~ the Growth Management Act. The Geneva and Hillsdale areas in Bellingham’s UGA ~~are~~is characterized by urban development, but ~~are~~is also identified by the ~~e~~City and ~~e~~County as ~~a~~Water Resource Protection UGAs because of ~~their~~its location in the Lake Whatcom Watershed. Lake Whatcom is the drinking water source for much of the Bellingham urban area. Geneva and Hillsdale areas ~~are~~is appropriate to include in an urban growth area, but ~~are~~is not ~~an~~areas where additional urban development is desirable.

Rationale for Changes: The term “urban growth” is defined and used in the Growth Management Act (for example, see RCW 36.70A.030(28)). The term “urban characteristics” is not defined or used in the Growth Management Act. The Hillsdale area is also in the Lake Whatcom Watershed.

- 3. Cities shall develop ~~a~~planss to provide urban level water and sewer services within their Urban Growth Areas. ~~This~~These planss should be developed in cooperation with existing water and sewer purveyors ~~and other municipal corporations providing water or sewer services~~ within each city’s Urban Area, and may~~should~~ be implemented through interlocal agreements. ~~Short term and long term boundaries may be used to facilitate provision of urban levels of service and to not preclude future urban densities as defined within the Whatcom County Comprehensive Plan.~~

Rationale for Changes: Water system plans and sewer plans are typically separate documents. Cities and water/sewer purveyors may choose to enter into interlocal agreements or may coordinate in other ways. Short term and long term planning areas no longer exist in the Whatcom County Comprehensive Plan or Zoning Code.

- 4. Existing cities should ~~accommodate~~absorb additional housing~~population~~ at a range of densities appropriately responsive to the city’s community vision before extending city Urban Growth Areas into areas where growth would adversely impact critical areas and resource lands. In those small cities entirely or almost entirely surrounded by flood plains, critical area and resource lands or within Shellfish Protection Districts, the ~~e~~County and ~~cities~~the city shall seek to negotiate a balance between protection of resources and the allocation of adequate land area to meet the growth needs of the city and to maintain the desired character of the community.

Rationale for Changes: The cities of Nooksack and Lynden are largely, but not entirely, surrounded by floodplain and resource lands. The change allows the above policy to apply to these cities.

- 5. All cities should grow in an efficient manner while maintaining their character and, where reasonable, shall provide for adequate open space between cities ~~to prevent strip development.~~

Rationale for Changes: “Strip development” can be defined as linear commercial development along a public highway that includes three or more of the following characteristics: broad road frontage, predominance of single-story buildings, limited reliance on shared highway access, lack of connection to any existing settlement except by highway, lack of connection to surrounding land uses except by highway, lack of coordination with surrounding land uses, and limited accessibility for pedestrians ([Law Insider](#)). Two cities growing together wouldn’t necessarily lead to strip development.

- 6. Cities should be encouraged to provide positive incentives for in-fill.

**E. Non-City Urban Growth Areas**

- 1. Urban Growth Areas ~~have been~~~~may also be~~ established in areas that are not contiguous to existing cities, and are already characterized by urban growth where adequate facilities and services can be provided ~~and which are intended to meet needs not met by cities and their Urban Growth Areas.~~ These are the Birch Bay, Cherry Point, and Columbia Valley UGAs.

Rationale for Changes: Whatcom County adopted three non-city UGAs in the 1990s: Birch Bay, Columbia Valley, and Cherry Point. While these UGAs may meet some countywide needs not met by cities (e.g. heavy industry at Cherry Point), they were primarily adopted to recognize the existing urban uses and future potential to accommodate urban growth.

- 2. Non-city urban growth areas, for already urbanized unincorporated residential areas, shall be encouraged to infill in a way that will facilitate efficient provision of facilities and services consistent with the scale of development.
- 3. Cherry Point ~~has been~~~~shall be~~ designated as an unincorporated industrial urban growth area in recognition of existing large scale industrial land uses. Additional large scale development shall be encouraged consistent with the ability to provide needed services and consistent with protecting critical areas along with other environmental protection considerations. The Cherry Point industrial area is an important and appropriate area for industry due to its access to deep water shipping, rail, all-weather roads, its location near the

Canadian border, and its contribution to the County's goal of providing family wage jobs.

- 4. The County shall assure that there are plans to provide appropriate levels of urban facilities and services within non-city Urban Growth Areas. These plans should be developed by special purpose districts, water associations and private service providers within each of these Areas, and ~~may should~~ be implemented, where appropriate, through interlocal agreements. ~~Short term and long term boundaries may be used to facilitate provision of urban levels of service.~~

Rationale for Changes: The County and water purveyors may choose to enter into interlocal agreements or may coordinate in other ways. Short term and long term planning areas no longer exist in the Whatcom County Comprehensive Plan or Zoning Code.

**F. Contiguous, Orderly Development and Planning in Urban Growth Areas**

- 1. Cities, ~~and~~ the ~~e~~County ~~and special districts~~ shall execute interlocal agreements to coordinate plans for and manage growth in Urban Growth Areas prior to annexations. Interlocal agreements shall acknowledge and implement the Countywide Planning Policies.

Rationale for Change: The Growth Management Act states that “. . . a ‘countywide planning policy’ is a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted . . .” (RCW 36.70A.210(1)). Special purpose districts are not subject to the Countywide Planning Policies. Counties and cities cannot, through adoption of a countywide planning policy, require a special purpose district to enter into an interlocal agreement.

- 2. Interlocal agreements shall incorporate clear and reasonable criteria for orderly annexation. The ~~e~~County and the cities shall establish a process to ~~consider incorporate representative citizen public~~ input ~~as part of into the~~ interlocal agreement ~~approval processes~~ and, ~~if appropriate,~~ encourage ~~appropriate~~ districts to participate. If adequate procedures are developed to replace it, the Boundary Review Board may be replaced.

Rationale for Changes: There may be interlocal agreements that do not involve special purpose districts. The above change gives the County and cities discretion to ask districts to participate as appropriate.

- 3. All urbanized areas currently within urban growth boundaries associated with cities should be encouraged to annex to cities. Orderly annexations with logical boundaries ~~are~~ shall be encouraged. Interlocal agreements shall specify guidelines on size, timing of annexations and urban levels of development, and tax revenue sharing when appropriate.
- 4. ~~Within Urban Growth Areas, eCities will adopt shall not extend water and sewer utilities without an adopted program for annexation and an adopted Ccapital Ffacilities Pplans to provide water, sewer, and other public facilities and services to the UGA. Exceptions may be made in cases where human health is threatened as determined by the County Health Department. If water extensions are made, they shall be consistent with the service area boundaries and other provisions within the adopted Coordinated Water System Plan.~~

Rationale for Changes: The Growth Management Act states that UGAs are “. . . areas within which urban growth shall be encouraged . . .” (RCW 36.70A.110(1)). It also requires cities to adopt capital facility plans (RCW 36.70A.070(3)).

- 5. In the areas where utilities presently extend beyond city limits, but are within Urban Growth Areas, the city, eCounty, and the existing water purveyors for the area should coordinate planning efforts~~jointly plan with the county. The County shall adopt zoning which reflects this joint planning.~~

Rationale for Changes: The County has already adopted zoning within all UGAs.

- 6. Unless specifically provided for by state statues, Cities,~~other municipal corporations, and other public and private utilities~~ shall not extend urban levels of water service to serve urban uses outside Urban Growth Areas. If legally allowed water extensions are made outside of Urban Growth Areas, the maximum number of connections shall not exceed the density allowed under the associated zoning. The number of connections shall be specified in a legally binding document at the time the extension is approved. Property contiguous to extension of utilities necessary to solve existing water deficiencies, but which cannot benefit from them because of zoning constraints, shall not be assessed for those improvements.

Rationale for Changes: Countywide planning policies apply to cities but not to other water purveyors.

- 7. The availability of pipeline capacity required to meet local needs and/or supply shall not be used to justify comprehensive plan and/or rezone applications that propose more intensive land use~~development counter to the countywide land~~

~~development pattern and shall not be considered~~ in ~~conversions of~~ agricultural land, forestry, and rural areas.

Rationale for Change: The Growth Management Act states that “. . . a ‘countywide planning policy’ is a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted . . .” (RCW 36.70A.210(1)). Countywide Planning Policies do not apply directly to development. Additionally, the term “conversions” is undefined. The above change clarifies when pipeline capacity should not be used to support a comprehensive plan and/or zoning map amendment.

- 8. The cities, ~~other municipal corporations, public utilities,~~ and the ~~e~~County shall cooperate to identify and balance the needs of each jurisdiction and entity when planning for transition of services and annexation within Urban Growth Areas. The cities and the County should coordinate with special purpose districts and other service providers in this process. This intergovernmental cooperation and coordination ~~may~~should be reflected in revenue agreements, work programs for joint projects, and regional solutions adopted by the affected parties.

Rationale for Changes: The Growth Management Act states that “. . . a ‘countywide planning policy’ is a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted . . .” (RCW 36.70A.210(1)). Other municipal corporations and public utilities are not subject to the Countywide Planning Policies. However, the County and cities may coordinate with service providers, as necessary. Substituting the word “may” for “should” gives the County and cities flexibility in fashioning solutions appropriate for the situation.

- 9. Major transportation, utility and greenway corridors shall be planned within Urban Growth Areas. ~~Development shall be consistent with these corridors. The county shall ensure conformance through the permit process and incentive programs.~~

Rationale for Changes: The Growth Management Act states that “. . . a ‘countywide planning policy’ is a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted . . .” (RCW 36.70A.210(1)). Countywide Planning Policies relate to the

comprehensive plan adoption process, rather than to the development and the permit review process.

- 10. Interlocal agreements shall include a process for reviewing~~provisions for agreed upon~~ development standards within Urban Growth Areas. ~~Unless a different standard is negotiated, the more rigorous of the standards shall be enforced by the county.~~

Rationale for Changes: The County would need to duly review and adopt development standards before enforcing such standards within the unincorporated portion of the UGA. Development standards cannot be enacted through an interlocal agreement.

- 11. ~~The county and the City of Bellingham shall establish, through the Urban Fringe Subarea Plan update, the policies, zoning and criteria to comply with current state Growth Management law.~~

Rationale for Changes: The County and cities comply with the Growth Management Act through adopting and updating their respective comprehensive plans. Because the Whatcom County Comprehensive Plan contains goals and policies relating to UGAs, rural lands, agricultural lands, etc., the County has repealed a number of subarea plans (subarea plans are optional under RCW 36.70A.080(2)). Deleting the above policy would give the County and City of Bellingham the flexibility to review and decide whether the Urban Fringe Subarea Plan is still needed.

- 12. To encourage contiguous, orderly development and annexation of residential lands in Urban Growth Areas around cities, the ~~e~~County shall designate Urban Residential or other zones limiting density to a maximum of one dwelling unit per ~~ten~~five acres ~~in undeveloped areas until public water and sewer urban level utilities are provided. Developed or partially developed areas presently zoned Residential-Rural shall retain that zoning. In the Bellingham Urban Growth Area, substantial development and subdivisions already have occurred without annexation. The revised Urban Fringe Subarea Plan and a new Interlocal Agreement between the City of Bellingham and the county will address sequence and timing for annexations, subdivisions, and urban levels of development.~~

Rationale for Changes: The Urban Residential zone has been amended to only allow one dwelling/ten acres when public water and sewer are not provided, to ensure more efficient urban development when such services become available (typically upon annexation). There is no

Residential Rural zoning in UGAs anymore. The existing interlocal agreement addresses annexations and development in the UGA.

13. ~~In Urban Growth Areas where development is occurring based on the presence of utilities, urban development shall meet common urban standards including fire flow requirements and supply. The county and the cities will work together to develop reasonable standards over time.~~

Rationale for Changes: The Growth Management Act states that “. . . a ‘countywide planning policy’ is a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted . . .” (RCW 36.70A.210(1)). Countywide Planning Policies relate to the comprehensive plan adoption process, rather than to the development in the UGA.

14. The County and the cities shall coordinate drainage, stormwater management and flood control in Urban Growth Areas ~~and work toward the development of common standards.~~

Rationale for Change: The County and cities have adopted and apply standards for their respective jurisdictions.

### **G. Affordable Housing**

1. The eCounty and the cities shall take actions to ensure a balance of housing and economic growth consistent with each jurisdiction’s employment base and diverse income levels and to reduce commuting times and traffic congestion.
2. The eCounty and the cities shall plan for a range of housing types and costs commensurate with their affordable housing needs for all economic segments of the population.

Rationale for Change: The Growth Management Act requires that countywide planning policies must address “Policies that consider the need for affordable housing, such as housing for all economic segments of the population and parameters for its distribution” (RCW 36.70A.210(3)(e)). The above change would incorporate language that more closely aligns with the Growth Management Act.

3. Affordable housing should be convenient to major employment centers and public services or be designed to accommodate public transportation.

4. The eCounty and the cities shall promote innovative techniques and develop strategies to provide for affordable housing with design, density, lot sizes and development standards that provide for a variety of housing types.
5. The eCounty and the cities shall review existing regulations and policies that exclude or discourage affordable housing in their communities and shall not adopt regulations and policies which do so. Mobile, modular, and manufactured homes on individual lots, mobile home parks, accessory units, inclusionary zoning, mixed use, and increased densities shall be reviewed as affordable housing alternatives.
6. The eCounty and the cities should work with the private sector, other public and non-profit agencies, citizen groups, and trade representatives to assure that there is an adequate supply of sites available for affordable housing and to encourage housing design that is compatible with the surrounding neighborhoods.
7. Low income housing shall not be concentrated in only a few communities or neighborhoods.
8. The eCounty and the cities shall consider reducing impact and/or mitigation fees for affordable housing provided in a proposed development.
9. Each jurisdiction should explore options for providing shelter for the homeless.

**H. Open Space/Greenbelt Corridors**

1. Adequate open space is vital to the quality of life and sense of place in Whatcom County. The eCounty, cities, Port of Bellingham, and other appropriate jurisdictions should coordinate protection of linked greenbelts, within and between Urban Growth Areas, parks, and open space to protect wildlife corridors, provide flood resilience, support infiltration of water, and to enhance recreational opportunities, public access and trail development.
2. The eCounty and the cities shall plan for greenbelts and open space in their Comprehensive Planning processes and coordinate with each other. Open space systems should include lands which contain natural areas, habitat lands, natural drainage features, and/or other environmental, cultural and scenic resources. With increased residential densities, jurisdictions also should ensure provision of adequate neighborhood parks and play areas within safe bicycling and walking distance for children.
3. The eCounty and the cities shall encourage, to the extent it is feasible, separation of Urban Growth Areas through planning, zoning, development regulations, open space purchase, conservation easements and other mechanisms which may be appropriate. ~~Also, an array of i~~ncentives such as density bonuses, design flexibility, density credit/fee in lieu and transferable development rights ~~may shall~~ be offered to affected land owners.

Rationale for Changes: The goal of this policy is separation of UGAs. There are different methods for achieving this goal. Land owner

incentives may or may not be used by individual jurisdictions to achieve the goal. The County and cities should have the discretion decide whether land owner incentives will be used in their particular situation.

- 4. The County and ~~e~~cities should work cooperatively to protect and restore stream corridors within Urban Growth Areas that support anadromous fish.

**I. Economic Development and Employment**

- 1. Whatcom County recognizes that a healthy economy, which provides opportunity for diverse segments of the community, is important to the quality of life in the area. The ~~Greater-Whatcom~~ County Comprehensive Economic Development Strategy (CEDS) ~~“is a long-term planning document that is intended to guide economic development throughout a region is intended to put forth economic development alternatives for Whatcom County that will support jobs creation, with an emphasis on higher wage jobs and diversification.”~~

Rationale for Changes: The current version is called the “Whatcom County” CEDS (not the “Greater Whatcom” CEDS). The inserted quote is from p. 42 of the current CEDS. The deleted quote no longer resides in the CEDS.

- 2. New business development and expansion of existing businesses are key factors in providing “family wage” jobs and a strong tax base. Economic development that pays family wage rates should be encouraged. Industrial land designations must be sufficient to permit the concentration of industry in appropriate locations ~~for the 20 year planning period~~beyond 20 years. In order to attract new industry and provide for expansion of existing industries, the ~~e~~County and the cities will designate land supply of sufficient size and diversity to provide a range of suitable locations for industrial development. The designation of this land shall be established in a way that preserves natural resource based industries and critical areas.

Rationale for Changes: The Growth Management Act requires that UGAs be sized to accommodate the 20-year growth allocations (basically, no more and no less). This includes the allocations for employment lands (industrial and commercial).

- 3. To provide sufficient land supply for industrial growth and development, industrial designations must not only include lands suitable for development, but also lands suitably zoned to provide adequate buffers. It is also important that these lands and buffers be conserved with appropriate land use and zoning provisions to ensure that they will be available for future use.
- 4. Encourage workforce education and training and responsible and sustainable business ~~location, recruitment,~~ retention, and expansion according to city and ~~e~~County comprehensive plans and current Whatcom County Comprehensive

~~Economic Development Strategy (CEDS) in order to support meet current and future demand for diverse and resilient business and industry. Work with funding agencies and the private sector to facilitate extension of adequate electric, sewer, water, telecommunications and road access to existing commercial and industrial-zoned properties, creating shovel-ready sites. Cities and county may utilize the “Quick Sites” economic development program through OTED, which links strategic elements of planning, zoning, environmental review, and permitting with the business-siting effort.~~

Rationale for Changes: The City/County Planner Group subcommittee requested that the Port of Bellingham review and provide recommendations relating to the above policy. The Port provided the recommended modifications in an email dated 11/28/2022, which the City/County Planner Group subcommittee accepted with minor changes.

- 5. The ~~e~~County and the cities should include an economic development element in their Comprehensive Plans. Economic development elements should be consistent with the CEDS. Economic development shall be coordinated with environmental concerns to protect the quality of life. Planning efforts should address economic sustainability. As part of the comprehensive planning process and through implementation of the comprehensive plan, the County ~~has~~~~shall develop and~~ adopted goals, policies and regulations that protect resource lands ~~industries~~ and support and encourage resource-based industries.
- 6. The ~~e~~County and the cities should continue to cooperate with the Port of Bellingham’s Economic Development Division, Regional Economic Partnership~~through the Partnership for a Sustainable Economy~~ to maintain the CEDS for infrastructure funding. Other appropriate organizations, businesses, and individuals should be involved in the process.

Rationale for Changes: The Port of Bellingham’s Economic Development Division, Regional Economic Partnership now leads updating the CEDS.

- 7. Economic vitality and job development shall be encouraged in all the cities and in designated areas of the ~~e~~County consistent with County and city comprehensive plan~~community growth~~ policies, particularly addressing adequacy of transportation corridors, public transportation, impacts on the environment, and the ability of the area to provide urban services in UGAs and rural services outside UGAs.

Rationale for Changes: Changing “community growth policies” to “comprehensive plan policies” clarifies the intent of the language. The Growth Management Act defines both urban services and rural services (RCW 36.70A.030(25) and (27)). Generally, urban services are not appropriate outside UGAs (RCW 36.70A.110(4)).

- 8. Economic development should be encouraged that:
  - a. Does not adversely impact the environment;
  - b. Is consistent with ~~community values stated in~~ local comprehensive plans;
  - c. ~~Encourages development that p~~rovides jobs to eCounty residents;
  - d. Addresses unemployment problems in the eCounty and seeks innovative techniques to attract different industries for a more diversified economic base;
  - e. Promotes reinvestment in the local economy;
  - f. Supports retention and expansion of existing businesses.

Rationale for Changes: County and city comprehensive plans contain goals and policies that guide economic development. Makes the language more concise.

- g. Promotes transition to and development of renewable energy sources.
- 9. The County and the cities recognize the need for the protection and utilization of natural resources and resource lands including agricultural, mineral, forestry and fishing. As part of a broad based economy, productive timber, agriculture and fisheries industries should be supported in a sustainable manner.
- 10. The cities and eCounty ~~may agree to~~ set policies for approving proposals to authorize siting of Major Industrial Developments for large or resource-based industries outside of Urban Growth Areas (as per RCW 36.70A.365). The master planning process for specific manufacturing, industrial, or commercial businesses shall address infrastructure, buffers, environmental protection, sprawl, resource lands, critical areas, and land supply.
- 11. Whatcom County and the cities encourages ~~s~~ siting of industrial uses in proximity to and to further utilization of our access to deep water and port facilities for shipping, rail, airports, roadways, utility corridors and the international border.

**J. Countywide Transportation Facilities and Strategies**

- 1. The Whatcom Council of Governments (WCOG), composed primarily of elected officials appointed from all area jurisdictions, is the designated A-Regional Transportation Planning Organization (RTPO)–has been established in for Whatcom County. Under the Growth Management Act (GMA), RTPOs are directed to conduct regional, cooperative transportation planning. WCOG is also the region's federally-recognized Metropolitan Planning Organization (MPO). As a combined RTPO/MPO, WCOG–The RTPO has completed a regularly updates a 20-year Regional/Metropolitan Transportation Plan (R/MTP) including contents required by GMA (and by federal, MPO planning laws and

~~regulations)including countywide transportation policies. The R/MTP includes regional transportation goals, projected system conditions, strategies, and investment priorities. The WCOG has adopted the R/MTP has been approved by a regional transportation Policy Board consisting of elected representatives of most area jurisdictions. The Transportation Chapter of the Whatcom County Comprehensive Plan and the Comprehensive Plans for each of the City's must be consistent with the RTP as it is amended. The GMA requires RTPOs to review and certify that updates to local comprehensive plans' transportation elements (counties and cities) and changes to county-wide planning policies 1) conform with GMA requirements and 2) are consistent with the current R/MTP. The eCounty and the cities will continue to support the RTPO on an on-going basis to coordinate transportation planning across Whatcom County.~~

Rationale for Changes: The City/County Planner Group subcommittee requested that the Whatcom Council of Governments review and provide recommendations to incorporate the WCOG's status as MPO into the above policy. The WCOG provided the recommended changes above in emails dated 11/9/2022 and 11/14/2022.

2. Whatcom County jurisdictions shall encourage alternative modes of transportation to the single occupancy vehicle. Each jurisdiction shall encourage:
  - a. Use of public transportation;
  - b. Development of ~~iked~~ on-street bicycle routes and pedestrian and bicycle trail corridors;
  - c. Adequate pedestrian facilities;
  - d. Connections between different modes of transportation;
  - e. Intermodal connection of freight transportation.
3. To encourage use of single occupant vehicle alternatives and development of pedestrian scale neighborhoods, high density residential development shall be encouraged in urban growth areas with particular attention to those locations within cities and in close proximity to arterials and main transit routes.
4. Cities are particularly encouraged to support transit and pedestrian friendly mixed use developments within their UGAs to help achieve the goals supported in these policies.
5. Where the roadway level of service (LOS) for a locally owned transportation facility adopted in a County or city~~local~~ comprehensive plans cannot be maintained as a result of proposed new development, that development shall be denied, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development~~the proponents agree to pay a proportionate share of the cost of maintaining the~~ LOS.

Rationale for Changes: The Growth Management Act requires concurrency for locally owned transportation facilities, but not for state facilities. Additionally, the Growth Management Act language relating to transportation improvements or strategies has been substituted for the language currently in the Countywide Planning Policies (see RCW 36.70A(6)(b)).

- 6. Strategies for maintaining established levels of service may include transportation demand management techniques, ~~project~~-impact or mitigation fees, enhanced access to public transportation service, and/or other steps to reduce or limit traffic congestion.
- 7. Priorities shall be established and expenditures coordinated for countywide bicycle and trail corridors. Bicycle and pedestrian-specific trails and other facilities shall be included during project planning and review. Coordinated corridors and cost sharing should be explored among all responsible and interested parties.
- 8. Whatcom County and the cities should work cooperatively with the Whatcom ~~County~~-Council of Governments, ~~Cities~~, Whatcom Transit Authority and other agencies with jurisdiction to plan for inter-county and international transportation links, such as airports, border crossings, passenger rail, freight rail, transit, ferries, and other transportation facilities.

Rationale for Changes: The County is not the lead entity planning for some of the transportation facilities shown above. Additionally, the Countywide Planning Policies apply to the County and the cities. Both the County and cities have an interest in these facilities and should work together with appropriate entities to address them.

- 9. Encourage “complete streets” principles. Complete streets are designed and operated to enable safe use and support mobility for all users, including people of all ages and abilities, regardless of whether they are travelling as drivers/passengers, pedestrians, bicyclists, or public transportation riders.

Rationale for Changes: The Whatcom Council of Government suggested the above language, based upon the U.S. Department of Transportation Complete Streets concepts (see U.S. Department of Transportation [website](#)).

**K. Siting of Public Facilities**

- 1. As part of the comprehensive planning process, the ~~e~~County and the cities shall identify appropriate land for public facilities which meets the needs of the community, such as schools, recreation, transportation and utility corridors, human service facilities, and airport and other port facilities. ~~In order to reduce land use conflicts, policies related to a design component shall be incorporated in the comprehensive plans.~~

Rationale for Changes: Whatcom County no longer has a “Design” chapter in the Comprehensive Plan. Additionally, some cities do not have design chapters in their comprehensive plans. A design chapter is not a required comprehensive plan element under the Growth Management Act.

2. The eCounty and the cities will implement a cooperative and structured process, which includes early and continuous public involvement, to consider siting of essential public facilities of a regional and statewide nature. State facilities shall conform to local siting procedures.
3. Public facilities that generate substantial travel demand should be sited along or near major transportation and public transit corridors, where available.
4. The eCounty and the cities shall work with their respective school district to encourage siting of schools in ~~conjunction with~~ areas where substantial development exists or is projected and near public transportation corridors.
5. Sharing of corridors for major utilities, trails and other transportation rights-of-way is encouraged when not in conflict with goals to protect wildlife, public health and safety.

**L. Impact Fees**

1. The eCounty and the cities are encouraged to adopt fair and reasonable impact and/or mitigation fee ordinances to ensure that new growth pays its fair share of the cost of capital facilities, such as transportation improvements, parks, and schools.
2. When requested by a school district, ~~the~~ eCounty and cities ~~should~~shall work with ~~the~~their school districts to develop impact fees ~~formulas~~ as appropriate to the district's capital needs.

Rationale for Changes: Some school districts in Whatcom County collect impact fees and others do not. School districts that have impact fees typically develop their own fees, often with the assistance of a consultant the district hires. The County and cities may provide planning information, such as growth projections, but would not develop the actual formulas.

**M. Intergovernmental Cooperation**

1. To adequately plan for growth and implement the policies of the Growth Management Act, the County and Cities will work with other governmental jurisdictions in Whatcom County, including the Lummi Nation, ~~and~~ Nooksack Tribe, and the Port of Bellingham, ~~shall work together~~ to establish on-going mechanisms to improve communication, information sharing and coordinated approaches to common ~~issues and concerns~~problems.

Rationale for Changes: The Countywide Planning Policies do not govern the actions of the Lummi Nation, Nooksack Tribe, or Port of Bellingham. However, the Countywide Planning Policies can direct the County and cities to work with these governmental jurisdictions.

- 2. Whatcom County ~~and the cities~~governments should communicate with neighboring counties and governments in British Columbia and work cooperatively on growth management issues that cross county and national borders.

**N. Water Quality and Quantity**

- 1. The cities~~7~~ and the ~~e~~County, in ~~coordination~~cooperation with other municipal corporations, tribal governments, federal and state agencies, and public and private utilities~~1~~ shall cooperate in the protection of water resources and in drawing upon said water to support growth.
- 2. The Cities and the County in cooperation with other municipal corporations and tribal governments shall adopt zoning regulations and development standards to protect water resources. Where there are potential conflicts with designations required by the Growth Management Act, such as natural resource lands and critical areas, water resource protection shall generally have priority.
- 3. Jurisdictions shall cooperate to protect and restore water resources and fish habitat within UGA~~s~~ and across jurisdictional boundaries to maintain quality of life and economic health in Whatcom County.
- 4. Jurisdictions involved in the development of ground and/or surface water management plans shall pursue the adoption and implementation of the plans, as well as coordination and integration of the plans into local comprehensive plans as appropriate. Examples of such plans include the Lake Whatcom Management Plan, WRIA 1 Watershed Management Plan, Shellfish Protection District Plans and drinking water source protection plans.
- 5. ~~All jurisdictions should~~To inform Growth Management Act planning efforts, water resources management should be coordinated through participation~~participate~~ in the Water Resources Inventory Area (WRIA) 1 Watershed Management Board process ~~to establish a countywide water resource management body and~~ in accordance with ~~the Watershed Management Act and other~~ applicable federal, state and local regulations~~to inform GMA planning efforts.~~

Rationale for Changes: The City/County Planner Group subcommittee requested that the Whatcom Council Public Works Department review and provide recommendations on the above policy. The County Public Works the recommended changes above in an email dated 11/21/2022.

6. All jurisdictions shall maximize reduction of water pollutants from stormwater runoff and combined sewer overflows.

**O. Fiscal Impact**

1. It is recognized that if the Growth Management Act and these policies are implemented to their maximum extent, ~~e~~County government may eventually lose the tax base needed to operate essential services, including the criminal justice function and the Offices of Treasurer, Assessor, and Auditor, which serve all jurisdictions in the area. Revenue-sharing shall be addressed in inter-local agreements between Cities and the County.

**P. Private Property Rights**

1. As required in the Growth Management Act, private property shall not be taken for public use without just compensation having been made. It is not the purpose of this paragraph to expand or reduce the scope of private property already provided in local, state and federal law.
2. The ~~e~~County as required by Whatcom County Home Rule Charter Section 1.11, and cities should establish a pro-active process to anticipate potential takings.

**Q. Review and Evaluation Program**

1. The County and cities will cooperate to implement and maintain a program that meets the review and evaluation requirements of RCW 36.70A.215, unless the Growth Management Act no longer contains these requirements or sufficient funds are not appropriated by the state.
2. The purposes of this program are to:
  - a. Compare actual (achieved) development densities with planned development densities and determine whether the County and cities are achieving planned urban densities within urban growth areas and have sufficient suitable land to accommodate ~~housing needs~~planned population and planned employment growth through the remainder of the 20-year planning period.
  - b. Identify and adopt reasonable measures, if necessary, to reduce the differences between actual development patterns and growth and development assumptions contained in the County comprehensive plan and/or city comprehensive plans.
3. The County, in conjunction with the cities, will develop and maintain a Review and Evaluation Program Methodology, taking into consideration the State Department of Commerce Review & Evaluation Program Buildable Lands Guidelines.

4. The County, in conjunction with the cities, will prepare, adopt, and publish a Buildable Lands Report in accordance with the timeframes set forth in the Growth Management Act.
5. The County and cities will follow the Review and Evaluation Program Methodology for the collection, monitoring, and analysis of development activity data, and comparing actual growth and development patterns with growth and development assumptions. As part of this process, the cities and County will collect data annually. The cities will provide collected data to the County upon request.
6. When the Buildable Lands Report identifies inconsistencies between actual development patterns and growth and development assumptions and targets contained in the County comprehensive plan and/or city comprehensive plans, the County and cities will discuss whether reasonable measures are necessary and appropriate to address such inconsistencies before considering adjusting urban growth areas. Each jurisdiction will individually determine whether reasonable measures are required under the Growth Management Act for their jurisdiction.
7. The County and cities will cooperate, and make every effort at the staff level, to resolve disputes regarding inconsistencies in collection and analysis of data.
8. Nothing in this policy will be construed as altering the land use power of any Whatcom County jurisdiction under established law.

**R. Dispute Resolution Procedures**

1. The County and cities will work cooperatively to implement the countywide planning policies. The County and cities will work together to attempt to resolve any disputes regarding implementation of the countywide planning policies.
2. In the event of an impasse, the jurisdictions involved may mutually agree to use mediation for a minimum of 90 days. After the 90 day period, the parties may, by mutual agreement, elect to utilize binding arbitration. In the event that the parties agree to use arbitration, a three member arbitration panel will be selected by mutual agreement. If the parties cannot agree on membership of the panel, each party will select one member and those two members will select the third member. The decision of the arbitration panel on the issue will be final.
3. If mediation, arbitration, or both are used, each jurisdiction will be responsible for its own legal costs, but the jurisdictions involved will split the costs of a mediator or arbitrators evenly.
4. Nothing in this policy will be construed as altering the land use power of any Whatcom County jurisdiction under established law.

S. **Tribal Cultural Resources - Placeholder** (RCW 36.70A.210(3)(i) amended in 2022 by SHB 1717). **NOTE:** The consultant will draft Countywide Planning Policies that address the protection of tribal cultural resources.

T. **Climate Change/Community Resilience**

1. The County and the cities should work individually and cooperatively to limit and address potential impacts from climate change and increase community resilience.
2. The County and cities should consider comprehensive plan policies to reduce greenhouse gas emissions as much as possible, as quickly as possible to limit the serious adverse effects of climate change to the health and safety of our communities, the environment, and natural resources.
3. The County and cities should consider comprehensive plan policies to increase the resiliency of our communities to the impacts of climate change including higher temperatures and associated extreme heat events, more frequent and intense wildfires, sea level rise, increased flooding, changes in precipitation and snowpack, and impacts on fish and wildlife.
4. The County and cities should consider comprehensive plan policies to identify and provide assistance to especially vulnerable populations with less access to resources as they prepare for impacts expected as a result of climate change.

Rationale for Changes: The City/County Planner Group recommends that a Climate Change/Community Resilience section be inserted in the Countywide Planning Policies to address this important issue, which has also been addressed through recent State Legislation (House Bill 1181).

**NOTE:** The consultant will review the Countywide Planning Policies for compliance with the GMA's Climate Change and Resiliency Goal (RCW 36.70A.020(14)), adopted by the State Legislature in 2023 (House Bill 1181).

# CITY OF LYNDEN



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

## COMMUNITY DEVELOPMENT COMMITTEE

### MINUTES

4:00 PM May 17, 2023  
2<sup>nd</sup> Floor Conference Room, City Hall

#### 1. ROLL CALL

Council: Gary Bode, Brent Lenssen, Kyle Strengholt  
Guests: Blake Starkenburg, Gary Vis  
Staff: John Williams, Heidi Gudde

#### 2. APPROVAL OF MINUTES

- a. Community Development Committee Meeting Minutes of 3/22/23 were approved as presented.

#### 3. DISCUSSION ITEMS

- a. Public Participation Plan for the 2025 Comprehensive Plan Update  
Action: CDC pointed out scrivener errors to be corrected.
- b. Update to the County-wide Planning Policies (CWPP) Feedback:

Gudde gave an overview of the most significant changes being proposed to the CWPP and the group gave this feedback:

- Affordable housing and the expansion of this term to include workforce housing or housing serving a broader range of incomes. For example, Section G mentions “affordable housing” multiple times. The committee noted that some statements could benefit from broadening this term to address housing for workforce housing or other terms that might be more realistic. Affordable housing, per its definition of paying only 30% of the AMI, as an unattainable goal.
- In #3 the terms “convenient” and “major employment centers” could benefit from definition.
- Concerns related to #5 and the policies that “exclude or discourage affordable housing”. This seems subjective.

Action: Gudde to return to the Planners group with feedback from the CDC.

c. Schedule for the Review of UGAs within Whatcom County

The group generally discussed the UGA areas of the City and into what directions the City could grow with more focused conversation about the potential of continued growth to the west and the Guide Meridian as a commercial and industrial corridor. Also talked about the infrastructure challenges associated with some areas of the city including high ground water which often overlaps with non-prime ag land – the areas targeted for development.

Action: None at this time related to the schedule of UGA review.

**4. INFORMATIONAL ITEMS**

a. Update on Pending Amendments to the LMC

- LMC 19.22 – Screening of Covered Patios. Gudde gave an update after this legislative item was heard by the Planning Commission.

Action: Lenssen will ask that the Council consider allowing the railing to a max of 42” instead of 36”.

- LMC 19.23 – Adding the South HBD to the Small-scale Mixed-Use Provisions. Committee indicated support for the edit. Gudde noted this is slated for the June 19<sup>th</sup> meeting.
- Civil Penalties Code – Update to LMC 1.24. Carmichael’s office is currently working on implications for other sections of the code. Administrative office is expected to get an updated version in the next couple of weeks.
- LMC 19.33 Sign Code – Gudde discussed some legal concerns with the current code including the absence of an exclusionary provision which would protect the sign code as a whole even if one section was found to be unconstitutional / illegal. Case law will be considered as Planning staff and legal counsel begin a scrub of the code. Staff goal is to have the update completed in the Spring of 2024.
- LMC 19.17 Residential Multi-family Code was on the agenda but not discussed.

b. Development Report

- Review the development reports that were included in the meeting packet.

**Next Meeting Date: June 21, 2022**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	June 19, 2023	
<b>Name of Agenda Item:</b>	Reso 23-1074 – Public Participation Plan and Schedule for Comp Plan Update 2025	
<b>Section of Agenda:</b>	Public Hearing	
<b>Department:</b>	Community Development Department	
<b>Council Committee Review:</b>	<input checked="" 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: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
Draft Resolution 23-1074 and Exhibit A – the Public Participation Plan and Schedule		
<b>Summary Statement:</b>		
<p>Planning staff are bringing forward for the Council’s review and for public comment a Public Participation Plan (PPP) and conceptual schedule for the 2025 update to the City’s Comprehensive Plan*.</p> <p>The goal of the PPP is to communicate a framework by which the city will invite participation in the shaping of the city’s Comprehensive Plan. The participation plan is a required element when completing a periodic update to this long-range planning document. This and other steps are guided by the State legislation on Growth Management (State code reference RCW 36.70A). The State has also required that the city identify and seek input from any vulnerable populations and overburdened communities. Specific definitions of these groups are included in the State code and the PPP.</p> <p>The City Council is asked to review the PPP and discuss. Ideas on who could be considered stakeholders and / or representatives for vulnerable populations or overburdened communities within the City of Lynden would be especially valuable to Planning staff.</p> <p>This item was heard before the Planning Commission on May 11<sup>th</sup>. The hearing and Commission discussion was concluded with a vote to recommend.</p> <p style="text-align: right;"><i>*It should be recognized that this plan is modeled after a Clark County example.</i></p>		
<b>Recommended Action:</b>		
Motion to approve the Resolution 23-1074 and the associated Public Participation Plan and Schedule for the 2025 Comprehensive Plan Update and authorize the Mayor’s signature on the document.		

CITY OF LYNDEN  
CITY COUNCIL RESOLUTION NO. 23-1074

**A resolution of the Council of the City of Lynden, Washington,  
adopting a public participation plan and schedule for updating the  
Comprehensive Plan per RCW 36.70A.130**

**WHEREAS**, the Washington State Growth Management Act (GMA) of 1990, RCW Chapter 36.70A; establishes statewide goals, guidelines and procedural requirements to guide development, coordination and implementation of long range plans; and

**WHEREAS**, the City of Lynden, Whatcom County, and other jurisdictions within Whatcom County adopted Countywide Planning Policies which include a general framework for the implementation of the GMA in Whatcom County; and

**WHEREAS**, in order to implement the requirements and goals of the GMA and the Countywide Planning Policies, the City of Lynden adopted the 2016 Comprehensive Plan (Ordinance 1549) with appropriate public notice, involvement, and environmental review; and

**WHEREAS**, the Comprehensive Plan has been amended regularly since adoption with public notice, involvement, and environmental review; and

**WHEREAS**, the GMA requires the City of Lynden to review and, if needed, revise the Comprehensive Plan by June 30, 2025, to ensure compliance with the requirements of the GMA; and

**WHEREAS**, a public participation plan, attached as Exhibit A, has been developed to provide the public with an opportunity to learn about, comment on the review, and contribute to the revisions of the Comprehensive Plan; and

**WHEREAS**, the public participation plan includes a proposed general schedule to complete any needed revision to the Comprehensive Plan by June 30, 2025.

**NOW THEREFORE, BE IT RESOLVED** by the Lynden City Council to approve, as presented in **Exhibit A**, the Public Participation Plan and conceptual schedule for the update to the City of Lynden Comprehensive Plan due to be completed by June 30, 2025.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE OF \_\_\_\_\_ IN FAVOR,  
\_\_\_\_\_ AGAINST, SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

MAYOR

\_\_\_\_\_  
Scott Korthuis

ATTEST:

\_\_\_\_\_  
Pam Brown, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Bob Carmichael, City Attorney

**Exhibit A**

Resolution 23-1074

**City of Lynden Comprehensive Plan 2025 Update  
Public Participation Plan  
and  
Preliminary Scoping Schedule**

**Purpose**

This document is intended to guide the City in reviewing the comprehensive plan and outline a clear path to ensure broad and accessible public participation in this update.

The Washington State Growth Management Act (GMA) requires cities and counties to conduct outreach to ensure “early and continuous public participation” in developing and amending comprehensive plans and development regulations (RCW 36.70A.140). The GMA also requires that local programs clearly identify and disseminate the schedules and procedures for public participation in the periodic update process (RCW 36.70A.130(2)(a)).

To ensure compliance, the Washington State Department of Commerce recommends local governments begin the periodic update process by adopting a public participation plan. It identifies the scope of the proposed update, when legislative action is expected, and how the public can participate or comment. The Planning and Community Development Department encourages the City Council to adopt this public participation plan.

**Goals of the Public Participation Plan**

1. Outline a path to ensure broad and accessible participation. This includes identifying key interest groups, soliciting input from the public and the business community, and ensuring no single group or interest dominates the process.
2. Identify vulnerable populations and overburdened communities within the City and, if identified conduct outreach to solicit feedback from these groups. Vulnerable populations are groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to adverse socioeconomic factors such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms, and sensitively factors such as low birth weight and higher rates of hospitalization. Overburdened communities are geographic areas where vulnerable populations face combined, multiple environmental harms and health impacts.

3. Maintain effective communication and coordination with Whatcom County and surrounding jurisdictions, and invite tribal participation throughout the update process.
4. Distribute information and post notices efficiently including notifying the public of all meetings, hearings, workshops, and legislative actions.
5. Ensure that elected officials and staff throughout the organization are fully aware of and understand community and stakeholder concerns.

## Scope of Work

To organize the complex process of updating the Comprehensive Plan, the Planning and Community Development Department has divided essential elements into two phases. During Phase I Pre-Planning, the Comprehensive Plan and development regulations will be reviewed for compliance with state law. This process will identify area of the plan that must be amended using the Department of Commerce general checklist and critical areas regulations checklist as tools to identify portions of the plan needing. Subsequently, the Planning Commission and the Council must establish a scope of work for the update including those areas identified in the checklists as needing to be updated. The preliminary scope of work and schedule are intended to be general rather than specific because it is difficult to know the full extent of the required work until Phase I is complete.

Phase II will address those issues identified in Phase I. Throughout Phase I and Phase II, interaction with community will provide information to the process. To assist, the Planning Department has categorized work associated with the update as mandatory or strongly recommended. This will accommodate budgetary and staffing constraints. A summary is provided below.

Typical GMA Requirements	Mandatory	<ul style="list-style-type: none"> <li>▪ Consideration of GMA amendments</li> <li>▪ Urban growth areas (UGAs) and population / housing unit projections.</li> <li>▪ Critical areas regulations</li> <li>▪ Internal consistency</li> <li>▪ Development regulation consistency</li> </ul>
New GMA Requirements	Mandatory	<ul style="list-style-type: none"> <li>▪ HB 1220 substantially amends housing-related provisions of the GMA (RCW 36.70A.070(2)).</li> <li>▪ HB 1717 adds new requirement regarding tribal participation in planning efforts (RCW 36.70A.040 and 36.70A.190).</li> <li>▪ SB 5593 adds new elements regarding changes to planning and/or modifying urban growth areas (RCW 36.70A.130(3)).</li> <li>▪ SB 5818 promotes housing construction in cities through amendments to and limiting</li> </ul>

		appeals under the state environmental policy act (SEPA) and the GMA (RCW 36.70A.070(2)).
Required by Whatcom County or the Comprehensive Plan		<ul style="list-style-type: none"> <li>▪ Coordination on UGAs</li> </ul>
Important Planning Considerations		<ul style="list-style-type: none"> <li>▪ Develop a benchmark and monitoring system to guide future planning work.</li> <li>▪ Rewrite and enhancement of the Comprehensive Plan to increase readability.</li> <li>▪ Incorporate Transportation and Capital Facilities Element into a simultaneous update.</li> </ul>
Desirable Planning Considerations		<ul style="list-style-type: none"> <li>▪ Update South Historic Business District Sub-Area Plan</li> <li>▪ Create a Sub-Area Plan for the West Lynden Gateway Sub-Area</li> </ul>

**Phase I**

Phase I will begin with a thorough review of GMA requirements and compilation of amendments since the 20016 update. The department will review the Comprehensive Plan and development regulations to determine whether revisions will be required to ensure consistency with GMA amendments.

The City also will need to analyze its Urban Growth Areas (UGAs) to ensure they are sized to accommodate 20 years of population, housing needs, and employment growth (based on an adopted OFM range). If, during this analysis, the City determines a UGA is too small corrective actions will be identified. They could include altering the size of UGAs, changing the allowed uses and densities, or a combination of actions. Any proposed changes must be fully consistent with and supported by adopted Countywide Planning Policies (CWPPs) and capital facilities plans.

Because plans and policies of other local governments and utility providers must be consistent with the adopted Countywide Planning Policies, this step will require high-level intergovernmental coordination. To address this need, the Council and Planning and Community Development Department have committed to working cooperatively with all involved parties as a forum for reviewing and, if need be, revising CWPPs.

## Phase II

Once the initial review and analysis are complete (Phase I), the Washington State Department of Commerce recommends local governments adopt an ordinance or resolution stating a review has been completed and identifying elements of the Comprehensive Plan or development regulations that will be updated. This step will result in a report documenting changes in the City of Lynden since adoption of the Comprehensive Plan, areas of the plan or development regulations that must be updated or amended, and amendments or changes, which although not mandatory, the board and Planning Commission have chosen to consider.

Phase II essentially will be a stage where issues identified in Phase I are addressed through plan or code revisions. Until Phase I is complete, Community Planning cannot identify a detailed scope of work for Phase II. However, the department has prepared a general outline of tasks to complete in conjunction with the periodic update. The outline has been incorporated into the attached “Public Participation Plan & Preliminary Scope of Work.” A more detailed scope of work will be prepared for Phase II at the completion of Phase I.

## Public Participation Program Structure

To best use the City of Lynden’s limited planning resources, this plan identifies both essential public participation strategies that will be employed as well as optional strategies which could be employed if resources are available. The estimated completion dates for each step are indeed estimates. In some cases, final action may occur before or after the target date because of constrained resources, need for additional intergovernmental collaboration, or unforeseen circumstances.

### Techniques and Strategies

The public participation methods employed by the City of Lynden may include:

**Innovative Public Involvement Technology.** In addition to traditional outreach methods below, the City of Lynden will use innovative technology. The goal is to reach beyond the individuals who typically attend public meetings to encourage comments from a broader audience. Technology based tools could include:

- Social media
- Electronic voting machines
- Online survey / polls
- Planning & Community Development Website

**Public workshops, public meetings, and open houses.** Informal gatherings to solicit public feedback on City of Lynden’s planning efforts. Workshops and/or listening posts may be involve presentations by staff, question and answer sessions and interactive activities. Community Planning commits to hold meetings at convenient times, and at locations that are accessible. Information is made available either through presentations by technical staff (public meeting) or

through display exhibits (open house). The Department will present material online to create an alternative “open house” for citizens unable or unwilling to attend in person.

**Public notification of hearings** (agendas, etc). The public is notified of Community Planning meetings and events primarily through publishing in the Lynden Tribune, the City’s website, and email communication. The Planning Commission and City Council packets of information al material are made available on the City’s website when a formal public process is conducted before the Planning Commission or the City Council.

**City of Lynden Website.** The Planning and Community Development Department will maintain information about events related to the Comprehensive Plan update , the status of the update, and provide information regarding the opportunities to contribute. The site will include a meeting calendar with electronic copies of agendas, upcoming meetings, announcements, and notices of meetings. The website also offers links to archives of completed plans and any relevant studies.

**City / County coordination meetings.** The Planning and Community Development Department will coordinate with Whatcom County on countywide issues that affect the City of Lynden and its UGAs. The City will also be cooperatively working with the County’s planning consultant to develop consensus on countywide issues and distributions such as emergency housing needs and revisions to urban growth areas.

**Technical advisory groups.** The Community Development Department may use technical advisory groups to solicit guidance on complex technical issues. The groups will include members who have specific knowledge of or interest in specialized topics and may have members from business and interest groups, trade organizations, service providers, municipalities and county departments.

**Email distribution lists.** Members of the public will have the opportunity to join an email distribution list which will promoted and maintained by the Planning and Community Development Department. The list be used to disseminate announcement and notices as well as online links to documents or surveys. To join the City of Lynden Comprehensive Plan Update mailing list, contact Dave Timmer at [timmerd@lyndenwa.org](mailto:timmerd@lyndenwa.org) or call (360) 354-5532.

**Stakeholder outreach.** Stakeholders for the Comprehensive Plan update include the general public, representatives of senior citizen groups or other specific demographics, business groups, the school district, public health organizations, neighborhood and civic organizations, public agencies, or environmental protection / enhancement groups.

**News releases.** The City will prepare news releases and distribute them to general news media, specialized media, and other local information providers throughout the update process. New releases will also be distributed or linked via the email distribution list.

**Planning Commission and Community Development Committee work sessions.** The Planning and Community Development Department will schedule work sessions as needed with the Planning Commission and the Community Development Committee to solicit feedback and guidance on specific issues or update these groups on the status of the Comprehensive Plan update.

**Notification and availability of information.** The City of Lynden will ensure meetings, work sessions and hearings are publicized as required by state law or city code. The City will make every effort to post all relevant documents on the city website. In addition, a project file will be maintained for public review at the Planning and Community Development Department in City Hall, 300 4<sup>th</sup> Street, 2<sup>nd</sup> Floor, Lynden.

**Preliminary Schedule.** The Planning and Community Development Department will continue to review State requirements and work with a land use planning consultant to identify priorities for the Comprehensive Plan Update throughout Phase I. Staff will work with the Planning Commission and the Community Development Committee to execute this plan and schedule and modify as additional information and opportunities become available.

The planning phases include Pre-Planning in Phase I followed by Data Analysis and Plan Development in Phase II. This leaves about 5 months for the plan to be reviewed by various agencies and discussed in public hearings prior to adoption. The deadline to adopt is June 30, 2025.

May 2023-Oct 2023	Oct 2023 – Dec 2024		Dec 2024 – June 2025
Phase I Pre-Planning	Phase II Data Analysis and Plan Development		Adoption
Develop Public Participation Plan and schedule.  Complete checklists to identify update priorities.  Identify stakeholders.  Schedule work sessions	<u>Data Analysis</u> Public review and comment  20-year population range  Housing needs assessment	<u>Plan Development</u> Public review and comment  SEPA Analysis and Public Review  UGA review  Transportation analysis  Draft text  Develop graphics	Public review and comment  Department of Commerce Review  Planning Commission Hearings  City Council Hearings  Issue Notice of Adoption

# CITY OF LYNDEN

PLANNING DEPARTMENT  
360-354-5532



## PLANNING COMMISSION MEETING MINUTES 7:00 PM May 11, 2023 City Hall Annex

### 1. CALL TO ORDER

### 2. ROLL CALL

Present: Tim Faber, Blair Scott, Jim Kaemingk, Darren Johnson.

Absent: Khush Brar and Hollie Lyons with notice.

Staff Present: Gudde, Planning Director, Timmer, Planner and Samec, Planner

### 3. APPROVAL OF MINUTES

A. March 9, 2023 Kaemingk / Johnson / 2<sup>nd</sup> 4-0

### 4. PUBLIC HEARINGS

#### A. Amendment to LMC 19.22 re: Screening of Patios

Gudde addressed the Commission and gave a brief overview of the amendment to 19.22.

Planning staff are bringing forward a code amendment to clarify to the city’s code on covered residential patios located within the residential design standards of the zoning code.

Historically, the city required that all roofed portions of a home be constructed within the building envelope. The result is that many homes were constructed up to the permitted rear setback line without providing covered outdoor spaces.

Because covered outdoor spaces are highly desirable to most people, about 5 years ago, the city amended the residential code to allow roof structures to extend from the home and encroach into the rear yard setback provided that the structure remained open on three sides and maintained an 18-foot rear setback. These conditions of construction are meant to preserve outdoor yard spaces on residential lots and to prevent ad-hoc home additions that may become unsafe living spaces that lack ventilation, fail to meet energy code, or pose a fire danger.

Since adoption, many homes, both existing and new, have taken advantage of the amendment and have added roofs over outdoor living spaces. Screening or sheltering patio areas can also add to the usability of an outdoor space which has led to the discussion about what sort of screening or enclosure is permitted. When discussed at Council committee it was determined that Council asked that these outdoor spaces remain open but that the code better clarify the options for securing with railings or sheltering from sun, wind, or visibility.

Planning staff has drafted language to clarify the intent and has provided examples of screening that would meet the standards of the proposed code. The Planning Commission is asked to consider the proposal in light of aesthetics, safety, and consistency with the goals of residential zones and make a recommendation to the City Council.

Brief discussion regarding changing setbacks (beyond the required rear yard setback) to allow enclosed patios. Commission was not supportive of that idea.

In opposition

Dale Assink, Pine Creek Construction on behalf of property owner at 950 Captain Bay Court, Lynden.

Assink stated that in 2020 he had a covered patio (appx 19-feet from rear setback) inspected and approved. After inspection, took it a step further and made it into a sunroom. Assink shared photos of the structure. Assink would like to ask the Commission to consider enclosed patios having the same setback as a covered patio.

The benefits of the enclosed structure makes the patio usable year around and cuts down on sound pollution which enhances the use of outdoor spaces without effecting your neighbors.

Assink stated that they are non-compliant under the code. It was his decision to enclose the patio and wanted to make a stand. Encourage the committee to take a close look to allow everyone to do the same. Assink stated that he would like to invite the Commission to visit.

Kaemingk stated that he took a tour of the site, and the patio is very nice. Is changing the setback the only way we can allow this type of space? Allowing enclosed patios presents potential concerns with energy efficiency, health and safety. Not to mention that it would be difficult to enforce. Changing the setback is the cleanest way to do that. Writing code for every scenario is difficult.

Faber stated that a lot of times radiant heaters are installed in enclosed spaces / patios. At what time does the energy code kick in? There are a lot of regulations and compliance required to enforce something like that.

Gudde reminded the Commission that enclosed structures are permitted, however, they must be located within the setbacks required for the home.

Faber talked about concerns with installing a heater after the fact.

Assink, if I submitted a permit for this same structure detached 7-feet from the property line would it be permitted? Gudde replied, yes, however, it is unattached from the house and does not present the same concerns to the “attached” home.

Timmer asked Assink why he did not detach the structure? Assink stated that they did not want that, we wanted it to access the room from the house.

Discussion about reducing the setbacks: Is the Commission looking to change that?

Faber stated, a rear setback is to provide space between houses. Each property has a 30-foot rear yard setback which creates a feel of open space, privacy and a bit of separation.

Scott, is there a compromise that we can make since the lots are getting smaller? Gudde replied, the homes being built now regardless of the lot size are building out to the full extent of the building envelope. As lots get smaller, maintaining a rear yard setback is important for space and privacy. Lot coverage and impervious coverage also plays a part.

Faber, if someone wants a sunroom then they should design their home as such. There are many ways to do so, even in a remodel. If enclosing the space is that important to your lifestyle, then design it into your home and be compliant. Faber appreciates the requirement for a rear yard setback and is not in favor of changing the setbacks.

Kaemingk asked is there an avenue to get a variance? Gudde stated, yes, through the Hearings Examiner and one would have prove a hardship and that there is a reason for the special exception.

Johnson asked what happens when we make a recommendation tonight with regards to Mr. Assink's structure. The Commission's recommendation will move forward to Council for a final decision. Fines will continue to accrue until a decision is made and or compliance is met.

Faber asked the Commission again if there was any desire to change the setbacks? Kaemingk stated that he would like to find a way to make this work, but is not in favor of changing the setbacks.

Lois what is the difference in having an open patio or having glass around the patio? I'm not any closer to my neighbor than I would be if I was just sitting on the deck without glass? Faber, the current code requires that the structure be open on 3 sides.

Assink, I would like someone to explain the thought behind the setback for a structure as an out building vs a building attached to the house. Timmer replied, it's a question of scale, when you add it on to a structure it makes the entire building look larger and then you are changing the sense of scale of the building on the lot. That is why we have setbacks.

Gudde added, what staff has been asked to do regarding this topic will not make this structure compliant, we are only clarifying code.

Scott, the code was already revised some time ago to allow covered patios (open on 3 sides) 18-feet from the property line, if we continue to compromise over and over again what will we end up with?

Regardless of how nice Mr. Assink’s enclosure is, a decision should not be made on aesthetics it must be made on code and/ or whether or not you are interested in changing the setbacks.

Johnson, it is a very nice structure, however it is important to defend the setbacks as we are not interested in changing them.

Kaemingk stated that the glass and garage doors would need to come out for them to comply. With that said, they could add a railing with glass below and screen the rest to enclose.

Gudde stated, if its attached to the primary home we need to pay close attention as it could affect the integrity of the home and to health and safety.

Faber, Scott and Johnson agree to uphold code and agree with the recommendation as proposed. Kaemingk understands the code but feels for the owners.

**Scott motioned to close the public hearing. Seconded by Kaemingk and the motion passed, 4-0.**

No further comments from the Commission.

**Scott motioned to recommend approval to the Lynden City Council of the proposed amendment to LMC 19.22, regarding patio enclosures and screening. Seconded by Johnson, and the motion passed 4-0.**

**B. Amendment to LMC 19.23 re Revision of Small-scale Mixed-Use Provisions to include for the South Historic Business District (SHBD)**

Timmer addressed the Commission and gave a brief overview of the amendment to 19.23 regarding small-scale mixed-use provisions for the South Historic Business District.

The second minor code amendment being brought to the Commission for this evening is a revision to the recently adopted Mixed-Use Overlay code updates. Ordinance 1657 adopted these updates to encourage thoughtful mixed-use development in logical areas of the city near established commercial centers.

While the bulk of the Mixed-Use Overlay code is focused on larger scaled projects, some provisions were also made for small scale mixed-use within the core of the city – the Central Lynden Subarea. The CSL zones near downtown already function as mixed-use

areas where there are existing single-family, multi-family, and commercial uses in the same neighborhood. The small scale mixed-use provisions that were included in Ord 1657 permit additional residential units on already existing residential parcels as a way to provide further density in this area. These provisions were limited to the CSL zone in the Central Lynden Subarea (the CSL zone directly north of downtown).

Since adoption, City staff has realized that a small number of properties (approximately 5) that are within the South Historic Business District – the small subarea directly south of downtown - would also benefit from the small-scale mixed-use provisions in LMC 19.23.110. This proposed amendment adds the CSL zone in the SHBD to the areas of the City where the small-scale mixed-use provisions are applicable. The 5 parcels would now become eligible to utilize the small scale mixed use provisions.

The Commission agrees that the amendment makes sense and is a good thing.

No further comments from the Commission.

**Johnson motioned to recommend approval to the Lynden City Council of the proposed amendment to LMC 19.23 regarding small scale mixed-use provisions for the South Historic Business District. Seconded by Scott, and the motion passed 4-0.**

**C. Public Participation Plan for the 2025 Comprehensive Plan Update**

Gudde addressed the Commission and gave an overview regarding the 2025 Comp Plan Update / Public Participation Plan.

Planning Staff is asking for the Planning Commission’s review and for public comment on a Public Participation Plan (PPP) for the 2025 update to the City’s Comprehensive Plan.

The goal of the PPP is to communicate a framework by which the city will invite participation in the shaping of the city’s Comprehensive Plan. The PPP is a required element when completing a periodic update to this long-range planning document. This and other steps are guided by the State legislation on Growth Management (State code reference RCW 36.70A). The State has also required that the city identify and seek input from any vulnerable populations and overburdened communities. Specific definitions of these groups are included in the State code and the PPP. The city will also invite tribal participation throughout the process.

Staff is interested in hearing from the Commission on their ideas of who could be considered stakeholders and / or representatives for vulnerable populations or overburdened communities within the City of Lynden.

Commissioner Discussion

Faber, can we amend this document at any time? Gudde stated absolutely, this is our document, we can amend as we see fit. Faber, this is a good starting point and will only get more populated as we go.

It is very important that we reach the immigrant population as they are definitely part of the community and their voice needs to be heard. Scott stated, getting the word out on “nextdoor.com” seems to be working well in other areas maybe we could try that.

Gudde reviewed:

- The goals of the public participation plan.
- Briefly discussed the scope of work, important planning considerations and desirable planning considerations. Helps to give the City guidance.
- Public Participation Program Structure (techniques, strategies, public involvement, workshops, hearings, website, coordination meetings with county, news releases etc.)
- Preliminary Schedule

The Commission agreed that the PPP looks good. No further comments from the Commission.

**Johnson motioned to approve Planning Commission Resolution #23-02 and recommend approval to the Lynden City Council of the proposed Public Participation Plan for the update to the City’s Comprehensive Plan. Seconded by Kaemingk, and the motion passed 4-0.**

Scott asked about the vacant lot on the south side of Main Street. Gudde stated that lots is part of an exchange agreement that the City has with the property owner. The parcel will likely remain vacant as it is encumbered by critical areas.

**5. ADJOURNMENT**

**Motion to adjourn by Scott / Second by Johnson. Meeting adjourned at 9:00 pm.**

CITY OF LYNDEN  
PLANNING COMMISSION RESOLUTION #23-02

**A resolution of recommendation to the Lynden City Council for the adoption of a public participation plan regarding the upcoming update to the Comprehensive Plan per RCW 36.70A.130**

WHEREAS, the Washington State Growth Management Act (GMA) of 1990, RCW Chapter 36.70A; establishes statewide goals, guidelines and procedural requirements to guide development, coordination and implementation of long-range plans; and

WHEREAS, the City of Lynden, Whatcom County, and other jurisdictions within Whatcom County adopted Countywide Planning Policies which include a general framework for the implementation of the GMA in Whatcom County; and

WHEREAS, in order to implement the requirements and goals of the GMA and the Countywide Planning Policies, the City of Lynden adopted the 2016 Comprehensive Plan (Ordinance 1548) with appropriate public notice, involvement, and environmental review; and

WHEREAS, the Comprehensive Plan has been amended regularly since adoption with public notice, involvement, and environmental review; and

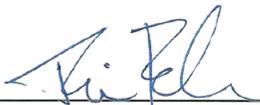
WHEREAS, the GMA requires the City of Lynden to review and, if needed, revise the Comprehensive Plan by June 30, 2025, to ensure compliance with the requirements of the GMA; and

WHEREAS, a public participation plan, attached as **Exhibit A**, has been developed to provide the public with an opportunity to learn about, comment on the review, and contribute to the revisions of the Comprehensive Plan; and

WHEREAS, the public participation plan includes a proposed general schedule to complete any needed revisions to the Comprehensive Plan by June 30, 2025.

**NOW THEREFORE, BE IT RESOLVED** by the Lynden Planning Commission to recommend approval of the proposed Participation Plan by a vote of 4-0, to the Lynden City Council.

PASSED by the Planning Commission of the City of Lynden, Whatcom County, at their meeting held the 11<sup>th</sup> day of May 2023.

  
\_\_\_\_\_  
Tim Faber, Chairperson,  
Lynden Planning Commission

  
\_\_\_\_\_  
Heidi Gudde, AICP  
Planning Director

# City of Lynden Comprehensive Plan 2025 Update Public Participation Plan and Preliminary Scoping Schedule

## Purpose

This document is intended to guide the City in reviewing the comprehensive plan and outline a clear path to ensure broad and accessible public participation in this update.

The Washington State Growth Management Act (GMA) requires cities and counties to conduct outreach to ensure “early and continuous public participation” in developing and amending comprehensive plans and development regulations (RCW 36.70A.140). The GMA also requires that local programs clearly identify and disseminate the schedules and procedures for public participation in the periodic update process (RCW 36.70A.130(2)(a)).

To ensure compliance, the Washington State Department of Commerce recommends local governments begin the periodic update process by adopting a public participation plan. It identifies the scope of the proposed update, when legislative action is expected, and how the public can participate or comment. The Planning and Community Development Department encourages the City Council to adopt this public participation plan.

## Goals of the Public Participation Plan

1. Outline a path to ensure broad and accessible participation. This includes identifying key interest groups, soliciting input from the public and the business community, and ensuring no single group or interest dominates the process.
2. Identify vulnerable populations and overburdened communities within the City and, if identified conduct outreach to solicit feedback from these groups. Vulnerable populations are groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to adverse socioeconomic factors such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms, and sensitively factors such as low birth weight and higher rates of hospitalization. Overburdened communities are geographic areas where vulnerable populations face combined, multiple environmental harms and health impacts.
3. Maintain effective communication and coordination with Whatcom County and surrounding jurisdictions, and invite tribal participation throughout the update process.

4. Distribute information and post notices efficiently including notifying the public of all meetings, hearings, workshops, and legislative actions.
5. Ensure that elected officials and staff throughout the organization are fully aware of and understand community and stakeholder concerns.

## Scope of Work

To organize the complex process of updating the Comprehensive Plan, the Planning and Community Development Department has divided essential elements into two phases. During Phase I Pre-Planning, the Comprehensive Plan and development regulations will be reviewed for compliance with state law. This process will identify area of the plan that must be amended using the Department of Commerce general checklist and critical areas regulations checklist as tools to identify portions of the plan needing. Subsequently, the Planning Commission and the Council must establish a scope of work for the update including those areas identified in the checklists as needing to be updated. The preliminary scope of work and schedule are intended to be general rather than specific because it is difficult to know the full extent of the required work until Phase I is complete.

Phase II will address those issues identified in Phase I. Throughout Phase I and Phase II, interaction with community will provide information to the process. To assist, the Planning Department has categorized work associated with the update as mandatory or strongly recommended. This will accommodate budgetary and staffing constraints. A summary is provided below.

Typical GMA Requirements	Mandatory	<ul style="list-style-type: none"> <li>▪ Consideration of GMA amendments</li> <li>▪ Urban growth areas (UGAs) and population / housing unit projections.</li> <li>▪ Critical areas regulations</li> <li>▪ Internal consistency</li> <li>▪ Development regulation consistency</li> </ul>
New GMA Requirements	Mandatory	<ul style="list-style-type: none"> <li>▪ HB 1220 substantially amends housing-related provisions of the GMA (RCW 36.70A.070(2)).</li> <li>▪ HB 1717 adds new requirement regarding tribal participation in planning efforts (RCW 36.70A.040 and 36.70A.190).</li> <li>▪ SB 5593 adds new elements regarding changes to planning and/or modifying urban growth areas (RCW 36.70A.130(3)).</li> <li>▪ SB 5818 promotes housing construction in cities through amendments to and limiting appeals under the state environmental policy act (SEPA) and the GMA (RCW 36.70A.070(2)).</li> </ul>

<p>Required by Whatcom County or the Comprehensive Plan</p>		<ul style="list-style-type: none"> <li>▪ Coordination on UGAs</li> </ul>
<p>Important Planning Considerations</p>		<ul style="list-style-type: none"> <li>▪ Develop a benchmark and monitoring system to guide future planning work.</li> <li>▪ Rewrite and enhancement of the Comprehensive Plan to increase readability.</li> <li>▪ Incorporate Transportation and Capitol Facilities Element into a simultaneous update.</li> </ul>
<p>Desirable Planning Considerations</p>		<ul style="list-style-type: none"> <li>▪ Update Historic Business District Sub-Area Plan</li> <li>▪ Create a Sub-Area Plan for the West Lynden Gateway Sub-Area</li> </ul>

**Phase I**

Phase I will begin with a thorough review of GMA requirements and compilation of amendments since the 20016 update. The department will review the Comprehensive Plan and development regulations to determine whether revisions will be required to ensure consistency with GMA amendments.

The City also will need to analyze its Urban Growth Areas (UGAs) to ensure they are sized to accommodate 20 years of population, housing needs, and employment growth (based on an adopted OFM range). If, during this analysis, the City determines a UGA is too small corrective actions will be identified. They could include altering the size of UGAs, changing the allowed uses and densities, or a combination of actions. Any proposed changes must be fully consistent with and supported by adopted Countywide Planning Policies (CWPPs) and capital facilities plans.

Because plans and policies of other local governments and utility providers must be consistent with the adopted Countywide Planning Policies, this step will require high-level intergovernmental coordination. To address this need, the Council and Planning and Community Development Department have committed to working cooperatively with all involved parties as a forum for reviewing and, if need be, revising CWPPs.

**Phase II**

Once the initial review and analysis are complete (Phase I), the Washington State Department of Commerce recommends local governments adopt an ordinance or resolution stating a review has been completed and identifying elements of the Comprehensive Plan or development regulations that will be updated. This step will result in a report documenting changes in the

City of Lynden since adoption of the Comprehensive Plan, areas of the plan or development regulations that must be updated or amended, and amendments or changes, which although not mandatory, the board and Planning Commission have chosen to consider.

Phase II essentially will be a stage where issues identified in Phase I are addressed through plan or code revisions. Until Phase I is complete, Community Planning cannot identify a detailed scope of work for Phase II. However, the department has prepared a general outline of tasks to complete in conjunction with the periodic update. The outline has been incorporated into the attached “Public Participation Plan & Preliminary Scope of Work.” A more detailed scope of work will be prepared for Phase II at the completion of Phase I.

### Public Participation Program Structure

To best use the City of Lynden’s limited planning resources, this plan identifies both essential public participation strategies that will be employed as well as optional strategies which could be employed if resources are available. The estimated completion dates for each step are indeed estimates. In some cases, final action may occur before or after the target date because of constrained resources, need for additional intergovernmental collaboration, or unforeseen circumstances.

#### Techniques and Strategies

The public participation methods employed by the City of Lynden may include:

**Innovative Public Involvement Technology.** In addition to traditional outreach methods below, the City of Lynden will use innovative technology. The goal is to reach beyond the individuals who typically attend public meetings to encourage comments from a broader audience. Technology based tools could include:

- Social media
- Electronic voting machines
- Online survey / polls
- Planning & Community Development Website

**Public workshops, public meetings, and open houses.** Informal gatherings to solicit public feedback on City of Lynden’s planning efforts. Workshops and/or listening posts may be involve presentations by staff, question and answer sessions and interactive activities. Community Planning commits to hold meetings at convenient times, and at locations that are accessible. Information is made available either through presentations by technical staff (public meeting) or through display exhibits (open house). The Department will present material online to create an alternative “open house” for citizens unable or unwilling to attend in person.

**Public notification of hearings** (agendas, etc). The public is notified of Community Planning meetings and events primarily through publishing in the Lynden Tribune, the City’s website, and email communication. The Planning Commission and City Council packets of information al

material are made available on the City’s website when a formal public process is conducted before the Planning Commission or the City Council.

**City of Lynden Website.** The Planning and Community Development Department will maintain information about events related to the Comprehensive Plan update , the status of the update, and provide information regarding the opportunities to contribute. The site will include a meeting calendar with electronic copies of agendas, upcoming meetings, announcements, and notices of meetings. The website also offers links to archives of completed plans and any relevant studies.

**City / County coordination meetings.** The Planning and Community Development Department will coordinate with Whatcom County on countywide issues that affect the City of Lynden and its UGAs. The City will also be cooperatively working with the County’s planning consultant to develop consensus on countywide issues and distributions such as emergency housing needs and revisions to urban growth areas.

**Technical advisory groups.** The Community Development Department may use technical advisory groups to solicit guidance on complex technical issues. The groups will include members who have specific knowledge of or interest in specialized topics and may have members from business and interest groups, trade organizations, service providers, municipalities and county departments.

**Email distribution lists.** Members of the public will have the opportunity to join an email distribution list which will promoted and maintained by the Planning and Community Development Department. The list be used to disseminate announcement and notices as well as online links to documents or surveys. To join the City of Lynden Comprehensive Plan Update mailing list, contact Dave Timmer at [timmerd@lyndenwa.org](mailto:timmerd@lyndenwa.org) or call (360) 354-5532.

**Stakeholder outreach.** Stakeholders for the Comprehensive Plan update include the general public, representatives of senior citizen groups or other specific demographics, business groups, the school district, public health organizations, neighborhood and civic organizations, public agencies, or environmental protection / enhancement groups.

**News releases.** The City will prepare news releases and distribute them to general news media, specialized media, and other local information providers throughout the update process. New releases will also be distributed or linked via the email distribution list.

**Planning Commission and Community Development Committee work sessions.** The Planning and Community Development Department will schedule work sessions as needed with the Planning Commission and the Community Development Committee to solicit feedback and guidance on specific issues or update these groups on the status of the Comprehensive Plan update.

**Notification and availability of information.** The City of Lynden will ensure meetings, work sessions and hearings are publicized as required by state law or city code. The City will make every effort to post all relevant documents on the city website. In addition, a project file will be maintained for public review at the Planning and Community Development Department in City Hall, 300 4<sup>th</sup> Street, 2<sup>nd</sup> Floor, Lynden.

**Preliminary Schedule.** The Planning and Community Development Department will continue to review State requirements and work with a land use planning consultant to identify priorities for the Comprehensive Plan Update throughout Phase I. Staff will work with the Planning Commission and the Community Development Committee to execute this plan and schedule and modify as additional information and opportunities become available.

The planning phases include Pre-Planning in Phase I followed by Data Analysis and Plan Development in Phase II. This leaves about 5 months for the plan to be reviewed by various agencies and discussed in public hearings prior to adoption. The deadline to adopt is June 30, 2025.

May 2023-Oct 2023	Oct 2023 – Dec 2024		Dec 2024 – June 2025
Phase I Pre-Planning	Phase II Data Analysis and Plan Development		Adoption
Develop Public Participation Plan and schedule.  Complete checklists to identify update priorities.  Identify stakeholders.  Schedule work sessions	<u>Data Analysis</u> Public review and comment  20-year population range  Housing needs assessment	<u>Plan Development</u> Public review and comment  SEPA Analysis and Public Review  UGA review  Transportation analysis  Draft text  Develop graphics	Public review and comment  Department of Commerce Review  Planning Commission Hearings  City Council Hearings  Issue Notice of Adoption

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	June 19, 2023	
<b>Name of Agenda Item:</b>	Ord 23-1669 Amending LMC 19 re Patio Screening and South HBD Mixed-Use	
<b>Section of Agenda:</b>	Public Hearing	
<b>Department:</b>	Planning Department	
<b>Council Committee Review:</b>	<input checked="" 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: _____
		<b>Legal Review:</b>
		<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>		
Draft Ord 23-1669, Planning Commission Minutes of 5-11-23, Photo examples of Patio Screening		
<b>Summary Statement:</b>		
<p>Planning staff is bringing forward Ord. 23-1669 which would amend the Lynden Municipal Code in two places. The first amendment would clarify the standards related to covered residential patios located in (LMC 19.22.030) and the 2<sup>nd</sup> would address Small-Scale Mixed-use within the South Historic Business District (LMC 19.23.110).</p> <p>In 2018, the city amended the residential code to allow roof structures to extend from the home and encroach into the rear yard setback provided that the structure remained open on 3 sides and maintained an 18-foot rear setback. These standards are meant to preserve outdoor yard spaces on residential lots and to prevent ad-hoc home additions that may become unsafe living spaces that lack ventilation, fail to meet energy code, or pose a fire danger. Since adoption, many homes, both existing and new, have taken advantage of the amendment and have added roofs over outdoor living spaces. Screening or sheltering patio areas can also add to the usability of an outdoor space which has led to the discussion about what sort of screening or enclosure is permitted. After Committee discussion, staff was asked to draft an amendment to clarify the options for securing patios with railings or sheltering from sun, wind, or visibility but maintaining patios as outdoor rather than indoor spaces.</p> <p>Ord 23-1669 also includes language which makes small commercial parcels within the South Historic Business District (HBD) eligible to use the standards associated with Small Scale Mixed-Use provisions. The omission of this sub-area to these regulations was an oversight during the recent adoption of Ord 1657. The new standards would benefit 5 parcels within the South HBD that are less than an acre in size.</p> <p>The Planning Commission heard these items on May 11<sup>th</sup> and voted to recommend. The Community Development Committee reviewed and recommended that railing heights in LMC 19.22 be allowed up to the standard height of 42" rather than 36" as reflected in the recommended action below.</p>		
<b>Recommended Action:</b>		
Motion to approve Ord 23-1669 and authorize the Mayor's signature on the document with the condition that LMC 19.22.030(E)(3)(b) be revised to permit railings of up to 42" on covered patios.		

**Ordinance No. 23-1669**

AN ORDINANCE OF THE CITY OF LYNDEN AMENDING TITLE 19 OF THE LYNDEN MUNICIPAL CODE REGARDING PATIO ENCLOSURES AND SCREENING AND SMALL-SCALE MIXED-USE PROVISIONS

WHEREAS, the City is responsible for enacting regulations that protect the health, safety and general welfare of the citizens of Lynden; and

WHEREAS, the Growth Management Act requires that local governments planning under the Act must adopt regulations which implement adopted comprehensive plans; and

WHEREAS, the City of Lynden finds it necessary to amend these regulations from time to time to ensure orderly review of zoning regulations within the City; and

WHEREAS, the City proposes to amend Lynden Municipal Code (LMC) Title 19, Section 19.22 regarding patio enclosures and screening in order to provide better clarification on the options for securing covered patios with railings or shelter from sun, wind or visibility, as shown in **Exhibit A**.

1. These conditions of construction are meant to preserve outdoor yard spaces on residential lots and to prevent ad-hoc home additions that may become unsafe living spaces that lack ventilation, fail to meet energy code, or pose a fire danger.

WHEREAS, the City proposes to amend Lynden Municipal Code (LMC) Title 19, Section 19.23 regarding Small Scale Mixed-Use Provisions for the South Historic Business District.

1. Since adoption of Ordinance 1657, City staff has realized that a small number of properties (approximately 5) that are within the South Historic Business District – the small subarea directly south of downtown - would also benefit from the small-scale mixed-use provisions outlined in LMC 19.23.110.
2. This proposed amendment to Lynden Municipal Code (LMC) Chapter 19.23.110(B), as shown in **Exhibit B**, makes those properties with Commercial Services – Local (CSL) zoning in the SHBD eligible for small-scale mixed-use provisions and

WHEREAS, the Lynden Planning Commission held an open record public hearing on May 11, 2023, to accept public comments on the proposed amendments to LMC Chapters 19.22 and 19.23 and recommended adoption to the City Council through Planning Commission Resolution #23-03 and #23-04.

WHEREAS, on June 19, 2023, the Lynden City Council held a public hearing to accept public testimony on the proposed amendments to LMC 19.22 and LMC 19.23 and to consider the matters of record to that date; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

**SECTION C Title 19 Amended as follows and as detailed in Exhibit A and Exhibit B attached.**

1. Repeal and replace LMC 19.22.030 in its entirety to incorporate updates and clarifications regarding patio enclosures and screening.
2. Repeal and replace LMC 19.23.110 in its entirety to incorporate minor updates and clarifications related to the Mixed-Use Centers overlay.

**SECTION D Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

**SECTION E** Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

**SECTION F Effective Date.** This ordinance shall be effective five days after the date of publication. All development applications received after that date shall be reviewed under the provisions of this ordinance.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023. Signed by the Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
SCOTT KORTHUIS, MAYOR

ATTEST:

\_\_\_\_\_  
PAM BROWN, CITY CLERK

APPROVED TO AS FORM:

\_\_\_\_\_  
ROBERT CARMICHAEL, CITY ATTORNEY

### 19.22.030 Residential architecture and attached garages.

Objective - To create high-quality communities that have variation of architectural style and durable materials. To reduce the visual impact of the garage and accessory structures and emphasize the pedestrian environment.

#### A. Residential Structure.

1. All dwellings must be placed on a permanent foundation and the space between the foundation and the bottom of the home must be enclosed by concrete or approved concrete products.
2. Eaves and gable ends must be a minimum of twelve inches. This is not applicable to re-roofing or additions to existing structures.

#### B. Building Height.

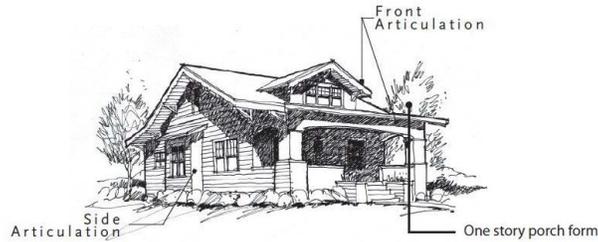
1. Building height is regulated by zoning category.
2. On lots greater than ten thousand square feet in size, the height of a residential structure may be increased one foot for every two feet in increased setback distance beyond the minimum setback on both side yards and the front yard, to a maximum height increase of five feet, or total height of thirty-seven feet.

#### C. Roofs.

1. Roofing materials shall be wood shingle or shake, composition, asphalt laminate, clay or architectural metal.
2. Exposed fastener corrugated metal or corrugated fiberglass roofing is not permitted.
3. Using a membrane roof or built-up roofing (BUR) for the primary roofing material is not permitted.
4. The primary roof line must have a minimum of a 4:12 pitch. This is not applicable to re-roofing or additions to existing structures.

#### D. Building Elevations and Finishes.

1. Residential Elevations.
  - a. The same architectural elevation shall be separated by a minimum of two other homes.
  - b. An articulation is an architectural element such as a one-story porch or bay window. One such element shall be used on all sides of the building that face toward a public street, shared access easement, or common green. The articulation shall be offset a minimum of twelve inches. A garage setback shall not count as an articulation.

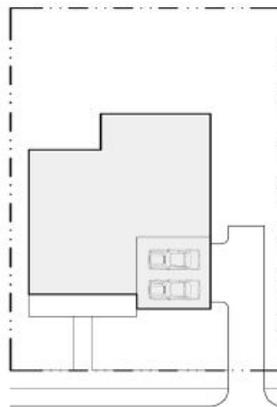


2. Garage Elevations. To promote an attractive, pedestrian-friendly streetscape, attached garages accessed from the front, with garage doors oriented toward the street are subject to the following standards:

- a. At the ground level, the garage façade shall not extend forward of the home's living space by more than twelve feet.
- b. The lineal frontage of the building elevation which can be occupied by garage doors is limited.
- c. In RS zones, no more than fifty percent of the building elevation can be garage doors.
- d. In RMD and RM zones, no more than sixty percent of the total first floor building elevation length can be garage doors.

3. Exterior Finishes.

- a. The exterior of the home must be finished with a minimum of two types of materials or variation in reveals.
- b. Exposed fastener metal siding is prohibited on residential buildings.
- c. Exposed ends of stone and masonry façades are not permitted and must be finished with trim or end caps.
- d. All garage sides that are visible from streets or shared access easements shall provide architectural details and trim consistent with the design of the home. (graphic)



***Side Loaded Garage***

- e. In RS zones, attached garages or attached carports which provide a third covered or enclosed space must be offset a minimum of two feet from the first two covered or enclosed spaces.

E. Porches, Stoops, Decks, and Patios.

1. Definitions.

- a. Covered Patio means a single-story shade structure covering a patio or deck area consisting of a solid or open roof and structural supports, attached to or detached from the primary dwelling. Covered patios must serve exclusively for recreational purposes, never used as a carport, garage, storage room, or habitable living space.
- b. Patio Screen is a structure or material used to protect a recreational area from sun, insects, wind, or visual intrusion. A patio screen differs from a window covering in that it is exposed to outdoor elements like heat or cold.

2. Porches and stoops.

- a. Architecture of the 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 stoops.

3. Decks and patios.

- a. Uncovered wood decks and raised concrete patios not over twenty-four inches above grade at any point may be permitted within eighteen feet of the rear property line and five feet of the side property line.
- b. Roof structures covering decks or patios are permitted within the rear setback provided that the structure:
  - i. Remains open on three sides and may not be enclosed in any way;
  - ii. Does not come within eighteen feet of the rear property line;
  - iii. Does not encroach more than two feet into the side yard setbacks of the underlying zone; and,
  - iv. The addition does not exceed the permitted lot coverage.
  - v. Safety railings may enclose a patio or deck on all three sides. Railings are limited to a maximum height of 42 inches measured from the patio floor to the top of the railing.
- c. Patio screening that is attached to the patio structure may include insect screens, sunshades, and windscreens that:
  - i. Are not structurally framed in or sealed;
  - ii. Are not load bearing;

- iii. Do not include rigid framed window or doors of any kind;
  - iv. Are easily removable.
  - v. Utilize materials that are air permeable to allow for ventilation of the space.
- d. Freestanding deck or patio privacy screening or fencing which is located more than 6 feet from the property line and not attached to the primary structure, may be up to eighty-four inches in height above the lowest grade. Privacy screening of a deck or patio which is located on a property line is subject to maximum fence height of six feet above grade.

(Ord. No. 1582, § A, 6-3-2019)

## Chapter 19.23 COMMERCIAL ZONING

### Sections:

- 19.23.010 Zones Defined
- 19.23.020 Permitted Uses
- 19.23.030 Accessory Permitted Uses
- 19.23.040 Secondary Permitted Uses
- 19.23.050 Setbacks, Access, and Queuing Requirements
- 19.23.060 Design Review Approval Required
- 19.23.070 Projections into Public Right-of-Way
- 19.23.080 Special Development Conditions for all Stores Greater than Twenty-five Thousand Square Feet GFA.
- 19.23.090 Special Development Conditions for Projects Utilizing the Provisions of the Mixed Use Center Overlay and for Retail Stores greater than Fifty Thousand Square Feet GFA.
- 19.23.100 Special Conditions for Automobile Service Stations
- 19.23.110 Mixed-Use Centers Overlay

### 19.23.110 Mixed-Use Centers Overlay

Purpose: The primary purpose of mixed-use projects using the Mixed-Use Centers Overlay is to:

1. Provide for a compatible mix of multifamily housing, neighborhood commercial businesses, and semi-public open spaces;
  2. Foster a development pattern offering direct, convenient pedestrian, bicycle, and vehicular access between residences and businesses;
  3. Promote a compact growth pattern to efficiently use developable land, and to enable the cost-effective extension of utilities, services, and streets; frequent transit service; and to help sustain neighborhood businesses;
  4. Foster the development of mixed-use areas that are arranged, scaled, and designed to be compatible with surrounding land uses and which provide sensitive transitions between different land uses;
  5. Ensure that buildings and other development components are arranged, and designed, and oriented to facilitate pedestrian access.
- A. Establishment, Scope, and Criteria for Approval of a Mixed-Use Overlay Assignment

Mixed-Use Overlay is established in Chapter 2 of the City of Lynden Comprehensive Plan. Locations of the Overlay are identified within the City of Lynden Comprehensive Plan land use element according to the criteria described below.

The Mixed-Use Overlay is assigned to key locations within the City of Lynden which are within one quarter of a mile of existing commercial centers.

Properties are eligible to utilize the provisions within the Mixed-Use Overlay when the following criteria are met:

1. Sub-Area: Properties located within the West Lynden Commerce Subarea are not eligible for mixed-use overlay provisions.
2. Zoning: The property zoned Commercial Services – Local (CSL) or Commercial Services - Regional (CSR)
3. Scale: The property or contiguous group of subject properties applying to construct a project using the provisions of the Mixed-Use Overlay at least one acre in size.
4. Location: The subject property(s) is within walking distance of a Qualifying Commercial Center.
  - a. Walking distance is one quarter mile or less as measured from the edge of the subject property to the geometric center of the qualifying commercial center following a walkable path.
  - b. Qualifying Commercial Centers are identified in the Land Use Element of the City’s Comprehensive Plan. These centers have at least 17,000 square feet of gross floor area dedicated to general retail uses and at least 6 tenants which provide goods or services to the general public.
  - c. New commercial centers can be added to the City’s list of qualifying commercial centers through an amendment to the Land Use Element of the City’s Comprehensive Plan.

B. Small Scale Mixed-Use within the Historic Business District (HBD) and Commercial Services – Local (CSL) Zones of the Central Lynden and the South Historic Business District (SHBD) sub-areas.

1. Applicability within the Historic Business District (HBD).
  - a. Properties within the HBD that do not meet the criteria to utilize Mixed-Use Center provisions due to the scale of the property / development site are permitted to establish residential uses on upper stories.
  - b. Ground level space is limited to commercial (non-residential) uses permitted within the HBD except that up to forty percent (40%) of the ground level may be utilized for Type A and Type B adaptable residential dwelling units as defined by the International Building Code in order to facilitate the creation of accessible units for individuals with disabilities.

- i. Commercial space used to fulfill the commercial component must equal sixty percent (60%) of the gross ground floor(s) of the building(s) constructed.
  - ii. The minimum area dedicated to the commercial component shall not include parking garage, mechanical rooms, riser rooms, or storage facilities. Refer to LMC 19.23.020 for permitted Mixed-Use Overlay commercial uses and special requirements regarding storage facilities.
- 2. Applicability within the Central Lynden and SHBD Sub-areas. The CSL zones of the Central Lynden and SHBD subareas include properties that have traditionally included a wide variety of uses. These sub-areas, as a whole, represent a mixed-use district. To continue to facilitate this mixed-use identity, properties located in the Central Lynden and SHBD sub-areas that are zoned CSL but are not within the Historic Business District (HBD) and do not qualify for Mixed-Use Centers provisions due to the scale of the property are permitted to establish new residential uses in the following situations:
  - a. Mixed Use within a Single Building. Residential units are permitted in the CSL zone, in the Central Lynden and SHBD subareas, on the upper floors of a building which features commercial space on the first floor but overall building height is limited to thirty-two (32) feet.
  - b. Conversion of an Existing House.
    - i. A second residential attached unit is permitted within or by adding onto structures that were constructed as single-family homes prior to 1992. All renovations and additions are subject to building permit approval. Additional units may also require utility upgrades.
    - ii. If the net lot area is 8,000 sq ft or greater, up to three attached units are permitted through the renovation of an existing structure subject to the standards and design criteria listed in this sub-section. This provision is only applicable for parcels that, as of 2023, due to their scale do not qualify for the Mixed-Use Centers Overlay.
  - c. New Construction.
    - i. New duplex structures are permitted on CSL zoned properties within the Central Lynden and SHBD sub-areas subject to the design criteria listed in this sub-section.
    - ii. If the net lot area is 8,000 sq ft or greater, up to three attached units are permitted as new construction subject to the standards and design criteria listed in this sub-section. This provision is only applicable for parcels that, as of 2023, due to their scale do not qualify for the Mixed-Use Centers Overlay.

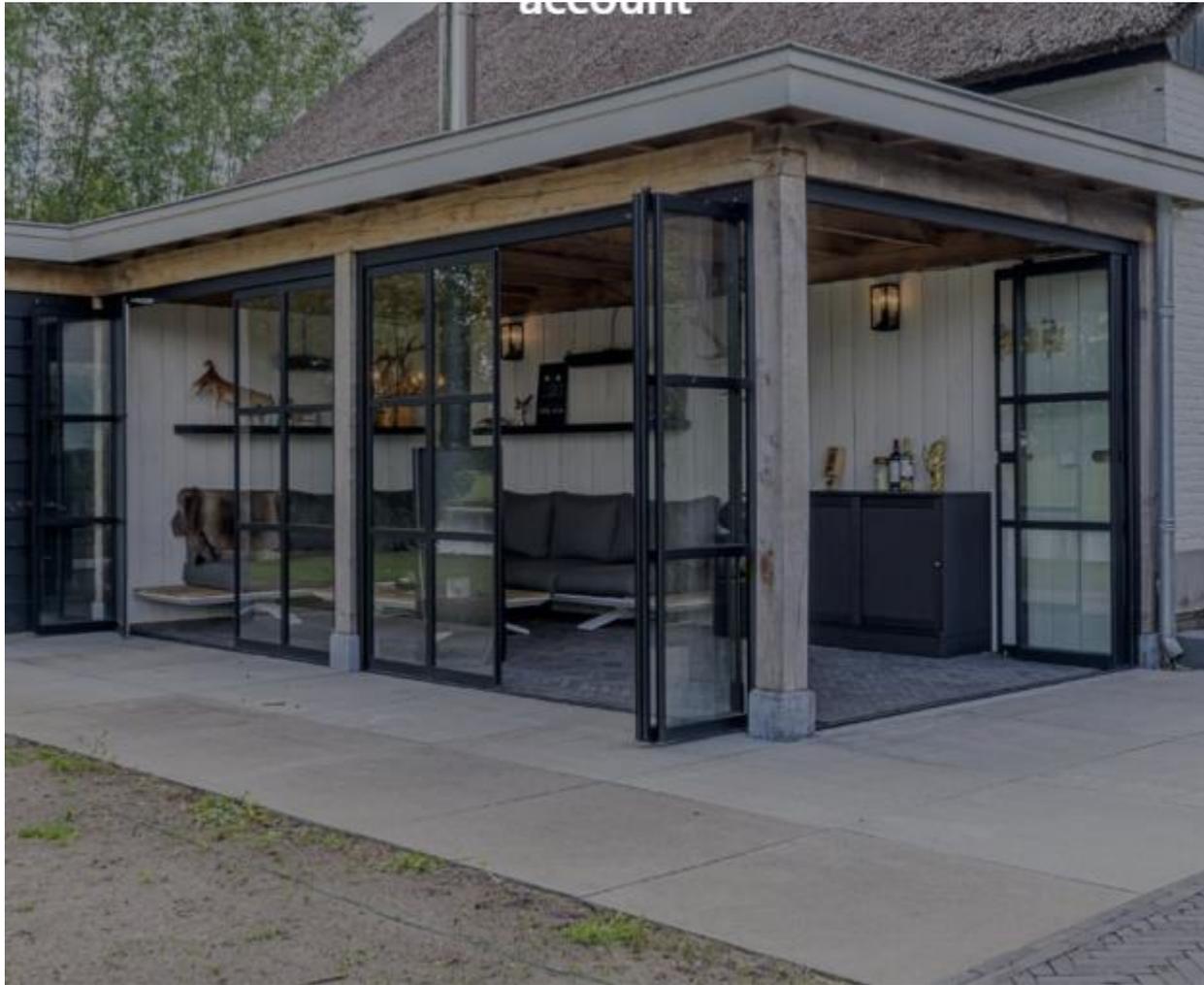
3. Design Standards for Small Scale Mixed-Use within the Central Lynden and South Historic Business District Subareas: Commercial Services – Local (CSL) Zone

	Max Lot Coverage	Max Height of a Building that includes Residential Units	Front Setback	Rear Setback	Side Setback
	60%	32 feet	15 feet	20 feet	7 feet

- a. Design Review: New multifamily residential construction within the CSL zones in the Central Lynden and SHBD sub-areas require Design Review Board approval when exterior changes are proposed. In addition to the City’s Design Guidelines the following criteria must be met:
  - i. New construction must match the scale of the surrounding structures. Applicants must supply images of adjacent structures when submitting an application to the Design Review Board.
  - ii. Although multiple units are accommodated, the architectural styles of new construction must mimic that of a single-family home if the adjoining properties were constructed as single-family homes.
  - iii. Garage access, if proposed, must be from the alley if alley access is available so as to limit garage doors along street frontages.
  - iv. Front entry must be shared between units or distributed to different facades of the building so as to appear as a single-family home.
- b. Residential Parking Standards within the CSL zones of the Central Lynden and SHBD sub-areas: Two (2) parking spaces are required for the first residential unit, one space per every additional unit.

Patio Screening Examples

Would **not** be permitted per proposed code amendment.



Would **not** be permitted.



Would **not** be permitted.



Would **not** be permitted.



Would **not** be permitted.



Patio Screening Examples

**Would** be permitted per proposed code amendment.



**Would** be permitted.



**Would** be permitted.



**Would** be permitted.



**Would** be permitted.



**Would** be permitted.



**Would** be permitted.



**May 11, 2023 Planning Commission**

**Amendment to LMC 19.23.110.**

Commercially zoned properties that are within the South Historic Business District AND are less than an acre in size. Per the proposed amendment these 5 parcel would become eligible to utilize the Small-scale Mixed-use provisions of LMC 19.23.110.



# CITY OF LYNDEN

PLANNING DEPARTMENT  
360-354-5532



## PLANNING COMMISSION MEETING MINUTES 7:00 PM May 11, 2023 City Hall Annex

### 1. CALL TO ORDER

### 2. ROLL CALL

Present: Tim Faber, Blair Scott, Jim Kaemingk, Darren Johnson.

Absent: Khush Brar and Hollie Lyons with notice.

Staff Present: Gudde, Planning Director, Timmer, Planner and Samec, Planner

### 3. APPROVAL OF MINUTES

A. March 9, 2023 Kaemingk / Johnson / 2<sup>nd</sup> 4-0

### 4. PUBLIC HEARINGS

#### A. Amendment to LMC 19.22 re: Screening of Patios

Gudde addressed the Commission and gave a brief overview of the amendment to 19.22.

Planning staff are bringing forward a code amendment to clarify to the city’s code on covered residential patios located within the residential design standards of the zoning code.

Historically, the city required that all roofed portions of a home be constructed within the building envelope. The result is that many homes were constructed up to the permitted rear setback line without providing covered outdoor spaces.

Because covered outdoor spaces are highly desirable to most people, about 5 years ago, the city amended the residential code to allow roof structures to extend from the home and encroach into the rear yard setback provided that the structure remained open on three sides and maintained an 18-foot rear setback. These conditions of construction are meant to preserve outdoor yard spaces on residential lots and to prevent ad-hoc home additions that may become unsafe living spaces that lack ventilation, fail to meet energy code, or pose a fire danger.

Since adoption, many homes, both existing and new, have taken advantage of the amendment and have added roofs over outdoor living spaces. Screening or sheltering patio areas can also add to the usability of an outdoor space which has led to the discussion about what sort of screening or enclosure is permitted. When discussed at Council committee it was determined that Council asked that these outdoor spaces remain open but that the code better clarify the options for securing with railings or sheltering from sun, wind, or visibility.

Planning staff has drafted language to clarify the intent and has provided examples of screening that would meet the standards of the proposed code. The Planning Commission is asked to consider the proposal in light of aesthetics, safety, and consistency with the goals of residential zones and make a recommendation to the City Council.

Brief discussion regarding changing setbacks (beyond the required rear yard setback) to allow enclosed patios. Commission was not supportive of that idea.

In opposition

Dale Assink, Pine Creek Construction on behalf of property owner at 950 Captain Bay Court, Lynden.

Assink stated that in 2020 he had a covered patio (appx 19-feet from rear setback) inspected and approved. After inspection, took it a step further and made it into a sunroom. Assink shared photos of the structure. Assink would like to ask the Commission to consider enclosed patios having the same setback as a covered patio.

The benefits of the enclosed structure makes the patio usable year around and cuts down on sound pollution which enhances the use of outdoor spaces without effecting your neighbors.

Assink stated that they are non-compliant under the code. It was his decision to enclose the patio and wanted to make a stand. Encourage the committee to take a close look to allow everyone to do the same. Assink stated that he would like to invite the Commission to visit.

Kaemingk stated that he took a tour of the site, and the patio is very nice. Is changing the setback the only way we can allow this type of space? Allowing enclosed patios presents potential concerns with energy efficiency, health and safety. Not to mention that it would be difficult to enforce. Changing the setback is the cleanest way to do that. Writing code for every scenario is difficult.

Faber stated that a lot of times radiant heaters are installed in enclosed spaces / patios. At what time does the energy code kick in? There are a lot of regulations and compliance required to enforce something like that.

Gudde reminded the Commission that enclosed structures are permitted, however, they must be located within the setbacks required for the home.

Faber talked about concerns with installing a heater after the fact.

Assink, if I submitted a permit for this same structure detached 7-feet from the property line would it be permitted? Gudde replied, yes, however, it is unattached from the house and does not present the same concerns to the “attached” home.

Timmer asked Assink why he did not detach the structure? Assink stated that they did not want that, we wanted it to access the room from the house.

Discussion about reducing the setbacks: Is the Commission looking to change that?

Faber stated, a rear setback is to provide space between houses. Each property has a 30-foot rear yard setback which creates a feel of open space, privacy and a bit of separation.

Scott, is there a compromise that we can make since the lots are getting smaller? Gudde replied, the homes being built now regardless of the lot size are building out to the full extent of the building envelope. As lots get smaller, maintaining a rear yard setback is important for space and privacy. Lot coverage and impervious coverage also plays a part.

Faber, if someone wants a sunroom then they should design their home as such. There are many ways to do so, even in a remodel. If enclosing the space is that important to your lifestyle, then design it into your home and be compliant. Faber appreciates the requirement for a rear yard setback and is not in favor of changing the setbacks.

Kaemingk asked is there an avenue to get a variance? Gudde stated, yes, through the Hearings Examiner and one would have to prove a hardship and that there is a reason for the special exception.

Johnson asked what happens when we make a recommendation tonight with regards to Mr. Assink's structure. The Commission's recommendation will move forward to Council for a final decision. Fines will continue to accrue until a decision is made and or compliance is met.

Faber asked the Commission again if there was any desire to change the setbacks? Kaemingk stated that he would like to find a way to make this work, but is not in favor of changing the setbacks.

Lois what is the difference in having an open patio or having glass around the patio? I'm not any closer to my neighbor than I would be if I was just sitting on the deck without glass? Faber, the current code requires that the structure be open on 3 sides.

Assink, I would like someone to explain the thought behind the setback for a structure as an out building vs a building attached to the house. Timmer replied, it's a question of scale, when you add it on to a structure it makes the entire building look larger and then you are changing the sense of scale of the building on the lot. That is why we have setbacks.

Gudde added, what staff has been asked to do regarding this topic will not make this structure compliant, we are only clarifying code.

Scott, the code was already revised some time ago to allow covered patios (open on 3 sides) 18-feet from the property line, if we continue to compromise over and over again what will we end up with?

Regardless of how nice Mr. Assink’s enclosure is, a decision should not be made on aesthetics it must be made on code and/ or whether or not you are interested in changing the setbacks.

Johnson, it is a very nice structure, however it is important to defend the setbacks as we are not interested in changing them.

Kaemingk stated that the glass and garage doors would need to come out for them to comply. With that said, they could add a railing with glass below and screen the rest to enclose.

Gudde stated, if its attached to the primary home we need to pay close attention as it could affect the integrity of the home and to health and safety.

Faber, Scott and Johnson agree to uphold code and agree with the recommendation as proposed. Kaemingk understands the code but feels for the owners.

**Scott motioned to close the public hearing. Seconded by Kaemingk and the motion passed, 4-0.**

No further comments from the Commission.

**Scott motioned to recommend approval to the Lynden City Council of the proposed amendment to LMC 19.22, regarding patio enclosures and screening. Seconded by Johnson, and the motion passed 4-0.**

**B. Amendment to LMC 19.23 re Revision of Small-scale Mixed-Use Provisions to include for the South Historic Business District (SHBD)**

Timmer addressed the Commission and gave a brief overview of the amendment to 19.23 regarding small-scale mixed-use provisions for the South Historic Business District.

The second minor code amendment being brought to the Commission for this evening is a revision to the recently adopted Mixed-Use Overlay code updates. Ordinance 1657 adopted these updates to encourage thoughtful mixed-use development in logical areas of the city near established commercial centers.

While the bulk of the Mixed-Use Overlay code is focused on larger scaled projects, some provisions were also made for small scale mixed-use within the core of the city – the Central Lynden Subarea. The CSL zones near downtown already function as mixed-use

areas where there are existing single-family, multi-family, and commercial uses in the same neighborhood. The small scale mixed-use provisions that were included in Ord 1657 permit additional residential units on already existing residential parcels as a way to provide further density in this area. These provisions were limited to the CSL zone in the Central Lynden Subarea (the CSL zone directly north of downtown).

Since adoption, City staff has realized that a small number of properties (approximately 5) that are within the South Historic Business District – the small subarea directly south of downtown - would also benefit from the small-scale mixed-use provisions in LMC 19.23.110. This proposed amendment adds the CSL zone in the SHBD to the areas of the City where the small-scale mixed-use provisions are applicable. The 5 parcels would now become eligible to utilize the small scale mixed use provisions.

The Commission agrees that the amendment makes sense and is a good thing.

No further comments from the Commission.

**Johnson motioned to recommend approval to the Lynden City Council of the proposed amendment to LMC 19.23 regarding small scale mixed-use provisions for the South Historic Business District. Seconded by Scott, and the motion passed 4-0.**

**C. Public Participation Plan for the 2025 Comprehensive Plan Update**

Gudde addressed the Commission and gave an overview regarding the 2025 Comp Plan Update / Public Participation Plan.

Planning Staff is asking for the Planning Commission’s review and for public comment on a Public Participation Plan (PPP) for the 2025 update to the City’s Comprehensive Plan.

The goal of the PPP is to communicate a framework by which the city will invite participation in the shaping of the city’s Comprehensive Plan. The PPP is a required element when completing a periodic update to this long-range planning document. This and other steps are guided by the State legislation on Growth Management (State code reference RCW 36.70A). The State has also required that the city identify and seek input from any vulnerable populations and overburdened communities. Specific definitions of these groups are included in the State code and the PPP. The city will also invite tribal participation throughout the process.

Staff is interested in hearing from the Commission on their ideas of who could be considered stakeholders and / or representatives for vulnerable populations or overburdened communities within the City of Lynden.

Commissioner Discussion

Faber, can we amend this document at any time? Gudde stated absolutely, this is our document, we can amend as we see fit. Faber, this is a good starting point and will only get more populated as we go.

It is very important that we reach the immigrant population as they are definitely part of the community and their voice needs to be heard. Scott stated, getting the word out on “nextdoor.com” seems to be working well in other areas maybe we could try that.

Gudde reviewed:

- The goals of the public participation plan.
- Briefly discussed the scope of work, important planning considerations and desirable planning considerations. Helps to give the City guidance.
- Public Participation Program Structure (techniques, strategies, public involvement, workshops, hearings, website, coordination meetings with county, news releases etc.)
- Preliminary Schedule

The Commission agreed that the PPP looks good. No further comments from the Commission.

**Johnson motioned to approve Planning Commission Resolution #23-02 and recommend approval to the Lynden City Council of the proposed Public Participation Plan for the update to the City’s Comprehensive Plan. Seconded by Kaemingk, and the motion passed 4-0.**

Scott asked about the vacant lot on the south side of Main Street. Gudde stated that lots is part of an exchange agreement that the City has with the property owner. The parcel will likely remain vacant as it is encumbered by critical areas.

**5. ADJOURNMENT**

**Motion to adjourn by Scott / Second by Johnson. Meeting adjourned at 9:00 pm.**

ORIGINAL

CITY OF LYNDEN  
PLANNING COMMISSION RESOLUTION #22-06

**A resolution of recommendation for approval of LMC Code Amendments:  
Mixed Use Overlay, Parking Code, and Associated Housekeeping Updates – LMC  
17, 18, and 19**

WHEREAS, on December 20, 2021, in recognition of the need to address the City's mixed-use code provisions to better serve the good of the community and the original intent of the code, the City Council passed Ordinance 1642 which established a moratorium on residential development within the City's Commercial Services-Local (CSL) zone and temporarily halted the development of mixed-use projects; and

WHEREAS, for the purposes of this resolution, mixed-use is considered a blend of residential and commercial uses in a shared building or on a shared property; and

WHEREAS, since Ordinance 1642 was adopted, staff has advanced an initiative and worked with relevant interest groups, property owners, and policy makers on a new mixed-use proposal; and

WHEREAS, the revision seeks to locate mixed-use developments, which often feature high density housing options, in areas near public transportation and existing commercial development; and

WHEREAS, locating mixed-use developments in these locations serves to support existing business and create more viable opportunities for new commercial uses within the mixed-use developments; and

WHEREAS, the initiative now proposes a new mixed-use overlay, LMC 19.23.110 Mixed Use Overlay, to the existing Chapter 19 of the Lynden Municipal Code and a corresponding Comprehensive Plan Amendment 22-01, and Rezone 22-02; and

WHEREAS, discussion regarding the new overlay resulted in supplementary updates to other sections of the Lynden Municipal Code including the Parking Code in LMC 19.51 and general housekeeping updates throughout LMC 19; and

WHEREAS, the following workshops have been held to review the proposed code amendments: Planning Commission workshop on March 24, 2022, Special Joint Community Development Committee and Planning Commission Workshop on May 18, 2022, and a Planning Commission workshop on September 8, 2022; and

WHEREAS, the following sections of the Lynden Municipal Code (LMC) have been updated to reflect the proposed changes. Full scope is attached as Exhibit A.

- LMC 18.22 Manufactured Home Park Subdivision Standards: Updates to "Siting Criteria" to allow increased density, and landscaping requirements.
- LMC 19.11 Districts Established: Housekeeping updates and the reduction of RM4 maximum density.

- LMC 19.17 Multifamily Zones: Housekeeping updates and added requirements for open space / residential amenities for developments of 8 or more units.
- LMC 19.19 Manufactured Home Zone: Increased density allowances, prohibit site-built homes within MH park.
- LMC 19.22 Design Standards: Housekeeping updates. Note the proposed deletion of the minimum pitch requirement.
- LMC 19.23 Commercial Zoning: Removed the existing mixed-use allowances (60:40 and North Lynden Subarea), strengthen site design requirements, and added the Mixed-Use Center Overlay (19.23.110), small-scale downtown Mixed Use, and the related zoning language to support that overlay.
- LMC 19.29 Planned Residential Development: Housekeeping updates
- LMC 19.45 Design Review: Housekeeping updates and removed the city-wide Dutch themed architecture to HBD only (or to recognize historic architecture of downtown).
- LMC 19.51 Off-street Parking: Significant rewrite for clarifying items. Increased requirements for large MF projects, standard parking size of 9 x 19.
- LMC 19.63 Fence Permits: Housekeeping updates

WHEREAS, the Lynden Planning Commission held a public hearing on September 22, 2022, to accept public testimony on the proposed LMC Code Amendments, and that meeting was duly recorded;

**NOW THEREFORE, BE IT RESOLVED** by the Lynden Planning Commission to recommend approval by a vote of 7-0, to the City Council of the proposed LMC Code Amendments and Updates to Titles 17, 18, and 19, including; the Mixed-Use Overlay, Parking Code, and Associated Housekeeping Updates subject to the following conditions:

- 19.22.030 (C) (4) - That the Residential Design Criteria requirement for a 4:12 roof pitch remain with the option to seek a waiver with the Design Review Board.
- 19.51.040 - That the parking requirements for studio apartments be added to reflect 1.5 parking stalls per unit.
- 19.23.020 - That body piercing and tattoo studio uses remain as outlined in the current code – permitted only within the CSR zone.

PASSED by the Planning Commission of the City of Lynden, Whatcom County, at their meeting held the 22<sup>nd</sup> day of September 2022.

  
 \_\_\_\_\_  
 Tim Faber, Chairperson,  
 Lynden Planning Commission

  
 \_\_\_\_\_  
 Heidi Gudde, AICP  
 Planning Director

CITY OF LYNDEN  
PLANNING COMMISSION RESOLUTION #23-04

**A resolution of recommendation for approval of an amendment to Lynden Municipal Code 19.22 regarding patio enclosures and screening.**

WHEREAS, in 2019, in recognition of the desire for covered outdoor spaces, the City Council passed an ordinance which amended the residential code to allow roof structures to extend from the home and encroach into the rear yard setback provided that the structure remained open on three sides and maintained an 18-foot rear setback; and

WHEREAS, these conditions of construction are meant to preserve outdoor yard spaces on residential lots and to prevent ad-hoc home additions that may become unsafe living spaces that lack ventilation, fail to meet energy code, or pose a fire danger; and

WHEREAS, since adoption, many homes, both existing and new, have taken advantage of the amendment and have added roofs over outdoor living spaces; and

WHEREAS, the screening or sheltering of patio areas can also add to the usability of an outdoor space which has led to the discussion about what sort of screening or enclosure is permitted; and

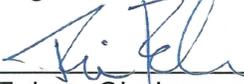
WHEREAS, after discussion with the Community Development Committee, the City Council as a whole asked that Planning staff propose an amendment to the code which would better clarify the options for securing covered patios with railings or shelter from sun, wind, or visibility but confirmed that these spaces remain open and outdoor in nature; and

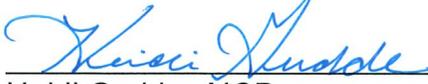
WHEREAS, the Lynden Planning Commission held a public hearing on May 11, 2023, to accept public testimony on the proposed Code Amendment to Lynden Municipal Code (LMC) 19.22, and that meeting was duly recorded;

WHEREAS, LMC 19.22 Design Standards, Section 19.22.030(E)(1, 2 and 3) have been updated to better clarify the proposed changes as shown in **Exhibit A**.

**NOW THEREFORE, BE IT RESOLVED** by the Lynden Planning Commission to recommend approval of the amended language shown in Exhibit A by a vote of 4-0, to the City Council of the amendment to LMC 19.22 regarding patio enclosures and screening.

PASSED by the Planning Commission of the City of Lynden, Whatcom County, at their meeting held the 11<sup>th</sup> day of May 2023.

  
\_\_\_\_\_  
Tim Faber, Chairperson,  
Lynden Planning Commission

  
\_\_\_\_\_  
Heidi Gudde, AICP  
Planning Director

**19.22.030 Residential architecture and attached garages.**

Objective - To create high-quality communities that have variation of architectural style and durable materials. To reduce the visual impact of the garage and accessory structures and emphasize the pedestrian environment.

**A. Residential Structure.**

1. All dwellings must be placed on a permanent foundation and the space between the foundation and the bottom of the home must be enclosed by concrete or approved concrete products.
2. Eaves and gable ends must be a minimum of twelve inches. This is not applicable to re-roofing or additions to existing structures.

**B. Building Height.**

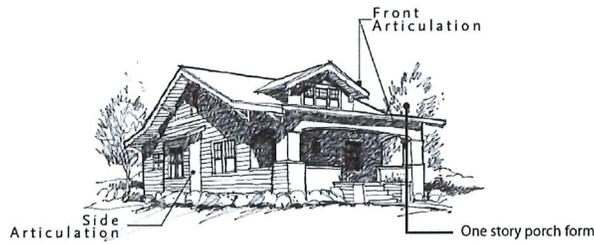
1. Building height is regulated by zoning category.
2. On lots greater than ten thousand square feet in size, the height of a residential structure may be increased one foot for every two feet in increased setback distance beyond the minimum setback on both side yards and the front yard, to a maximum height increase of five feet, or total height of thirty-seven feet.

**C. Roofs.**

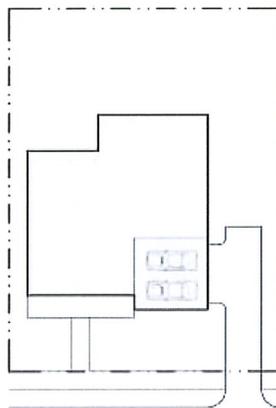
1. Roofing materials shall be wood shingle or shake, composition, asphalt laminate, clay or architectural metal.
2. Exposed fastener corrugated metal or corrugated fiberglass roofing is not permitted.
3. Using a membrane roof or built-up roofing (BUR) for the primary roofing material is not permitted.
4. The primary roof line must have a minimum of a 4:12 pitch. This is not applicable to re-roofing or additions to existing structures.

**D. Building Elevations and Finishes.**

1. Residential Elevations.
  - a. The same architectural elevation shall be separated by a minimum of two other homes.
  - b. An articulation is an architectural element such as a one-story porch or bay window. One such element shall be used on all sides of the building that face toward a public street, shared access easement, or common green. The articulation shall be offset a minimum of twelve inches. A garage setback shall not count as an articulation.



- 2. Garage Elevations. To promote an attractive, pedestrian-friendly streetscape, attached garages accessed from the front, with garage doors oriented toward the street are subject to the following standards:
  - a. At the ground level, the garage façade shall not extend forward of the home's living space by more than twelve feet.
  - b. The lineal frontage of the building elevation which can be occupied by garage doors is limited.
  - c. In RS zones, no more than fifty percent of the building elevation can be garage doors.
  - d. In RMD and RM zones, no more than sixty percent of the total first floor building elevation length can be garage doors.
  
- 3. Exterior Finishes.
  - a. The exterior of the home must be finished with a minimum of two types of materials or variation in reveals.
  - b. Exposed fastener metal siding is prohibited on residential buildings.
  - c. Exposed ends of stone and masonry façades are not permitted and must be finished with trim or end caps.
  - d. All garage sides that are visible from streets or shared access easements shall provide architectural details and trim consistent with the design of the home. (graphic)



**Side Loaded Garage**

- e. In RS zones, attached garages or attached carports which provide a third covered or enclosed space must be offset a minimum of two feet from the first two covered or enclosed spaces.

E. Porches, Stoops, Decks, and Patios.

1. Definitions.

- a. Covered Patio means a single-story shade structure covering a patio or deck area consisting of a solid or open roof and structural supports, attached to or detached from the primary dwelling. Covered patios must serve exclusively for recreational purposes, never used as a carport, garage, storage room, or habitable living space.
- b. Patio Screen is a structure or material used to protect a recreational area from sun, insects, wind, or visual intrusion. A patio screen differs from a window covering in that it is exposed to outdoor elements like heat or cold.

2. Porches and stoops.

- a. Architecture of the 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 stoops.

3. Decks and patios.

- a. Uncovered wood decks and raised concrete patios not over twenty-four inches above grade at any point may be permitted within eighteen feet of the rear property line and five feet of the side property line.
- b. Roof structures covering decks or patios are permitted within the rear setback provided that the structure:
  - i. Remains open on three sides and may not be enclosed in any way;
  - ii. Does not come within eighteen feet of the rear property line;
  - iii. Does not encroach more than two feet into the side yard setbacks of the underlying zone; and,
  - iv. The addition does not exceed the permitted lot coverage.
  - v. Safety railings may enclose a patio or deck on all three sides. Railings are limited to a maximum height of 36 inches measured from the patio floor to the top of the railing.
- c. Patio screening that is attached to the patio structure may include insect screens, sunshades, and windscreens that:
  - i. Are not structurally framed in or sealed;
  - ii. Are not load bearing;

- iii. Do not include rigid framed window or doors of any kind;
  - iv. Are easily removable.
  - v. Utilize materials that are air permeable to allow for ventilation of the space.
- d. Freestanding deck or patio privacy screening or fencing which is located more than 6 feet from the property line and not attached to the primary structure, may be up to eighty-four inches in height above the lowest grade. Privacy screening of a deck or patio which is located on a property line is subject to maximum fence height of six feet above grade.

(Ord. No. 1582, § A, 6-3-2019)

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	June 19, 2023	
<b>Name of Agenda Item:</b>	Reso 23-1073 – Schedule for Joint review of Urban Growth Areas	
<b>Section of Agenda:</b>	New Business	
<b>Department:</b>	Community Development Department	
<b>Council Committee Review:</b>	<input checked="" type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <input type="checkbox"/> Other: _____	<b>Legal Review:</b>
		<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>		
Draft Resolution 23-1073 and Exhibit A – the Schedule for Joint UGA Review		
<b>Summary Statement:</b>		
<p>In the 2016 Comp Plan update process, the County and cities adopted a joint schedule for Urban Growth Area (UGA) review (e.g. see County Resolution 2013-028). The new interlocal agreements also address a schedule for joint County/City review of UGAs for the next comp plan updates.</p> <p>County and city planners have developed a draft resolution format and schedule for consideration by each jurisdiction in order to facilitate coordination of the UGA review. The draft Resolution sets forth main tasks for 2023 – 2025 to guide coordinated planning efforts. It seeks to address:</p> <ul style="list-style-type: none"> <li>• Any changes to the GMA made by the State Legislature in the 2023 session;</li> <li>• Any changes needed based upon the State’s Housing Guidance documents that address the requirements of HB 1220;</li> <li>• To consider the use of UGA Reserves or UGA study areas, and</li> <li>• Any other changes needed to address the 2025 Comp Plan updates.</li> </ul> <p>However, because timelines may change over the span of this multi-year project, the schedule is general in nature and the Resolution recognizes the possibility of departing from the schedule. The County Council approved the attached resolution on May 11<sup>th</sup> and the City of Lynden is likewise be asked to approve the schedule by a similar resolution at the June 19<sup>th</sup> meeting.</p> <p>The Community Development Committee reviewed the proposed schedule that their May meeting.</p>		
<b>Recommended Action:</b>		
Motion to approve the Resolution 23-1073 and the associated Schedule for Joint County and City Review of Urban Growth Areas and authorize the Mayor’s signature on the document.		

**CITY OF LYNDEN  
CITY COUNCIL RESOLUTION NO. 23-1073**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF LYNDEN,  
WASHINGTON, RELATING TO A SCHEDULE FOR JOINT COUNTY AND  
CITY REVIEW OF URBAN GROWTH AREAS**

**WHEREAS**, the Washington State Growth Management Act (GMA) requires county and city comprehensive plans to be coordinated and consistent (RCW 36.70A.100); and

**WHEREAS**, the GMA requires the City of Lynden, Whatcom County, and the other cities located in the county to review and, if needed, update their respective comprehensive plans by June 30, 2025 (RCW 36.70A.130); and

**WHEREAS**, the GMA, county-wide planning policies, and inter-local agreements indicate that review of urban growth areas (UGAs) should be coordinated between Whatcom County and the cities; and

**WHEREAS**, the GMA states that urban growth area (UGA) boundaries, and the densities permitted in the UGAs according to each respective comprehensive plan, shall be revised to accommodate the urban growth projected to occur in each jurisdiction for the succeeding twenty-year period by June 30, 2025 (RCW 36.70A.130); and

**WHEREAS**, County/city coordination of time-frames and process is needed in the review of UGAs.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Lynden hereby agrees that the County and cities should utilize the attached UGA Review Schedule (**Exhibit A**) to guide coordinated planning efforts for the UGA review. The schedule is general in nature, and failure to strictly adhere to the schedule shall not be deemed to be a failure to comply with the GMA.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE OF \_\_\_\_\_ IN FAVOR,  
\_\_\_\_\_ AGAINST, SIGNED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

MAYOR

\_\_\_\_\_  
Scott Korthuis

ATTEST:

\_\_\_\_\_  
Pam Brown, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Bob Carmichael, City Attorney

**EXHIBIT A - Resolution 23-1073**

Year	Primary Activities
2023	<ul style="list-style-type: none"> <li>• Meetings of City &amp; County elected officials (if convened by the County Executive pursuant to the Interlocal Agreements).</li> <li>• Land capacity analysis methodology review.</li> <li>• Preparation of background information and future allocations of population, housing and employment.</li> <li>• Preliminary population, housing and employment allocations to transportation analysis zones and special purpose districts.</li> </ul>
2024	<ul style="list-style-type: none"> <li>• Meetings of City &amp; County elected officials (if convened by the County Executive pursuant to the Interlocal Agreements).</li> <li>• Initial City and County proposals for population, housing and employment</li> <li>• Initial review and preliminary Planning Commission recommendations for population, housing and employment projections and allocations to urban growth areas (UGAs).</li> <li>• Non-binding multi-jurisdictional resolution regarding allocation of population, housing and employment growth to UGAs.</li> <li>• City proposals regarding UGA growth allocations and UGA boundaries.</li> <li>• Land capacity analysis results.</li> <li>• Transportation model results.</li> <li>• Develop draft capital facility plans.</li> <li>• SEPA review (likely including development of an environmental impact statement).</li> </ul>
2025	<ul style="list-style-type: none"> <li>• Meetings of City &amp; County elected officials (if convened by the County Executive pursuant to the Interlocal Agreements).</li> <li>• Land capacity analysis results.</li> <li>• County Planning Commission public hearings and recommendations.</li> <li>• City council and County Council public hearings, review and adoption of respective comprehensive plan and capital facility plans.</li> </ul>

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	June 19, 2023	
<b>Name of Agenda Item:</b>	Public Works Committee Meeting Minutes June 7, 2023	
<b>Section of Agenda:</b>	Other Business	
<b>Department:</b>	Public Works	
<b>Council Committee Review:</b>	<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: _____
		<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>	June 7, 2023 Draft Public Works Committee Meeting Minutes.	
<b>Summary Statement:</b>	Draft minutes for the June 7, 2023 Public Works Committee meeting.	
<b>Recommended Action:</b>	For Review	



## PUBLIC WORKS COMMITTEE MINUTES

4:00 PM June 7, 2023  
City Hall 2<sup>nd</sup> Floor Large Conference Room

### CALL TO ORDER

Members Present: Mayor Scott Korthuis, Councilors Jerry Kuiken and Ron De Valois, and Brent Lenssen

Members Absent: Gary Bode with notice

Staff Present: Public Works Director Steve Banham; Public Works Director Jon Hutchings; and Sr. Admin. Assistant Jessica King

Public Present: Gary Vis, Nathan Zylstra, Tyler Buys, Evelyn Redden, Terry Redden, Wes Herman, Carlos Becerra, Mark Billmire

### ACTION ITEMS

#### 1. **Approve Minutes from May 3, 2023**

De Valois motioned to approve the minutes and Kuiken seconded the motion.

#### Action

*The minutes from May 3, 2023, were approved.*

#### 2. **Former Landfill Property Lease**

Becerra presented an overview of his business plan for Bay-Lyn Storage, on-site storage at the landfill property he currently leases from the City. He proposed 100, 20-foot by 10-foot mobile collapsible storage units with space for open storage as well. He is also working on an agreement to lease solar panels to mount on the tops of the storage units. Korthuis asked what his stormwater plan was for the property. Becerra said he is proposing catch basins and ecology blocks or true grid pavers. De Valois asked if this project would require Ecology approval. Banham said that it will have to meet Ecology standards for stormwater. Korthuis asked if asphalt or gravel was planned for the entrance area. Becerra said that the entrance area would be paved. To clarify, Banham stated that the parking lot and entry area will be paved, and the storage area can be gravel.

Lenssen asked where the current fire training tower is located. Becerra said that it's on the east side and if needed he could have his work crew relocate it. Billmire explained that the training tower was constructed using Alcoa-donated cargo boxes, and that it would be better not to relocate the tower. Billmire envisioned approximately a football field sized easement area for future fire training facilities. Becerra said that the Fire Department's needs would take priority over his business layout. He said he is willing to

work with the Fire Department and would also run utilities to them at his expense if needed.

Kuiken asked about amending the lease. Becerra said that it's currently \$12,000 annually for ten years (initiated in 2018) with two, five-year options to renew. The Committee discussed Becerra's desire for a 20-year lease; however, the Committee agreed to consider re-starting the current terms of ten years plus two, five-year options to renew. Additionally, there will be an annual CPI adjustment built into the new lease terms.

Kuiken asked what Becerra's plan was if something happened and he was unable to operate this proposed business. He said that his business partner would take over.

Lenssen asked Becerra what the potential sales tax revenue was estimated for this business. Becerra said that the potential sales tax revenue could be \$10,000 a year.

**Action**

***The Public Works Committee concurred to have staff review the stormwater portions of this proposal and to initiate an amendment that includes the revised lease terms and other provisions recommended by the City attorney.***

**3. Request to Amend Community Center Parking Lot Access Agreement with 110 5th Street - Wes Herman / Upper End LLC**

Originally, this parking agreement was finalized in September 2021 reserving the use of the five parking spaces adjacent to 110 5<sup>th</sup> Street from 5:00 p.m. to 8:00 a.m. as 110 5<sup>th</sup> Street is partial owner of these parking spaces. Herman is requesting to amend the agreement to provide for 24/7 use of the first two spaces nearest to 5th Street and have the remaining three spaces for use by his tenants (a first-floor design firm and second-floor residents) outside of the 10 a.m. to 2 p.m. window designated for the Community Center. Herman said that Thursdays and Fridays are typically the busiest for the parking lot.

Lenssen said Herman's proposal sounds agreeable. Banham said that the Community Center Director agreed with the proposal. Herman said that he is also working with the Inn at Lynden to direct hotel guests to correct parking.

**Action**

***The Public Works Committee concurred to amend the agreement and to change two of the spaces to full-time use by 110 5<sup>th</sup> Street and to work with Herman to determine appropriate signage for these parking spaces.***

**4. 3rd and Main Street Intersection Rehabilitation - Concrete or Asphalt Cost Benefit Analysis by Reichhardt and Ebe Engineering**

Nathan Zylstra and Tyler Buys, both of Reichhardt and Ebe Engineering (R&E) presented four options for the 3<sup>rd</sup> and Main Street Intersection Rehabilitation Project. Buys explained that a life cycle cost analysis has been done on each option, noting that the most cost-effective options are full depth concrete or fiber reinforced asphalt. Banham added that staff is leaning towards the fiber reinforced asphalt option because the current TIB grant can only be used for an asphalt solution. A new grant would need to be applied for if the concrete option was selected. The Committee felt that the fiber

reinforcement option seemed to be the best option considering the initial and long-term improvement costs and the risk associated with reapplying with TIB.

The Committee discussed a September construction date. Zylstra said that the least intrusive for traffic would be night crews, however, that is a higher expense, with a 10-day closure.

**Action**

***The Public Works Committee concurred that fiber reinforced asphalt is the best option for this project.***

**5. Request to Bring East Front Street Slope Stabilization Bids Directly to July 3 City Council - Advertising June 14 and 21, Bid opening scheduled for June 29.**

Korthuis briefly discussed the scope and location of the project.

**Action**

***The Public Works Committee concurred to have the East Front Street Slope Stabilization bids brought directly to the July 3 City Council meeting for approval upon review by the Committee.***

**INFORMATION ITEMS**

**6. Request for Lighted Crosswalks on Front Street and Grover Street**

Ruiz (1108 Front St.) emailed regarding fast-moving traffic on Front and Grover Streets and asked about adding lighted crosswalk signs on these streets.

Banham said that another option is the portable crosswalk signs that are bolted to the street. Lenssen said that in that busy area, a portable bolted sign would get run over. Lenssen and DeValois expressed concern about the precedent that would be set when starting to approve these lighted crosswalks requests.

Banham stated that he would have traffic counters placed in these areas to first determine if traffic is travelling at elevated speeds before taking further action.

**7. Request to Add Street Trees in front of Jansen Art Center - 321 Front Street**

Terry Redden, a member of the Jansen Art Center (JAC) Board of Directors, said the JAC would like to plant four trees in front of the building by the sidewalk in a similar layout to the Inn at Lynden hotel. They are proposing to plant 10-foot-tall Katsura trees, installing tree wells with grates and irrigation in the sidewalk at the expense of the JAC. Their vision is to add lights to the trees and then add outdoor dining with tables and umbrellas.

Banham and Vis said, per Code, there needs to have a clear four-foot corridor for pedestrians and the tables would need to be placed against the building.

Banham asked if the JAC would do all the maintenance on the trees. Redden confirmed that yes, they would use the same volunteer group that takes care of the plants in the back of the JAC.

DeValois and Kuiken said that they believed the trees would work for the Art Center, and the Committee concurred to give approval.

Lenssen asked if there was existing agreement with the Inn at Lynden that could be similarly drafted for the JAC. Banham said staff could look into this.

**Action**

***The Public Works Committee concurred to draft an agreement for the Jansen Art Center trees and present it at the next Public Works meeting for approval.***

**8. Request for Parking Space - 406 and 408 Front Street (New Crescent Apartments)**

Discussion of this item was postponed.

**9. WWTP Maintenance Building Cost Update**

Hutchings discussed the outcome of Trane’s recent solicitation for bids for a new maintenance building. He noted that the original estimate of \$4.5 million was low and didn’t include the same preliminary design that Trane submitted for bid. Bids for the six bay option were closer to \$8 million dollars. Banham and Hutchings said that there is five to seven percent contingency built into the total cost as well as the cost of preliminary design. Staff have engaged the Consultant to review and reconsider all design elements to reduce costs. Results will be brought to a future Public Works Committee meeting.

Lenssen was concerned about maintaining the exterior design elements required per City design standards. He asked when construction needs to be complete. Banham said it needs to be done by the end of 2024.

Banham said the Public Works Trust Fund application for this project is due in July. DeValois asked what the interest was for this. Banham said it is 1.5%

**10. Projects Update**

The Committee reviewed the list of current projects.

De Valois asked if the Guide Meridian project start date was delayed. Banham said that it did.

DeValois asked if the Bradley Road Roundabout has federal funding earmarked and Banham said that it did.

**ADJOURNMENT:** The meeting was adjourned at 5:51 pm.

**NEXT MEETINGS:** July 5, 2023

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	June 19, 2023	
<b>Name of Agenda Item:</b>	Calendar	
<b>Section of Agenda:</b>	Other Business	
<b>Department:</b>	Administration	
<b>Council Committee Review:</b>	<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: N/A
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>	Calendar	
<b>Summary Statement:</b>	Calendar	
<b>Recommended Action:</b>	Not an action item, information only.	

**June 19, 2023**

Monday

7:00 PM - 9:00 PM

Copy: City Council Meeting -- Annex Council Chamber

**June 20, 2023**

Tuesday

9:00 AM - 11:00 AM

Small Cities Meeting -- City Hall 1st Floor Large Conference Room

10:00 AM - 11:00 AM

Copy: Airport Board Meeting -- City Hall 2nd Floor Large Conference Room  
Welcome Board Members & Guests,

The Airport board meeting will be in person at City Hall, 2<sup>nd</sup> Floor Conference room. The meeting takes place the third Tuesday of each month at 10:00 A.M.

4:30 PM - 5:30 PM

Copy: Civil Service Meeting -- City Hall 1st Floor Large Conference Room

**June 21, 2023**

Wednesday

8:30 AM - 5:00 PM

Court -- Annex Council Chamber; Annex East Training Room; Annex North East Conference Room; Annex South East Conference Room

4:00 PM - 6:00 PM

Community Development Committee -- City Hall 2nd Floor Large Conference Room

**June 27, 2023**

Tuesday

9:00 AM - 10:00 AM

Leadership Team Meeting -- City Hall 1st Floor Large Conference Room

**July 3, 2023**

Monday

114

7:00 PM - 9:00 PM

Copy: City Council Meeting -- Annex Council Chamber