



## COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES

4:00 PM May 29, 2019  
1st Floor Conference Room, City Hall

### 1. ROLL CALL

**Council Present:** Mayor Scott Korthuis, Brent Lenssen, Kyle Strengtholt, Jerry Kuiken

**Staff Present:** Heidi Gudde

**Public Present:** Ron Hanson, Tim Keiper, Gary Vis, Kathy Stanford, Jesse Nelson, Dick VandenBerg, Jen Marion

### 2. ACTION ITEMS:

A. Minutes from the March 20, 2019 meeting approved as presented.

### 3. DISCUSSION ITEMS

#### **A. 610 Front Street - Mural Building (Liquor Store) Renovation**

- Introduction to the issues related to the redevelopment of 610 Front Street was given by Heidi Gudde. The proposed project would add two additional floors to the existing building located at 610 Front Street. The renovation / addition would add 5 apartments. One ADA compliant unit on the first floor and 4 apartments on floors 2 and 3. The new building owners, Ron Hanson and Tim Keiper were present to provide additional information.
- Two issues the property owner is seeking input from the Council include parking requirements and the protection of the existing mural with a no-build easement. The easement would also benefit the architecture of the building in that the upper floors could be built up to the property line and include windows. Alternately the building, for fire protection reasons, would include no windows or be setback a minimum of 5 feet.

#### **Parking**

- Code requires that new residential units that are created downtown provide one parking space per unit. Although this is a reduction of the requirement when building elsewhere in the City, it is still a challenge to this property as the building covers nearly all of the building lot.

- Three parking spaces and an ADA unit can be provided in the rear garage of the building. An additional three spaces are being sought elsewhere.
- Property owners are requesting that the City consider allowing downtown residents to park in City lots overnight.
- RH confirmed with the Lynden Police Department that the City does not currently have a prohibition on overnight parking and, although the signs may still be present, has lifted the 3 hour parking limit a couple of years ago.
- HG expressed concern regarding the City operating with few parking regulations. Specifically, the prohibition of overnight parking – as other, mostly larger, jurisdictions have had recent debates as to the ability of people to live in vehicles or RV's while parked on City streets or lots. The City of Lynden may want to consider clarifying parking regulations, including those related to downtown residents, to give the LPD the ability to enforce regulations if concerning activities arise.
- Building owners noted, and the Committee agreed, that the parking lots downtown are usually empty at night. Also, building owners expressed a willingness to accommodate special events and require tenants to park in lots farther away during these times.
- HG noted that code requires that spaces be located within 300 feet of the units. Committee discussion related to parking options nearby including the former Bank of America Building and other City parking lots.
- RH and TK related that while the new owner of the Bank of America Building was open to providing some parking in the immediate future he was not willing to commit to permanent parking agreement.
- Other options include the property owner seeking a variance for three of the required spaces.
- The Committee discussed downtown parking in general. Chapter 19.51.160 – Special Conditions for Off-street Parking In Downtown Lynden, references a fee that can be paid in lieu of providing parking spaces for commercial uses. This fee option is not available for residential uses. HG confirmed that after a cursory search, no record of the fee amount or the corresponding downtown parking improvement fund was found. Finance Director, Anthony Burrows noted in an email to HG that the fee should be added to the fee schedule proposed to accompany City budgets in the future.
- CDC noted that other property owners have expressed interest in creating downtown units – so this sort of parking issue will likely continue to surface.

- BL noted that the City may want to introduce a fee in lieu of parking option for residential units. The fund that the fees would go could, as code indicates, be used to improve downtown parking areas.
- The 7th street parking lot primarily used by employees of nearby businesses. DBA representative, Terri Treat, expressed interest in participating in parking solutions downtown including efforts to have employees park on off-street lots such as the proposed lot to be created at the former water treatment plant.

### **610 Front Street Parking Conclusions:**

- The CDC expressed support for the creation of residential units in the downtown core. Noted that it was consistent with many of the City's goals related to infill as well as economic development.
- CDC thanked the property owners for supplying the proposed building elevations and appreciated the attention to detail.
- CDC concluded that the building owners should create a parking proposal which:
  1. Suggests a downtown resident parking program as a pilot project in that Council would review its impacts periodically.
  2. The program would allow downtown residents, those with parking stickers or mirror hangers, to park in downtown lots overnight.
  3. If this pilot program was later reviewed and found to be unsuccessful or detrimental to the downtown area then a second option would be requiring downtown residents to park in lots farther from Front Street, or to require property owners to go to the Board of Adjustment to seek a variance from the parking code on a case by case basis.
  4. The property owners should also attend the PW Committee meeting to discuss these suggestions with them.
  5. Property owners will work with Planning Staff to create the proposal and, for now, avoid a variance request.
- City actions may include:
  6. Revision to the parking code to allow payment in lieu of residential parking requirements.

7. The establishment of the payment amount and the creation of the downtown parking improvement fund.
8. Clarifying parking requirements, specifically overnight parking requirements in the downtown area.

### **610 Front Street Mural preservation – No build easement**

- CDC discussed the establishment of the mural which is located on the west side of the building at 610 Front Street. The mural was donated by the Lynden Lyons Club.
- Noted that the City does not have a public art ordinance to give guidance in this situation.
- Building owners have expressed support in preserving the mural. Part of the preservation would include a 10 foot no-build easement next to the mural because zoning code, in this area, can be as small as zero feet – allowing buildings to share walls.
- CDC expressed support for the no build easement but with two concerns:
  1. That the easement only be granted contingent on the renovation moving forward.
  2. Determining the potential value of the easement as the City cannot gift public space to private land owners (in this case to provide them with more buildable area on their lot). CDC recognized that preserving the mural also has value to the public and that the City is undertaking improvements to the lot which makes the selling of the lot or the construction of a City building on the lot unlikely.
  3. Property owners to work with the Public Works Department in addressing these concerns and bringing a proposal to Council.

### **B. Special Events Discussion - Hops Down Front Street**

- Concern related to the upcoming event, Hops Down Front Street, has brought this issue to the CDC agenda.
- Concerns relate to the following issues:
  1. Closing of Front Street – an important arterial street,

2. The nature of the event - is a drinking themed beer walk family friendly?
  3. Any potential liability associated with the event especially given the fact that business which typically do not serve alcohol would be serving during this event.
- Larger concerns related to special events include the fair distribution of special event opportunities to all businesses within the City. Code is relatively open-ended in that any business within the City could request the closure of any local street if the event included a charitable component.
  - Jesse Nelson of Overflow Taps clarified the following points:
    1. Hops Down Front Street event (beer walk) as an added element to the existing DBA event of Hot Thursday Nights.
    2. The beer walk does not require the closing of Front Street
    3. All proceeds to the beer walk will go to Backpack Buddies
    4. Overflow Taps is assisting Backpack Buddies in establishing the event but is not sponsoring the event.
    5. All serving of alcohol will occur within businesses – this is intentional in that it draws people into businesses that they may not normally frequent. No alcohol will be served on the sidewalk / street nor may participants carry alcohol (in open containers) with them.
    6. The State will be sending one or two staff from the liquor control board to monitor the event
    7. Limited hours of alcohol serving – after work hours and stopped by 8:30pm.
    8. JN noted they are selling tickets for the beer walk ahead of the event.
    9. Overflow Taps has put on a nearly identical event at Barkley Village a couple of times and has learned some valuable lessons in the process. JN feels confident that the event can be a positive contribution to the downtown area.
    10. Interest from at least 10 businesses so far with 4 or 5 paid already including the Lynden Museum.

11. Overflow Taps will be hosting a beer garden at their location as part of the overall DBA event.

### **Conclusions on Hops Down Front Street:**

- Council members noted they would be concerned about an event which would serve alcohol on public sidewalks but supportive of the event pulls people into business establishments including the Museum.
- Concerned, in general, about the closing of Front Street. In this case the street was scheduled to be closed in association with the DBA's event Hot Thursday Nights which includes movies in the park, live music, food trucks, etc.
- Concerned about having enough insurance to adequately cover the liability so that the City is not at risk.
- Recommended that Overflow Staff work with Backpack Buddies to complete the necessary applications and insurance policies prior to the event. Staff and administration to review.

### **Special Events in General:**

- Mayor noted that the City should consider an equitable treatment of all businesses regarding special events.
- Code related to special events should include specific criteria which would justify a street closure and indicate which street are eligible to close
- CDC suggested that the DBA create an annual calendar of special events which could be brought to the City Council for review early each year – this would be similar to how the Chamber brings forward a annual list of events each year.
- JN of Overflow Taps explained that special events are critical to the survival of their business. So much so that they hired special event coordinator, Angela Loomis, to handle events for them. He also expressed interest in creating a space that would better accommodate families and / or serve food. Currently Overflow Taps is a 21 and over establishment.
- CDC discussed events planned for the 4<sup>th</sup> of July. This “truck event” focused only on mid-day activities.
- Teri Treat stated the DBA would be willing put together a calendar of events that they sponsor – separately from the Chamber. And suggested limiting street closures of Front Street, for DBA events to only twice a year (this would be in addition to the Chamber events which also close Front Street).

### **Conclusions on Special Events in General:**

- Criteria related special events and street closures to be addressed / clarified as a Council.

- Interdepartmental coordination will be required.

### **C. Residential Design Standards – Planning Commission Recommendation**

- HG gave an update on the status of the ordinances related to residential design standards which was recommended by the Planning Commission and is pending adoption at the June 3rd public hearing in front of the City Council.
- Staff suggested that the new design standards take effect on October 1, 2019 to give builders and designers time to adjust. Staff to work on public education related to the change.

#### Accessory structures:

- BL noted that the front setback for detached garages seemed to be missing from the proposed standards. Secondary detached garages, however, must be located wholly within the backyard.
- HG related that the City has consistently not permitted any detached accessory structures in the front yards of home as per 19.15.080 which relates to front yard uses. However, front setbacks for garages are not clearly defined as 19.15.080 speaks specifically of storage sheds and similar structures but does not call out garages.
- CDC suggested that detached garages, like attached garages, may come forward of the home by 12 feet (but would still need to meet front setback standards).
- Staff to clarify an amendment to the code for the June 3rd Council meeting that would allow detached garaged to come forward of the front façade.

#### RV Storage:

- Committee discussed RV storage and, in light of recent complaints related to improper storage of RV's discussed the required standards. Suggested a summer time reprieve from storage requirements. Noted that the Fairgrounds store a large number of RV's but not during the summer.
- Revision to LMC 19.31 discussed. "Utility tarps" clarified generally as "blue tarps" but HG noted that RV covers (designed to cover RV's) would be permitted.

#### Roof Pitch:

- Potential elimination of a minimum roof pitch discussed. CDC ok with keeping the minimum pitch if a variance from the Design Review Board could be sought.

#### Screening of Mechanical Equipment:

- Implications discussed. Solar panels exempt from screening. Noted that best judgement will need to be used in this situation including the certificate of occupancies that get issued in the winter months when landscape screening could not be accomplished. KS noted that it may be best to require a fence panel in those cases to ensure that the screening is accomplished. Staff and Building Official to use best judgement.

#### Conclusions on Design Standards:

- Staff to draft revision to 19.31 would allow a summer reprieve (Memorial Day weekend to Labor Day weekend) for the residential storage of RV's. Council to discuss at the 6-3-19 meeting and potential adopt the revision.
- Staff to clarify the front setback of detached garages.

#### **D. Revisit Pepin Creek Zoning Layout and Unit Range**

- Item introduced by BL. New zoning layout provided to the CDC. Highlighted that unit range goal of 1700 – 2000 units originally set by Council is still not met (looking at the midrange number) after the adjustment to the zoning layout.
- Addition of RM-3 and reduction of RM-PC only bumped the density by 40 units in the midrange.
- Gary Vis expressed to the CDC his desire to see density located near to green spaces.
- KS stated that he could see more density such as RM-3 zoning south of the city-owned property and north of the airport property.
- HG recommended that the CDC revisit the unit count and zoning layout after we get results from the financial mitigation study later this summer. Zoning layout would be adopted with the sub-area plan. This is not scheduled to go to Council at least until end of August.

#### Conclusions on Pepin Zoning Layout:

- Staff to request from Berk the revised unit count of adding RM-3 between the airport safety zone and the park.
- BL to raise the issue of unit count in the Pepin Creek Sub-area with Council.



#### **E. Enforcement Tools Discussion**

- Flowcharts for enforcement provided. Staff continues to work on potential code modifications and the establishment of a process that would adequately address violation. These are tools that staff is very much in need of as much of the process is currently absent. For example, the form which would provide first steps on a voluntary compliance agreement and the steps that follow if compliance is not met. Carmichael Clark's office is assisting.
- Briefly touched on regarding as-builts and the bottleneck of getting them approved prior to certificate of occupancy.
- TCO's that don't get finished out and expire.
- RV storage discussed.
- This issue to go to the June 5 Public Works Committee meeting and will return again to the CDC before any code modifications are made.

#### **F. Development Activity Report – 2019 First Quarter**

- Not discussed in detail due to time constraints.
- Request from KS to see reports more frequently if possible.

**Next Meeting Date: June 19, 2019**