

# CITY OF LYNDEN

## CITY COUNCIL



City Council - Regular Meeting  
City Hall - 300 Fourth Street  
December 4, 2023

### **Call to Order**

### **Pledge of Allegiance**

### **Roll Call**

### **Oath of Office**

### **Summary Reports and Presentations**

- [1.](#) Draft 2024 Federal Legislative Agenda

### **Approval of Minutes**

- [2.](#) Draft Council Minutes–November 20, 2023

### **Citizen Comment**

### **Consent Agenda**

- [3.](#) Approval of Payroll and Claims
- [4.](#) Set Public Hearing Date-Unified Fee Schedule (UFS)
- [5.](#) Set Public Hearing Date-Annex Application 23-01, Weg Property

### **Public Hearing**

- [6.](#) Final Public Hearing - Year 2024 Budget
- [7.](#) Public Hearing-Proposed Nooksack Valley Disposal Rate Increase
- [8.](#) Public Hearing–RES23-1085-Adopting 2024 Revisions to Engineering Design and Development Standards Project Manual

### **Unfinished Business**

- [9.](#) ORD-23-1681 Adoption of the Year 2024 Budget

### **New Business**

- [10.](#) 2024 Federal Legislative Agenda

### **Reports**

### **Executive Session**

### **Adjournment**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	December 4, 2023	
<b>Name of Agenda Item:</b>	Draft 2024 Federal Legislative Agenda	
<b>Section of Agenda:</b>	Summary Reports & Presentations	
<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: _____
		<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 2024 Federal Legislative Agenda	
<b>Summary Statement:</b>	Presentation provided by Joel Rubin, CFM Advocates	
<b>Recommended Action:</b>	Presentation only.	

City of  
**LYNDEN**  
 Washington

## 2024 Grant and CDS Priorities

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### PROJECT DESCRIPTION

### FEDERAL REQUEST

#### **Pepin Creek Planning Grant**

**\$2 million**

The City of Lynden is requesting \$2 million to advance the Pepin Flood, Agriculture, Salmon and Safety Transportation (FASST) Project. The FASST project will address the extreme flood issues resulting from the impacts of climate change, facilitate more freight which supports a thriving agriculture community, protect salmon and other endangered fish which currently get stuck in one of the 21 culverts, and bring much needed safety improvements by building new multi-modal facilities for bikes and pedestrian where none exist today. Account: *RAISE and Reconnecting Communities*

#### **Bradley Road Complete Street Improvements**

**\$3 million**

The City is seeking funding to construct Bradley Road Complete Street Improvements. Bradley Road is a critical piece of Lynden's transportation network, providing direct access to the recently completed Lynden Middle School, soon to be expanded Lynden High School, and the growing East Lynden residential areas. This area has experienced approximately 90% of the growth in Lynden in the last 10 years, adding approximately 70 homes a year. Finally, Bradley Road provides an indirect connection to State Route 546 (East Badger Road).

The project will replace the current T-intersection of Bradley and Vinup Roads with a safe and efficient round-about and better channelize the corner at the east end of the project. This vital transportation corridor will be improved from its current 24 feet of pavement to a full City standard arterial street with 40-foot-wide all-weather pavement, with shoulder, curb, gutter, sidewalk and enclosed drainage. This drainage will meet the State Department of Ecology water quality standards which are key for the Nooksack River Basin (WRIA 1) to comply with Total Maximum Daily Load (TMDL) limits for temperature and sediment. The design is at 50% level and the City has had ongoing productive dialogue with the Lynden Public School District to confirm the project meets their current and future needs. Account: *Highway Infrastructure Program (CDS)*

#### **Municipal Sewer Extension Project**

**\$2.5 million**

The City is seeking funds to construct a new Sewer Pump Station 18 (PS-18) and associated sewer force main to accommodate development expected in the Pepin Creek Subarea (PCSA). The PCSA encompasses approximately 460 acres and is the primary area within the City's urban growth

area (UGA) where future residential development is expected to occur in the City's 20-year planning horizon. PS-18 will provide sewer service to most of the PCSA located between Double Ditch Road and Benson Road to properties not currently serviced. *Account: State and Tribal Assistance (CDS)*

**Fire Department – Two New Firefighters**

**\$240,000**

Since 2010, Lynden Fire Department has moved through an evolutionary process of being staffed by all volunteers to 13 full time career, 2 part time, and 4 volunteer firefighters. The growth rate and aging demographics of our population has contributed to an increased demand for emergency services. Since 2008 the City of Lynden has grown 33% in population; however, emergency calls have increased over 54% and 13% over the past year. It is anticipated that this emergency response increase will continue to outpace population growth. *Account: FEMA SAFER*

**Fire Department- Updated Extractor and Drying Cabinet**

**\$27,063**

Proper care of firefighter's gear not only extends the life, efficiency, and protective qualities of the gear, it also improves the health and welfare of our firefighters by reducing exposure to contaminants and carcinogens. The new extractors and dryers will make great strides in protecting the health of all of our members and align with the latest guidelines for safe handling of dangerous, potentially cancer-causing contamination. *Account: FEMA AFG*

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	December 4, 2023	
<b>Name of Agenda Item:</b>	Draft Council Minutes – November 20, 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 – November 20, 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



November 20, 2023

### 1. CALL TO ORDER

Mayor Korthuis called to order the November 20, 2023 regular session of the Lynden City Council at 7:03 p.m. in the city's council chambers.

### PLEDGE OF ALLEGIENCE

### ROLL CALL

Members present: Councilors Gary Bode, Ron De Valois, Gerald Kuiken, Brent Lenssen, and Nick Laninga.

Members absent: Councilor Wohlrab and Councilor Strengholt absent with notice.

Staff present: Finance Director Anthony Burrows, Fire Chief Mark Billmire, Parks Director Brent DeRuyter, Police Chief Steve Taylor, Public Works Director Jon Hutchings, City Clerk Pam Brown, City Administrator John Williams, and City Attorney Bob Carmichael.

### OATH OF OFFICE – None

### SUMMARY REPORTS AND PRESENTATIONS - None

### APPROVAL OF MINUTES

***Councilor Lenssen moved, and Councilor DeValois seconded, to approve the November 6, 2023, regular council meeting minutes. Motion approved on 5-0 vote.***

### CITIZEN COMMENT

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

She spoke to the following topics:

- History of the Thanksgiving holiday.
- Lynden library and the books that were chosen to be displayed.
- Veteran's Day events.
- Antisemitic protests.

#### Mikhail Nichols, Andress Lane, Lynden

Mr. Nichols read a letter he wrote to council concerning past interactions with the Lynden police department and their refusal to help him.

# CITY OF LYNDEN

CITY COUNCIL  
MINUTES OF REGULAR MEETING



## 2. CONSENT AGENDA

Set Public Hearing for Proposed Nooksack Valley Disposal (NVD) 2024 Rate Increase  
Whatcom Conservation District 2024 Interlocal Agreement  
Welch Ecological Services Agreement 2024  
Set Date for the Final Public Hearing on the 2024 Preliminary Budget  
RES-23-1085 Set Public Hearing – 2024 Revisions to the Engineering Design and  
Development Standards Project Manual  
RES-23-1087 Real Estate Property Tax Levy Increase 2024

***Finance Committee did not meet November 20, 2023.***

***Motion made by Councilor De Valois, seconded by Councilor Kuiken to approve the consent agenda with the payroll and claims item removed. Consent Agenda. Motion approved 5-0.***

## 3. PUBLIC HEARING

Public Hearing for ORD-23-1679, Real Estate Property Tax for 2024

As published, 7:00PM on November 20, 2023 is the time and date set for the Public Hearing on the 2024 Property Tax Levy as presented to the City Council by Mayor Korthuis at the October 16th City Council meeting.

Upon completion of the public hearing with no items outstanding the 2024 Property Tax Levy will be presented to the City Council for adoption.

Mayor opened the public hearing at 7:15 pm.

There were no comments.

Mayor closed the public hearing at 7:15 pm.

***Public hearing only.***

## 4. UNFINISHED BUSINESS-None

## 5. NEW BUSINESS

Set Public Hearing ORD-23-1680-Amendinding the Civil Penalties Code

Over the last 12 months city administration, staff, and legal counsel, Luke Phifer, have been drafting an update to the City's civil penalties code. They are now prepared to introduce the amendment for Council's review. The City's current code is in need of this update as it includes numerous criminal misdemeanor penalties for offenses that would be more appropriately

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



classified as civil infractions. Additionally, although the code recognizes the authority of the City to fine violators, it provides only broad guidance on what dollar amount could be used under this authority.

The revised code carefully defines general penalties, civil infractions, misdemeanors, and gross misdemeanors. It assigns penalties to infractions which would be classified as C-1 through C-9 depending on the severity of the violation. The amended code also establishes a uniform process for citing and correcting violations, a critical tool for staff seeking to provide fair and consistent enforcement of the city's code provisions. To implement a revision of this nature it is necessary to amend numerous existing penalty provisions throughout the Lynden Municipal Code. The bulk of the civil penalties code will be located in Chapter 1 of the Lynden Municipal Code, but many other chapters would also be amended to classify infractions and identify corrective processes. Council and its committees are asked to review the draft ordinance with the intent to hear at the January 2, 2024, meeting.

***Motion made by Councilor Lenssen, seconded by Councilor Bode, to set the public hearing for January 2, 2024, to consider ORD-23-1680, regarding an amendment to the city's civil penalties code. Motion approved 5-0.***

### ORD-23-1679-Real Estate Property Tax for 2024

The City of Lynden is required by State regulations to adopt the proposed 2024 property tax levy. The mil rate has been calculated on preliminary information received to date from the Whatcom County Assessor's Office. When comparing preliminary 2022 levy assessment rates to 2023 levy assessment rates, the decrease is estimated at 0.16 cents per mil to a mil rate of 1.05369.

The final figures for the assessed valuation of the city's tax base are not yet available. Once those are provided by the County Assessor, an ordinance setting the final, exact levy will be provided in January 2024 for consideration.

***Motion made by Councilor Kuiken, seconded by Councilor De Valois to adopt ORD-23-1679 and authorize the Mayor's signature. Motion approved 5-0.***

### RES-23-1086-Conditional Use Permit 23-01 for Premier Packing (Project Zebra)

In December of 2022 the City Council approved Conditional Use Permit 22-02 which related to a seafood processing facility for Premier Packing (also known as Project Zebra). The company proposed to move from its current location at the center of the city to a property on Curt Maberry Drive. There they propose to construct a seafood processing facility with associated truck access, employee parking, and utility infrastructure. The proposal also



# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



included an additional 5 feet of building height for the freezer portion of the structure resulting in a maximum height of 50-feet.

Recently the applicant returned to the city to modify the approved Permit and request additional height on the same facility. The height would allow for greater efficiency in freezer storage that could take advantage of the latest pallet stacking technology without increasing the footprint of the facility. The current application is seeking a height of 80 feet for the freezer portion of the building (a majority of the facility). This final height is similar to the maximum height granted for a portion of the nearby Alliance / Canature facility.

The Planning Commission and the Technical Review Committee have reviewed the request for additional height. Both groups have brought forward a recommendation to approve the request for additional height with specific conditions which are listed in TRC Report and Planning Commission Resolution 23-05.

***Motion made by Councilor Lenssen, seconded by Councilor Bode to approve Conditional Use Permit 23-01 which authorizes Premier Packing to utilize a maximum building height of 80 feet subject to the conditions outlined in the Planning Commission Resolution 23-05. This motion also authorizes the Mayor's signature on the Findings of Fact and Conclusion of Law. Motion approved 5-0.***

***Motion made by Councilor Bode, seconded by Councilor De Valois to accept the transfer of equipment from Whatcom County Department of Emergency Management for a Wanco Metro Matrix message sign trailer for response to a flood or other hazard event within the City and authorize the Mayor to sign the agreement. Motion approved 5-0.***

***Mayor Korthuis announced that the city will host an event in recognition of Councilor De Valois (20.5 years) and Councilor Kuiken's (36 years) retirement from Council. Coffee and cake will be served from 5:30 to 7:00 p.m. at the Annex before the council meeting on December 4, 2023. The public is invited to attend.***

## 6. REPORTS

Councilor De Valois, Parks Committee, reported discussion of the following:

- No response received from SHKS Architects; the city will no longer work with this them.
- Benson Park barn will be used for equipment storage.
- Awaiting architectural plans for Schoolyard Park pavilion.
- Depot to 8<sup>th</sup> trail construction is expected to be completed in December 2023.

# CITY OF LYNDEN



## CITY COUNCIL MINUTES OF REGULAR MEETING

- The city hasn't yet signed agreement with VanderGriend Lumber (VGL) for a building demolition.
- CivicRec software which allows the Parks reservation system to work with the city's finance program has been completed.
- Budget discussions.

### 7. EXECUTIVE SESSION

Council adjourned into executive session at 7:22 to discuss with legal counsel representing the city, matters relating potential litigation, under RCW 42.30.110(1)(i) and possible acquisition of real estate purchase, under RCW 42.30.110(1)(b). Council expects to be in executive session until 7:46 p.m. with potential action to follow.

Council reconvened 7:42 p.m. and the following motions were made:

***Motion made by Councilor De Valois, seconded by Councilor Bode to approve the purchase agreement with Vander Griend Lumber LLC for real property associated with the City Trail connection from Depot Road to 8<sup>th</sup> Street in the amount of \$380,000 and to authorize the Mayor to sign all documents associated with the purchase and closing of the property. Motion approved 5-0.***

***Motion made by Councilor Bode, seconded by Councilor De Valois to file a Request for Exclusion to opt out of the Class Action Settlement MDL No. 2:23-cv-03230-RMG with E.I DuPont de Nemours and Company, et al., and to authorize the City Attorney to sign and submit on behalf of the City any and all documents necessary to opt out of the lawsuit. Motion approved 5-0.***

***Motion made by Councilor Bode, seconded by Councilor Kuiken to file a Request for Exclusion to opt out of the Class Action Settlement MDL No. 2:23-cv-03147-RMG with 3M Company, and to authorize the City Attorney to sign and submit on behalf of the City any and all documents necessary to opt out of the lawsuit. Motion approved 5-0.***

### 8. ADJOURNMENT

November 20, 2023, regular session of the Lynden city council adjourned at 7:44 p.m.

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Pamela D. Brown, City Clerk

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Scott Korthuis, Mayor

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	December 4, 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>	December 4, 2023	
<b>Name of Agenda Item:</b>	Set the Date for the Public Hearing on the Unified Fee Schedule	
<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>		
<p>In order to provide transparency of City fees, ease of use in finding the fees, and consistency in the fee structure, the Finance Department is developing a Unified Fee Schedule. The intent is to publish the fee schedule on the City's website for use by the citizenry. It is requested that 7:00PM on January 2, 2024 be set as the time and date for a Public Hearing on the Unified Fee Schedule to allow for public commentary.</p>		
<b>Recommended Action:</b>		
Set the date and conduct the required public hearing at that time.		

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	December 4, 2023	
<b>Name of Agenda Item:</b>	Set the Public Hearing for Consideration of a Resolution to Annex – Weg Property	
<b>Section of Agenda:</b>	Consent	
<b>Department:</b>	Community Development	
<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 type="checkbox"/> Other: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input checked="" type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
Application and Petition to Annex, PC Reso 23-06, TRC Report		
<b>Summary Statement:</b>		
<p>At the January 16, 2024, meeting the City Council will be asked to take public comment and make a decision concerning Annexation Application 23-01 representing approximately 45 acres on the northwest edge of the city known as the Weg Property. This area is part of the City’s Urban Growth Area and is slated to be added to the city as a residentially zoned property within the Pepin Creek Subarea. The review of annexations is meant to consider the following:</p> <ol style="list-style-type: none"> <li>1. Whether the City shall accept, reject, or geographically modify the proposed annexation area; and</li> <li>2. Whether the City shall require simultaneous adoption of a proposed zoning regulation consistent with the City Comprehensive Plan and applicable sub-area plan; and</li> <li>3. If such a proposal has been prepared and filed in the area to be annexed as provided for in RCW 35A.14.330 and RCW 35A.14.340; and</li> <li>4. Whether it shall require the assumption of indebtedness by the area to be annexed.</li> </ol> <p>The Planning Commission held a hearing to consider this item on November 9<sup>th</sup> and recommended approval of the parcel as proposed. The staff of the Technical Review Committee has reviewed this request and developed a corresponding report and recommendation which is attached for the Council’s review.</p> <p>If recommended for annexation at the January 16<sup>th</sup> meeting the application will be sent to the Boundary Review Board for comment prior to a final ordinance of the City Council which would formally annex the property.</p>		
<b>Recommended Action:</b>		
Motion to set the public hearing for <b>January 16, 2024</b> , to consider a resolution regarding the Weg Property, Annexation Application 23-01.		

CITY OF LYNDEN  
PLANNING COMMISSION RESOLUTION #23-06

**A resolution of recommendation for approval of the Weg Annexation #23-01, to the Lynden City Council**

WHEREAS, Richard and Carol Weg, Applicant, hereinafter called the “Proponent,” submitted a complete application to the City of Lynden, hereinafter called the “City,” for the annexation of approximately 45.11 acres into the City for future residential RMD development; and

WHEREAS, the subject property is within the City’s Urban Growth Boundary, identified in the Lynden Comprehensive Plan, and may be annexed under RCW 35A.14.110; and

WHEREAS, the application was endorsed by more than 60% of the assessed valuation in the proposed annexation area; and

WHEREAS, the City notified the Proponent of the application’s completeness on October 4, 2023, and the legal notice of application and public hearing was published by the Lynden Tribune on October 18, 2023; and

WHEREAS, the Proponent has provided the City with an affidavit for the posting of the notice of application and public hearing in three locations near the subject property and the receipts for the certified mailing of said notice to all property owners within three hundred feet of the subject property; and

WHEREAS, Upon annexation, the property will be zoned Residential Mixed Density (RMD).

WHEREAS, the public interest will be served by this annexation; and

WHEREAS, the Proponent plans to make appropriate provisions for public health, safety and general welfare; and

WHEREAS, the Proponent plans to make appropriate provisions for public open spaces, roads, streets, sidewalks and alleys; and

WHEREAS, the Proponent plans to make appropriate provisions for public drainage ways, potable water supplies, and sanitary wastes; and

WHEREAS, the Proponent plans to make appropriate provisions for parks, recreation playgrounds, schools and school grounds; and

WHEREAS, the proposed annexation will not have an adverse effect on the finances, debt structure, or contractual obligations and rights of other governmental units, except for a small reduction in the Whatcom County tax base; and

WHEREAS, the proposed annexation shall be taxed or assessed to pay its share of any indebtedness of the City of Lynden, Washington, contracted prior to or existing at the date of this annexation, and

WHEREAS, the proposed annexation is logically served by the City of Lynden and will therefore preserve logical service areas; and

WHEREAS, the proposed annexation will concentrate urban development within the city limits and thereby reduce sprawl, consistent with objectives of the Growth Management Act; and

WHEREAS, adequate governmental services and controls in the proposed annexation area can be most efficiently be provided by the City of Lynden; and

WHEREAS, the City's Technical Review Committee has reviewed the request for the annexation of property and has provided the following findings and recommendations to the Planning Commission in a report dated November 3, 2023:

1. The subject property is located within the City of Lynden's Urban Growth Area (UGA) and has been determined by the City to be an appropriate location for future residential development. Upon annexation, the property will be zoned as RMD. There are no other land use issues identified at this time.
2. This application does not include a development proposal therefore; it is important to note that any future development of the properties will require a new application and review process. Upon annexation, the property will be zoned as Residential Mixed Density (RMD) as pre-determined by the Pepin Creek Sub-area Plan.
3. The RMD zoning designation and the associated development standards are described in Lynden Municipal Code (LMC) 19.16. It will allow flexible use of density as it permits both single-family and duplex housing types on a range of lot sizes with attached (zero lot line) units on lots as small as 4,000 square feet. The minimum density required within the RMD zoning in the Pepin Creek Subarea is 5 units per acre and the maximum permitted is 8 units per acre.
4. The area of annexation falls within the Pepin Creek Sub-area. Future development is subject to the Pepin Creek Sub-area plan as well as applicable development standards and associated impact fees.
5. Critical area setbacks related to the existing and proposed Pepin Creek channel will be applied as outlined in the City's critical area ordinance.
6. The area is within the City's water and sewer comprehensive plans. All water and sewer extensions shall be made in accordance with these adopted plans. Future development will be required to contribute toward the costs of the proposed pump station 18, which is needed to ensure adequate service to the area of annexation.

7. Stormwater: This area is within the City’s Stormwater Comprehensive Plan. Be advised, a stormwater management plan prepared by a professional engineer will be required for new development and must be approved by the City of Lynden prior to approval of construction plans. An erosion control plan must be included in the drainage plan and construction plans as necessary.

a. All plans must be designed and constructed in compliance with the Department of Ecology’s Best Management Practices and the standards approved in the Manual for Engineering Design and Development Standards.

8. This area is within the City’s Transportation Plan. Future development will be required to develop roadway networks consistent with this plan.

9. Future development will be subject to assessed fees in order to mitigate the impact on the City’s Park, Fire, and Transportation Systems. Some of these fees are due at the time of plat while others are assessed at the time of building permit. Also, this property is located within the Pepin Creek Service Area which has an additional Transportation Impact Fee due to infrastructure needs in this section of the City.

WHEREAS, the Lynden Planning Commission held a public hearing on November 9, 2023, at the Lynden City Hall Annex, 205 4<sup>th</sup> Street, Lynden, Washington, to accept public testimony on the proposed annexation, and that meeting was duly recorded;

WHEREAS, the Lynden Planning Commission reviewed the criteria listed in LMC 17.09.040(C) and found that the application meets the requirements relevant to the proposal.

NOW THEREFORE, the Planning Commission having reviewed the recommendations of the Technical Review Committee makes the following findings of fact:

1. The requested annexation is located within the City of Lynden’s Urban Growth Area and is therefore eligible for annexation; and
2. The zoning identified for the annexation is consistent with the area and the Comprehensive Plan.

BE IT RESOLVED by the Lynden Planning Commission to recommend approval of the *Weg Annexation #23-01*, to the City Council as requested, by a vote of 6-0, and further subject to the Technical Review Committee Report dated November 3, 2023.

PASSED by the Planning Commission of the City of Lynden, Whatcom County, at their regular meeting held the 9th day of November 2023.

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

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Heidi Gudde, Director  
Community Development Department



# CITY OF LYNDEN



## TECHNICAL REVIEW COMMITTEE Development Project Report

Date Issued:	October 30, 2023, Revised Nov. 3, 2023
Project Name:	Weg Annexation (23-01)
Applicant:	Northwest Surveying & GPS, Inc.
Property Owners:	Richard and Carol Weg
Site Address:	8634 Double Ditch Road
Parcel Number:	400318-365228
Zoning Designation:	RMD upon annexation
Application Type:	Annexation
Parcel Size:	45.11 acres
Hearing Type:	Legislative
Hearing Objective:	To determine whether the timing is appropriate for the inclusion of said parcel within the city's corporate limits.
Date application determined complete:	October 4, 2023
Date of Publication:	October 18, 2023
SEPA Determination:	N/A
Project Description:	The annexation of property for future residential development and to help facilitate the future construction of the relocated Pepin Creek channel.

The subject property is located within Lynden's urban growth area (UGA). The site has been determined by the City to be appropriate for future residential development and for the future construction of Pepin Creek.

Annexation Analysis. The City of Lynden considers the following at the time of annexation.

- 1. Whether the City shall accept, reject or geographically modify the proposed annexation area;***

TRC Review:

The Technical Review Committee is recommending acceptance of the annexation area as proposed which represents a single parcel that is contiguous with city boundaries on both the south and east sides.

**2. Whether the City shall require simultaneous adoption of a proposed zoning regulation consistent with the City Comprehensive Plan and applicable sub-area plan;**

TRC Review:

The Technical Review Committee is recommending simultaneous adoption of zoning regulation as outlined in the Pepin Creek Sub-Area Plan.

**3. If such a proposal has been prepared and filed in the area to be annexed as provided for in RCW 35A.14.330 and RCW 35A.14.340;**

TRC Review:

RCW 35A.14.330 recognizes that the City of Lynden, upon annexation, has the authority to assign development standards to the subject piece of property with the expectations that “all such regulations and restrictions are designed to encourage the most appropriate use of land throughout the area to annexed. to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements.”

RCW 35A.14.340 requires cities to follow appropriate notice and hearing procedure. The notice in this case includes a notice of application as well as a notice of hearing. These have been completed as required by State and City code.

**4. Whether it shall require the assumption of indebtedness by the area to be annexed.**

TRC Review:

The subject property does not include indebtedness such as an assessment associated with major infrastructure projects however it will require the City of Lynden to assume responsibility for the entire portion of Double Ditch Road and the associated drainage systems within the right-of-way for the length fronting the subject property. Additionally, the annexation of the property will shift Police and Fire jurisdiction from Whatcom County services to City of Lynden Services.

Policy regarding these responsibilities and growth, in light of the Comprehensive Plan Policy 2E discussed below.

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Policy 2E of the Comprehensive Plan reads as follows: ***“The City of Lynden will maintain a lot inventory, or land supply, sufficient for five years of growth, at the densities designated through the Comprehensive Plan. The City will also focus on the Boundary Review Board criteria for the recommendation of future annexations as well the issues of capital improvements and financing. Where the establishment of a logical boundary may cause the City to exceed the necessary acreage for the adopted land supply, the City will phase the zoning for development in order to maintain the five year supply of land zoned appropriately for development.”***

The Community Development Department can report that across the city there are, or are slated to be, approximately 263 single family residential lots available and approximately 477 multi-family units, which include the recent projects of Lions Gate PRD, Kamm Creek PRD, Kode Kamp Vista, Cascade Flats, Towns Edge Apartments, City Gate Mixed Use and Riverwalk. There are a number of small subdivisions representing infill projects throughout the city that will also supply additional single family home lots.

Together these numbers represent about four years’ worth of residential construction as the city has seen an average of 77 single-family units and an average of 80 attached multi-family units annually.

It should be noted that there is often a significant delay between the annexation of property and the provision of services and development of property. Additionally, due to the complexity of design and development within the Pepin Creek Sub-Area, time will be needed to address stormwater challenges and accommodate significant infrastructure improvements.

Upon annexation, the property will be zoned as Residential Mixed Density (RMD) as pre-determined by the Pepin Creek Sub-area Plan. This zoning designation and the associated development standards are described in Lynden Municipal Code (LMC) 19.16. It will allow flexible use of density as it permits both single-family and duplex housing types on a range of lot sizes with attached (zero lot line) units on lots as small as 4,000 square feet. The minimum density required within the RMD zoning in the Pepin Creek Subarea is 5 units per acre and the maximum permitted is 8 units per acre.

This application does not include a development proposal and any future development of the site will require a new application and review process. The following are issues to consider while drafting future development plans.

1. The area of annexation falls within the Pepin Creek Sub-area. Future development is subject to the Pepin Creek Sub-area plan as well as applicable development standards and associated impact fees.
2. Critical area setbacks related to the existing and proposed Pepin Creek channel will be applied as outlined in the City's critical area ordinance.
3. The area is within the City's water and sewer comprehensive plans. All water and sewer extensions shall be made in accordance with these adopted plans. Future development will be required to contribute toward the costs of the proposed pump station 18, which is needed to ensure adequate service to the area of annexation.
4. Stormwater: This area is within the City's Stormwater Comprehensive Plan. Be advised, a stormwater management plan prepared by a professional engineer will be required for new development and must be approved by the City of Lynden prior to approval of construction plans. An erosion control plan must be included in the drainage plan and construction plans as necessary.
  - a. All plans must be designed and constructed in compliance with the Department of Ecology's Best Management Practices and the standards approved in the Manual for Engineering Design and Development Standards.
5. This area is within the City's Transportation Plan. Future development will be required to develop roadway networks consistent with this plan.
6. Future development will be subject to assessed fees in order to mitigate the impact it has on the City's Park, Fire, and Transportation Systems. Some of these fees are due at the time of plat while others are assessed at the time of building permit. Also, this property is located within the Pepin Creek Service Area which has an additional Transportation Impact Fee due to the infrastructure needed in this section of the City.

---

### Planning Commission Review

The Planning Commission is asked to review each land use application against the criteria listed in LMC 17.09.040(C). As these criteria are applied to every application some of the criteria are not always relevant to the proposal. Staff has reviewed the application against these criteria and provided analysis to each as applicable.

1. ***The development is consistent with the comprehensive plan and meets the applicable requirement of the intent of this code.***

TRC Review:

Development is not proposed at this time. This annexation is consistent with the comprehensive plan and the Pepin Creek Sub-Area plan. The property is

anticipated to join the city with a residential zoning. Additionally, the city is now working with consultants to develop more detailed transportation and utility plans which include this property. Future development will be reviewed for consistency.

- 2. ***The development makes adequate provisions for open space, drainageways, streets and other public ways, transit stops, water supply, sanitary wastes, parks and recreation facilities, playgrounds, sites for schools and school grounds.***

TRC Review

Development is not currently proposed. Future development will be required to be consistent with the Pepin Creek Sub-Area and to make provisions for the items listed here.

- 3. **The development adequately mitigates impacts identified under Titles 16-19 (Environmental Policy, Land Development, Subdivisions, and Zoning)**

TRC Review

Titles 16 – 19 will be addressed at the time of development. Annexation in this area is consistent with the Comprehensive Plan. The Pepin Sub-Area plan has assigned a zoning designation of Residential Mixed Density (RMD). Applicable RMD development standards will be applied at the time of development.

- 4. **The development is beneficial to public health, safety and welfare and is in the public interest.**

TRC Review

The annexation itself does not positively or negatively affect public health, safety and welfare. In the long-term, the project serves the public interest in that it represents additional housing capacity that is adjacent to existing city services. Infrastructure improvements associated with development in this area will include some regional benefits to the public interest such as roadway improvements and contributions to the Fire Protection and Park Services via impact fees.

- 5. **The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established with the comprehensive plan, and fully complies with Chapter 17.15 of the city code.**

TRC Review

The annexation itself does not affect service level. The additional future residential growth, represented by this annexation, may impact services, will not be permitted to lower the level of service (LOS) below those standards established in the city’s comprehensive plan. Impacts to service levels must be mitigated by improvements or the payment of impact fees. Analysis of impacts

will occur through SEPA or similar environmental review at the time of development.

- 6. The area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development and are proportional to the impacts created by the development.**

TRC Review

The Technical Review Committee is not recommending specific dedications in association with the annexation request. Dedications for infrastructure will correlate with proposed development.



## WHATCOM COUNTY ASSESSOR CERTIFICATE OF SUFFICIENCY

**RCW 35A.01.040**

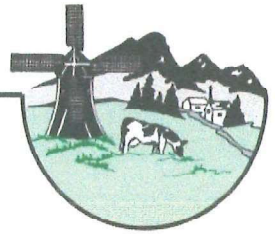
I, *Rebecca Xczar*, Whatcom County Assessor, pursuant to RCW 35A.01.040 (9), do hereby certify that I have received the Weg Annexation Petition by Notice of Intent filed with the City of Lynden and received on August 30, 2023. I further certify that said petition contains valid signatures of property owners of not less than sixty percent (60%) in value according to the assessed valuation for general taxation of the property for which annexation is petitioned as required by RCW 35A.14.120.

Terminal Date: November 14, 2023

  
 \_\_\_\_\_ 11/14/23  
 Rebecca Xczar Date  
 Whatcom County Assessor

# CITY OF LYNDEN

## ANNEXATION APPLICATION



City of Lynden use only:  
 Annexation # 23-01      Staff Initials: KJ

### Property Information

Application is hereby made for annexation to the City of Lynden of the property described as follows. Please provide a complete legal description, parcel numbers for all parcels involved as well as a common description of the property to be annexed (attach a separate sheet if necessary).

400318 365/228 0000  
 8634 Double Ditch Road

Property dimensions 1935 x 1340 = 45.11 <sup>- 5 acres = 2</sup>  square feet  acres

Current Zoning Designation (County): UGA

City Zoning Designation (Once Annexed): RM-PC

### Application Information

Applicant Name: Richard & Carol Weg

Address: 8634 Double Ditch Road

Telephone Number: 360-483-8232 E-mail Address: wegwaydairy@aol.com

\*\*\*\*\*

By signing this application, I certify that all the information submitted is true and correct.

Applicant's Signature: Carol E. Weg Date: 01-13-2023



**PETITION FOR ANNEXATION TO THE CITY OF LYNDEN**

To the Honorable City Council of Lynden, Washington:

We, the undersigned, being the owners of the lands described below, and being the registered voters residing in the area for which the annexation is petitioned, which property is contiguous and adjacent to the incorporated City of Lynden, Washington, do hereby request that the Lynden City Council incorporate the real estate described below into the City of Lynden and annex the same thereto as part of the City of Lynden.

Legal Description: Parcel contains approximately 45.11 acres.

The Northwest quarter of the Southeast quarter and the Southeast quarter of the Southwest quarter of the Northeast quarter of Section 18, Township 40 North, Range 3 East of W.M., except the East 75-feet thereof; less roads. Situate in Whatcom County, Washington.

Commonly Known As: 8634 Double Ditch Road, Lynden

The request to circulate this Petition for Annexation was presented to the Lynden City Council at their regularly scheduled meeting held on February 21, 2023 and the request was favorably granted;

Consistent with the City of Lynden Comprehensive Plan we petition that the property be annexed into the City with an RMD (Residential Mixed Density) designation and that the property to be annexed be required to assume the existing city indebtedness

We, the undersigned, have subscribed our names hereto and request that the Lynden City Council annex the above described property to the City of Lynden, Whatcom County, Washington.

**Warning**

Every person who signs this petition with other than his or her true name, or who knowingly signs more than one of these petitions seeking an election when he or she is not a legal voter, or signs when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor.

Tax Parcel ID 400318-365228

8634 Double Ditch Road

Richard Weg  
Signature                      7/29/23  
Date

Richard Weg  
Printed Name

Carol E. Weg 7-29-23  
Signature                      Date

Carol Weg  
Printed Name

REQUEST TO CIRCULATE  
PETITION OF ANNEXATION TO THE CITY OF LYNDEN

To: The Honorable City Council of Lynden, Washington

We, the undersigned being the owners of more than 10 percent (10%) in value according to the assessed valuation for general taxation of the property hereinafter described, and which property is contiguous and adjacent to the incorporated City of Lynden, Washington, do by these presents, request that the Lynden City Council allow us to circulate a petition of annexation to incorporate said real estate in to the city limits of the City of Lynden and annex the same thereto as part of the City of Lynden.

The legal description of the property which we request the ability to circulate the petition of annexation is as follows:

The Northwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of the Northeast Quarter of Section 18, Township 40 North, Range 3 east of W.M., except the East 75 feet thereof; less roads.

We have subscribed our names hereto and request that the Lynden City Council allow us to circulate a Petition of Annexation to the City of Lynden, Whatcom County, Washington, that is consistent with the request made herein.

Dated this 26<sup>th</sup> day of January, 2023.

By: Carol Weg      400318 365/228 0000  
Print Name      Parcel Number

Carol Weg  
Signature

Richard Weg

Rick Weg

# Whatcom County Assessor & Treasurer

## Property Search Results > 180174 RICHARD D & CAROL E WEG for Year 2022 - 2023

### Property

#### Account

Property ID:	180174	Abbreviated Legal Description:	NW SE-SE SW NE-EXC E 75 FT THEREOF-LESS RD	
Parcel # / Geo ID:	4003183652280000	Agent Code:		
Type:	Real			
Tax Area:	4031 - 504 R L F21 C10 LPR	Land Use Code	83	
Open Space:	Y	DFL	N	
Historic Property:	N	Remodel Property:	N	
Multi-Family Redevelopment:	N			
Township:	T40N	Section:	18	
Range:	R03E	Legal Acres:	45.1100	

#### Location

Address:	8634 DOUBLE DITCH RD LYNDEN, WA	Mapsc0:		
Neighborhood:	2240011000 SFR-AC	Map ID:	2JMS_L-518	
Neighborhood CD:	2240011000			

#### Owner

Name:	RICHARD D & CAROL E WEG	Owner ID:	498345
Mailing Address:	8634 DOUBLE DITCH RD LYNDEN, WA 98264-9794	% Ownership:	100.0000000000%
		Exemptions:	

### Pay Tax Due

#### Taxes and Assessment Details

#### Values

(+) Improvement Homesite Value:	+	\$0	
(+) Improvement Non-Homesite Value:	+	\$509,506	
(+) Land Homesite Value:	+	\$0	
(+) Land Non-Homesite Value:	+	\$32,504	
(+) Curr Use (HS):	+	\$0	\$0
(+) Curr Use (NHS):	+	\$1,347,122	\$76,251
<hr/>			
(=) Market Value:	=	\$1,889,132	
(-) Productivity Loss:	-	\$1,270,871	
<hr/>			
(=) Subtotal:	=	\$618,261	
(+) Senior Appraised Value:	+	\$0	
(+) Non-Senior Appraised Value:	+	\$618,261	
<hr/>			
(=) Total Appraised Value:	=	\$618,261	
(-) Senior Exemption Loss:	-	\$0	
(-) Exemption Loss:	-	\$0	
<hr/>			
(=) Taxable Value:	=	\$618,261	

#### Map List

#### Taxing Jurisdiction

#### Improvement / Building

#### Sketch

#### Property Image

#### Land

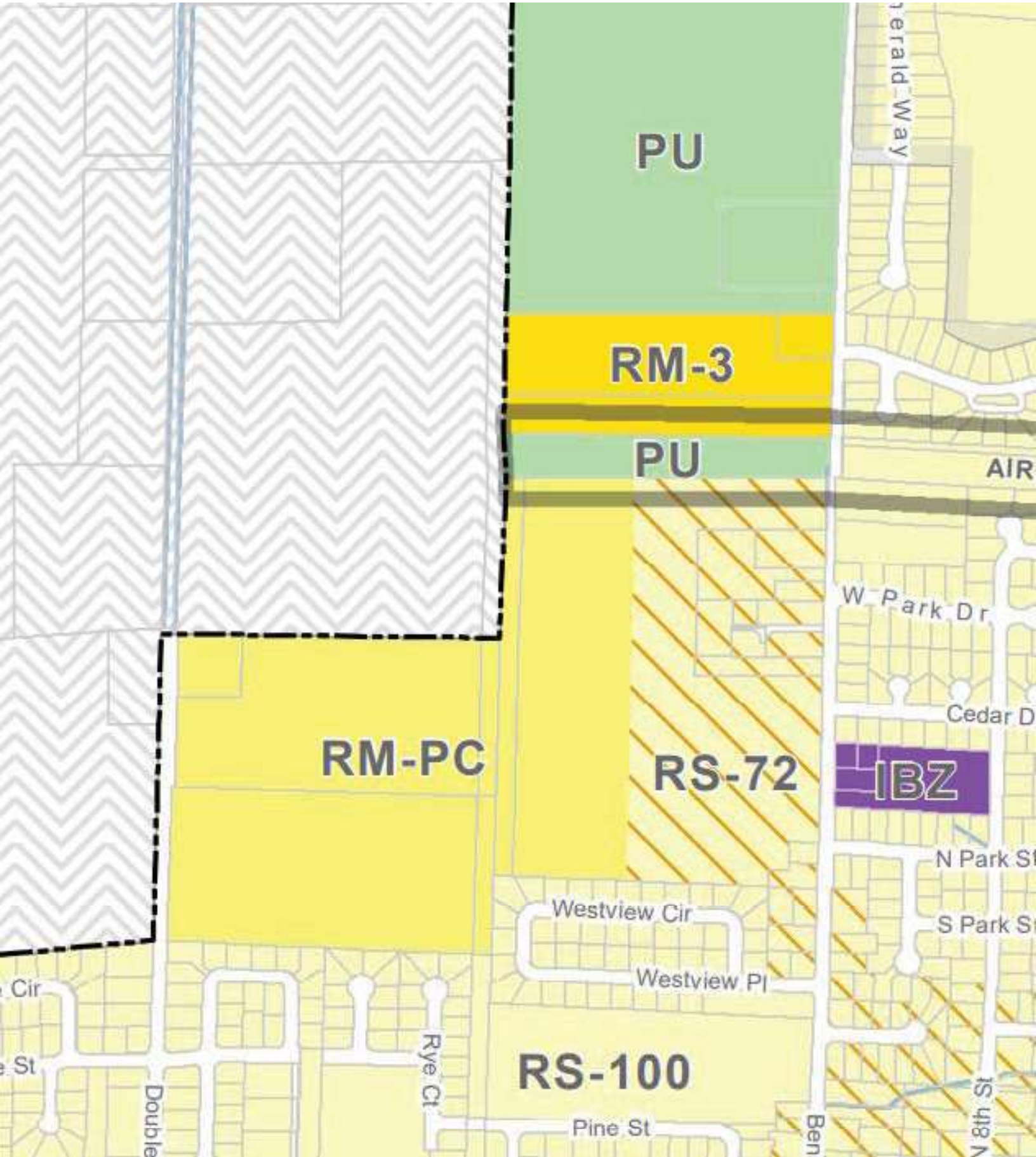
#### Roll Value History

#### Deed and Sales History

#### Payout Agreement

[Assessor Home](#)

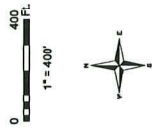
[Treasurer Home](#)



TOWNSHIP: 40  
RANGE: 03  
SECTION: 18  
MAP NO.: 01

KEY MAP:

12	07	08
13	18	17
24	19	20



Legend:

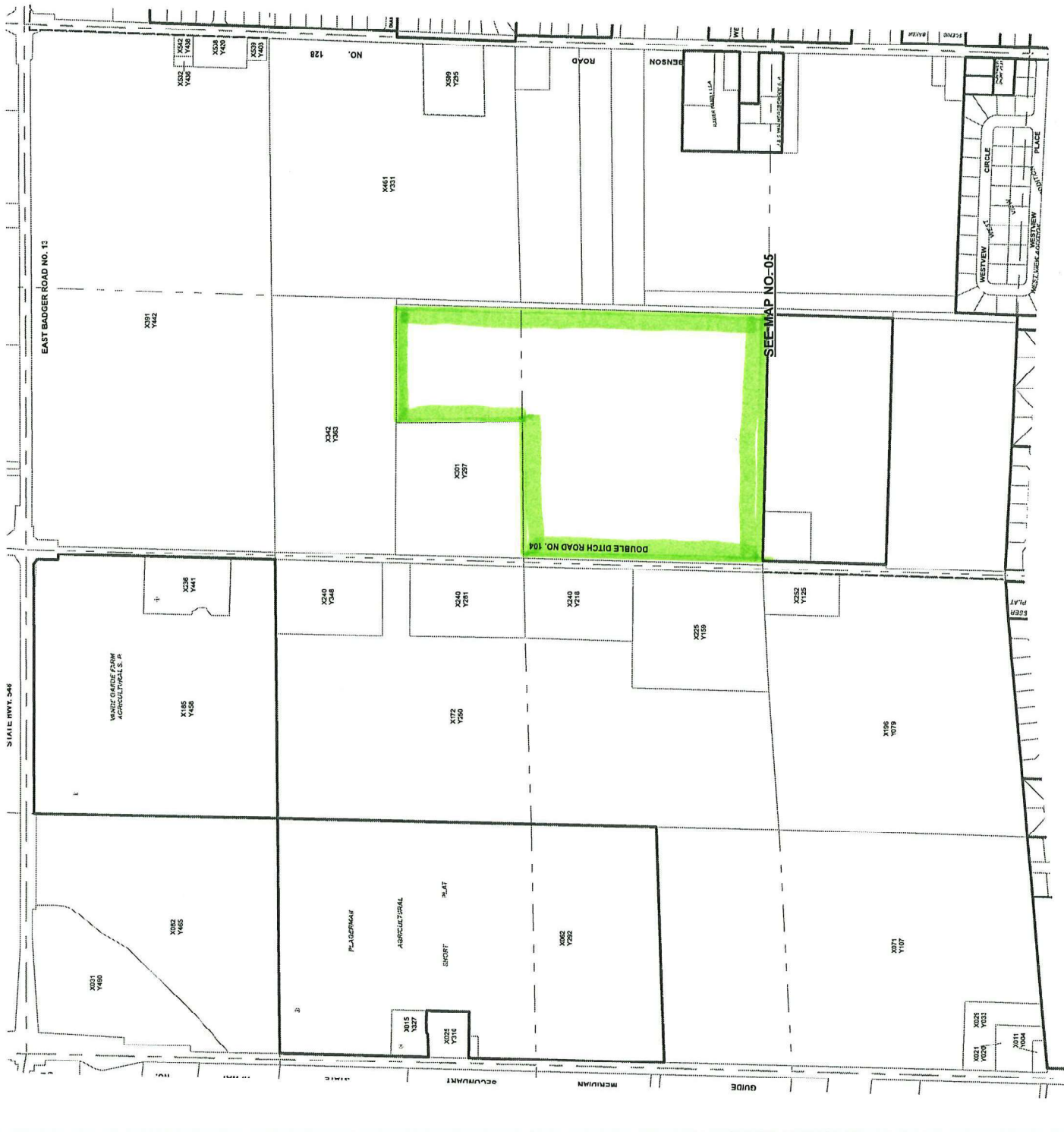
- Tax Parcels
- Plats
- Lots
- Section Lines
- Qt. Section Lines
- City Limits
- Annexations
- Railroads
- Pipelines
- Waterlines
- Waterbodies\*

Whatcom County Assessor's Office  
Jan. 03, 2023

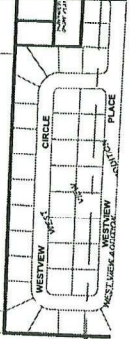
This map is for assistance in property location and not guaranteed for accurate measurements.

Geographic Parcel Numbers (GPN) are a 16-digit number derived from a combination of the township, range, section, and quarter section of the land parcel. The parcel number is unique to the parcel and is used to identify the parcel in the same location as the primary parcel, such as a condo unit or a mobile home.

\*Waterbodies provided for reference only; has not been verified by Assessor.



SEE MAP NO. 05



For information on reading maps visit our website: [whatcomcounty.gov/PA/Assessor](http://whatcomcounty.gov/PA/Assessor)



# National Flood Hazard Layer FIRMette



122°28'45"W 48°57'30"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	
	Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>
	With BFE or Depth <i>Zone AE, AO, AH, VE, AP</i>
	Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD	
	0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone I</i>
	Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>
	Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>
	Area with Flood Risk due to Levee. <i>Zone D</i>

OTHER AREAS	
	NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>
	Effective LOMRS
	Area of Undetermined Flood Hazard <i>Zone</i>

GENERAL STRUCTURES	
	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall

OTHER FEATURES	
	Cross Sections with 1% Annual Chance Water Surface Elevation
	Coastal Transect
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature

MAP PANELS	
	Digital Data Available
	No Digital Data Available
	Unmapped



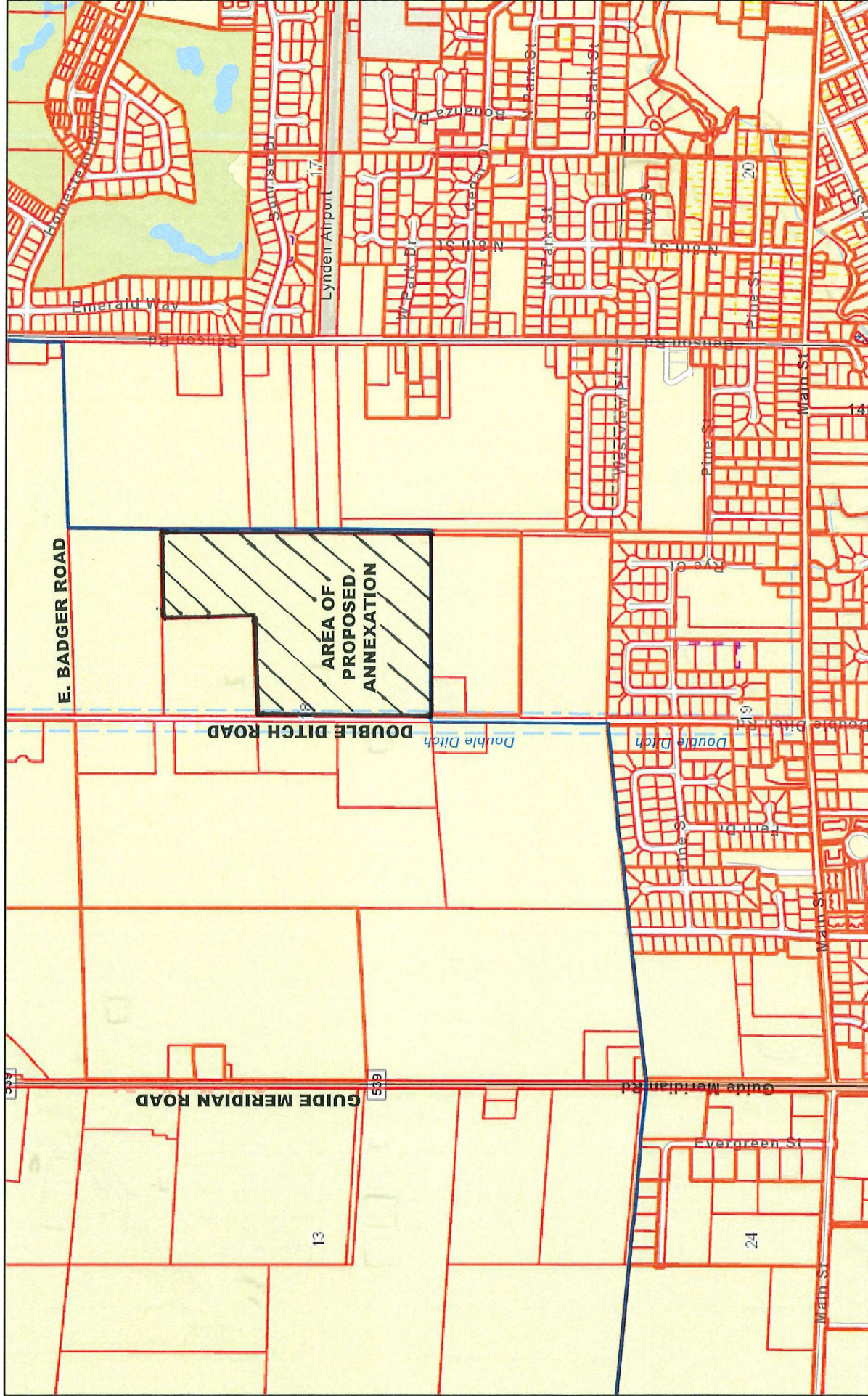
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **1/27/2023 at 2:11 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifier, FIRM panel number, and FIRM effective date. Map imagery unmapped and unmodernized areas cannot be used for regulatory purposes.

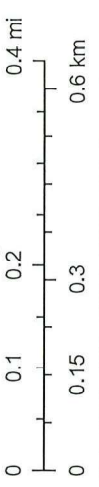
# EXHIBIT A



1/23/2023, 11:17:07 AM

-  Subdivisions
-  Lots
-  Encumbrances
-  Tax Parcels
-  Sections
-  City Boundaries

1:18,056



Whatcom, Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, Whatcom County, WA State Parks GIS, Esri, HERE, Garmin,

Esri, NASA, NGA, USGS, FEMA | Esri Community Maps Contributors, Whatcom County, WA State Parks GIS, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, MET/NASA, USGS, Bureau of Land Management, EPA, NPS, US



## Chapter 19.17 RM MULTIFAMILY BUILDING ZONES

### Sections:

- 19.17.010 Purpose and Zones Established
- 19.17.020 Primary Permitted Uses
- 19.17.030 Accessory Permitted Uses
- 19.17.040 Secondary Permitted Uses
- 19.17.050 Conditional Property Uses
- 19.17.060 Height, Area, Setback, and Bulk Requirements
- 19.17.070 (Reserved)
- 19.17.080 (Reserved)
- 19.17.090 (Reserved)
- 19.17.100 Design Review Board

### 19.17.010 Purpose and zones established.

The goal is to allow flexibility in site and design standards while promoting infill projects compatible with existing multi-family developments.

Five multi-family zones are established:

RM-1, Residential Multi-Family 1 zone; (up to 2 units/building)

RM-2, Residential Multi-Family 2 zone; (up to 4 units/building)

RM-3, Residential Multi-Family 3 zone; (up to 12 units/building)

RM-4, Residential Multi-Family 4 zone; (up to 30 units/building)

RM-PC, Residential Multi-Family Pepin Creek zone; (up to 4 units/building and sometimes up to 8 units/building)

- A. Use of Low Impact Development Techniques. When an application for multi-family development seeks to add additional residential density to a parcel or parcels as infill development, the pertinent approving body, the planning director, planning commission, or city council, is authorized to approve future land divisions even though they may not meet the lot size requirements of multi-family zones presented in this Title under the following conditions:
  - 1. Site planning incorporates LID components that minimize impervious surfaces and achieves a more restrictive percent maximum coverage than would the larger lot size;
  - 2. Site planning and design documents are completed by a licensed civil engineer in the State of Washington;
  - 3. The proposed development integrates with the character of the neighborhood;

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	December 4, 2023	
<b>Name of Agenda Item:</b>	Final Public Hearing on the 2024 Budget	
<b>Section of Agenda:</b>	Public Hearing	
<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>		
As published, 7:00PM on December 4, 2023 is the time and date set for the Final Public Hearing on the 2024 Preliminary Budget as presented to the City Council by Mayor Korthuis at the October 16th City Council meeting.		
<b>Recommended Action:</b>		
For the Mayor and City Council to conduct the final hearing as required to consider any public commentary on the 2024 Budget.		

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	December 4, 2023	
<b>Name of Agenda Item:</b>	Hold Public Hearing for Comments on Proposed Nooksack Valley Disposal Rate Increase	
<b>Section of Agenda:</b>	Public Hearing	
<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>	Nooksack Valley Disposal Request for 2024 Rate Increase and Franchise Agreement Rate Adjustment Franchise Agreement Rate Adjustment Addendum	
<b>Summary Statement:</b>	<p>Nooksack Valley Disposal (NVD) is requesting a rate increase for their solid waste services due to their increasing disposal fees. NVD currently has a 20-year franchise agreement with the City of Lynden (through 2036) for curbside garbage pickup and recycling program services. The Public Works Committee reviewed the proposed increase at their November 1st meeting and concurred to recommend approval to City Council.</p> <p>The public has been invited to comment on the proposed rate increases.</p> <p>If approved these new rates would become part of the existing Franchise Agreement and take effect 45 days after the Public Hearing (January 18, 2024).</p>	
<b>Recommended Action:</b>	That City Council, after hearing public comments, approve and authorize the Mayor’s signature on the Franchise Agreement Rate Adjustment Addendum.	

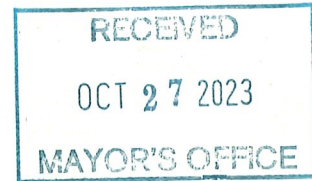
# NOOKSACK VALLEY

D . I . S . P . O . S . A . L

36

P.O. Box 267 250 Birch Bay-Lynden Rd. Lynden, WA 98264 (360) 354-3400

Mayor Scott Korthuis  
Lynden City Council  
Lynden, WA 98264



Dear Mayor Scott and Council Members,

Nooksack Valley Disposal has been happy to provide both garbage and recycling services to the City of Lynden for over 40 years. Because of increasing disposal fees and other rising costs, we are coming to the City with a rate increase request, to become effective January 1, 2024.

Recycling and Disposal Services has announced they will be increasing our garbage disposal fees effective January 1 2024. Our cost per ton will be increased by 5.4%, or \$6.04 per ton more than we are currently charged. We are requesting a \$.20 per cart charge to cover this increase.

The markets for recycling have continued to remain very weak, and 2023 will be the most expensive year ever for processing costs for our company. Paper, plastic, and glass are currently charged near \$100 per ton or more at the processing facility in Ferndale. As a result, we are requesting a \$.40 per month increase to our base fee for residential recycling.

As outlined in our Municipal Solid Waste Agreement with the City of Lynden, Section 7A, we are giving request to revise our rates for residential and commercial services at least 60 days prior to their implementation. We have included a schedule with the current and proposed rates. The average household set out 2.6 carts of garbage per month this past year. The proposed increase would raise the average residential bill by \$.92 per month in total for garbage and recycling.

We continue to strive to provide excellent customer service, while maintaining our position as one of the lowest priced and most efficient providers of garbage and recycling pickup in Northwest Washington. We will continue to have some of the lowest prices of any of the comparable nearby cities. We look forward to continuing our good relationship with the City and to providing clean, safe, and dependable garbage and recycling services in the years ahead.

Sincerely,

A handwritten signature in blue ink that reads "Dan Leidecker".

Dan Leidecker, President

A handwritten signature in blue ink that reads "Calvin Den Hartog".

Calvin Den Hartog, General Manager

*"Our business is picking up."*

 Printed on Recycled Paper

**Nooksack Valley Disposal and Recycling  
Current and Proposed Rates  
2023 and 2024**

<b><u>Residential</u></b>	<b><u>Current</u></b>	<b><u>Proposed</u></b>	<b>Increase Proposed</b>
Base Fee	\$ 7.00	\$ 7.40 per month	5.7%
Per Cart	\$ 7.30	\$ 7.50 per dump	2.7%
Optional Yardwaste	\$ 11.50	\$ 11.50 per month	0%

**Commercial**

Can	\$ 4.40	\$ 4.50	2.3%
Cart	\$ 8.40	\$ 8.60	2.4%
1-yard	\$ 23.70	\$ 24.30 per dump	2.5%
1.5 yard	\$ 30.60	\$ 31.40	2.6%
2-yard	\$ 38.90	\$ 39.90	2.6%

**Schools and Rest Homes**

1-yard	\$ 21.70	\$ 22.30 per dump	2.8%
1.5 yard	\$ 28.60	\$ 29.40	2.8%
2 yard	\$ 36.90	\$ 37.90	2.7%

**Dumpster Rental Fees**

1-yard	\$ 12.00	\$ 12.00 per month	
1.5 yard	\$ 13.00	\$ 13.00	
2-yard	\$ 14.00	\$ 14.00	

# NOOKSACK VALLEY

D ▲ I ▲ S ▲ P ▲ O ▲ S ▲ A ▲ L

P.O. Box 267 250 Birch Bay-Lynden Rd. Lynden, WA 98264 (360) 354-3400

The following is a comparison of garbage/recycling rates from cities in the area. The rates compare what a 60-68 gallon cart emptied every-other-week or weekly would cost. Every-other-week recycling is included in all prices. Some cities do not offer carts, so an equivalent volume using a 32-gallon container is used for comparison.

<u>City</u>	<u>EOW</u>		<u>Weekly</u>		<u>2-yd Dumpster</u>
Lynden (current)	\$21.60 per month		\$36.20 per month		\$38.90 per dump
Lynden (proposed)	\$22.40 per month	3.7%	\$37.40 per month	3.3%	\$39.90 per dump 2.6%
Anacortes	\$33.89 per month		\$47.18 per month		\$74.06 per dump
Bellingham	\$29.45 per month		\$53.93 per month		\$41.82 per dump
Duvall	\$33.97 per month		\$45.67 per month		\$47.25 per dump
Everett	\$28.62 per month		\$35.63 per month		\$35.61 per dump
Ferndale	\$23.54 per month		\$41.92 per month		\$66.98 per dump
Friday Harbor	\$36.00 per month		\$68.00 per month		\$100.00 per dump
Marysville	\$32.59 per month		\$50.68 per month		\$46.70 per dump
Monroe	\$22.69 per month		\$32.89 per month		\$43.74 per dump
Mt. Vernon	\$34.24 per month		\$46.89 per month		\$38.84 per dump
Oak Harbor	\$23.38 per month		\$39.19 per month		\$50.41 per dump
Sedro-Wooley	\$34.25 per month		\$42.50 per month		\$52.63 per dump

*The typical household in Lynden sets out an average of 2.6 carts per month.*

**Lynden Yardwaste Rates** are \$8.50 for EOW cart, \$11.50 for Weekly cart, compared to \$12.62 for EOW and \$25.34 for 2 carts EOW in Bellingham and \$15.14 for EOW and \$30.24 for 2 carts EOW in Ferndale.

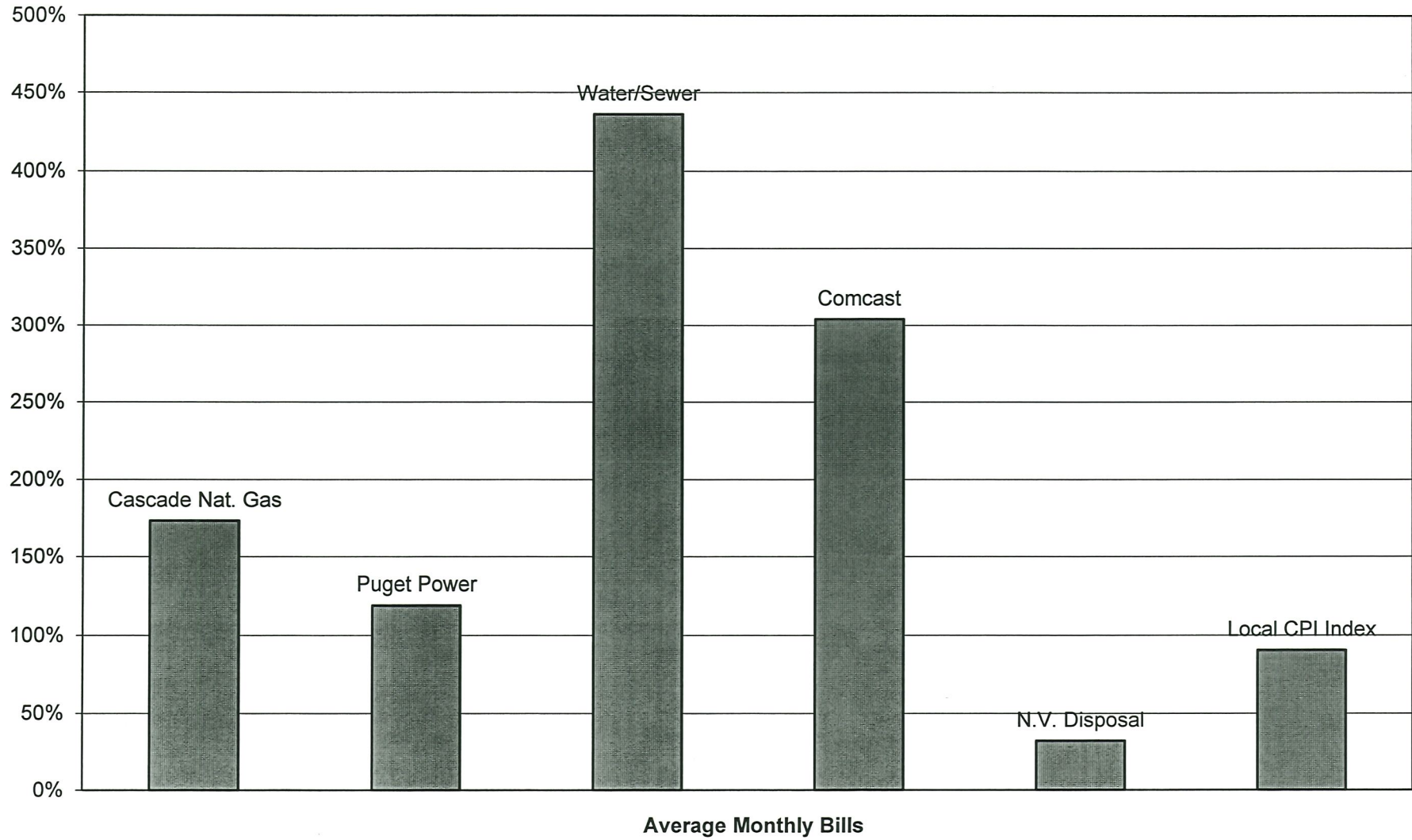
*"Our business is picking up."*

 Printed on Recycled Paper

NOOKSACK VALLEY DISPOSAL AND RECYCLING  
 STATEMENT OF OPERATIONS - LYNDEN  
 FOR THE 12 MONTHS ENDING SEPTEMBER 30, 2023

	<u>Refuse</u>	<u>Recycling</u>
REVENUES:		
Residential	\$ 1,391,811	\$ 350,612
Commercial	\$ 1,398,938	
Pass-through dump fees	\$ 159,509	
 Total revenues	 \$ 2,950,258	 \$ 350,612
OPERATING EXPENSES:		
Wages	\$ 601,516	\$ 148,773
Dump fees/Recycle Fees	\$ 1,000,991	\$ 75,010
Pass-through dump fees	\$ 159,509	\$ -
Repairs and maintenance	\$ 54,396	\$ 10,346
Fuel and oil	\$ 142,651	\$ 23,217
Tires and tubes	\$ 31,484	\$ 5,370
Depreciation	\$ 168,857	\$ 24,032
Insurance	\$ 23,050	\$ 6,542
Medical insurance	\$ 83,700	\$ 25,955
Business taxes	\$ 70,332	\$ 6,896
Property taxes	\$ 6,100	\$ 946
Taxes and licenses	\$ 7,122	\$ 1,204
Payroll taxes	\$ 73,208	\$ 17,014
Retirement fund	\$ 88,906	\$ 17,259
Utilities	\$ 4,270	\$ 1,202
Telephone	\$ 976	\$ 273
Office	\$ 23,342	\$ 5,832
Postage	\$ 14,184	\$ 4,016
Advertising	\$ 1,440	\$ 399
Travel	\$ 3,018	\$ 355
Dues and subscriptions	\$ 7,711	\$ 1,188
Professional fees	\$ 15,256	\$ 2,920
Donations	\$ 1,834	\$ 350
Miscellaneous	\$ 1,496	\$ 284
 Total operating expenses	 \$ 2,585,350	 \$ 379,383
 INCOME (LOSS) FROM OPERATIONS	 \$ 364,908	 \$ (28,771)

### 1998-2023 Rate Changes





RATE ADJUSTMENT ADDENDUM  
PURSUANT TO  
FRANCHISE AGREEMENT  
BETWEEN NOOKSACK VALLEY DISPOSAL  
AND CITY OF LYNDEN

Pursuant to Section 7 of that certain Franchise Agreement granted to Nooksack Valley Disposal in 2016, Nooksack Valley Disposal proposes a rate adjustment (see below). The City Council of the City of Lynden approved the proposed rate adjustment at their December 4, 2023 meeting.

**2024 RATES**

**Residential**

Base Fee	\$ 7.40 per month
Per Cart	\$ 7.50 per dump
Optional Yard Waste	\$11.50 per month

**Commercial**

Can	\$ 4.50 per dump
Cart	\$ 8.60 per dump
1.0 Yard	\$24.30 per dump
1.5 Yards	\$31.40 per dump
2.0 Yards	\$39.90 per dump

**Schools and Rest Homes**

1.0 Yard	\$22.30 per dump
1.5 Yards	\$29.40 per dump
2.0 Yards	\$37.90 per dump

**Dumpster Rental Fees**

1.0 Yard	\$12.00 per month
1.5 Yards	\$13.00 per month
2.0 Yards	\$14.00 per month

The 2024 Rates replace the rates set forth in Section 6 of the Franchise Agreement. Any rates not replaced shall remain in full force and effect. This rate adjustment will be effective January 18, 2024.

City of Lynden

Nooksack Valley Disposal

\_\_\_\_\_  
By: Scott Korthuis, Mayor

\_\_\_\_\_  
By: Dan Leidecker, President

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	December 4, 2023	
<b>Name of Agenda Item:</b>	Public Hearing – Resolution No. 23-1085 Adopting 2024 Revisions to the Engineering Design and Development Standards Project Manual	
<b>Section of Agenda:</b>	Public Hearing	
<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>		
Resolution No. 23-1085		
<b>Summary Statement:</b>		
<p>The Engineering Design and Development Standards Project Manual was originally adopted by City Council on April 5, 2004. Staff has gone to annually updating the standards and the last update was effective on January 1, 2023. These standards are required for City to comply with the state Growth Management Act. They include street, water, sewer, and storm drainage standards to be used for all new and replacement construction within the City.</p> <p>In response to changes in technology and feedback from customers, additions, deletions and/or clarifications have been incorporated into the 2024 Project Manual. The manual also addresses access issues, permitting processes and procedures, and includes various forms necessary in the development process. Staff presents Resolution No. 23-1085 which lists all of the revisions for Council review.</p> <p>The Public Works Committee reviewed the proposed changes made by staff at their November 1, 2023, meeting and recommended that they be forwarded to City Council for consideration.</p>		
<b>Recommended Action:</b>		
That City Council, after hearing public comments, approve and authorize the Mayor’s signature on Resolution No. 23-1085 adopting the 2024 Engineering Design and Development Standards Project Manual.		

**RESOLUTION NO. 23-1085**

**A RESOLUTION REVISING THE ENGINEERING DESIGN AND DEVELOPMENT STANDARDS PROJECT MANUAL FOR THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON AMENDING RESOLUTION NO. 1026**

**WHEREAS**, the City of Lynden, Whatcom County, Washington last adopted the Design and Development Standards Project Manual in January 2024 with Resolution No. 1054; and

**WHEREAS**, the following sections of the Design and Development Standards Project Manual have been revised and updated as follows:

**LIST OF REVISED TEXT BY DIVISION**

**DIVISION 1 TABLE OF CONTENTS**

No updates.

**DIVISION 2 APPLICANTS CHECKLIST**

No updates.

**DIVISION 3 CONSTRUCTION PLAN REQUIREMENTS**

No updates.

**DIVISION 4 STREET DESIGN STANDARDS**

**Section 4.16.F** Updated buffer planting requirements.

**DIVISION 5 SITE ACCESS/DRIVEWAYS**

**Section 5.5.A.3** Corrected error in the word “shall.”

**Section 5.5** Removed extra Table 5-2

**DIVISION 6 WATER DESIGN STANDARDS**

**Section 6.2.K** Clarified color requirements for paint on hydrants in the City of Lynden.

**Section 6.3.A** Clarified individual lot metering requirements.

**Section 6.3.J** Updated setter requirements with additional options.

**DIVISION 7 SEWER DESIGN STANDARDS**

No updates.

**DIVISION 8 STORM DRAINAGE AND EROSION CONTROL**

No updates.

**DIVISION 9 STANDARD FORMS**

No updates.

**DIVISION 10 PERMIT APPLICATIONS**

No updates.

**LIST OF REVISED FIGURES BY DIVISION:**

**DIVISION 6 WATER DESIGN STANDARDS**

**Figure 6-1**

- Updated hydrant assembly elbow to 90 degrees.

**Figure 6-3**

- Clarified gravel requirements.
- Added note stating to add risers as required.
- Added specified air relief valve model.
- Added slope to Type K copper pipe.
- Added height range from finish grade to cast iron valve box.

**Figure 6-16**

- Updated Figure Name

**Figure 6-17**

- Updated Figure Name

**DIVISION 7 SEWER DESIGN STANDARDS**

**Figure 7-5**

- Removed 8" diameter labels from cleanout detail.

**Figure 7-12**

- Added height range from finish grade to galv. screen openings of the air intake/exhaust vent.
- Added vent pipe and corresponding height range to air intake/exhaust vent.

**DIVISION 7 SEWER DESIGN STANDARDS**

**Figure 8-1**

- Updated to show herringbone grate.

**Figure 8-4**

- Updated to show herringbone grate.

**NOW, THEREFORE BE IT RESOLVED** by the Lynden City Council of the City of Lynden, Washington, as follows:

Section 1: That the aforesaid Project Manual be adopted as revised as the official Design and Development Standards Project Manual for the City of Lynden, Whatcom County, Washington.

Section 2: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 3: If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. 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, and if, for any reason, this Resolution should be declared invalid or unconstitutional, then the original Resolution or Resolutions shall be in full force and effect.

Section 4: This resolution shall be in full force and effect on January 1, 2024.

**PASSED BY THE CITY COUNCIL** of the City of Lynden, Whatcom County, Washington, on the \_\_\_\_ day of December 2023 and signed and approved by the Mayor on the same date.

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

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	December 4, 2023	
<b>Name of Agenda Item:</b>	ORD-23-1681 Adoption of the 2024 Budget	
<b>Section of Agenda:</b>	Unfinished Business	
<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>		
ORD-23-1681		
<b>Summary Statement:</b>		
<p>The Preliminary 2024 Budget was presented to the City Council by Mayor Korthuis at the October 16, 2023 City Council meeting.</p> <p>The first public hearing for the 2024 Budget was held on November 6, 2023. The final RCW required budget hearing was held earlier this evening December 4, 2023.</p> <p>Ordinance No. ORD-23-1681 represents the results of the budget process.</p> <p>Passage of this ordinance will finalize and adopt the 2024 budget; and is in compliance with RCW deadlines.</p> <p>The Finance Committee has been presented with this information for their review throughout the budget process, as has Council.</p>		
<b>Recommended Action:</b>		
Approve Ordinance No. ORD-23-1681 and authorize the Mayor's signature adopting the 2024 Budget.		

**ORDINANCE NO. ORD-23-1681**

**AN ORDINANCE FOR THE CITY OF LYNDEN  
ADOPTING THE 2024 BUDGET  
FOR THE CITY OF LYNDEN, WASHINGTON**

WHEREAS, the preliminary budget of the City of Lynden for the year 2024 has been heretofore filed in the office of the City Clerk of the City of Lynden; and

WHEREAS, a notice of such filing and that the City Council would, on the 4<sup>th</sup> of December, 2023 meet for the purpose of adopting the final budget, and has been duly published by law; and

WHEREAS, the City Council of the City of Lynden has considered said budget and has resolved and determined the separate items thereof,

NOW, THEREFORE, THE CITY OF LYNDEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section A. That the final budget including addendums A through F be and the same is hereby adopted and that the appropriation totals be allowed as follows:

<b>GENERAL FUND</b>	
CURRENT EXPENSE	\$ 20,781,374
<b>SPECIAL REVENUE FUNDS</b>	
BERTHUSEN PARK	\$ 240,295
HOTEL/MOTEL TAX	258,000
DRUG BUY IMPREST	16,200
PUBLIC FACILITIES PROTECTIVE INSPECTIONS	320,000
TRANSPORTATION BENEFIT DISTRICT	2,835,000
<b>CAPITAL FACILITIES/IMPROVEMENT FUNDS</b>	
IMPACT FEES – TRANSPORTATION	\$ 996,000
IMPACT FEES – PEPIN CREEK TRANSPORTATION	100,000
IMPACT FEES – FIRE	585,800
IMPACT FEE – PARK	1,327,000
STREETS CAPITAL CONSTRUCTION	20,771,598
CITY TRAIL	1,055,250
BENSON ROAD/PEPIN CREEK	149,014
<b>RESERVE FUNDS</b>	
GENERAL GOV. CAPITAL RESERVE	\$ 73,500
POLICE CAPITAL RESERVE	690
POLICE (STATE) SEIZURES/FORFEITURES	12,670
PARKS CAPITAL RESERVE	1,356,640
PUBLIC SAFETY CAPITAL RESERVE (1/10 <sup>th</sup> ) of 1%	1,305,400
FIRE/EMS CAPITAL RESERVE	193,000

**DEBT FUNDS**

CITY OF LYNDEN NOTE REDEMPTION, A	\$ 1,061,327
CITY OF LYNDEN NOTE REDEMPTION, B	8,648,540
PUBLIC WORK TRUST LOAN – STREETS	128,164
LTGO BOND REDEMPTION 2017 (2005)	233,800
UTGO BOND REDEMPTION 2017 (2007)	1,595,000
PUBLIC WORKS TRUST LOAN - 17TH ST	30,264
2012 LTGO BOND REDEMPTION	834,948
COMMUNITY ECONOMIC REVITALIZATION BOARD	72,180

**UTILITY FUNDS**

WATER	\$ 6,634,000
SEWER	8,854,000
STORMWATER	2,845,286
AIRPORT	218,900
USDA RURAL DEV. WATER REV BOND GUARANTY	464,950
WA/SE REV REFUNDING BOND, 2017B (2008-1)	311,040
WA/SE REV REFUNDING GUARANTY, 2017B (2008-1)	40
2017-A GUARANTY (2003 W/S REV BOND)	162,600
WATER FACILITIES CAPITAL IMPROVEMENT	1,120,000
SEWER FACILITIES CAPITAL IMPROVEMENT	8,430,000
WATER SOURCE	862,327

**TOTAL 2024 BUDGET**

Less anticipated cash on hand	\$ 18,469,010	
Anticipated receipts to be raised by taxes, service fees and bond issues	<u>76,415,787</u>	\$ 94,884,797

Section B. 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.



Section C. This ordinance shall take effect and be in force from and after its passage by the Council and after its approval by the Mayor, if approved, otherwise, as provided by law and five (5) days after the date of its publication.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, \_\_\_\_\_ IN FAVOR \_\_\_\_\_ AGAINST, AND SIGNED BY THE MAYOR THIS 4<sup>th</sup> DAY OF DECEMBER, 2023.

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

The following rates are adopted with an effective date of July 1, 2024. Rates are increased 7% from 2023.

CUSTOMER CATEGORY	MONTHLY BASE CHARGE (Per Unit)	VOLUME CHARGE < 5CCF	VOLUME CHARGE 5-18 CCF	VOLUME CHARGE >18CCF
Single Family, including Mobile Homes and Duplexes with Separate Meters				
3/4"	\$ 36.47	\$ 1.80	\$ 2.36	\$ 3.61
1"	\$ 55.37	\$ 1.80	\$ 2.36	\$ 3.61
1.5"	\$ 108.35	\$ 1.80	\$ 2.36	\$ 3.61
2"	\$ 172.52	\$ 1.80	\$ 2.36	\$ 3.61
Low Income Senior Discount		\$ 8.22		

CUSTOMER CATEGORY	MONTHLY BASE CHARGE (Per Unit)	VOLUME CHARGE (Per CCF)	
Multi-family, including Duplexes with Single Shared Meter			
Business/Commercial/Industrial			
3/4"	\$ 36.47	\$ 2.24	
1"	\$ 60.18	\$ 2.24	
1.5"	\$ 117.55	\$ 2.24	
2"	\$ 186.69	\$ 2.24	
3"	\$ 372.20	\$ 2.24	
4"	\$ 579.29	\$ 2.24	
6"	\$ 1,155.56	\$ 2.24	
8"	\$ 1,847.41	\$ 2.24	
Grounds/Irrigation Meter			
3/4"	\$ 36.47	\$ 3.00	
1"	\$ 60.18	\$ 3.00	
1.5"	\$ 117.55	\$ 3.00	
2"	\$ 186.69	\$ 3.00	
3"	\$ 372.20	\$ 3.00	
4"	\$ 579.29	\$ 3.00	
Hydrant Meter	\$ 186.69 1st month	\$36.47 each add'l	\$ 3.61
Outside City Limits Multipliers		1.5 x base	1.2 x base volume
Associations/Wholesale (multiplier included in rate)			
1.5" (Twin Ditch, Meadowbrook)		\$ 176.31	\$ 2.69
2"		\$ 280.04	\$ 2.69
4" (Berthusen)		\$ 868.94	\$ 2.69

NOTES:

1. Volume charge is for each hundred cubic feet (ccf), approximately 748 gallons.
2. In addition to charges levied herein, an additional charge of 6.5% will be assessed, which shall be paid into the Water Debt Reduction Fund to be used exclusively for reduction of construction debt.
3. In addition to charges levied herein, an additional 2% Utility Tax shall be assessed per City Ordinance.
4. Business/Commercial/Industrial (Non-Permit) covers all non-residential uses, including offices and retail stores, churches, recreation centers, service/gas stations, fairgrounds, hotels/motels, nursing homes, assisted living facilities (without full kitchens, including oven and cooktop), food and beverage establishments, laundromats, car washes, schools, and industries which the City has determined do not require an NPDES permit.

**ADDENDUM B**  
**Water General Facility Capital Improvement**  
**(FCI) Charges**

The following rates are adopted with an effective date of January 1, 2024. Rates are increased 7% from 2023.

Residential	FCI Charge	Meter Installation Fee
Single Family (1 ERU)	\$ 5,949.20	\$ 396.97
Duplex (per unit) <sup>1</sup>	\$ 5,949.20	\$ 396.97
Detached Accessory Dwelling Unit (ADU)	\$ 4,596.72	\$ 396.97
Multi-Family (3+ units, per unit) <sup>2</sup>	\$ 4,596.72	Same as Commercial below

Commercial (Non-Residential) and Industrial:

Meter Size	FCI Charge	Meter Installation Fee
3/4"	\$ 5,949.20	\$ 396.97
1"	\$ 9,929.60	\$ 555.33
1.5"	\$ 19,834.59	\$ 2,149.63
2"	\$ 31,784.35	\$ 2,441.74
3"	\$ 63,570.84	\$ 3,029.17
4"	\$ 99,293.86	time & material <sup>3</sup>
6"	\$ 198,336.27	time & material <sup>3</sup>
8"	\$ 317,337.39	time & material <sup>3</sup>

<sup>1</sup>Both units must be metered unless authorized by Public Works Director

<sup>2</sup>Multifamily charges are based on 75% of Single Family ERU

<sup>3</sup>Actual Cost. Estimate to be provided by City, upon request, prior to installation.

**ADDENDUM C  
Sewer Rates**

The following rates are adopted with an effective date of July 1, 2024. Rates are increased 7% from 2023.

Consumer Category	MONTHLY BASE CHARGE	CHARGE PER UNIT
Single Family, Duplex and/or Multi-Family Dwelling Unit with Separate Individual Meter	\$ 57.61	N/A
Multi-Family (including Duplex) with a connected Single Meter serving All Units		
First Dwelling Unit	\$ 57.61	N/A
Each Additional Dwelling Unit	\$ 42.80	N/A
Mobile Home additional unit and Accessory Dwelling Unit (ADU)	\$ 32.09	N/A
Business/Commercial/Industrial (Non-NPDES), Low Strength		
Volume Charge per 100 cubic feet (ccf)	\$ 57.61	
Industrial Users - NPDES Permitted and high strength		
Basic Charge	\$ 114.15	
Volume Charge per 100 cubic feet (ccf)		\$ 2.47
BOD Charge: per pound (lb)		\$ 1.00
TSS Charge: per pound (lb)		\$ 1.00
BOD Testing Fee (per sample)	\$ 69.55	
TSS Testing Fee (per sample)	\$ 23.54	
Sample Collection Fee (per hour)		\$ 150.00
Outside City Limits Multiplier		1.5

Additional Information

5. When a service is changed from a smaller meter to a larger meter, the fee calculation shall be the difference between the two.
6. When a service is changed from a larger meter to a smaller meter, there will be no fee credit adjustment.
7. Water Associations identified by the Washington State Department of Health (WSDOH) as having a contaminated groundwater source and which agree to connect to the City of Lynden for wholesale water supply will not be charged a General Facilities Capital Improvement (FCI) Charge per the terms of WSDOH loans provided to the City in 2013 for the treatment facility.
8. Water connections outside the City Limits will have a 1.5 multiplier applied to connection charges. New connections outside the City Limits are only allowed with City Council approval.
9. NPDES means industrial facilities permitted under the National Pollution Discharge Elimination System (NPDES).
10. High strength wastewater means BOD or TSS > 300 mg/L.
11. A late payment charge of 5% will be added to payments not made within 30 days of invoice.
12. Residential Outside City Limits Multiplier applied to Base Rate; Commercial Outside City Limits Multiplier applied to Base Rate and Unit Volume; and installation of flow meter(s) will be required.
13. A sample collection fee is charged at \$150/hour for operator time, sampling equipment, and vehicle.

**CITY OF LYNDEN 2024 BUDGET  
ADDENDUM D**

**Sewer General Facility Capital Improvement  
Charges (FCI)**

The following rates are adopted with an effective date of January 1, 2024. Rates are increased 7% from 2023.

The general FCI charges applicable to all areas served by the City are shown in the table below in the "All Areas" column and those additional FCI charges only applicable to the East Lynden/ Line Road Sub-Basin, per Ordinance No. 1447, are shown in the "East Lynden" column:

Consumer Category	Unit	All Areas	East Lynden
Single Family Residential		\$ 8,158.75	\$ 6,067.97
Accessory Dwelling Unit, Per Unit		\$ 5,112.46	\$ 3,663.68
Duplex	Per Unit	\$ 8,158.75	\$ 6,067.97
<b>Multi-Family</b>			
3- or 4-unit building	Per Unit	\$ 6,043.36	\$ 4,355.97
5 or more unit building, Per Unit		\$ 5,111.39	\$ 3,663.68
<b>Mobile Home Parks</b>			
First 4 pads	Per Pad	\$ 6,043.36	\$ 4,355.97
Each additional pad	Per Pad	\$ 5,111.39	\$ 3,663.68
<b>Business, Commercial, and Industrial Users</b>			
	Meter Size	All Areas	East Lynden
	3/4"	\$ 6,043.36	\$ 4,355.97
	1"	\$ 10,072.98	\$ 7,252.46
	1.5"	\$ 20,133.12	\$ 14,491.01
	2"	\$ 31,975.88	\$ 23,195.46
	3"	\$ 64,400.09	\$ 46,370.59
	4"	\$ 100,608.89	\$ 72,443.28
	6"	\$ 201,207.08	\$ 144,865.16
	8"	\$ 321,923.41	\$ 207,358.51

**CLASSIFICATION INFORMATION:**

- 14. Single Family shall include Mobile Homes.
- 15. Business and Commercial covers all non-residential uses, including: offices and retail stores (with or without public restrooms), industrial users (not requiring an NPDES Permit), churches, recreation centers, service/gas stations, fairgrounds, hotels/motels, nursing homes, assisted living facilities (without full kitchens, including oven and cooktop), food and beverage establishments, laundromats, car washes, and schools.
- 16. Where a property owner is eliminating a septic system and connecting to the City's sanitary sewer system, the "All Areas" FCI charges shown above may be waived, per LMC 13.12.55.

The following rates are adopted with an effective date of July 1, 2024. Rates are increased 7% from 2023.

Customer Category	Monthly Base Rate Per Residential Unit	Monthly Increment Rate	Monthly Increment Rate (over 10,000 sf Impervious Surface Area)
Single Family, Duplex, and/or Multi-Family Dwelling Unit with Individual Meters	\$ 11.63		
Single Family Duplex,	70% of above rate		
Non-Single Family	\$ 18.12	\$ 8.87	per each 5,000 sf
NSF w/ Provision of Water Quality	\$ 18.12	\$ 7.27	per each 5,000 sf
NSF w/ Provision of Water Quality & Deten	\$ 18.12	\$ 4.52	per each 5,000 sf
NSF w/ Provision of Water Quality & Retent	\$ 18.12	\$ 2.36	per each 5,000 sf

ADDENDUM F

Stormwater Management General Facility Capital Improvement  
(FCI) Charges

The following rates are adopted with an effective date of January 1, 2024. Rates are increased 7% from 2023.

Customer Category	Base Fee	
Single Family, Duplex, and/or Multi-Family Dwelling Unit with Individual Meter in a Platted Subdivision with Approved Stormwater Facilities	\$ 214.00	per unit
Single Family, Duplex, and/or Multi-Family Dwelling Unit with Individual Meter	\$ 428.00	per unit
Non-Single Family (up to 10,000 sf)	\$ 852.79	\$ 357.38 each additional 5,000 sf over 10,000 sf
Non-Single-Family w/ Water Quality Treatment	\$ 852.79	\$ 267.50 each additional 5,000 sf over 10,000 sf
Non-Single-Family w/ Retention and Water Quality Treatment (up to 10,000 sf)	\$ 852.79	\$ 162.64 each additional 5,000 sf over 10,000 sf
Non-Single-Family w/ Detention and Water Quality Treatment (up to 10,000 sf)	\$ 852.79	\$ 81.32 each additional 5,000 sf over 10,000 sf

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	December 4, 2023	
<b>Name of Agenda Item:</b>	2024 Federal Legislative Agenda	
<b>Section of Agenda:</b>	New 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: _____
		<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 2024 Federal Legislative Agenda	
<b>Summary Statement:</b>	Attached is the draft 2024 Federal Legislative Agenda. CFM will be presenting at the December 4, 2023, Council Meeting to review the 2023 outcomes and review the attached draft agenda.	
<b>Recommended Action:</b>	Have Council make a motion to adopt or modify and adopt the 2024 Federal Legislative Agenda.	



# City of LYNDEN Washington

## 2024 Grant and CDS Priorities

### PROJECT DESCRIPTION

### FEDERAL REQUEST

#### **Pepin Creek Planning Grant**

**\$2 million**

The City of Lynden is requesting \$2 million to advance the Pepin Flood, Agriculture, Salmon and Safety Transportation (FASST) Project. The FASST project will address the extreme flood issues resulting from the impacts of climate change, facilitate more freight which supports a thriving agriculture community, protect salmon and other endangered fish which currently get stuck in one of the 21 culverts, and bring much needed safety improvements by building new multi-modal facilities for bikes and pedestrian where none exist today. Account: *RAISE and Reconnecting Communities*

#### **Bradley Road Complete Street Improvements**

**\$3 million**

The City is seeking funding to construct Bradley Road Complete Street Improvements. Bradley Road is a critical piece of Lynden’s transportation network, providing direct access to the recently completed Lynden Middle School, soon to be expanded Lynden High School, and the growing East Lynden residential areas. This area has experienced approximately 90% of the growth in Lynden in the last 10 years, adding approximately 70 homes a year. Finally, Bradley Road provides an indirect connection to State Route 546 (East Badger Road).

The project will replace the current T-intersection of Bradley and Vinup Roads with a safe and efficient round-about and better channelize the corner at the east end of the project. This vital transportation corridor will be improved from its current 24 feet of pavement to a full City standard arterial street with 40-foot-wide all-weather pavement, with shoulder, curb, gutter, sidewalk and enclosed drainage. This drainage will meet the State Department of Ecology water quality standards which are key for the Nooksack River Basin (WRIA 1) to comply with Total Maximum Daily Load (TMDL) limits for temperature and sediment. The design is at 50% level and the City has had ongoing productive dialogue with the Lynden Public School District to confirm the project meets their current and future needs. Account: *Highway Infrastructure Program (CDS)*

#### **Municipal Sewer Extension Project**

**\$2.5 million**

The City is seeking funds to construct a new Sewer Pump Station 18 (PS-18) and associated sewer force main to accommodate development expected in the Pepin Creek Subarea (PCSA). The PCSA encompasses approximately 460 acres and is the primary area within the City’s urban growth

area (UGA) where future residential development is expected to occur in the City's 20-year planning horizon. PS-18 will provide sewer service to most of the PCSA located between Double Ditch Road and Benson Road to properties not currently serviced. *Account: State and Tribal Assistance (CDS)*

**Fire Department – Two New Firefighters \$240,000**

Since 2010, Lynden Fire Department has moved through an evolutionary process of being staffed by all volunteers to 13 full time career, 2 part time, and 4 volunteer firefighters. The growth rate and aging demographics of our population has contributed to an increased demand for emergency services. Since 2008 the City of Lynden has grown 33% in population; however, emergency calls have increased over 54% and 13% over the past year. It is anticipated that this emergency response increase will continue to outpace population growth. *Account: FEMA SAFER*

**Fire Department- Updated Extractor and Drying Cabinet \$27,063**

Proper care of firefighter's gear not only extends the life, efficiency, and protective qualities of the gear, it also improves the health and welfare of our firefighters by reducing exposure to contaminants and carcinogens. The new extractors and dryers will make great strides in protecting the health of all of our members and align with the latest guidelines for safe handling of dangerous, potentially cancer-causing contamination. *Account: FEMA AFG*

