



COMMUNITY DEVELOPMENT COMMITTEE

MINUTES

4:00 PM June 16, 2021
2nd Floor Conference Room, City Hall

1. ROLL CALL

Council: Kyle Strengholt, Brent Lenssen, Gary Bode, Mayor Korthuis
Staff: Steve Banham, Heidi Gudde
Chamber: Gary Vis

2. APPROVAL OF MINUTES

- a. Community Development Committee Meeting 5-19-21 Minutes
Approved as presented.

3. DISCUSSION ITEMS

- a. Pepin Creek Development Update
 1. Minimum Density Requirements

Gudde updated the committee on the case study of the Rader property after Rader raised concerns as to platting his properties under minimum density requirements. This related code amendment was heard and tabled at the last City Council meeting.

Lenssen stated that he did not support the minimum density as written. He would prefer to see exemptions on existing residential parcels.

Banham noted that each exemption provided means that more costs are covered by the City as a whole.

Bode stated that he wanted to support the property rights of existing owners.

It was noted that traffic impact fees would not be assessed unless development occurred so an existing property owner would not be assessed unless impacts were created.

Bode asked about another assessment option that was studied – a Local Improvement District (LID). The Committee noted that an LID would be an assessment on properties even before development occurs and so not the direction the Committee was wanting to move toward.

Committee also discussed a property owners / developers ability to bind lots so that, at least for a certain time period, homes were built at

a lower density. Discussed the authority of private covenants to restrict construction.

The group discussed the timing at which TIF is collected – the time of plat or the time of construction. And, as Lynden collects TIF at the time of plat, what is the risk of developers or property owners requesting a refund of TIF when expected homes do not get built or lots are eliminated. Staff noted that lots, at times are bound together but continue to exist. To eliminate a lot it would likely require a plat amendment and City approval to do so.

The group discussed a lot size which might be exempt from the minimum density – such as parcels less than an acre. Gudde noted, however, that could be difficult to track and raises the question as to platting restrictions so that properties become exempt, etc.

Instead Gudde suggested that existing property owners could maintain a reserve tract that could potentially be excluded from minimum density calculations. In this way a property owner with 10 acres could develop 8 of those acres according to minimum density standards and continue to live on a 2 acre reserve parcel.

Committee noted that, in the example above, the reserve tract could be later divided according to minimum density as well at a timing that is appropriate to the property owner (or owner's heirs, as is sometimes the case).

Conclusions: Committee asked staff to draft additional code which strives to balance the need for development to pay for the impacts created (street improvements) yet gives existing property owners the flexibility to remain on larger lots or parcel off a few new lots without being required to subdivide the entire property per minimum density standards.

The Committee also asked for legal clarification as to the binding of lots and how this affects setbacks.

And, what is the risk to the City of a request to refund of TIF if lots are created that don't get built on at the time of initial development or become less developable due to the placement of initial development.

The Mayor suggested that a policy memo on minimum density may also be good support for any code language about minimum density calculations so that it is consistently implemented. The memo should include discussion regarding options for a variance to minimum density and also address if a PRD can write in an exception from minimum density.

This item will return to July CDC with additional clarification from staff and legal counsel.

2. Update to the Transportation Impact Fee – Transpo Group

Discussion as to the regional benefit of some of the Pepin transportation improvement projects. Staff has been working with Transpo to create a defensible TIF increase and Pepin overlay. Transpo has noted that pinning 100% of improvements to development would likely not be supported if challenged. Overall, the draft plan notes that 90% of the benefit is to the sub-area and 10% to the City as a whole.

The plan also shows funding source ratios. That is, how much of a specific project is covered by transportation impact fees (TIF) and how much is covered by other funding sources on a project by project basis. The Committee asked that the plan show increased TIF percentage on PC-4 through PC-8. Staff to discuss with Transpo.

Conclusions: Staff to discuss with Transpo the revision to specific project funding sources. Staff will continue to move forward with TIF update City-wide and the Pepin TIF overlay. Effective date for overall TIF update would be the start of 2022 and the Pepin TIF overlay would be effective at the time the moratorium lifts.

3. ROW Standards – Moving to Engineering Standards from the Subarea concepts.

Gudde brought to the Committee two the street concepts that were included in the Pepin Creek Subarea (PCSA) Plan. Specifically, wanting to call attention to the 50 foot wide ROW intended to access 8 or fewer units. The concept for Pepin Creek Parkway was also included. These, as shown in the PCSA plan, are concepts until they are adopted into the City's engineering design standards.

The Committee indicated support for the 50 foot ROW when accessing only 8 units or less and only within the Pepin Creek Subarea. Banham also indicated support for a street section that was somewhat reduced recognizing that stormwater management on the Pepin soils will be difficult and that the Design Standards already include provisions related to low impact design.

The Pepin Parkway concept is potentially 100 feet in width as opposed to a typical 60 foot width. It includes a pedestrian recreational trail on one side, a large swale for stormwater management, and a sidewalk

on the opposite side. Lenssen asked how to make this concept a requirement. Gudde noted it would need to be added to the engineering design standards. Banham discussed the possible iterations of the Parkway especially the bio-swale. He explained that in concept the swale could be used to handle the stormwater from the street and also provide some stormwater storage to nearby development. However, the need for this is not determined until the stormwater plan is developed for both the street and the private development. Gudde also noted that public stormwater from the street and private stormwater from nearby development mixed together raises an interesting question of shared maintenance. Additionally, some initial engineering discussion indicate that the street may be best served by a traditional underground stormwater system.

Additional property acquisition was discussed as well. Banham noted that much of the Parkway can utilize property that the City already owns – the Benson Park southern boarder and the central corridor. Here, a 100 foot width is feasible. The leg of the Parkway from the central corridor to Double Ditch Road will require additional property acquisition. It is likely that the amenities associated with the Parkway could be accommodated in an 80 foot ROW. Banham to review with engineering and revise description in the project list to include an 80 foot dedication requirement for Pepin Parkway prior to lifting of the moratorium.

Pedestrian network was discussed by the Committee. Concern was raised as to the ability to place a trail along the central corridor of the relocated Pepin Creek. Specifically, through the portion that is only 75 feet wide. R&E and staff have looked extensively at this issue even before Pepin Lite. Banham noted that the trail could go along the creek and under Main Street but at greater expense and would likely be under water during high water situations. Bode noted that other trails in the City also flood when the water is at its peak. Additional work on the Pepin Lite version of the non-motorized network is needed.

Conclusions: Staff to work with Transpo on requested revisions. Also, include the 50 foot wide street concept in upcoming Engineering Standards updates and continue to develop the Pepin Parkway standard with engineering, stormwater, and property acquisition in mind.

4. INFORMATIONAL ITEMS

- a. Next CDC Meeting – July 23 21, 2021 (printed incorrectly as the 23rd)