

CITY OF LYNDEN



Mayor
Scott Korthuis

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

Regular City Council Meeting
Annex - 205 Fourth Street
July 18, 2022

Call to Order

Pledge of Allegiance

Roll Call

Oath of Office

Summary Reports and Presentations

1. Transportation Benefit District (TBD) Renewal- 2022

Approval of Minutes

2. Draft Council Minutes- Regular Meeting

Citizen Comment

Consent Agenda

3. Approval of Payroll and Claims
4. Ordinance No. 1648 – Line of Credit Renewal
5. Award Bid for 6th Street Sewer Cured In Place Pipe Project
6. Ordinance No. 1647- Main Street Rezone and Comprehensive Plan Amendment

Public Hearing

7. Public Hearing – Ord 1649 Camping Prohibition and Parks Rules Update

Unfinished Business

New Business

8. Request to Petition for Annexation of Benson Holdings Property
9. Preliminary Approval of the Lionsgate MPRD – Application 20-01

Other Business

10. Public Works Committee Meeting Minutes July 6, 2022
11. Draft Parks Committee Minutes June 27, 2022
12. Calendar

Executive Session

Adjournment

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 18, 2022	
Name of Agenda Item:	Transportation Benefit District (TBD) Renewal	
Section of Agenda:	Summary Reports & Presentations	
Department:		
Council Committee Review:	<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: _____
Legal Review:	<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:	None	
Summary Statement:	<p>The City of Lynden is running a proposition on the November general election ballot to renew the two-tenths of one percent (0.2%) sales tax for the Transportation Benefit District (TBD). The collection of these funds must be authorized by the voters every ten years and may only be used for transportation related projects including streets, trails, and sidewalks; no additional costs may be assessed against these funds. The City of Lynden has completed many significant projects with these funds that would have otherwise not been completed, including the 17th Street extension to Main Street, the intersection of Front and 5th Streets, the 7th Street revitalization from Judson Street to Grover Street, and the extension of Foxtail Street between Eastwood Way and Bradley Meadows Lane, along with numerous chip sealing and sidewalk replacement projects throughout Lynden.</p> <p>As a part of this process the City of Lynden is asking for volunteers willing to serve on a committee to compose the "FOR" statement for the ballot measure. Additionally, if someone wishes to provide an "AGAINST" statement they may serve on an against committee. You must be a registered voter within the Lynden city limits to serve on the committees. To serve on either committee or to get more information on the process please contact the City of Lynden Administration office at (360)354-1170. The deadline for the committee statements is August 8, 2022.</p>	
Recommended Action:	Council meeting notification requirement. No action required.	

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 18, 2022	
Name of Agenda Item:	Draft Council Minutes- Regular Meeting	
Section of Agenda:	Approval of Minutes	
Department:	Administration	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <input type="checkbox"/> Other: N/A	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	Draft Council Minutes- Regular Meeting	
Summary Statement:	Draft Council Minutes- Regular Meeting	
Recommended Action:	For Council review.	

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



July 5, 2022

1. CALL TO ORDER

Mayor Korthuis called to order the July 5, 2022 regular session of the Lynden City Council at 7:00 p.m. at the city's council chambers.

ROLL CALL

Members present: Mayor Scott Korthuis, Councilors Gary Bode, Ron De Valois, Gerald Kuiken, Brent Lenssen, Nick Laninga, Mark Wohlrab, and Kyle Strengholt.

Members absent: None

Staff present: Fire Chief Mark Billmire, Parks Director Brent DeRuyter, Police Chief Steve Taylor, Public Works Director Steve Banham, City Clerk Pam Brown, City Administrator John Williams, and City Attorney Greg Greenan.

OATH OF OFFICE- None

SUMMARY REPORTS AND PRESENTATIONS - None

APPROVAL OF MINUTES

Councilor De Valois moved, and Councilor Strengholt seconded to approve the June 20, 2022, regular council meeting minutes as presented. Motion approved on 7-0 vote.

Mayor Korthuis reminded those in attendance that the council committee meetings is where issues/items are worked through. He noted that Public Works committee has a meeting scheduled at 4 pm on Wednesday, Public Safety committee has a meeting scheduled at 4 pm on Thursday and that Community Development committee will meet July 27th city hall. Contact the Planning Department for more information.

CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden

- Voiced her concern with unsafe speeding situations occurring in the Food Pavilion parking lot. She asks that someone at the police department monitor the area more closely.

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



- Voiced concern for those people who are being evicted from the Parkview apartments. She stated that there is not any affordable housing in Lynden and does not know where these people will be able to find housing.

Anna Liza Wilson, Westview Place, Lynden

- Concerned with the possibility of transitional housing locating near two elementary schools in Lynden. She worries for the safety of her children and other local children in the area and the possible negative outcomes. While understanding the need of these services she does not agree with the designated locations and does not believe it is worth the risk.

Nick Sawka, Village Drive, Lynden

- Concerned that the possibility of locating transitional housing near two elementary schools almost slipped past the notice of the city officials and the nearby neighbors. He agrees with offering people second chances but also believes if you are going to make mistakes then make small ones. Not the ones that affect your life-long term.
- He questioned why the burden of providing neighborhood support and accessibility for these programs continue to fall on the shoulders of the middle class while those with money remain physically removed from the location of transitional housing.
- Mr. Sawka emphatically asked the city to enforce the 25-mph speed limit on Village Drive.

Councilor Lenssen assured audience members that city staff were working on an ordinance regarding this issue, but it will take some time.

Nathan Libolt, N 17th Street, Lynden

- Supportive of the city's efforts in developing an ordinance that regulates location of transitional housing in Lynden. This is an urgent issue, and he looks forward to continued updates to the process from the city.

Gary Vis, 8844 Bender Rd, Lynden

- Cited Section 12.24.040 B of draft ordinance no. 1649. He noted that (5) and (20) does not currently align with the Lynden Municipal Code but references the LMC.

CITY OF LYNDEN

CITY COUNCIL
MINUTES OF REGULAR MEETING



2. CONSENT AGENDA

Payroll Liability to June 19th through July 2, 2022

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$489,095.14
Check Liability	\$1,032.64
Total Non-L&I Liabilities.....	\$490,127.78
Quarterly Liabilities	\$13,604.03
Total EFT & Other Liabilities	\$503,731.81

Approval of Claims – July 6, 2022

Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$0.00
Voucher Warrants No.	<u>24971</u>	through	<u>25033</u>		\$174,821.40
EFT Payments					<u>\$216,901.66</u>
				Sub Total	\$391,723.06
				Total Accts. Payable	\$391,723.06

Ordinance No. 1645- Correction of Legal Description for Benson Park Property Annexation

On June 20, the City Council adopted Ordinance 1645 which annexed the city-owned Benson Park property into the City. Unfortunately, the legal description within the ordinance was inaccurate in that it did not include the statement “except the tract described as follows” – which refers to the homestead parcel which was previously annexed. The revised Ordinance 1645 comes forward with the correct legal description included.

Set Public Hearing- Ordinance No. 1649- Camping Prohibition and Parks Rules Update

The City is considering adopting an ordinance that would prohibit camping in public spaces and simultaneously amending LMC 12.24 related to park use. Legal counsel drafted the initial language to ensure compliance with State code and provide consistency with current case law. This text represents the proposed code language that has been created after circulating through Council committees. Staff intends to return these amendments to City Council at a public hearing on July 18th .

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



Councilor Kuiken moved, and Councilor Strengholt seconded to approve the Consent Agenda. Motion passed with a 7-0 vote.

3. PUBLIC HEARING - None

4. UNFINISHED BUSINESS - None

5. NEW BUSINESS - None

6. OTHER BUSINESS

Councilor De Valois reporting for the Parks Committee.

- Benson Park exploratory committee continues their work
- SHKS continues to provide updates for the Barn Project
- Dickinson Park – Natural Resources conducted a forest inventory
- Lynden Door will sponsor replacement for the City Park's entrance sign
- Parks recently hired two full time employees
- Replacement of the Berthusen Park house roof.

7. EXECUTIVE SESSION

Council adjourned into executive session at 7:26 p.m. to consider the qualification of an applicant for public employment per RCW 42.30.110 (1)(g), expected to last 10 minutes and another matter includes discussion with legal counsel about potential litigation per RCW 42.30.110(1)(i), also expected to last 10 minutes. Council will reconvene at 7:46 p.m.

At 7:46 p.m. Mayor Korthuis announced an extended end time of 7:56, thereby extending the executive session by another 10 minutes. Council resumed the open session at 7:56 p.m.

Council then adjourned into a closed-door session to discuss a labor negotiation matter. Council came out of the closed-door session at 7:57 and the council meeting reconvened.

The following motion was made:

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



Councilor Strengholt moved, and Councilor Kuiken seconded to approve the labor agreements with the public works and clerical bargaining units as presented. Motion passed with a 7-0 vote.

8. ADJOURNMENT

The July 5, 2022, regular session of the Lynden City Council adjourned at 7:58 p.m.

Pamela D. Brown
City Clerk

Scott Korthuis
Mayor

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 18, 2022	
Name of Agenda Item:	Approval of Payroll and Claims	
Section of Agenda:	Consent	
Department:	Finance	
Council Committee Review:	<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: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:	None	
Summary Statement:	Approval of Payroll and Claims	
Recommended Action:	Approval of Payroll and Claims	

CITY OF LYNDEN

EXECUTIVE SUMMARY - FINANCE



Meeting Date:	July 18, 2022	
Name of Agenda Item:	Ordinance No. 1648 – Line of Credit Renewal	
Section of Agenda:	Consent	
Department:	Finance	
Council Committee Review:	<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: _____
	Legal Review: <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
Ordinance No. 1648 – Line of Credit Renewal Notes A & B		
Summary Statement:		
<p>Ordinance No. 1231 was approved by council on May 2, 2005. It allowed the city to have a revolving line of credit. The notes have provided interim financing for capital projects such as the Water Reservoir project (for DWSRF reimbursement), Arterial Street capital improvements, Police Station Acquisition/Remodel (prior to issuance of permanent financing), and East Lynden Sewer Sub-Basin improvement projects. Presently, outstanding balances on the line of credit consist of several funds awaiting reimbursement money. The line of credit is available to provide interim financing for Street Capital Construction projects. These projects are secured by grant and/or other intergovernmental funding on a reimbursement basis. Since 2005, Ordinance No. 1231 has been amended by Ordinance No. 1261, 1295, 1319, 1355, 1376, 1400, 1420, 1444, 1467, 1485, 1510, 1534, 1558, 1588 and 1629 each authorizing an extension of the maturity date of the notes. The City received an offer from Banner Bank to extend the maturity date of the notes from July 31, 2022 to July 31, 2023 at a rate of 3.10%, which is a 0.25% increase from the previous rate. The closing date is anticipated to be July 27, 2022.</p> <p>The City's Bond Counsel and Finance Director have reviewed this proposal prior to its review by the Finance Committee on July 18, 2022.</p> <p>The Finance Committee approved the renewal in their June 18th, 2022 meeting and has forwarded the Ordinance to the full Council.</p>		
Recommended Action:		
That the Council approve Ordinance No. 1648 as presented and authorize the Mayor's signature.		

ORDINANCE NO. 1648

AN ORDINANCE OF THE CITY OF LYNDEN, WASHINGTON,
FURTHER AMENDING ORDINANCE NO. 1231 TO EXTEND
THE MATURITY OF THE CITY'S REVENUE BOND
ANTICIPATION NOTE, 2005A (REVOLVING) AND ITS
LIMITED GENERAL OBLIGATION BOND AND GRANT
ANTICIPATION NOTE, SERIES 2005B (REVOLVING).

WHEREAS, the City of Lynden, Washington (the "City") adopted Ordinance No. 1231 on May 2, 2005, providing for the issuance of the City's Revenue Bond Anticipation Note, Series 2005A (Revolving) ("Note-2005A") and its Limited Tax General Obligation Bond and Grant Anticipation Note, Series 2005B (Revolving) ("Note-2005B" and together with the Note-2005A, the "Notes"), originally issued on May 13, 2005 and both having an original date of May 13, 2006, in the aggregate principal amount of not to exceed \$5,000,000 for the purpose of making improvements to facilities of the City, in anticipation of loans and grants specified therein; and

WHEREAS, subsequent to May 13, 2005, the City passed Ordinance No. 1261 extending the maturity and changing the interest rate, Ordinance No. 1295 increasing the maximum amount, extending the maturity and changing the interest rate, Ordinance No. 1319 extending the maturity and changing the interest rate, Ordinance No. 1355 extending the maturity and changing the interest rate, Ordinance No. 1376 extending the maturity and changing the interest rate, Ordinance No. 1400 extending the maturity and changing the interest rate, Ordinance No. 1420 extending the maturity and changing the interest rate, Ordinance No. 1444 extending the maturity and changing the interest rate, Ordinance No. 1467 decreasing the maximum amount, extending the maturity and changing the interest rate; Ordinance No. 1485 extending the maturity; Ordinance No. 1510 extending the maturity and changing the interest rate, Ordinance No. 1534 extending the maturity and changing the interest rate, Ordinance No. 1558 extending the maturity and changing the interest rate, Ordinance No. 1588 extending the maturity, and Ordinance No. 1606 increasing the maximum amount, extending the maturity and changing the interest rate; and Ordinance No. 1629 extending the maturity and changing the interest rate, and Ordinance No. 1634 increasing the maximum amount; and

WHEREAS, the Notes were reissued on September 9, 2021 to Banner Bank, Burlington, Washington, as successor to Skagit State Bank (the "Bank"); and

WHEREAS, the City has received a proposal from the Bank dated June 9, 2022 (the "Proposal") to further extend the maturity of the Notes and increase the maximum principal amount upon certain conditions; and

WHEREAS, it is now in the best interests of the City to accept the Bank's Proposal;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, DOES ORDAIN, as follows:

Section 1. Amendment to Ordinance No. 1231. Section 3 of Ordinance No. 1231 as amended by Ordinance Nos. 1261, 1295, 1319, 1355, 1376, 1400, 1420, 1444, 1467, 1485, 1510, 1534, 1558, 1588,1606, 1629 and 1634 is hereby further amended to read as follows (additions are underscored and deletions are shown as stricken):

(c) *Terms of the Note-2005A.* The Note-2005A shall be designated as the “City of Lynden, Washington Revenue Bond Anticipation Note, 2005A (Revolving),” shall be dated as of the date of its original issuance, shall be issued as a single instrument, fully registered as to both principal and interest, shall be in the denomination of not to exceed \$3,000,000; subject, however, to the further limitation that the aggregate principal amount outstanding of the Note-2005A and the Note-2005B (hereinafter authorized) may not at any time exceed the sum of \$3,000,000, shall be numbered N-1A and shall bear interest at fixed interest rate of 2.85% to May 13, 2006 and delivery, the fixed rate of 4.16% from May 13, 2006 through May 11, 2007 and the fixed rate of 3.95% from May 12, 2007 to May 13, 2008 and the fixed rate of 2.90% from May 13, 2008 to May 13, 2009 and the fixed rate of 2.75% from May 13, 2009 to May 13, 2010 and the fixed rate of 2.75% from May 13, 2010 to June 22, 2011 and the fixed rate of 2.25% from June 23, 2011 to June 26, 2012 and the fixed rate of 2.15% from June 27, 2012 to June 23, 2013 and the fixed rate of 2.05% from June 24, 2013 to July 23, 2014 and the fixed rate of 2.15% from July 24, 2014 to July 24, 2016 and the fixed rate of 2.31% from July 25, 2016 to July 27, 2017 and the fixed rate of 2.81% from July 28, 2017 to July 30, 2018 and the fixed rate of 3.75% from July 31, 2018 to July 30, 2020 and the fixed rate of 3.64% from July 31, 2020 to July 30, 2021 and the fixed rate of 2.85% from July 31, 2021 to July 30, 2022 and the fixed rate of 3.10% from July 31, 2022 to final maturity (computed on the basis of the actual number of days elapsed over a year of 360 days) on the unpaid principal balance and the outstanding principal balance and all unpaid and accrued interest shall be payable in full at maturity on July 31, 2023 ~~2022~~. The interest rate on Note-2005A is subject to adjustment as follows: if the interest on Note-2005A is subsequently determined to be no longer federally tax-exempt, then the interest rate on Note-2005A shall be adjusted to 3.95% ~~3.61%~~ effective as of the date of loss of tax-exempt status

(d) *Terms of the Note-2005B.* The Note-2005B shall be designated as the “City of Lynden, Washington Limited General Obligation Bond and Grant Anticipation Note, 2005B (Revolving),” shall be dated as of the date of its original issuance, shall be issued as a single instrument, fully registered as to both principal and interest, shall be in the denomination of not to exceed \$3,000,000; subject, however, to the further limitations that the aggregate principal amount outstanding of the Note-2005A and the

Note-2005B may not at any time exceed the sum of \$3,000,000 and that the aggregate principal amount outstanding of the Note-2005B may not exceed LGO Capacity as of the date of any Draw made thereunder, shall be numbered N-1B and shall bear interest at the fixed rate of 2.85% to May 13, 2006, the fixed rate of 4.16% from May 13, 2006 through May 11, 2007 and the fixed rate of 3.95% from May 12, 2007 to May 13, 2008 and the fixed rate of 2.90% from May 13, 2008 to May 13, 2009 and the fixed rate of 2.75% from May 13, 2009 to May 13, 2010 and the fixed rate of 2.75% from May 13, 2010 to June 22, 2011 and the fixed rate of 2.25% from June 23, 2011 to June 26, 2012 and the fixed rate of 2.15% from June 27, 2012 to June 23, 2013 and the fixed rate of 2.05% from June 24, 2013 to July 23, 2014 and the fixed rate of 2.15% from July 24, 2014 to July 24, 2016 and the fixed rate of 2.31% from July 25, 2016 to July 27, 2017 and the fixed rate of 2.81% from July 28, 2017 to July 30, 2018 and the fixed rate of 3.75% from July 31, 2018 to July 30, 2020 and the fixed rate of 3.64% from July 31, 2020 to July 30, 2021 and the fixed rate of 2.85% from July 31, 2021 to July 30, 2022 and the fixed rate of 3.10% from July 31, 2022 to final maturity (computed on the basis of the actual number of days elapsed over a year of 360 days) on the unpaid principal balance, and the outstanding principal balance and all unpaid and accrued interest shall be payable in full at maturity on July 31, ~~2023~~2022. The interest rate on Note-2005B is subject to adjustment as follows: if the interest on Note-2005B is subsequently determined to be no longer federally tax-exempt, then the interest rate on Note-2005B shall be adjusted to 3.95% ~~3.61%~~ effective as of the date of loss of tax-exempt status.

(e) *Draws.* The Notes are intended to be revolving obligations; however, the principal amount outstanding under the Notes may never exceed \$3,000,000, and, provided, further, the aggregate principal amount of any Draw made under the Note-2005B (together with all other principal amounts then outstanding under the Note-2005B) may never exceed LGO Capacity as of the date of the Draw. The available principal of the Notes shall be disbursed as borrowings and re-borrowings from time to time by the Bank upon request from the City (each such disbursement herein referred to as a “Draw”). Draws shall be recorded on the Loan Draw Record attached to the respective Note, or in such other form as the City and the Bank may agree. Interest on each Draw shall accrue from the date of that Draw and shall be computed on the basis as described above on the principal amount of the Draw outstanding for the actual number of days the principal amount of the Draw is outstanding. The City hereby covenants that it will never request a Draw under the Note-2005B if the amount of that Draw, together with the principal balance then outstanding would exceed LGO Capacity. The LGO Capacity as of the date of this ordinance, pledged and committed to be available for the Note-2005B is ~~\$24,170,868~~ \$32,310,876, and the Bank may rely upon this representation until the City delivers written notice of a change in LGO Capacity.

Section 2. Bank Proposal. The City hereby approves and accepts the Bank Proposal. Upon closing, reissuance and delivery of the Notes, the City shall pay to the Bank an amount of \$650.00 for its legal review costs in connection with the reissuance of the Notes, which payment shall be made by check, wire transfer or other mutually acceptable means to the Bank.

Section 3. Information to be Provided to Bank. As long as the Notes are outstanding, the City will provide to the Bank the financial information of the City as the Bank from time to time may reasonably request, including the City's annual financial statements/reports, audit reports, and audited financial statements, as available.

Section 4. Ordinance and Laws a Contract with the Bank. Ordinance No. 1231, as amended, and as further amended by this amendatory ordinance is passed under the authority of and in full compliance with the Constitution and laws of the State of Washington, including Title 35 of the Revised Code of Washington, as amended and supplemented. In consideration of the loans made by the Bank, evidenced by the Notes, the provisions of Ordinance No. 1231, as amended, and as further amended by this amendatory ordinance, and of said laws shall constitute a contract with the Bank, and the obligations of the City and its City Council under said laws and under Ordinance No. 1231, as amended, and as further amended by this amendatory ordinance, shall be enforceable by any court of competent jurisdiction; and the covenants and agreements herein and in the Notes set forth shall be for the equal benefit of the Bank and any permitted transferee or assignee.

Section 5. Confirmation of Ordinance No. 1231, as amended. Ordinance No. 1231, as amended by Ordinance Nos. 1261, 1295, 1319, 1355, 1376, 1400, 1420, 1444, 1467, 1485, 1510, 1534, 1558, 1588, 1606, 1629, 1634 and as further amended by this amendatory ordinance is hereby ratified and confirmed.

Section 6. Authorization of City Officials. The proper City officials are authorized to deliver new Notes to the Bank reflecting the terms of this amendatory ordinance.

Section 7. Effective Date. This ordinance shall be in effect five days after its publication as provided by law.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, _____ IN FAVOR, _____ AGAINST, AND SIGNED BY THE MAYOR THIS ____ DAY OF JULY, 2022.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 18, 2022	
Name of Agenda Item:	Award Bid for 6 th Street Sewer Cured In Place Pipe Project	
Section of Agenda:	Consent	
Department:	Public Works	
Council Committee Review:	<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: _____
		Legal Review: <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
Attachments:		
1) Certified Bid Tabulation 2) R&E letter - Recommendation to Award		
Summary Statement:		
<p>Staff recently solicited bids for the 6th Street Sewer Cured In Place Pipe Project (CIPP). The project provides for the CIPP lining of approximately 1,560 feet of existing 20-inch sewer main beginning at Judson Alley, running south along 6th Street, and ending near the headworks building of the Lynden Wastewater Treatment Plant. Work will include cleaning and jetting the sewer main, trimming service lines protruding into the sewer main, trimming hanging gaskets, placing CIPP lining throughout the length of the main, reopening existing sewer services, and rehabilitating manholes. Four bids were received on June 30, 2022. R&E prepared the attached Bid Tabulation.</p> <p>The Public Works Committee concurred at their meeting on July 6, 2022, to recommend award to Iron Horse LLC, the lowest responsive and responsible bidder, in the amount of \$414,974.08, including Washington State Sales Tax. This project will be funded with sewer utility funds.</p>		
Recommended Action:		
<p>That City Council award the contract for the 6th Street Sewer Cured In Place Pipe Project to Iron Horse LLC, in the amount of \$414,974.08, including Washington State Sales Tax, and authorize the Mayor to sign the contract.</p>		



423 Front Street
 Lynden, WA 98264
 Phone: (360) 354-3687

<i>Called By:</i> City of Lynden				Engineer's Estimate		1 Iron Horse LLC PO Box 1472 Fairhaven OR 97024		2 Insta Pipe 855 Trosper Rd 108-204 Tumwater, WA 98512		3 Michaels Corporation 1715 16th St SE Salem OR 97302		4 Insituform Technologies, LLC 580 Goddard Ave Chesterfield MO 63005		Average (Excluding Engineer's Estimate)		Standard Deviation (Excluding Engineer's Estimate)	
<i>For:</i> South 6th Street CIPP 300 4th Street Lynden, WA 98264																	
<i>By:</i> CERTIFIED TABULATION OF BIDS RECEIVED																	
<i>Date:</i> Tyler Buys, P.E. June 30, 2022																	
Item No.	Item Description	Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount		
1	Mobilization	1	LS	\$ 19,500.00	\$ 19,500.00	\$ 25,000.00	\$ 25,000.00	\$ 39,000.00	\$ 39,000.00	\$ 57,201.00	\$ 57,201.00	\$ 17,586.00	\$ 17,586.00	\$ 34,696.75	\$ 15,097.71		
2	SPCC Plan	1	LS	\$ 500.00	\$ 500.00	\$ 2,500.00	\$ 2,500.00	\$ 1,500.00	\$ 1,500.00	\$ 1,250.00	\$ 1,250.00	\$ 550.00	\$ 550.00	\$ 1,450.00	\$ 699.11		
3	Project Temporary Traffic Control	1	LS	\$ 7,500.00	\$ 7,500.00	\$ 12,000.00	\$ 12,000.00	\$ 24,135.00	\$ 24,135.00	\$ 17,500.00	\$ 17,500.00	\$ 23,801.00	\$ 23,801.00	\$ 19,359.00	\$ 5,003.81		
4	Water	100	M GAL.	\$ 125.00	\$ 12,500.00	\$ 200.00	\$ 20,000.00	\$ 10.00	\$ 1,000.00	\$ 9.00	\$ 900.00	\$ 9.00	\$ 900.00	\$ 57.00	\$ 82.56		
5	CIPP 20 In. Diam.	1,516	LF	\$ 70.00	\$ 106,120.00	\$ 135.00	\$ 204,660.00	\$ 173.50	\$ 263,026.00	\$ 139.00	\$ 210,724.00	\$ 215.00	\$ 325,940.00	\$ 165.63	\$ 32.20		
6	Protruding Side Service Removal	1	EA	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 2,388.00	\$ 2,388.00	\$ 811.00	\$ 811.00	\$ 1,299.75	\$ 633.02		
7	Hanging Pipe Gasket Removal	5	EA	\$ 1,000.00	\$ 5,000.00	\$ 1,500.00	\$ 7,500.00	\$ 1,000.00	\$ 5,000.00	\$ 1,248.00	\$ 6,240.00	\$ 1,155.00	\$ 5,775.00	\$ 1,225.75	\$ 181.44		
8	Service Connection Seal (Top Hat)	5	EA	\$ 3,200.00	\$ 16,000.00	\$ 6,000.00	\$ 30,000.00	\$ 3,500.00	\$ 17,500.00	\$ 3,109.00	\$ 15,545.00	\$ 3,137.00	\$ 15,685.00	\$ 3,936.50	\$ 1,201.30		
9	Temporary Sewer Bypass	1	LS	\$ 60,000.00	\$ 60,000.00	\$ 15,000.00	\$ 15,000.00	\$ 49,350.00	\$ 49,350.00	\$ 185,260.00	\$ 185,260.00	\$ 158,642.00	\$ 158,642.00	\$ 102,063.00	\$ 71,556.88		
10	Manhole Rehabilitation	65	VF	\$ 550.00	\$ 35,750.00	\$ 750.00	\$ 48,750.00	\$ 705.00	\$ 45,825.00	\$ 638.00	\$ 41,470.00	\$ 644.00	\$ 41,860.00	\$ 684.25	\$ 46.13		
11	Repair Existing Public and Private Facilities	1	EST	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ -		
Subtotal					\$ 278,870.00		\$ 381,410.00		\$ 462,336.00		\$ 553,478.00		\$ 606,550.00				
Sales Tax, 8.8%					\$ 24,540.56		\$ 33,564.08		\$ 40,685.57		\$ 48,706.06		\$ 53,376.40				
TOTAL					\$ 303,410.56		\$ 414,974.08		\$ 503,021.57		\$ 602,184.06		\$ 659,926.40				

Math Error





June 30, 2022

City of Lynden
300 4th Street
Lynden, WA 98264

Attn: Mark Sandal
Programs Manager

Re: City of Lynden
South 6th St. CIPP

Recommendation to Award

Dear Mr. Sandal;

We have reviewed all construction bid proposals for the above referenced project. Iron Horse LLC provided the lowest responsive bid at \$414,974.08.

We recommend that you award the contract to Iron Horse LLC subject to the following:

- 1. Required project funds are available.
- 2. City Attorney review and concurrence with bid documents.

We also recommend that the City of Lynden does not enter into a Contract with Iron Horse LLC until proper documentation that Iron Horse LLC carries appropriate Workers Compensation is received by the City.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tyler Buys', with a stylized flourish at the end.

Tyler Buys, P.E.
Reichhardt & Ebe Engineering, Inc.

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	July 18, 2022	
Name of Agenda Item:	Adoption of Ord 1647, Main Street Rezone and Comprehensive Plan Amendment	
Section of Agenda:	Consent	
Department:	Planning Department	
Council Committee Review:	<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: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:		
Ordinance 1647, PC Resolution #08-08 and meeting minutes.		
Summary Statement:		
<p>On September 18, 2008, the Planning Commission held a public hearing regarding a application 08-01, a site-specific rezone and comprehensive plan amendment for properties located at 100, 104, 110 and 114 Main Street. The application requested a shift from Industrial (I-1) to Commercial Shopping (CS-1). CS-1 was subsequently updated to CSL – Commercial Services Local. Following the hearing, the Planning Commission recommended approval to the City Council through Resolution #08-08.</p> <p>On November 3, 2008, the City Council considered the requests and approved the application as recommended by the Commission.</p> <p>The zoning text and City’s zoning map were updated at the time of approval; however, the action was not returned to the City Council as an ordinance. As such, Ordinance 1647 has been assigned to the action and will ensure the 2008 decision is property documented and that City records are complete.</p>		
Recommended Action:		
Motion to approve Ordinance 1647 which documents the City Council’s 2008 decision regarding Comprehensive Plan Amendment and Rezone 08-01, and to authorize the Mayor’s signature on said document.		

ORDINANCE NO. 1647

AN ORDINANCE REZONING CERTAIN REAL PROPERTY IN THE CITY OF LYNDEN, FROM INDUSTRIAL (I-1) TO COMMERCIAL SHOPPING (CS-1) AND AMENDING THE COMPREHENSIVE PLAN THEREOF

WHEREAS, on November 3, 2008, the Lynden City Council considered a petition for a site-specific rezone and comprehensive plan amendment for the following property from the Industrial (I-1) to Commercial Shopping (CS-1).

SECTION 20, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M. LEGALLY DESCRIBED AS LOTS 5, 6, 7, AND 8, IN BLOCK 23 OF HAWLEY LAWRENCES ADDITION TO LYNDEN, TOGETHER WITH THE SOUTH HALF OF VACATED ALLEY BETWEEN LOTS 5 THROUGH 8. SITUATED IN WHATCOM COUNTY WASHINGTON.

Parcel Numbers: 400320-384442, 400320- 379442, 400320-374442, 400320-368442

COMMONLY DESCRIBED AS: 100, 104, 110 and 114 Main Street, Lynden.

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

WHEREAS, the City's Technical Review Committee has reviewed the request for the Comprehensive Plan Amendment and Rezone and has provided findings, conditions and recommendations to the Planning Commission in a report dated September 4, 2008.

WHEREAS, the Lynden Planning Commission held a public hearing on September 18, 2008, to accept public testimony on the proposed amendment of the comprehensive plan and site-specific rezone, and that meeting was duly recorded; and

WHEREAS, the Planning Commission found that the application satisfies the criteria listed within Section 17.09.040 (C) and Section 17.09.050 of the Lynden Municipal Code.

WHEREAS, the Planning Commission recommended approval by a vote of 6-0, to the Lynden City Council of Comprehensive Plan Amendment and Rezone #08-01, Main Street, subject to the Technical Review Committee Report dated September 4, 2008.

WHEREAS, on November 3, 2008, the Lynden City Council considered the proposed rezone and amendment to the comprehensive plan, and by motion on vote of 6-0, determined to grant the same; and

WHEREAS, the City Council determined (1) that the applicant demonstrated that the proposal meets all five of the criteria for approval of a site-specific rezone in LMC

17.19.050, including that it will promote the health, safety, and general welfare of the community; (2) upon satisfaction of said site-specific rezone criteria, the applicant was entitled to approval; and (3) that it was in the public interest and promoted the health, safety, and general welfare to amend the comprehensive plan in a manner consistent with the site-specific rezone; and

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Lynden as follows:

Section 1: The zoning map of the City of Lynden and Ordinance No. 1647 adopting the zoning map are hereby amended to rezone the Property to CS-1.

Section 2: The comprehensive plan amendment and rezone are granted pursuant to the conditions listed in the attached Exhibit A hereto.

Section 3. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall be in full force and effective immediately.

PASSED by the City Council this _____ day of July 18, 2022 and signed by the Mayor on the _____ day of July 2022.

SCOTT KORTHUIS, MAYOR

ATTEST:

PAM BROWN, CITY CLERK

APPROVED AS TO FORM:

ROBERT CARMICHAEL, CITY ATTORNEY

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

NOVEMBER 3, 2008

I CALL TO ORDER

Mayor Pro Tem Gary Bode called to order the November 3, 2008 regular session of the Lynden City Council at 7:00 P.M. at the Lynden City Hall Annex.

ROLL CALL

Members present: Mayor Pro Tem Gary Bode; Councilors Doug Adelstein, Dave Burns, Ron De Valois, Tobey Gelder, Jerry Kuiken, and Nick Laninga.

Members absent: Mayor Jack Louws with Notice.

Staff present: Fire Chief Gary Baar, Administrative Assistant Rachel Byers, Finance Director Teresa Camfield, Planning Director Amy Harksell, Public Works Director Duane Huskey, Parks and Recreation Director Vern Meenderinck, and City Administrator Bill Verwolf. Also present was Attorney Simi Jain for City Attorney Bob Carmichael.

APPROVAL OF MINUTES

Councilor Burns moved and Councilor De Valois seconded that the minutes of the October 20, 2008 Regular Council session be approved. The motion carried.

APPROVAL OF THE PAYROLL

Direct Deposits, Draws and Warrants No. 13310 through 13368 \$ 411,580.63

Councilor Adelstein moved and Councilor Gelder seconded that the payroll be approved. The motion carried.

ITEMS FROM THE AUDIENCE

Scheduled - None

Unscheduled - None

III PUBLIC HEARING

Comprehensive Plan Amendment and Rezone - 08-01 - Main Street

On June 2, 2008 Mr. Rick Alexander submitted an application for a Comprehensive Plan Amendment and Rezone which stated his request to change the comprehensive plan designation from Industrial to Commercial and to rezone the property from I-1 (Industrial) to CS-1 (Commercial Shopping) at 100, 104, 110, and 114 Main Street.

The Planning Commission held a public hearing on the request on September 18, 2008 and has recommended approval of both the comprehensive plan amendment and rezone. Being that this is a legislative matter the Council has the opportunity to hold another public hearing on the application.

If Council approves the amendment and rezone, staff will prepare a final ordinance and notice to the Washington State Department of Community, Trade, and Economic Development to be brought back before Council for consideration of final approval in December.

Mayor Pro Tem Bode opened the Public Hearing at 7:03 P.M.

Speaking in favor:

Mr. Rick Alexander, 308 Kwanza Drive, Lynden, WA 98264 appeared before Council and read a statement supporting the rezone.

Mr. Merle Herrett, 104 Main Street, Lynden, WA 98264 appeared before Council and stated that he is in favor of the rezone.

Speaking against:

None.

Councilor Burns moved and Councilor De Valois seconded that the Public Hearing be closed. The motion carried.

The Public Hearing closed at 7:08 P.M.

Councilor Burns moved and Councilor Adelstein seconded that Comprehensive Plan Amendment and Rezone #08-01 be approved as recommended by the Planning Commission and that staff be authorized to complete the required ordinance and notice to the Department of Community, Trade, and Economic Developed to be consider by Council in December. The motion carried.

Size Restrictions for Big Box Stores

The City entered into a contract with Pitney Bowes MapInfo in March of this year to analyze the retail market area for Lynden. The firm has identified the City's local and regional trade areas, completed a field analysis, and compiled the demographic, lifestyle, and retail expenditure data for the trade area. The study also provided the City with a list of potential retailers whose demographic and psychographic preferences matched the community.

The Zoning Review Committee discussed the results of the study and how to best approach increasing the availability of goods and services within our city. The question of whether the size limitation for general retail sales should be removed has been the subject of debate and discussion. The zoning Review Committee prepared a recommendation that was sent forward to the Planning Commission for a public hearing.

The Planning Commission held their public hearing on October 9, 2008 and heard from property owners and Lynden Chamber of Commerce Executive Director Gary Vis. The Commissions minutes and resolution were provided to Council.

The staff and the Zoning Review Committee are seeking answers or direction from the Council on the following questions:

1. Should the City lift the size limit of 65,000 square feet on general retail stores?
2. If the answer is yes, should there be any size limit on general retail stores?
3. If that answer is yes, the Zoning Review Committee is discussing a limit between 180,000 and 250,000 square feet. Does the Council have further input on the size limit?

Mayor Pro Tem Bode opened the Public Hearing at 7:13 P.M.

Speaking in favor:

Mr. Don Korthuis, 2151 Stickny Island Road, Everson, WA 98247, appeared before Council and stated that he in favor of lifting the size limit.

Mrs. Sally Korthuis, 2151 Stickney Island Road, Everson, WA 98247, appeared before Council and said why she would like the restrictions lifted.

Speaking against:

None

Other:

Executive Director of the Lynden Chamber of Commerce Gary Vis, 518 Front Street, Lynden, WA 98264, appeared before Council and stated that the Lynden Chamber of Commerce has not

ORIGINAL

CITY OF LYNDEN
PLANNING COMMISSION RESOLUTION #08-08

A resolution of recommendation for approval of Comprehensive Plan Amendment and Rezone #08-01, Main Street to the Lynden City Council.

WHEREAS, Rick Alexander, hereinafter called the "Proponent," submitted a complete application to the City of Lynden, hereinafter called the "City," for a Comprehensive Plan Amendment and Rezone to change the comprehensive plan designation from Industrial to Commercial and to rezone the property from I-1 (Industrial) to CS-1 (Commercial Shopping).

WHEREAS, the Proponents have provided the City with an affidavit of posting for 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, the application was determined to be complete on July 31, 2008, and the notice of application was published in the Lynden Tribune on August 13, 2008; and

WHEREAS, the City issued a Determination of Non-Significance on August 18, 2008, and the comment period to appeal or comment on that determination expired on September 10, 2008, and

WHEREAS, the subject parcels has property zoned industrial to the north, east and to the west as well as commercial zoning to the south.

WHEREAS, the Lynden Planning Commission held a public hearing on September 18, 2008, at the City of Lynden, City Hall Annex, 205 4th Street, Lynden, Washington, to accept public testimony on the proposed Comprehensive Plan Amendment and Rezone, and that meeting was duly recorded;


WHEREAS, the City's Technical Review Committee has reviewed the request for the Rezone and Comprehensive Plan Amendment and has provided comments and recommendations to the Planning Commission in a report dated September 4, 2008.

WHEREAS, the Lynden Planning Commission has reviewed the request for the Comprehensive Plan Amendment and Rezone and has found the following to be true:

- 1. Granting the rezone request would further the purposes of the Lynden Comprehensive Plan and allow for logical use of the property.
- 2. The rezone does conform within the surrounding zoning and land uses.

NOW THEREFORE, BE IT RESOLVED by the Lynden Planning Commission to recommend approval by a vote of 6-0, to the Lynden City Council, of Comprehensive Plan Amendment and Rezone #08-01, Main Street, subject to the Technical Review Committee Report dated September 4, 2008.

PASSED by the Planning Commission of the City of Lynden, Whatcom County, at the meeting held the 10th day of November 2004.


Brent Lenssen, Chairperson,
Lynden Planning Commission


Amy Harksell, AICP,
Planning Director

**CITY OF LYNDEN
PLANNING COMMISSION MEETING MINUTES
City Hall Annex
7:30 P.M.
September 18, 2008**

I. CALL TO ORDER

Chairperson Lenssen called the Planning Commission meeting to order at 7:30 p.m. on Thursday, September 18, 2008 at the City of Lynden City Hall Annex.

II. ROLL CALL

Members Present: Faber, Lenssen, Reed-Jennings, Scott, Skinner, VanderWerff, and Veltkamp
Members Absent: None
Staff Present: Harksell, Planning Director, and Byers, Administrative Assistant

III. MINUTES

A. August 21, 2008

Skinner motioned to approve the August 21, 2008 Planning Commission minutes. Seconded by VanderWerff, and the motion passed 6-0.

IV. DECLARATION OF CONFLICT

None of the Commissioners reported any ex-parte contact or conflict of interest.

V. PUBLIC HEARING

*** A. CPA / RZ #08-01, Main Street, 100, 104, 110 and 114 Main Street**

Lenssen opened the public hearing for the CPA / RZ #08-01.

Harksell read the staff report dated September 4, 2008.

Rick Alexander, 308 Kwanzan Drive, Lynden

Alexander appeared before the Commission and read the narrative he had submitted with his application. He said that the subject property is located in an area that has multiple zone uses. There is a mix of Commercial and Industrial zoning within three hundred feet of the subject property boundary. The current zoning of the property is I-1. Section 19.37.080 of the Lynden Municipal Code provides that existing residential uses in non-residential zones shall comply with the standards of the RS-72 zone, which is a residential zone until the use becomes compliant with the underlying zone. This means that the property may be maintained and improved as a residence as if the property were located within a residential zone.

He said that based on these conditions, the City of Lynden will not act to alter or prohibit the continued use of a residence located on the referenced parcel as long as it remains in its current status and condition. If the residence were to be destroyed by more than fifty percent of the property's value, the owner may have the opportunity to request a variance from the non-conforming provisions for the Lynden Municipal Code.

He said that the homes located on the subject property were built in the early 1900's and they are presently owner occupied or rented. The combined square footage of these properties is approximately 32,288 square feet. The homes are for sale. However, it has been very difficult for buyers to get conventional financing because of the Industrial zoning. The one house that sold this past year was through a private portfolio loan arrangement.

Alexander stated that Versacold Cold Storage Corporation also presented offers to buy the subject properties on November 2, 2008. However, their feasibility study concluded that the subject properties were not cost effective for their expansion plans.

He said that the industrial business owners have looked at the subject properties to purchase during the past several years. The prospective buyers are concerned about the pedestrian and vehicle traffic on Main Street and being close to commercial businesses and residential homes. The essential function of the Industrial zones is to provide a suitable area in which manufacturing is conducted. Industrial businesses are not retail or professional services related and they are not looking for high visibility locations. Fortunately, the subject properties have received overwhelming interest from commercial businesses looking for property in downtown Lynden.

He stated that anchored by the New City Hall and Public Library this part of downtown Lynden is transforming in a way that is more suited for professional businesses. The City's large residential populations to the north and east provide a viable customer base that increases the demand for commercial businesses at and near the subject properties.

Alexander said that commercial and residential growth in the downtown area surrounds the Darigold, Versacold, and West Farm Foods Industries. These businesses have loading docks with large trucks and rail crossings that block traffic. It is not uncommon to wait on Depot Street for a Darigold and/or Versacold truck to back in and out of the loading docks. This can be annoying when you are driving the kids to school and you have to be at work on time. The large trucks are a public concern with the elementary and middle school children walking to and from school. However, the rail crossings are seldom used.

He said that he knows real estate prices in the downtown core are not cost effective for the existing Industrial businesses to buy more property and expand their base of operations. To help these businesses grow and stay in Lynden it may be necessary to begin promoting a commercial rezone in this part of downtown.

Alexander stated that the commercial use of this property will promote pedestrian activity with easy access from the new sidewalk and be a nice buffer in front of the Cold Storage Plant. He requested that the rezone be approved.

Merle Herrett, 104 Main Street, Lynden

Herrett appeared before the Commission and stated that the lots have been for sale since Versacold decided not to purchase them. He said for all the reason stated by Alexander he would like the request for the rezone to be approved.

Veltkamp asked Alexander if there have been any further discussions with Versacold since their feasibility 2 years ago. Alexander said that he talked with individuals at Versacold after notices went out regarding this rezone request. Alexander said that Versacold is not interested in purchasing these lots but wished them luck.

Skinner asked if the properties would be developed individually. Alexander said that 3 of the lots would be developed together in accordance with City standards, which will include off street parking.

Veltkamp asked if Alexander was aware of any prospective buys should the rezone be approved. Alexander said there are several.

Faber asked what would happen to the remaining lot. Alexander said that lot 114 will not be developed with the other 3 lots and will retain the existing house. He said he didn't know what might happen in the future.

Reed-Jennings asked Harksell if any of the City codes that are currently being reviewed would be affected by this change. Harksell said no.

Scott asked if the lot that was not being developed could be sold to another family. Harksell said yes. Alexander added that currently it is difficult to obtain financing for industrial which is another reason they would like the property rezoned to commercial.

Veltkamp stated that there are several empty spaced downtown and asked if a development on the property in question would affect the downtown area. Harksell said that she does not believe there would be a negative impact to the downtown if this property is developed for commercial use.

Faber stated that under CS-1 a retail store could be built and asked Alexander if he thought a retail outlet would fit in that location. Alexander said that the space is too small for big retail but he could see an optometrist selling glasses or a small pharmacy maybe, however, the primary use would be for small offices.

Vanderwerff asked if the lone house would remain. Alexander said yes.

Lenssen asked how deep the lots are. Alexander, Harksell, and the Commission all discussed the lots sizes, 150 feet deep, and who owns the various lots in the area.

Scott moved to close the public portion of the hearing. Seconded by Reed-Jennings, and the motion passed 6-0.

Lenssen asked for Commissioner's comments.

Vanderwerff said he felt the rezone would be an okay fit. He stated that he wished Versacold would have purchased the properties; however, since they don't plan to purchase them, and there are no other parties interest in the properties for industrial purposes, he said this is the next best thing. He said he is in favor of the rezone.

Veltkamp stated that she prefers not to do spot rezones. She said she can understand the rationale behind this request, however if the request is approved there will be a mixed bag of zone regulations and the Commission and the City have been very vigilant about making these types of spot rezones.

Reed-Jennings stated that the industrial designation for that whole area no longer fits in with its surroundings and should be rezoned for commercial. She said that she is in favor of the rezone.

Faber stated that due diligence has been done by the property owners to sell the property within its current zone designation. He also feels the whole area should be rezoned for commercial. He said he didn't have a problem with this proposal and that it is a good fit for the area.

Skinner stated that he did not have a problem with the rezone.

Scott said he sort of agrees with Reed-Jennings regarding the whole area's designation. He said he is in favor of the rezone.

Veltkamp asked if the potential was out there to start thinking about this area and the way it is zoned so it is a better fit should the Commission feel strongly enough about the issue. Harksell said that approving this

request is a step in that direction and discussed some issues around that possibility. Harksell also noted that this is not a spot rezone as it is next to property that is currently designated commercial, so it is more of an extension which is consistent with previous actions.

Lenssen stated that it is naive to think that Versacold would ever move. Harksell discussed Versacold's recent investments that supported Lenssen's statement.

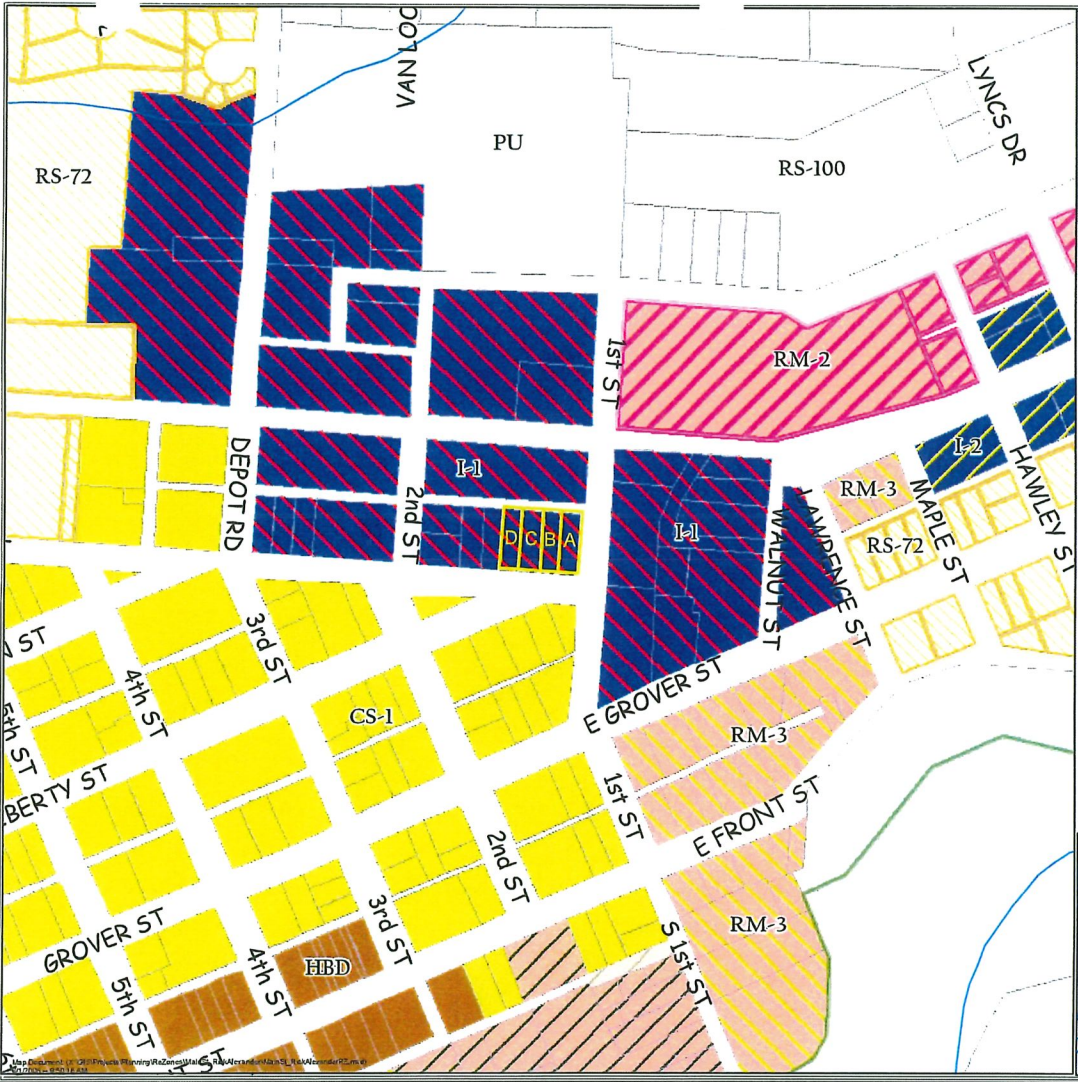
Reed-Jennings motioned to recommend approval of CPA / RZ #08-01, Main Street, as presented, according to the findings, conditions, and recommendations of the Technical Review Committee Report dated September 4, 2008. Seconded by Skinner, and the motion passed 6-0.

B. Other

The Commission briefly discussed their upcoming agenda.

VI. ADJOURNMENT

Faber motioned to adjourn the meeting at 8:13 P.M. Seconded by Scott, and the motion passed 6-0.

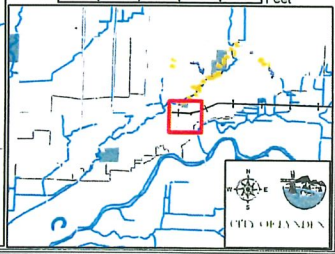
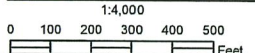


**APPLICATION FOR:
MAIN STREET
COMPREHENSIVE PLAN
AMENDMENT & REZONE**

Rezone
From: I-1
(Industrial District 1)
To: CS-1
(Community Shopping 1)

- A Parcel: 400320 384442 0000
Address: 100 Main St
0.16 Acres
6,969.60 SqFt
- B Parcel: 400320 379442 0000
Address: 104 Main St
0.16 Acres
6,969.60 SqFt
- C Parcel: 400320 374442 0000
Address: 110 Main St
0.17 Acres
7,405.20 SqFt
- D Parcel: 400320 368442 0000
Address: 114 Main St
0.19 Acres
8,276.40 SqFt

- Ditches / Streams
- City Limits
- Parcels
- Proposed Rezone



Map prepared by City of Lynden Planning Department. All rights reserved. No warranty is made for use of this map for purposes not intended by the City of Lynden.

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 18, 2022	
Name of Agenda Item:	Public Hearing – Ord 1649 Camping Prohibition and Parks Rules Update	
Section of Agenda:	Public Hearing	
Department:	Planning Department	
Council Committee Review:	<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: _____
	Legal Review: <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
Draft text amendment to be brought forward as Ordinance 1649		
Summary Statement:		
<p>The City is considering adopting an ordinance that would prohibit camping in public spaces and simultaneously amending LMC 12.24 related to park rules.</p> <p>Legal counsel drafted the initial language to ensure compliance with State code and provide consistency with current case law. The text was then reviewed in multiple council committees.</p> <p>On July 5 the City Council set the public hearing to occur on July 18th. Subsequently staff received feedback from Council and community members which has been reflected in the attached draft.</p> <p>Tonight, the Council is holding a public hearing to formally accept additional public comment. Additional edits may result. Staff will return the final ordinance to Council for a decision in August.</p>		
Recommended Action:		
No Council action at this time.		

ORDINANCE NO. 1649

AN ORDINANCE OF THE CITY OF LYNDEN, COUNTY OF WHATCOM, AMENDING LYNDEN MUNICIPAL CODE CHAPTER 12.24 AND ADDING CHAPTER 12.40 TO REGULATE CERTAIN ACTIVITIES IN CITY PARKS AND OTHER SENSITIVE AREAS OWNED BY THE CITY

WHEREAS, the City of Lynden (“City”) has experienced an increase in certain behavior among visitors to city parks that is damaging to park infrastructure or disruptive to the enjoyment of such parks by the wider public, including camping and other violations of the City code; and

WHEREAS, the City now wishes to pass an ordinance addressing prohibited uses and activities in city parks and provide a process for enforcement so that facilities can benefit current and future citizens of the City of Lynden by providing opportunities for active and passive recreations; and

WHEREAS, the City desires to amend the Lynden Municipal Code to expressly establish park rules and enforcement procedures for anyone that violates provisions of the City code, the Revised Code of Washington, or any park rules; and

WHEREAS, the City desires to prevent people from camping on any public property and on public right-of-way as this use creates a public health and safety hazard due the lack of proper electrical and/or sanitary facilities for these people; and

WHEREAS, use of public property for camping purposes or storage of personal property also interferes with the rights of others to use the area for which they were intended; and

WHEREAS, this ordinance is declared to be an exercise of the policy power of the City of Lynden, and its provisions shall be liberally construed for the preservation and protection of the natural environment, public peace, health, safety, welfare, and preserve parks and other open spaces for the its citizens and all future generations; and

WHEREAS, the foregoing recitals are material findings and declarations of the Lynden City Council;

NOW THEREFORE, the Mayor and the City Council of the City of Lynden does ordain as follows:

Section 1. Title 12.24, City Parks is hereby amended to include the revisions as follows:

Chapter 12.24 CITY PARKS

12.24.010 Purpose:

The establishment and maintenance of park property and facilities is intended to benefit current and future citizens of the City of Lynden by providing opportunities for active and passive recreation. Rules and regulations governing use of park properties and park facilities will help to ensure that park property and park facilities are used and maintained in a beneficial manner to the community. The foregoing park rules and regulations are intended to provide standards for the public use and enjoyment of these facilities and to provide for the public health, safety, welfare and protection in the use and enjoyment of these facilities.

12.24.020 Identification of Parks:

Parks are identified as any existing or future city parks. Parks shall be classified as Regional, Neighborhood, and Greenspace. Table 2.1 of the 2020 Park and Trail Master Plan classifies park properties. Future Park System properties will be classified accordingly.

- A. Regional Parks: Regional Parks are designed to offer services and provide passive and active recreational opportunities to the entire Lynden community and beyond.
 - Bender Fields Park
 - Benson Park
 - Berthusen Park
 - City Park
 - Dickinson Park

- B. Neighborhood Parks: Neighborhood Parks are designed to provide passive recreational opportunities for adjacent neighborhoods in the city.
 - Centennial Park
 - Glenning Park
 - Greenfield Park

- Northwood Lynden Jim Park
- Patterson Park

C. Greenspace: Greenspace Properties are designed to emphasize natural ecosystems and open space aesthetics with minimal, if any, “developed” park services.

- Fairgrounds Wetlands
- Treatment Plant Floodplain
- Scenic Estates Conservancy
- Old Middle School Trail
- City Hall North Lawn

12.24.030 Hours of Operation:

Parks shall be open to the public from 6:00 a.m. to 10:00 p.m. Between the hours of 10:00 p.m. and 6:00 a.m. the parks shall be closed to the public unless persons are actively engaged in activity within a special-use area as described in Section 12.24.060. No activities will be allowed during closed park hours that disturb the peace of the public or for any of the prohibited acts listed below.

Activities on park property or in park facilities that exceed normal hours of operation or deviate from the park rules may be authorized in association with a facilities use agreement or park use permit authorized by the City Administrator. Any person entering or remaining in a park when it is closed is subject to arrest and prosecution for criminal trespass.

Park closure hours shall be indicated by appropriate signage.

12.24.040 Prohibited Acts:

- A. All activities that constitute civil or criminal violations under state, local or federal statutes shall be prohibited on park property or in park facilities.
- B. It is unlawful for any person to do or permit any of the following acts within any city park:
 1. Scatter, leave, throw, break or strew any litter, bottles, glass, paper, debris, garbage, refuse, or advertising matter in any park except in designated

receptacles; provided, however, that it is further unlawful to deposit in such designated litter receptacles or elsewhere within a park any refuse, litter or other trash collected at the home, business or other dwelling of any person and intentionally brought to the park solely for the purpose of disposing of such refuse, litter or trash.

2. Damage, deface, mar, or destroy any park equipment or facility.
3. Cut, damage or destroy any park trees, shrubs, landscaping or plants, including grass.
4. Consume any beer, wine or intoxicating liquor in any park, or have possession of any container of beer, wine or intoxicating liquor in any park; provided, however, that consumption of alcoholic beverages in City parks is permitted if consumption is within a designated area in conjunction with a special event as authorized by the Parks Department.
5. Drive or park any vehicle or motorized bike, scooter, motorcycle, or ATV/UTV, on the grass in any park or any other place not specifically designated for vehicular traffic, or operate a vehicle, motorized bike, scooter, motorcycle or ATV/UTV negligently within any park or park facility, unless expressly authorized by a permit issued by the City. This provision does not apply to authorized personnel of the City.
6. Disturb or molest the peace of others using the park and park facilities.
7. Solicit, promote or engage in any private commercial enterprise without prior approval of the City Administrator.
8. Start or maintain a fire except in permanent park facilities provided for that purpose or in a barbeque, hibachi or other freestanding apparatus commonly used for outdoor food preparation purposes in an approved portion of the park.
9. Camp in any portion of any park unless specifically allowed by City Administrator pursuant to Section 12.40.070 or by City Council action for special events. "Camp" and "Camping" shall be as defined in Section 12.40.

10. Bring, ride, leave, turn loose, or allow any animal to be within a park or park facility. Provided, however, that this prohibition shall not apply to a service animal which is defined as any animal which is trained or is being trained to aid a person who is blind, hearing impaired, or otherwise disabled and is used for that purpose and is properly trained to provide the required service, nor shall this prohibition apply to dogs properly restrained by a leash.
11. Erect, put or place any sign, pamphlets, flyers, or advertisement in a park or park facility, or engage in any commercial activity except as authorized by the City Administrator pursuant to Section 12.24.065.
12. Engage or participate in any disorderly, lewd, obscene, drunken, or indecent conduct within any park or park facility.
13. Use or engage in any of the following activities: archery, discus, javelin, shot, golf, or aircraft, drones, rockets, missile powered devices, or firearms. The Administrator may allow those activities in special-use areas as provided in Section 12.24.060.
14. Possess any glass containers within a city park.
15. Use abusive, threatening, profane or obscene language.
16. Engage in or encourage a fight or brawl.
17. Yell, shout, hoot, whistle, or sing so as to unreasonably disturb or interfere with the peace, comfort, repose, health or safety of park users or nearby residents.
18. Meet or gather in large groups or assemblies without first making reservations and obtaining a written permit from the Parks Department. A large group or assembly is that which would occupy one-tenth (1/10) or more of the user capacity of the park.

- 19. No person shall enter or remain in any park at any time during which there is in effect a notice of exclusion issued under Section 12.24.080 excluding that person from that park.
- 20. Tobacco or Cannabis use, including smoking, e-cigarettes and vaping devices, is prohibited.
- 21. Discharge or sell any fireworks; fireworks are prohibited in park properties.
- 22. Install, erect, or otherwise construct displays, exhibitions or expositions on park property except as authorized by the City Administrator pursuant to Section 12.24.065.
- 23. Climb on any building, facility, apparatus, or improved area not specifically designated for climbing purposes.
- 24. Be on the roof of any building or facility except as authorized for construction, repair, operations, or maintenance purposes.
- 25. Operate or ride upon any bicycle, skateboard, or other device on any tennis, basketball, pickleball, or similar sports court.

12.24.050 Animals - Conduct of Dogs and Fecal Matter:

- A. General Park Areas, Fields, Walkways, and Play Areas
 - 1. All animals, except for dogs, are prohibited in the City’s parks unless otherwise authorized in a Special-Use Area as described in Section 12.24.060.
 - 2. Any person with a dog in his or her ownership, possession, or under his or her control, in any park, shall be responsible for the conduct of the dog and shall not allow the dog to bite or otherwise molest or annoy other park visitors or dogs.
 - 3. All dogs shall be confined on a leash and controlled by the owner and/or custodian at all times except as permitted in subsection (B) below.

4. Any person with a dog in his or her ownership, possession, or under his or her control in any park shall carry equipment for removing fecal matter and shall collect and place all fecal matter deposited by such dog in an appropriate receptacle.

B. Off-Leash Dog Areas

1. Notwithstanding subsection A above, a dog may be permitted off-leash in a park or portion thereof which is officially designated as an off-leash area. Any person with a dog in his or her ownership, possession, or under his or her control, in the off-leash area of any park, shall comply with the rules of conduct in subsection A above, except for the leash requirement, and any additional rules of conduct as proscribed by City ordinance or the City Parks Department.

2. Off-leash areas within the City are hereby designated as follows:
 - a. The fenced-in Dog Park area, as delineated, within Bender Fields Park.

12.24.060 Special-Use Areas:

- A. The City Administrator (Administrator) is authorized to establish, alter, and discontinue special-use areas in parks. Special-use areas can include areas for horse or pony riding, swimming, fishing, BMX riding, skateboarding, concerts, bicycle riding, camping, motorcycle riding, tennis, golf, baseball, softball, or any activity that is otherwise prohibited in this chapter. Before establishing, altering, or discontinuing a special-use area, the Administrator shall determine the priority of need for such an area, and a determination shall be made as to whether the activity can be carried on without unreasonable interference or danger to other persons.

- B. City parks are open from 6:00 a.m. to 10:00 p.m. as established in Section 12.24.030, with only the following exceptions:
 1. Persons attending or participating in an event or game at a city park for which the Parks Department issued a permit or approved the scheduling thereof, may remain in that park for the duration of the event or game.

- 2. Persons utilizing a city park facility in accordance with a valid reservation may remain in and around that facility until the conclusion of the reservation period.
- 3. The lighted tennis courts, specifically at City Park, may be used until the lights are turned off.
- 4. When a city park is closed to the public, the trails through it shall remain open, but may only be used for the purpose of moving through the park. Loitering on or deviating from trails through a park when the park is closed is prohibited.

C. The Director of the Parks Department may post different hours at individual city parks and trails on a temporary basis, which shall supersede this section.

D. The Parks Department shall mark the boundaries of the special use area and shall post signs that state the conditions for the special-use area. All warnings that are appropriate for the special-use area shall also be posted with the conditions.

E. Special-use areas shall be used only for those purposes for which they are established. All persons who use a special-use area shall obey all conditions that are specified by the Administrator and are posted at the special-use area.

12.24.065 Commercial Activity:

A. The City Administrator may approve permits to be issued that authorize merchandise or services to be sold in a park and that authorize concessions to be operated in a park. No person shall sell or attempt to sell merchandise or services or operate concessions in a park without a permit. Permits shall only be issued if the merchandise, services, and concessions are reasonable and are in the best interests of the city.

B. All requests for permits from profit-making groups or organizations, and/or non-profit groups or organizations shall be reviewed by the Administrator, and the requests shall be either approved or denied by the Administrator. All requests for permits shall be reviewed by the Parks and Recreation Director, and the Parks and Recreation Director shall make recommendations to the Administrator. The Administrator shall either approve or deny the request. If an application for a permit is denied by the Administrator, the applicant may appeal the decision to the City

Council. The City Council shall hear the appeal at the next regularly scheduled City Council meeting if the appeal request is submitted by the applicant to the Administrator prior to the Thursday before the Council meeting.

C. The Administrator may place conditions on the permit being granted. Persons who hold a valid permit shall adhere to all of the conditions stated on the permit. The Administrator may revoke a permit if the permit conditions are violated. The Administrator may deny future permits to persons who have violated the conditions of a previous permit.

12.24.070 Aiding and Abetting Violations:

Any person participating in a violation of any provision of this chapter, whether directly committing the act or omitting to do the thing constituting the offense or who aids or abets the same, and whether present or absent, and anyone who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit such offense, shall be guilty of the violation or offense.

12.24.080 Exclusion.

Any law enforcement officer of the City of Lynden may exclude from a Lynden public park property (“city park”), by delivering an exclusion notice, anyone within a city park who:

- A. Violates any provision of or within this chapter; or
- B. Violates any park rules as defined in this chapter; or
- C. Violates any provision of the City of Lynden Municipal Code or Revised Code of Washington.

The person subject to exclusion (“subject”) need not be charged, tried, or convicted of any crime or infraction in order for any exclusion notice to be issued or effective. The exclusion may be based upon observation by the law enforcement officer or upon civilian reports that would be ordinarily relied upon by the law enforcement officer in determination of probable cause. At the time of exclusion of any person from a city park, the law enforcement officer shall deliver to the subject the exclusion notice either in person or by First Class Mail and Certified Mail to said subject at their last known address. The exclusion notice shall be deemed issued and effective immediately upon

in person delivery, or in the event of mail delivery, two business days after the date of mailing, as documented by an affidavit of mailing.

The issuance of an exclusion notice shall be in addition to other penalties authorized under this chapter.

12.24.090 Duration of exclusion.

A. If the subject has not been excluded from any city park by an exclusion notice issued within one year prior to a committing a violation identified in Section 12.24.80 (“violation”) and the current violation is not a felony offense or an offense involving possession or use of weapons or controlled substances, then the subject may be excluded from all city parks for a period of thirty (30) days from the date of issuance of the exclusion notice.

B. If the subject has been issued only one prior exclusion notice within one year prior to the violation and neither the current violation nor the previous violation is a felony or an offense involving possession or use of weapons or controlled substances, then the subject may be excluded from all city parks for a period of ninety (90) days from the date of issuance of the exclusion notice.

C. If the subject has been issued two prior exclusion notices within one year prior to the violation and neither the current violation nor the previous violations are a felony or an offense involving possession or use of weapons or controlled substances, then the subject may be excluded from all city parks for a period of six (6) months from the date of issuance of the exclusion notice.

D. If the subject has been issued three prior exclusion notices within one year prior to the violation and neither the current violation nor the previous violations are a felony or an offense involving possession or use of weapons or controlled substances, then the subject may be excluded from all city parks for a period of one (1) year from the issuance of the exclusion notice.

E. If the subject has committed a felony offense, or an offense involving possession or use of weapons or controlled substances, the subject may be excluded from all city parks for a period of one (1) year from the issuance of the exclusion notice.

F. If the subject returns to any city park during the time of exclusion, he or she will be subject to arrest and prosecution for criminal trespass.

The exclusion notice rules set forth herein are summarized below:

Type of Offense	First	Second	Third	Fourth
Park Rules Violation: LMC Violation or Misdemeanor	30 days	90 days	6 months	1 year
Felony, Weapons, Drugs	1 Year			

12.24.100 Notice and appeal.

A. The exclusion notice shall be in writing and shall contain the date of issuance. The exclusion notice shall specify the length and places of exclusion. It shall be signed by the issuing law enforcement officer. Warning of the consequences for failure to comply shall be prominently displayed on the notice.

B. Only the Park Hearings Officer as defined in Section 12.24.110, and only after a hearing, may shorten or rescind an exclusion notice.

C. A subject receiving an exclusion notice longer than thirty (30) days may seek a hearing before the Park Hearings Officer to have the exclusion notice shortened or rescinded. The request for a hearing shall be delivered to the Park Hearings Officer's office no later than ten (10) days after the issuance date of the exclusion notice, as determined under Section 12.24.110. The request for a hearing shall be in writing and shall be accompanied by a copy of the notice on which the hearing is sought. The hearing should occur within fourteen (14) days after the park hearings officer receives the request, or as soon thereafter as reasonably feasible. The Park Hearings Officer shall take reasonable steps to notify the subject of the date, time, and place of the hearing.

D. At the hearing, the violation must be proven by a preponderance of the evidence in order to uphold the exclusion notice. If the notice was issued because of the alleged violation of any criminal law, the offender need not be charged, tried or convicted for the exclusion notice to be upheld. The notice establishes a prima facie case that the subject committed the violation as described. The Park Hearings Officer shall consider a sworn report or a declaration under penalty of perjury as authorized by RCW 9A.72.080, written by the issuer, without further evidentiary foundation. The Park Hearings Officer may consider information that would not be admissible under the evidence rules in a court of law but which the Park Hearings Officer considers relevant and trustworthy. The proceedings of any hearing held under this section shall be recorded.

E. If the violation is proven, the exclusion notice shall be upheld; but upon good cause shown, the park hearings officer may shorten the duration of the exclusion. If the violation is not proven by a preponderance of evidence, the Park Hearings Officer shall rescind the exclusion. If the exclusion is rescinded it shall not be considered a prior exclusion.

F. The final decision of the Park Hearings Officer is the final decision of the city. Such final decision shall be in writing and issued within seven (7) days of the hearing's conclusion. A subject seeking judicial review of the Park Hearings Officer decision on his or her exclusion notice must file an application for a writ of review in the Whatcom County Superior Court within twenty-one (21) days of the date of issuance of the final decision. The date of issuance shall be the date of delivery of the written decision to the subject of the exclusion in person or by First Class and Certified Mail to his or her last known address as documented by an affidavit of service or mailing. For delivery by mail, the date of delivery shall be within two (2) business days following the date of said written decision.

G. The exclusion shall remain in effect during the pendency of any administrative or judicial proceeding.

H. When excluding a person under the age of thirteen, a reasonable effort will be made by the person issuing the exclusion to notify the parents/guardian of the exclusion.

12.24.110 Park Hearings Officer

The Park Hearings Officer shall be the City Administrator, or his or her designee. The Park Hearings Officer shall conduct a hearing if an appeal is filed pursuant to Section 12.24.100 and shall have the authority to issue subpoenas to compel attendance.

12.24.120 Trespass in Parks:

It shall constitute a trespass in a city park if any person knowingly:

- A. Enters or remains in a park from which he or she has been excluded during the period covered by an exclusion notice pursuant to Section 12.24.080;
- B. Enters, remains in, or is otherwise present within the premises of a park during hours which the park or portion of the park is not open to the public, unless the person is present within the park to participate in an activity either conducted by the Parks Department or conducted pursuant to the terms of a permit issued by the Parks Department; or
- C. Enters or remains in any area of a park which has been designated and posted by the City as a closed area, using such postings as “no admittance” or “closed to use” or “no trespassing.”

The provisions of this section do not apply to any duly authorized department of parks and recreation or other city employee in the performance of his or her duties, or other person authorized by law.

Any person trespassing on city park property shall be subject to arrest and prosecution for criminal trespass.

12.24.150 Enforcement authorized.

It shall be the duty of the chief of police to enforce the provisions of this chapter and he or she shall have authority to appoint such deputy or deputies as may be necessary to enforce the same.

12.24.160 Motor Vehicle Speed:

The designated speed for motor vehicles upon the roadways within developed park areas shall not exceed fifteen (15) miles per hour. Speed limit signs shall be posted along the roadways within a park.

12.24.170 Discretion of City Administrator:

Whenever this chapter makes reference to the exercise of reasonable discretion by the City Administrator, the Administrator shall take into consideration and account the use and enjoyment of the parks for the maximum number of people and the general purpose set forth in Section 12.24.010.

12.24.180 Posting of Park Rules:

- A. Park rules and regulations shall be conspicuously posted. Rules and regulations pertaining to trails and walking paths, and for off-leash dog areas, shall be posted in conspicuous locations such as entrances or intersections.

- B. Defacing or removing posted signs is prohibited.

12.24.190 Violations - Penalty:

Any violation of any provision of this Chapter shall constitute a civil infraction and shall subject the violator to a monetary penalty as provided in the Lynden Municipal Code. Each and every calendar day during any portion of which any violation of this chapter is committed, continued or permitted by any such person shall constitute a separate offense.

Section 2. Title 12, Streets, Sidewalks, and Public Places is hereby amended to include a new Chapter 12.40, Camping on Public Property, which reads as follows:

**Chapter 12.40
CAMPING ON PUBLIC PROPERTY**

12.40.010 Findings:

People camping on public property and on public rights-of-way create a public health and safety hazard due to the lack of proper electrical and/or sanitary facilities for these people. People without proper sanitary facilities have openly urinated, defecated, and littered on public property on the public rights-of-way. Use of public property for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended.

12.40.020 Purpose:

It is the purpose of this chapter to prevent harm to the health or safety of the public and to promote the public health, safety and general welfare by making public streets and other areas readily accessible to the public and to prevent use of public property for camping purposes or storage of personal property which interferes with the rights of others to use the areas for which they were intended.

12.40.030 Definitions:

The following definitions are applicable in this chapter unless the context otherwise requires:

“Available Overnight Shelter” means a public or private facility open to person(s) experiencing homelessness at no charge, with space available that day.

“Camp” or “camping” means (a) to use camp paraphernalia to facilitate temporary or permanent habitation; or (b) the construction or use of camp facilities.

“Camp facilities” includes without limitation, any of the following when used for temporary or permanent habitation: tents, huts, temporary shelters made of any material, or vehicles.

“Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-City designated cooking facilities and similar equipment.

“City” means the City of Lynden, Washington, the area within the official geographic boundaries thereof, and such territory outside the City over which the City has jurisdiction or control by virtue of any constitutional provision, statute, or ordinance.

“Park” means the same as defined in Section 12.

“Store” means to put aside, accumulate, or leave for later use or safekeeping.

“Street” means any highway, lane, road, street, right-of-way, boulevard, alley, and every way or place in the City of Lynden that is publicly owned or maintained for public vehicular travel.

“Trail” means any path, lane or walkway for public use, primarily for walking, bicycling, or other non-motor vehicle, and that is publicly owned in fee or by easement or maintained by the public.

“Vehicle” means the same as defined in RCW 46.04.670, which is hereby adopted as now enacted or hereafter amended.

12.40.040 Unlawful Camping:

A. At any time, it shall be unlawful for any person to camp, or to occupy camp facilities or use camp paraphernalia for purposes of habitation, in the following areas, except as otherwise provided by ordinance or as permitted pursuant to Section 12.070:

1. Any park;
2. Any street or trail; or
3. Any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved.

B. At any time, it shall be unlawful for any person to occupy a vehicle for the purpose of camping while that vehicle is parked in the following areas, except as otherwise provided by ordinance or as permitted pursuant to Section 12.070:

- 1. Any park;
- 2. Any street or trail; or
- 3. Any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved.

12.40.050 Unlawful Storage of Personal Property in Public Places:

At any time, it shall be unlawful for any person to store personal property, including camp facilities (other than vehicles) and camp paraphernalia, in the following areas, except as otherwise provided by ordinance or as permitted pursuant to Section 12.070:

- A. Any park;
- B. Any street or trail; or
- C. Any publicly owned or maintained parking lot or publicly owned or maintained area, improved or unimproved.

12.40.060 Penalty for Violations:

Any person who violates any of the provisions of this chapter shall be deemed to have committed a misdemeanor.

12.40.070 Enforcement Suspended

The City shall not enforce the provisions of Section 12.040 or Section 12.050 against persons who lack the financial means to pay for adequate shelter unless the City first confirms there is an available overnight shelter space that can be utilized by the particular person(s).

12.40.080 Special Event Permit:

A. The Mayor, or his/her designee, is authorized to issue a Special Event Permit which may authorize persons to camp, occupy camp facilities, use camp paraphernalia, or store personal property in parks, streets, or any publicly owned parking lot or publicly owned area, improved or unimproved, in the City of Lynden in conjunction with special events.

B. Upon receipt of an application for any permit under this chapter, the Mayor, or his/her designee, shall send a copy of the application to the City departments of police, parks, public works, community development, and fire. Each of these departments shall inspect the application and each such department shall report to the Mayor, or his/her designee, within ten (10) working days after the filing of the application. Such reports shall mention any problems which the proposed activity is expected to pose for the public. It shall make any necessary recommendations for protecting the public peace, health, safety, life, property, and welfare in the event a permit is, or was, issued.

C. The Mayor, or his/her designee, is authorized to promulgate other rules and regulations regarding the implementation and enforcement of this chapter.

D. The Mayor, or his/her designee, may approve a permit as provided under this section when, from a consideration of the application, reports from other City departments, and from such other information as may otherwise be obtained, he or she finds that:

1. Adequate sanitary facilities are provided and accessible at or near the proposed camp site;
2. Adequate trash receptacles and trash collection are provided; and
3. The camping activity will not unreasonably disturb or interfere with the safety, peace, comfort and repose of private property owners.

E. No permit shall be issued for a period of time in excess of fourteen (14) calendar days in any one (1) calendar year.

F. The Mayor, or his/her designee, is authorized to revoke a permit that has been issued if he or she finds lack of compliance with any requirement of subsection D of this

section, or of any rule or regulation promulgated under subsection C of this section, or of any ordinance or statute.

G. Any person who is denied a permit, or had his/her permit revoked, may appeal the denial/revocation to a hearing examiner appointed by the Mayor, or his/her designee. Notice of appeal must be in writing, and filed with the City Clerk within seven (7) working days from the date of the denial.

12.40.090 Public Duty Created:

A. This chapter is intended to be for the benefit of the public as a whole. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons or individual who will or should be especially protected or benefited by the terms of this chapter.

B. Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this chapter by its officers, employees or agents.

Section 3. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. This Ordinance shall be in force and effect five (5) days from and after its passage, approval, and publication.

AFFIRMATIVE VOTE, _____ IN FAVOR, AND _____ AGAINST, AND SIGNED BY THE MAYOR THIS _____ DAY OF _____ 2022.

MAYOR, Scott Korthuis

ATTEST:

CITY CLERK Pamela D. Brown

APPROVED AS TO FORM:

CITY ATTORNEY Robert A. Carmichael

EXECUTIVE SUMMARY

Meeting Date:	July 18, 2022	
Name of Agenda Item:	Request to Petition for Annexation of Benson Holdings Property	
Section of Agenda:	New Business	
Department:	Planning Department	
Council Committee Review:	<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: <u> Mayor </u>
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input checked="" type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
Attachments:		
Request to petition from property owners of Benson Holdings property, map and zoning exhibits.		
Summary Statement:		
<p>Property owners of the Benson Holdings property located between Benson and Double Ditch Roads, immediately south of the Badger Road, have submitted a request to petition for the annexation of their property. The 75-acre parcel is within the Urban Growth Area (UGA) of the Pepin Creek Subarea and is contiguous with the City’s recent annexation of the Benson park property.</p> <p>The City’s Comprehensive Plan assigns land use within UGA areas and specific zoning categories are typically designated at the time of annexation. In this case the Pepin Creek Subarea Plan has assigned zoning categories of RM-3 (adjacent to the park), RM-PC in the northeast section of the property, and RMD on the western half. This zoning can generally be described as low to medium residential development that can accommodate apartments, townhomes, and single-family lots. Development here would be subject to the provisions of development within the Pepin Creek Subarea. It would also be required to provide right-of-way dedications to improve Benson Road and provide for logical expansion of the City’s roadway network which may include access to Benson Park and connection to Homestead Blvd.</p> <p>As required by code, the assessed value of the property represented by Benson Holdings is at least 10% of the total assessed value. In order to move forward with the next stage of the annexation process, the petitioners will need to acquire signatures from property owners representing at least 60% of the assessed value of the area. A successful petition process allows the applicant to proceed with an annexation application which will be reviewed by staff and ultimately go to public hearings before the Planning Commission and City Council.</p> <p>Annexation within the Pepin Creek Subarea represents opportunities for planned residential growth and the continued funding of related Pepin Creek infrastructure improvements.</p>		
Recommended Action:		
Motion to approve the request to petition for the annexation Benson Holdings which authorizes the requestor to petition for property owner signatures and proceed with an annexation application.		

CITY OF LYNDEN



STARKENBURG – KROONTJE
Attorney at Law, P.S.
313 4th Street
PO Box 231
Lynden, WA 98264
(360) 354-7822
Fax: (360) 354-6929
Email – starkenburgekroontje@msn.com

RECEIVED
JUN 09 2022
City of Lynden
Planning Department

June 8, 2022

Via Email & Delivery

Heidi Gudde
City of Lynden Planning Director
300 4th Street
Lynden, WA 98264

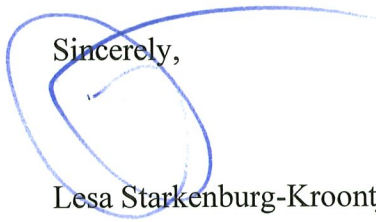
Re: Potential Annexation to the City of Lynden / Benson Holdings, LLC

Dear Heidi:

Please find enclosed, a copy of the previously submitted Request to Circulate Petition of Annexation to the City of Lynden on behalf of Benson Holdings, LLC. We are renewing our same request from 2018, which was placed on hold for several reasons that you are aware of. As the Pepin Creek issues have largely worked their way forward, we are renewing this request.

Once again, if you would prefer, we can schedule a meeting to discuss the issues and timeframes for this addition of property to the City of Lynden.

Thank you for your assistance. Should you have any questions or require any additional information, please feel free to contact my office.

Sincerely,

Lesa Starkenburg-Kroontje

enc.
cc: client

REQUEST TO CIRCULATE
PETITION OF ANNEXATION
TO
THE CITY OF LYNDEN

RECEIVED
JUN 09 2022
City of Lynden
Planning Department

To: The Honorable City Council of Lynden, Washington.

We, the undersigned being the owners of more than ten 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:

All that portion lying outside of the City of Lynden limits and located in the East 1/2 of the NE quarter and the NW quarter of the NE quarter, section 18 T 40 N. Range 3E.

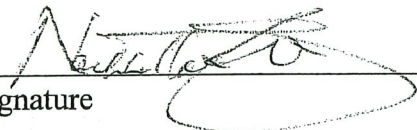
We have subscribed our names hereto and request that the Lynden City Council allow us to circulate a Petition of Annexation to the City of Lynden, Whatcom County, Washington, that is consistent with the request made herein.

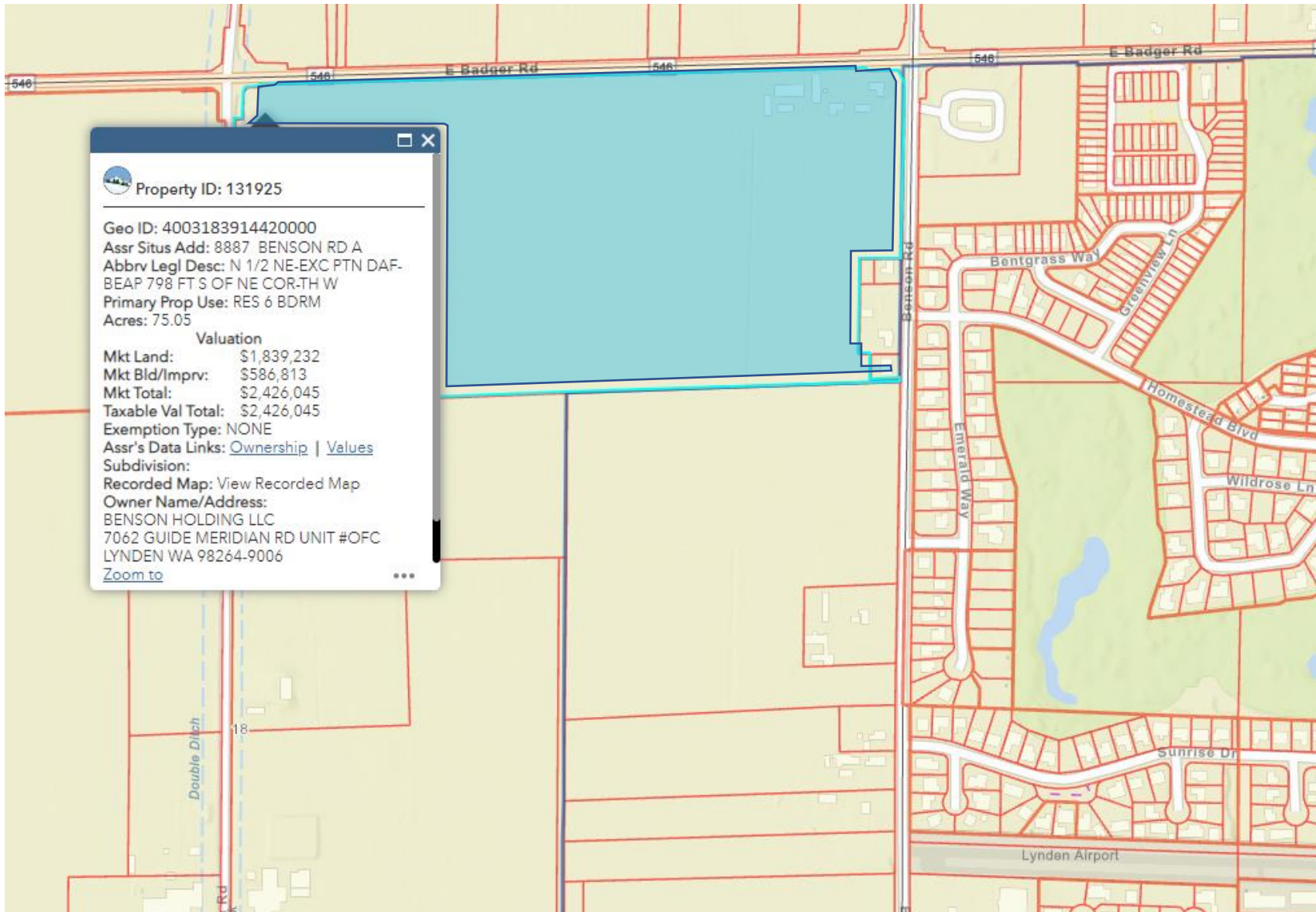
Dated this 3rd day of March, 2018.

By:

Benson Holdings, LLC

400318 391442 0000
Property Parcel No.


Signature



Benson Holdings – Request to Petition for Annexation

Council Exhibit - Location

7-18-22



Benson Holdings – Request to Petition for Annexation

Council Exhibit – Zoning Assignment per PCSA Plan

7-18-22

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	September 21, 2020	
Name of Agenda Item:	Preliminary Approval of the Lionsgate MPRD – Application 20-01	
Section of Agenda:	New Business	
Department:	Planning Department	
Council Committee Review:	<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: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:		
Proposed Findings of Fact and Conclusions of Law, Supplemental summary of the MPRD and Approval Process (See corresponding agenda item, Ord 1608, for Planning Commission package and minutes of 8-13-20)		
Summary Statement:		
<p>AVT Consulting, as agent for the property owner, has requested the approval of a Master Planned Community (MPRD) concept for the 22-acre property located at the NE corner of the intersection of the Guide Meridian. The MPRD application is using a 2 step MPRD approval process as detailed in LMC 19.29. This allows the development concept and project scale to be approved prior to finalizing the development standards. The step 1 request came forward with a rezoning application to shift the property from an RS-100 zoning category to the RMD category (Residential Mixed Density).</p> <p>On August 13, 2020 the Planning Commission held a virtual public hearing via Microsoft Teams. The resulting vote on the application was to recommend approval of the rezone as well as the proposed development concept but with some specific conditions. On Sept 21, 2020 Council concurred with the recommendation and the rezone and conditional approval of the design concept was granted.</p> <p>The project experienced some delays related to the Covid pandemic but came back to the City in early 2022 with a design which met the Commission’s conditions of approval. Staff’s review resulted in a conditional recommendation to approve as described in the final TRC report. On June 9, 2022 the Planning Commission held a public hearing to consider the details of the revised Lionsgate MPRD design as step 2 of the approval process. The development was reduced to 106 lots which accommodate 129 residential units on a mix of large to small single-family lots and attached townhomes. This development also includes 7 open space tracts which will be maintained by an HOA as well as public trail and sidewalk connections. The Planning Commission recommended, with conditions, approval of the MPRD. The conditions of their recommended approval are listed in the attached Resolution 22-01. Council approval at this time would serve as preliminary plat approval, as such the development would return to council for final plat approval after the installation of required infrastructure.</p>		
Recommended Action:		
Motion to approve the Lionsgate MPRD, which serves as preliminary plat approval, as recommended and conditioned by the Planning Commission in Reso 22-01 and to authorize the Mayor’s signature on the corresponding Findings of Fact and Conclusions of Law.		



June 3, 2022

CITY OF LYNDEN TECHNICAL REVIEW COMMITTEE

STAFF REPORT

Re: The application of AVT Consulting, LLC, on Behalf of City Bible Church

MPRD #20-01, Lionsgate Master Planned Residential Development Permit Step 2 of 2
FINDINGS, CONCLUSIONS, AND RECOMMENDATION

I. APPLICATION SUMMARY AND RECOMMENDATIONS

Proposal: For approval of Step 2 of the Lionsgate Master Planned Residential Development requesting to develop 21.83 acres into 108 lots, containing 129 residential units within the RMD zone. Neighborhood layout, lot sizes, street widths and maximum unit counts have been previously established with the approval of Step 1. **Step 2 review includes development standards such as building setbacks and height, street design within the approved layout and widths, and pedestrian movement.**

Recommendation: Staff recommends approval of the Master Planned Residential Development, subject to the conditions of approval.

II. PRELIMINARY INFORMATION

Applicant: AVT Consulting, LLC

Property Owner: Bruce Wood, Representative
City Bible Church
9200 NE Freemont St
Portland, OR 97220

Property Location: 1990 Main Street, Lynden WA

Parcel Number: 400319-051539

CITY OF LYNDEN



TECHNICAL REVIEW COMMITTEE

Legal Description: Lot 1 City Bible Church Short Plat as recorded under AF # 2019-0803655

<u>Notice Information:</u>	Application Submitted:	March 1, 2022
	Notice of Application:	April 20, 2022
	Notice of SEPA determination:	March 16, 2020
	Notice of Hearing:	April 20, 2022
	Comment Period Ending:	May 4, 2022

SEPA Review: Phased SEPA Review per WAC 197-11-060(5) Lynden SEPA #20-04.
Initial Review - Mitigated Determination of Non-Significance (MDNS) issued March 16, 2020
Second Review - Mitigated Determination of Non-Significance (MDNS) issued May 13, 2022

Authorizing Codes, Policies, Plans, and Programs:

- RCW 43.21C State Environmental Policy Act
- WAC 197-11 State Environmental Policy Act Rules
- LMC 16.16 Critical Areas Ordinance
- LMC Chapter 17 Land Development
- LMC Chapter 18 Subdivisions
- LMC Chapter 19.16 Residential Mixed Density Zone (RMD)
- LMC Chapter 19.29 Planned Residential Developments
- City of Lynden Manual for Engineering Design and Development Standards

III. PROJECT DESCRIPTION

The subject Property zoning became effective after Step 1 of the subject MPRD was approved by Lynden City Council, in September 2020. The MPRD and rezone approvals (Planning Commission Resolution #20-06, #20-07, and City Council Ordinance #1608 and Findings of Fact for MPRD #20-01) laid out the conditions of approval for Step 2 of the MPRD. These conditions of approval included compliance with Chapter 19.16 RMD zoning, and Chapter 19.29 PRD overlay within the Lynden Municipal Code, but also provided flexibility from the standard code requirements in certain areas, mostly related to lot size, housing type and road standards.

The concept approved in Step 1 of the for the Planned Residential Development (PRD) approval process included up to 134 housing units that incorporated detached and paired (zero-lot line) single-family housing types as well as the potential to include some attached housing types such as duplex, tri-plex, or four-plex structures. The approval

Lionsgate Master Planned Residential Development – Final TRC Report

limited the paired housing lots to no less than 3,000 square feet, detached single family housing lots to 4,000 with the provision that detached single family lots with frontage on a shared common green space could be reduced to 3500 square feet.

The project has submitted a proposal for Step 2 PRD approval path. The proposed project was resubmitted to include 108 total lots, containing 129 residential units. 75 lots are proposed for detached single family development, with sizes ranging from 3,500 square feet to 8,000 square feet on average. Many of these lots are oriented to common open space areas. The largest detached lots are located adjacent to the existing single-family subdivision to the east, with minimum lot sizes equating to at least 80% of the average lot size of these existing neighboring lots. These large lots are situated in two rows, providing a transition area between these neighboring properties and the denser components of the proposed PRD to the west.

The remainder of the PRD includes 12 lots that are proposed for two-unit attached (paired) single family development, with 3,100 square foot lot sizes on average, located along the north property line of the project area. 8 lots are proposed for four-unit attached single family development, with 3,500 square foot lot sizes on average. These "townhouse" style lots are located along Main Street. 5 lots are proposed for duplex unit development, situated in the southwest corner of the property near the intersection of Main Street and Guide Meridian. 8 lots are proposed for triplex unit development, situated along the west side of the property, separate from Guide Meridian by the on-site stream and buffer area.

New internal public roads are proposed through-out the property consistent with the approved concept. The primary access to the new development stems from an existing curb cut on Main Street with secondary access via a public right-of-way stubbed from 19th Street. The road network is designed to direct primary traffic away from 19th Street via a primary internal divided boulevard curving to the west as it enters the site. Primary roads throughout the site will have 60' rights of way with parking on both sides. Secondary roads throughout the site will have 50' rights-of-way with parking on one side. There will be several private alleys within the project. All lots will be served by the public roads and/or alleys, allowing for rear yard garages on many lots.

New public water and sewer utilities, and storm water facilities are proposed within the property to serve all new development. Water and sewer mains will be extended in the new public rights of way, with private service connections to each lot. Storm water facilities will be located in below grade pipe systems (for detention and treatment) within rights of way, and within open space areas. These facilities will connect to existing public storm water conveyance infrastructure as they leave the site. All storm water facilities will be designed to meet applicable State Department of Ecology regulations, already adopted by the City of Lynden.

Lionsgate Master Planned Residential Development – Final TRC Report

A Traffic Impact Analysis has been prepared by a qualified traffic engineer, evaluating the traffic impact from the proposed project. No off-site mitigation is proposed, as the TIA analysis concluded that off-site intersections will not operate below the City's adopted level of service standards after completion of the project. All project intersections with adjacent developed rights of way (19th and Main Street) will be improved to meet City Standards. An internal public road will terminate in the northeast corner of the property with a right of way extension to the north to allow for connectivity from the project site. Intersection upgrades are expected when the Washington Department of Transportation widens the Guide Meridian in this area. Design work on this project is expected to begin in 2023.

Coordination of access and storm water improvements with the Ridnour Activities Center property are required as easements and stormwater facilities are currently shared.

The stream that runs along the Guide Meridian ditch has a standard 100' buffer along most of the property's west boundary. The project proposes to reduce this buffer to 75' using a 25% reduction permitted through mitigation (LMC 16.16.380(H)). Mitigation will be provided for this reduction through enhancement of the remaining buffer, which is currently degraded. This buffer area will also be placed in a permanent open space tract with a conservation easement restricting it for preservation purposes. This stream enters a piped conveyance system along the southern 1/3 of the property frontage along the Guide Meridian, and in this location, there is no buffer applied. Upgrades to this culvert under Main Street are included on the City's stormwater infrastructure projects in association with the widening of the Guide Meridian.

In addition to the conservation area related to the Guide Meridian ditch, five more Open Space Tracts (six total) are proposed throughout the project. These open space areas will be improved with landscaping, trails and park facilities. They are intended to facilitate a pedestrian network through the project, connecting existing public pedestrian facilities on Main Street and 19th Street to the northeast corner of the property, and facilitating future trail connection to areas north of the property. Additional landscaping, including street trees, are proposed along all rights-of-way.

Individual house designs have not been completed for this subdivision, but the intent is to have a uniform set of design standards, administered through an HOA which will ensure that the detached single-family homes, attached single family homes, and duplex and triplex units are all developed with high quality design, modern materials and finishes. Concept drawings have been included and are intended to provide examples only.

IV. PUBLIC NOTICE AND COMMENT

Lionsgate Master Planned Residential Development – Final TRC Report

Notice of Application: Formal legal notice for this application was published in the Lynden Tribune on April 20, 2022.

Notice of SEPA determination: Formal notice of the initial SEPA Determination (MDNS) was published in the Lynden Tribune on March 18, 2020 and mailed to neighbors within 300 ft of the property. The comment period for this SEPA determination expired on April 1, 2020.

The second SEPA Determination (MDNS) was published in the Lynden Tribune on May 18, 2022 and mailed to neighbors within 300 ft of the property. The comment period for this SEPA determination expired on June 1, 2022.

Public Comment Received:

The comments are summarized, with City response below:

- 1) Duana Adams (860 19th Street, Lynden) – Submitted a letter (included in the meeting packet) expressing concerns regarding stormwater and flooding as well as concerns related to an increase in traffic on Main Street and 19th Street.
- 2) Chris Pillar (PO Box 29207, Bellingham) – Submitted a letter (included in the meeting packet) expressed concerns regarding the process that was used to rezone the property. Recommended the property be used for “more luxurious much bigger homes with double size or even bigger lots” and called for the installation of a roundabout at 19th and Main Street. (letter referenced a rezone application that the Planning Commission recommended be denied)

City’s response:

Traffic: *The development of Lionsgate will contribute to additional traffic in this area. However, this increase has been anticipated in the design and construction of roadways in this area. Pine Street has been stubbed to the east edge of the subject property specifically to accommodate development. The neighborhood will have an additional outlet on Main Street which will be shared with the RAC facility.*

The City’s Comprehensive Plan sets standards for level of service (LOS) provided on City streets. The project’s traffic study demonstrates that the additional trips created by the Lionsgate development will not cause the surrounding intersections or roadways to fall below the accepted level of service. Additionally, the City will be working with WSDOT in the next 5 years to design improvements to the Guide and Main Street intersection. Traffic generated by Lionsgate will be considered in this improvement. A traffic circle at the intersection of Main and 19th Street, as suggested by one comment, is not warranted based on the volume of traffic at that intersection.

Flooding and Stormwater: *The City is aware that flooding and stormwater are a significant concern to residents in this area. Recent flood events, exacerbated by a downstream culvert failure at Front Street, has understandably heightened these concerns.*

Studies have shown that flooding in this area is predominantly caused by overland flow. That is, water that is moving from the north, across farmland, contributing to flooding issues on the subject property and nearby neighborhoods. Solutions to this issue are twofold. One, the City is working with WSDOT to increase the size of multiple culverts that flow from this site so that flood water is not held up in this area. This includes the culvert under Main Street, a second culvert under the Guide Meridian flowing west, and replacement of the failing culvert that flows south under Front Street. Secondly, the stormwater plan for Lionsgate includes an intercept ditch along its northern property line. This is designed to protect the homes planned in this area by intercepting overland flow and shunting it into the drainage way along the Guide Meridian. This will likely offer a measure of protection to homes along 19th Street as well.

Stormwater standards required for the Lionsgate project must be compliant with the Western Washington Stormwater Manual. Construction cannot begin on the property until engineering review of the stormwater plan has been vetted and approved. To be compliant, release of stormwater from the site is limited to a flow equal to that which would flow off the site if it were covered in old-growth forest. It is likely that the existing condition of vacant property releases more stormwater than this standard required of new development. Stormwater management in this area is challenging as groundwater is relatively high. Concepts submitted by the applicant include underground containment systems known as “fat pipe”. This is used in areas where infiltration of stormwater is not a viable option.

Rezone Action: *The Lionsgate property was rezoned from RS-100 to an RMD zoning category in September of 2020. The action was brought before the Planning Commission as an open public hearing. The Planning Commission recommended approval of the rezone which was subsequently confirmed by the City Council’s decision to approve the rezone. The letter from Chris Pillar mentions a rezone which received a recommendation for denial from the Planning Commission. Staff believes this may be in reference to a separate application.*

V. ANALYSIS AND CONSISTENCY WITH REGULATIONS

Lionsgate Master Planned Residential Development – Final TRC Report

The application is reviewed in accordance with Chapter 17, 18 and 19 of the City of Lynden Municipal Code (LMC).

Lynden Municipal Code (LMC) 19.29 guides the development standards and criteria for approval for Master Planned Residential Developments (MPRDs). The Lions Gate proposal appears to meet the following requirements consistent with the LMC:

Intent: The primary purpose of a Master Planned Residential Development (MPRD) is to promote creativity in site layout and design by allowing flexibility in the application of the standard zoning requirements and development standards. As outlined in LMC 19.29.100, the applicant chose the two-step approval process which requires two separate City approvals under 17.09.

The intent of a two-step process is to ensure consistency with the City’s comprehensive plan, decrease the applicant’s expenditure of time and resources and promulgate a cohesive community and neighborhood aesthetic based upon the City’s present and future needs.

On September 21, 2020, the Lynden City Council approved Step 1 of this process which included the review of the master plan and general project concepts. Step 2, the current application, will finalize specific site design and development requirements defined by the approval on September 21st.

Unit Density: Proposal is consistent with the permitted maximum density of the RMD zoning. Maximum permitted density is calculated using the gross area. This includes the property as well as half of adjacent rights-of-way which is about 23.5 acres. Maximum density in RMD allows up to 8 dwelling units per acre which equates to a maximum unit count of 188 units. Lionsgate is proposing a density of about 5.5 units per acre.

Parking Requirements: Proposal demonstrates compliance with minimum parking requirements per LMC 19.29.060(C) and driveway lengths. Additionally, the proposal includes on-street parking on both sides of rights-of-ways which are 60 feet wide and one side of rights-of-ways 50 feet wide consistent with LMC 19.29.060(E).

Pedestrian Connections: As noted in 19.29.060(6), in addition to sidewalks fronting residential lots, there must be logical pedestrian connections throughout the project including paved pathways to front doors, and trails within or adjacent to open space areas. The proposal provides these connections and shows sensitivity to the City of Lynden’s long range trail plan.

Open Space Standards: An MPRD shall set aside a minimum of seven and one-half percent (7.5%) of the gross land area for active recreational uses. The proposal has indicated that area reserved for open space equals 22%. Be advised that to comply

Lionsgate Master Planned Residential Development – Final TRC Report

with LMC 19.29 open space shall require a recorded deed restriction or restrictive covenant which runs with the land and assures that said property will remain in open space in perpetuity, consistent with the terms of this chapter, and which shall be held and maintained for such purposes for the common benefit of residents of the development by a homeowner’s association.

A minimum of 30% of the required open space shall be suitable for active recreational purposes. The proposal demonstrates that the 62% of the reserved open space will be accessible for recreational purposed and has proposed pedestrian access points to these areas.

Deviation from Minimum Standards: LMC 19.29.060 describes the minimum development standards expected from a MPRD but also allows for deviation from the minimum standards per certain criteria described in 19.29.060(J). Some of these minimum standards have been resolved with the approval of the project’s maximum unit count and street layout.

Lionsgate’s MPRD Step 2 approval seeks to establish development standards – some of which require deviation from the minimum standards listed in 19.29.060. This includes building setbacks, perimeter setback, and the design of the private alleys. Staff conclusion found that each of the deviations could be found to meet at least one of the criteria listed in LMC 19.29.060(J) and can recommend approval. A summary of these deviations are provided in the table below:

	<i>Minimum MPRD Standard</i>	<i>Staff Supported Alternate Standard</i>	<i>Justification</i>
<i>Design of Private Alley</i>	24 foot total width, 20 foot wide drive lane, 2 foot gravel shoulders on each side.	24 foot total width, 15 foot wide drive lane, thickened concrete edge, fence and structure setbacks to allow for better visibility.	Homes are serviced in the front by public streets so rear alleys will be used for private access only. A reduced pavement width slows traffic. Eliminating gravel shoulders reduces maintenance, controls stormwater, and creates a tidy appearance.
MPRD Perimeter Setback	25 foot setback around the perimeter of the development.	20 feet on the north, the east, most of south perimeter. 75 feet along most of the west perimeter with 3 lots (96-99) using a side yard setback of 7 feet	Proposed setbacks are consistent with the underlying zoning. Areas where the reduction is most significant – the use of a 7 foot side yard – are

Lionsgate Master Planned Residential Development – Final TRC Report

		<p>along the Guide Meridian. 3 lots (1, 19, 20) on south property line reduced to a 7 foot side yard adjacent to RAC.</p>	<p>adjacent to non-residential uses.</p> <p>Perimeter setback is increased to 75 feet along critical areas.</p> <p>Most MPRDs have benefitted from a reduction in the perimeter setback.</p>
--	--	---	--

VI. TECHNICAL REVIEW COMMITTEE COMMENTS

Planning and Development Department

1. *Proposed Phases:* Staff recognizes that the project will be developed in phases. Be advised, the Public Works Department and Fire Department will require service to be provided to each phase as they seek final plat approval.
2. *Critical Areas and SEPA Review:* A Detailed Study (with a mitigation plan) from a certified biologist has been provided to support a reduction in critical area buffer from 100 feet to 75 feet along the project’s western property line. Be advised, the City will require a maintenance bond to ensure establishment of the mitigation plan. Additionally, covenants associated with the property must address who is responsible for long term maintenance of this area.
3. *Architecture:* Staff is supportive of the architectural concepts submitted but recognizes that designs may be refined prior to building permit submittals. Be advised, all architecture will be reviewed consistent with the City’s adopted residential design standards found in Chapter 19.22 LMC. These standards include requirements regarding architectural variation among homes on the same street.
4. *Garbage Collection:* Be advised, after initial site plan review, Nooksack Valley Disposal has indicated that it will not be accessing alleys to conduct garbage collection.
5. *Architecture – Outdoor storage:* Garden sheds may not be feasible or attractive on smaller residential lots, and garbage collection will not occur on alleys but on public street frontages. As such, unless an acceptable alternative is proposed, staff recommends that the design of all homes on lots less than 5,000 square feet provide attached, covered, screened outdoor storage areas. These areas are meant to

Lionsgate Master Planned Residential Development – Final TRC Report

accommodate typical household items including garbage totes, bicycles, and lawn equipment that may not be accommodated in garages. This storage area must be:

- A minimum of 3.5' x 6.5' to accommodate bicycles, garbage totes, etc.
- Exclusive of covered patio areas that are intended for outdoor living space.
- Accessible from street frontages where garbage will be collected.
- Rooflines of this covered area may encroach into side and rear setbacks a maximum of 4 feet. Fire proofing requirements per the IBC must be met at all times.

Public Works Department

6. *Drainage Plan Required:* A concept for stormwater management has been provided. Be advised, prior to the start of construction, the applicant must secure City approval of a stormwater management plan prepared by a professional engineer and meeting the requirements of the Department of Ecology’s Best Management Practices (including all known and reliable technologies) and the standards approved in the Manual for Engineering Design and Development Standards. Stormwater revision must include the RAC facility located at 1986 Main Street to facilitate the proposed Lionsgate site plan.
7. *Erosion Control Required:* An erosion control plan must be included in the drainage plan and construction plans as necessary. This must be designed and constructed in compliance with the Department of Ecology’s Best Management Practices (including all known and reliable technologies) and the standards approved in the Manual for Engineering Design and Development Standards.
8. *Agency Review and Permitting:* The applicant will be responsible for obtaining any required State and/or Federal permits for all stormwater and construction activity. This may include a Department of Ecology CSWGP permit for stormwater management.

Fire Department

9. *Hydrants:* Be advised, final hydrant spacing must be included for City review on the project’s engineering plans.
10. *Dead End Access:* Be advised, the Fire Department will only support dead-end alleys that do not exceed 150 feet in length. The Lionsgate site plan is compliant.

Parks Department

Lionsgate Master Planned Residential Development – Final TRC Report

- 11. *Trail Dedication:* Be advised, dedication of a public trail easement or the granting of public access on trails through an associated restrictive covenant will be required as a condition of the final Master Planned Residential Development approval. This must be addressed in the PRD agreement and the neighborhood’s CCRs.
- 12. *Park Impact Fees:* Be advised, park impact fees will be due at the time of permit. The current rate of this fee is \$1,755 per attached dwelling unit and \$2,925 for detached dwelling units.

VII. RECOMMENDATION

Based on the above findings, **Staff recommends approval Step 2 of the Lionsgate Master Planned Residential Development subject to the following conditions:**

- 1) **Pedestrian Access Easements:** In addition to the planned public right-of-way dedications (streets and sidewalks), additional public pedestrian access easements will be required as needed to allow public pedestrian access movement from the northeast corner of the project to the southwest. Easements must appear on the face of the final plat and will be noted as a link within the City’s public trail system.
- 2) **Side Yard Setbacks:** The final development contract must increase the side yard setbacks on lots 98-108 so as not to conflict with the 10 foot utility easement located along the public road frontage. Note that vertical encroachment of eaves into utility easements cannot occur without approval of the Public Works Director.
- 3) **Critical Area Mitigation:** Required implementation of May 9, 2022 Mitigation Plan developed by Northwest Wetlands Consulting, LLC as well as the posting of maintenance bonds in association with continued establishment of mitigation plantings along the western property line. Long term maintenance must clearly be outlined within the developments Covenants, Conditions and Restrictions (CCRs) as the responsibility of the homeowner’s association.
- 4) **Alley Design:** Alley standard must utilize a thickened concrete edge along both sides to edge the drive lane on all alleys. Design and management of the unpaved areas within the easement must be addressed within the property CCRs. This must include, but is not limited to, defining the potential allowances for parking and permitted surfaces off of the alley drive aisles. Long term maintenance and the management of parking restrictions must be clearly

Lionsgate Master Planned Residential Development – Final TRC Report

outlined within the developments Covenants, Conditions and Restrictions (CCRs) as the responsibility of the homeowner’s association.

- 5) Alley Setbacks: Alley setbacks of fences and garages as well as rear yard of homes must be consistently described and measured from the edge of alley pavement so as to be easily and consistently enforceable.

- 6) Final Contract and CCRs: A final development contract, with all exhibits, must be presented to the Planning Commission for review and the City Council for approval within one year following approval of Step 2 of the MPRD. This contract must include specific development requirements based on the MPRD approval and all special conditions and approvals applied to the property within the MPRD. This development contract, related exhibits, and any amendment approved pursuant to 19.29.120(2) shall be recorded in the Whatcom County Auditor’s Office. The Covenants, Conditions, and Restrictions (CCRs) for this development must be submitted simultaneously with the development contract and is also subject to staff review and approval by the City Council.

ORIGINAL

CITY OF LYNDEN
PLANNING COMMISSION RESOLUTION #22-01

**A resolution of recommendation for the approval of the
Lions Gate Master Planned Residential Development Step 2 of 2**

WHEREAS, AVT Consulting, LLC, on behalf of Mannahouse Church, hereinafter called the "Proponent," submitted a complete application to the City of Lynden, hereinafter called "the City," for the development of approximately 21.83 acres into a Master Planned Residential Development (MPRD) located at 1990 Main Street, in Lynden.

WHEREAS, Chapter 19.29 of the Lynden Municipal Code (LMC) permits the development of property within the RMD zone as a planned residential development; and

WHEREAS, The primary purpose of a Master Planned Residential Development (MPRD) is to promote creativity in site layout and design by allowing flexibility in the application of the standard zoning requirements and development standards; and

WHEREAS, the proponent has opted for a 2-step approval process as described in 19.29 which requires that the second step in the application return to the Planning Commission within the setting of a public hearing to finalize the design standards and development agreement associated with the plan, and

WHEREAS, the application for Step 2 of the MPRD approval was submitted on March 1, 2022, and the notice of application was published in the Lynden Tribune on May 18, 2022; and

WHEREAS, the Proponent has provided the City the receipts for the certified mailing of all required notices to all property owners within three hundred feet of the subject property together with the affidavits of posting said notices; and

WHEREAS, the proposal was granted a phased environmental review as permitted under WAC 197- 11-060(5). The Phase 1 MDNS was issued March 16, 2020. Step 2 of the phased MDNS was issued on May 13, 2022. This determination is associated with Step 2 of the MPRD proposal which includes more detailed proposal information than what was available for the Step 1 concept approval.

WHEREAS, the Lynden Planning Commission held a public hearing on June 9, 2022, to accept public testimony on Step 2 of 2 of the Master Planned Residential Development application, and that meeting was duly recorded; and

WHEREAS, the City's Technical Review Committee has reviewed the request for the development of property and has provided comments and recommendations to the Planning Commission in a report dated June 3, 2022,

WHEREAS, the Lynden Planning Commission has reviewed the request and found that the MPRD application meets the minimum criteria outlined in **LMC 19.29.010 (PRD**

Purpose) for recommending to the City Council the Lionsgate Master Planned Residential Development, and

WHEREAS, the Lynden Planning Commission has reviewed the request and found that the MPRD application meets the minimum criteria outlined in **LMC 19.29.060 (J) (Minimum Development Standards)** for recommending to the City Council the Lionsgate Master Planned Residential Development, and

WHEREAS, the Lynden Planning Commission has reviewed the request and found that the MPRD application meets the minimum criteria outlined in **LMC 19.29.100 (Criteria for Approval)** of Lynden Municipal Code for recommending to the City Council the Lionsgate Master Planned Residential Development.

NOW THEREFORE, BE IT RESOLVED by the Lynden Planning Commission to recommend approval of Step 2 of 2 for the **Lionsgate Master Planned Residential Development** by a vote of 4-0, to the Lynden City Council, subject to the following:

1. **Staff conditions outlined in the Technical Review Report dated June 3, 2022.**
2. **That the Lionsgate stormwater report clearly address overland flows which may occur during high water rain events. That the HOA be required to maintain this and all other private stormwater features. That these maintenance responsibilities be addressed in the property’s covenants, conditions, and restrictions (CCRs).**
3. **A minimum 20-foot setback be required for all lots along the project’s north property line to accommodate a stormwater feature meant to address overland flow.**
4. **That the boulevard be widened on the west lane, fronting lots 79-87, to accommodate on-street parking; and, that a urban shoulder be striped to delineate an area meant for bike travel on the east side.**
5. **That lots 96, 97 and 99 be subject to a 25-foot buffer adjacent to the Guide Meridian and, as a result of this shift, that lot 96 be labeled as a duplex lot and that lots 97-100 would be combined to become 2 four-plex parcels.**

PASSED by the Planning Commission of the City of Lynden, Whatcom County, at their regular meeting held on the 9th day of June 2022.



 Tim Faber, Chairperson,
 Lynden Planning Commission



 Heidi Gudde,
 Planning Director

LIONSGATE
MPRD PHASE 2
APPLICATION NARRATIVE

I. Subject Site / Properties Information

Address: 0 Main Street, Lynden, WA 98264
Tax Parcel Number(s): 400319 051539 0000 & 400319 034471 0000
Owner(s): Bruce Wood, City Bible Church, 9200 NE Fremont St, Portland, OR 97220
Applicant: Ali Taysi, AVT Consulting LLC, 1708 F Street, Bellingham, WA 98225
Agent(s): Same as applicant

II. Subject Site / Property Description

The subject property is made up of one parcel that is currently unaddressed and adjacent to Main Street, located east of Guide Meridian and north of Main Street in Lynden, WA (the “Property”). The Property is approximately 21.83 acres (950,915 square feet) in size. It is located within Section 19, Township 40 North, Range 03 East, W.M. The Property is currently zoned Residential Mixed Density (RMD), rezoned in 2020.

The Property is predominantly undeveloped, with some limited asphalt parking lot, and storm water facility improvements in the southern and western portions. The remainder of the Property is vegetated with a few stands of trees, maintained lawn and pasture areas. Portions of the Property have been historically farmed. The Property is generally flat, with no steep slopes or other geohazards, and no wetlands. There is a stream located along the Property western edge, running along Guide Meridian. The Property is not located in a flood designation but there is a seasonally high ground water table. Main Street along the Property’s frontage is fully improved with curb, gutter and sidewalk. Guide Meridian is partially improved along the Property’s frontage, with asphalt drive lanes but without curb, gutter and sidewalk. The intersection of Main Street and Guide Meridian is signal controlled. There are water and sewer utilities abutting the Property in Main Street.

Neighboring properties to the north are in Whatcom County and developed largely with industrial and farming uses. Properties to the west across the Guide Meridian are within the City of Lynden and are developed with large scale industrial and commercial/retail uses. Properties to the east and south are developed with a mix of single-family and multifamily residential developments. Some neighboring properties to the south and southwest are developed with commercial uses. Immediately adjacent and to the southeast of the Property is The Ridnour Activities Center building, along with associated parking and a large yard area, totaling approximately 4 acres. This parcel was subdivided from the Property in 2019 and was not included in the Phase 1 MPRD or rezone request.

Legal Description:

400319 051539 0000 & 400319 034471 0000

LOT 1, AS DELINEATED ON CITY BIBLE CHURCH SHORT PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED AUGUST 29, 2019, UNDER AUDITOR’S FILE NO. 2019-0803655, RECORDS OF WHATCOM COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

III. Project Description

The subject Property zoning became effective after Phase 1 of the subject MPRD was approved by Lynden City Council, concurrently with a rezone, in late 2020. The MPRD and rezone approvals (Planning Commission Resolution #20-06, #20-07, and City Council Ordinance #1608 and Findings of Fact for MPRD#20-01) laid out the conditions of approval for Phase 2 of the MPRD. These conditions of approval included compliance with Chapter 19.16 RMD zoning, and Chapter 19.29 PRD overlay within the Lynden Municipal Code, but also provided flexibility from the standard code requirements in certain areas, mostly related to lot size, housing type and road standards.

The proposed project is a Planned Residential Development. The project includes 108 total lots, containing 129 residential units. 75 Lots are proposed for detached single family development, with sizes ranging from 3,500 square feet to 8,000 square feet on average. Many of these lots are oriented to common open space areas. The largest detached Lots are located adjacent to the existing single-family subdivision to the east, with minimum lot sizes equating to at least 80% of the average lot size of these existing neighboring lots. These large lots are situated in two rows, providing a buffer and transition area between these neighboring properties and the denser components of the proposed MPRD to the west. 12 Lots are proposed for two-unit attached single family development, with 3,100 square foot lot sizes on average, located along the north property line of the project. 8 Lots are proposed for four-unit attached single family development, with 3,500 square foot lot sizes on average. These “townhouse” style lots are located along Main Street. 5 Lots are proposed for duplex unit development, situated in the southwest corner of the Property near the intersection with Main Street and Guide Meridian. 8 Lots are proposed for triplex unit development, situated along the west side of the Property, separate from Guide Meridian by the on-site stream and buffer area from this stream.

New internal public roads are proposed through the Property, with primary access to the new development from an existing curb cut on Main Street, and secondary access via a connection to 19th Street. The road network is designed to direct primary traffic away from 19th Street via a primary internal divided boulevard curving to the west as it enters the site. Primary roads throughout the site will have 60’ rights of way with parking both sides. Secondary roads throughout the site will have 50’ rights of way with parking one side. There will be several private alleys within the project. All Lots will be served by

the public roads and/or alleys, allowing for rear yard garages on many lots. See attached Project Plan set for additional details on Lot configuration, size and building type.

New public water and sewer utilities, and storm water facilities, are proposed within the Property to serve all new development. Water and sewer mains will be extended in the new public rights of way, with private service connections to each Lot. Storm water facilities will be located in below grade pipe systems (for detention and treatment) within rights of way, and within open space areas. These facilities will connect to existing public storm water conveyance infrastructure as they leave the site. All storm water facilities will be designed to meet applicable State Department of Ecology regulations, already adopted by the City of Lynden. See attached Project Plan set for additional details on preliminary road and utility design.

A Traffic Impact Analysis has been prepared by a qualified traffic engineer, evaluating the traffic impact from the proposed project. No off-site mitigation is proposed, as the TIA analysis concluded that off-site intersections will not operate below the City's adopted level of service standards after completion of the project. All project intersections with adjacent developed rights of way (19th and Main Street) will be improved to meet City Standards. An internal public road will terminate in the northeast corner of the Property with a right of way extension to the north Property line to allow for connectivity from the project site to properties to the north in the event they are developed in the future (currently in the Lynden UGA and proposed for annexation). Coordination of access, parking and storm water improvements with the Ridnour Activities Center property are anticipated.

The stream that runs along the Guide Meridian has a standard 100' buffer along most of the Property west boundary. The project proposes to reduce this buffer to 75' using the standard allowed 25% reduction. Mitigation will be provided for this reduction through enhancement of the remaining buffer, which is currently degraded. This buffer area will also be placed in a permanent Open Space Tract with a conservation easement restricting it for preservation purposes. This stream enters a piped conveyance system along the southern 1/3rd of the Property frontage along the Guide Meridian, and in this location, there is no buffer applied.

Five additional Open Space Tracts (six total) are proposed throughout the project. These open space areas will be improved with landscaping, trails and park facilities, and will create a pedestrian network through the project, connecting existing public pedestrian facilities on Main Street and 19th Street to the northeast corner of the Property, and facilitating future trail connection to areas north of the property. Additional landscaping, including street trees, are proposed along all rights of way.

Individual house designs have not been completed for this subdivision, but the intent is to have a uniform set of design standards, administered through an HOA and set of Covenants (See attached draft Declaration of Covenants), which will ensure that the detached single family homes, attached single family homes, and duplex and triplex units are all developed with high quality design, modern materials and finishes, and other

architectural details that will keep them in character with the City of Lynden expectations for residential development. Several sample home designs for detached units and for duplex units and/or attached single family units are included with this application. These are concept drawings intended to provide examples only.

V. Planned Residential Development

Planned Residential Development Overlays (MPRDs) are addressed in Lynden Municipal Code (LMC) Chapter 19.29. This section of the LMC identifies application requirements, development standards, and procedure and criteria for review and approval. In this case, the proposed MPRD is being reviewed in two phases, with Phase 1 of the MPRD approved by City of Lynden Planning Commission and City Council already. The subject application is for Phase 2 of the MPRD, which will finalize the site layout, confirm compliance with the applicable regulations, and authorize submittal of construction permits for infrastructure and other project improvements. It should be noted that the previously approved Phase 1 MPRD provided modification from certain standards within the RMD and PRD codes, focused on lot size, lot orientation, housing type and road standards. Additional modification is requested through the Phase 2 MPRD application specifically to address setback requirements for certain lot types. The proposed modifications are discussed in this narrative and illustrated in the Project Plans.

The Purpose of an MPRD is identified in LMC 19.29.010:

The primary purpose of a planned residential development (PRD) or master planned residential development (MPRD) is to promote creativity in site layout and design, allowing flexibility in the application of the standard zoning requirements and development standards. More specifically, it is the purpose of this chapter to:

- A. Permit developers to use innovative methods including low impact development (LID) techniques and approaches not available under conventional zoning methods to facilitate the construction of a variety of housing types and densities serving the housing needs of the Lynden community and meeting the goals and policies of the comprehensive plan;*
- B. Provide for the economic provision of public facilities and services by allowing choices in the layout of streets, utility networks and other public improvements through superior site design and the use of clustering;*
- C. Allow development of land with physical constraints while preserving the natural characteristics of the site, including topography, native vegetation, critical areas and other natural amenities of value to the community;*
- D. Encourage infill within areas of the city which are characterized by existing development;*
- E. Create and/or preserve open space for recreation and the aesthetic enjoyment of residents; and*
- F. Provide for the management and control of stormwater under current state and local regulations.*

Comment: The proposed MPRD utilizes innovative design and planning to contribute to infill within the City, in a way that is compatible with the character of existing residential development to the east and south, and mitigating for development impacts. Through site design the project creates transitions from the existing single-family residences to the east, while providing varied housing type and greater density, open spaces, and public amenities. The project supports the City of Lynden Comprehensive Plan goals related to infill, housing supply, transportation, the environment, and others. The MPRD further serves the housing needs of the Lynden community by ensuring development of housing that is attainable for broader demographics: young adults, seniors, and single parents. Additionally, the MPRD further concentrates housing near employment opportunities along existing transit lines.

Section 19.29.060 identifies minimum development standards for an MPRD. As noted, these standards were reviewed during the Phase 1 MPRD approval, and some modifications from the standards were approved. The proposed Phase 2 MPRD is consistent with the applicable standards, as modified with the Phase 1 approval documents, and with limited additional modification proposed.

19.29.060 - Minimum development standards for PRD or MPRD.

While development under a PRD or MPRD provides measures for flexibility and creativity in the development of new home sites, there are certain minimum standards that must be met to protect Lynden's character, aesthetic values and health and safety. Additional conditions or requirements more stringent than these minimum standards may be imposed as a condition of approval. The following are minimum standards applicable to all PRD and MPRD proposals; provided that, said minimum standards may be reduced for an MPRD subject to subsection J herein:

A. Density: The density shall be the same as the density for the underlying zone; except where the application qualifies for a density bonus under Section 19.29.070. The area included in a floodplain or floodway identified by FEMA shall not be included in the gross land area for the calculation of density. The base density for projects that include land in two or more zoning designations shall be calculated for the land area in each zone and added together for the total number of units.

Comment: The proposed density for the project was approved with the Phase 1 MPRD, allocating a maximum of 134 residential units for the Property. The proposed development has 108 Lots and a total of 129 residential units.

B. Height: Maximum height of structures when the underlying zoning is a single family or mixed density zone is thirty-five feet. The maximum height of structures when the underlying zone is a multi-family zone is forty-five feet. Building height may be extended above these limits under a master planned residential development when approved in the master plan. Considerations for approval of extension of the height limit include the size of the parcel, the character of the surrounding parcel(s) and neighborhood, protection of view corridors and the existence of adequate infrastructure to supply necessary services.

Comment: The proposed structures will all stay within the allowable 35’ height limitation.

C. Parking requirements: Two parking stalls are required for each residential unit. Each twelve feet x twenty-five feet space, whether inside or outside the garage shall count as a parking stall. These are the minimum requirements and additional parking may be required as a condition of approval.

Comment: The proposed lots will each have two parking stalls provided with future development, either inside or outside the garages.

D. Building setbacks: All PRD's and MPRD's are subject to the following minimum setbacks:

- 1. 15-feet between the front of the house and the front property line;*
- 2. 25-feet between garage doors and the front property line;*
- 3. A setback of twenty-five feet around the perimeter of the development;*
- 4. There is no minimum building separation, except as provided by the International Building and Fire Codes, but such separation may be required as a condition of approval.*
- 5. Other setbacks may be required as a condition of approval.*

For purposes of this section, where the "front property line" borders on a public right-of-way, said "front property line" shall be the edge of the public right-of-way.

Comment: The proposed MPRD will meet most of the applicable setback requirements contained in the RMD zone, and as amended by the PRD overlay. Some modifications are proposed. There are six “types” of Lots identified on Sheet 3 of the MPRD project plan set. These include:

- 7,200 square foot + Detached Single Family Lots.
- 3,500-,4500 square foot Detached Single Family Lots.
- 3,000 square foot Attached (two-unit attached) Single Family Lots.
- Duplex Lots.
- Triplex Lots.
- 3,500 square foot Attached (four-unit attached) Single Family Lots.

The proposed 7,200 square foot + detached single family Lots will meet all relevant setbacks, including the 25’ setback along the east property boundary, with one modification being requested through the Phase 2 MPRD. A number of these lots have alley access. In the instance where a 7,200 square foot + lot has alley access, a 3’ garage setback from the edge of alley paving is proposed. The proposed alleys are 24’ in width, located in private easements, and this 3’ setback will provide adequate maneuvering for vehicles entering and existing garages, and by placing garages near the alley, will provide

for more yard and home space for each home. If a 7,200 square foot + lot does not have an alley, then no garage access from the rear yard will be allowed.

The proposed 3,500-4,500 square foot detached single family Lots will meet all relevant setbacks for front and side yards, and when no alley is present, the rear yard will meet the underlying RMD rear setback of 20'. However, if an alley is present, a modification is being requested to allow a 3' garage setback from the edge of alley paving, and a 15' house setback from the edge of alley paving. Like the 7,200 square foot + lots, this modification is being requested to provide more room for yard and home space on these smaller lots.

The proposed 3,000 square foot attached single family lots will meet all relevant setbacks for front and side yards, but a modification is being requested to allow a reduced rear yard setback reduction to 15'. These lots are all situated along the north property line, and do not have rear yard access for garages. There is a required 25' setback around all property lines per requirement D.3. If applied, this would leave too little lot depth for home development on these lots when considering the required front yard setbacks. A 15' rear yard setback on these lots is appropriate due to their location within the Property.

The proposed duplex and triplex lots, and the proposed 3,500 square foot attached single family lots will meet all relevant setbacks, including the RMD standard 20' rear yard setback. No modifications from setback standards are proposed for these lots.

The modifications listed above are the only additional modifications requested with the Phase 2 MPRD approval

E. Street widths: Arterial or collector streets or streets shown within the transportation plan must be constructed to full city standards. Within a PRD or MPRD, a reduced street section for a residential access street that is not included in the transportation plan may be permitted as follows:

- 1. Thirty feet from face of curb to face of curb, allowing two driving lanes and room for on-street parking.*
- 2. A minimum five-foot sidewalk fronting all residences with a four-foot buffer or planting strip between the curb and sidewalk.*
- 3. Rolled curbs are not allowed.*

Comment: None of the proposed streets within the MPRD will be arterial or collector streets; all streets will be residential access streets. For this reason, the Phase 1 MPRD included a request for a reduced street standard for some streets. Three streets will be located within 50' rights-of-way, with some lots having garage access from 24' alley rights-of-way. We are proposing two streets to be 60' rights-of-way: the primary Boulevard Street through the project, and the extension of Pine Street to the new Boulevard. The Boulevard will have divided travel lanes with a center landscape island. All other streets will have reduced travel lane width (30') with parallel parking on one side only. Setback sidewalks will be provided along all frontages. This street design

concept, and the proposed right of way widths, were approved with the Phase 1 PRD. The project plans for the Phase 2 MPRD include street section details for the various streets within the project.

F. Pedestrian Connectivity: In addition to sidewalks fronting residential lots, there must be logical pedestrian connections throughout the project including trails within or adjacent to open space areas.

Comment: The Phase 2 project plans identify pedestrian trails through the project site with connection to all open space areas, and to public streets to the south as well as to future development properties to the north and east.

G. Maximum lot coverage: There is no maximum lot coverage established by this overlay zone; provided that, a maximum lot coverage limitation may be imposed as a condition of approval based on consideration of the size of the parcel, the character of the surrounding parcel(s) and neighborhood, protection of view corridors and the existence of adequate infrastructure to supply necessary services.

Comment: The Phase 1 MPRD included a request to have no maximum lot coverage limitations, pursuant to this code section. With the smaller lot sizes proposed it is unreasonable to restrict lot coverage. This request carries through the Phase 2 MPRD.

H. Unit Distribution: When a PRD or MPRD is used in a single-family zone for development of single-family residences, at least twenty-five percent of the dwelling units must be detached single family units.

Comment: The proposed MPRD is in an RMD zone and therefore this requirement is not applicable. However, more than 25% of the lots will be developed with single-family units in the project. A total of 75 detached single-family units are proposed in the project, representing 58% of the total lots.

I. Minimum lot size: For detached single family residences within a PRD or MPRD, the minimum lot size shall be no less than five thousand square feet; provided that, smaller lots or detached condominiums may be approved under a MPRD subject to consideration of the factors identified in subsection J herein.

Comment: The minimum lot sizes for the project were established through the Phase 1 MPRD approval. Several conditions related to lot size and housing type were imposed by that approval, including:

- Paired housing lots be a minimum of 3,000 square feet.
- Single family detached lots a minimum of 4,000 square feet.
- Single family detached lots adjacent to green space be a minimum of 3,500 square feet.
- That 4-plex units are permitted along the Guide Meridian only.
- That attached units along Main Street be subdivided (zero lot line).

The Phase 2 MPRD design has taken these conditions into account and all lots proposed meet these minimum requirements. Paired housing is located along the north property line and along Main Street, with all lot sizes greater than 3,000 square feet. Attached units along Main Street are proposed on separate lots. All single family detached lots are greater than 4,000 square feet in size, except for those lots that front on proposed open/green spaces, some of which are reduced to 3,500 square feet in size. Units along Guide Meridian are designed as triplexes. There are no longer 4-plex lots proposed in the project.

J. Where the applicant seeks to depart from the above minimum standards in the MPRD process, the planning commission and council shall consider the following factors and the council may in its sole discretion approve departure from one or more of said minimum standards upon finding that the MPRD proposal clearly satisfies one or more of these factors:

- 1. The modification of minimum standards protects or improves the character of the surrounding neighborhood in terms of architectural scale, view corridors, the aesthetic character or provision of services;*
- 2. The modification of minimum development standards protects critical areas and the environmental quality of the parcel(s) to be developed;*
- 3. The modification of minimum standards is necessary to permit reasonable development as a result of unique characteristics of the property or the proposed uses;*
- 4. The modification of building height (subject to Section 19.29.060(2)) or building setbacks where reasonably necessary due to arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development; provided that any such modification shall be consistent with subsection A herein;*
- 5. The modification of minimum standards is adequately mitigated by reasonably related public improvements proposed in connection with the planned development.*

Comment: The Planning Commission and Council considered these factors when approving the Phase 1 MPRD and found that the proposed modifications from the PRD and RMD standards were consistent with one or more of these factors. These modifications are memorialized in the approval documents. The remaining modifications that are requested, related to setbacks, also meet one or more of these factors, and should be approved by Planning Commission and Council. The reduced setbacks for some of the lot types will result in more area on each lot for rear yard space and for flexibility in the location of building footprints on each lot. The lots are generally smaller, and as a result the setbacks, particularly the rear yard setbacks, overly restrict the building area on each lot. With alley access, pushing garages near the alley, while providing enough room for maneuvering, will generate less impervious, more opportunity for private yard space, and more flexibility for design. This is consistent

with the overriding concept of alley loaded lots. If the full setbacks are applied, then the lots will have very restricted building areas, which will generate uniform placement on the lot, uniform design, and less opportunity for variation in design and incorporation of architectural character. It should be noted that the only setbacks that are being requested to be modified are rear yard setbacks, no front or side yard setbacks are proposed for modification. No rear yard setbacks abutting the existing developed single-family neighborhood to the east are proposed for modification (these homes will have a uniform 25' rear yard setback). At a minimum the proposed setback modifications are consistent with factors 1, 3, and 4 listed above.

In addition to meeting the development standards, an MPRD application must include minimum materials. Section 19.29.090 identifies required contents of an application:

19.29.90 – Submittal Requirements.

A. Submittal of a master plan application is required per the minimum development standards as noted in section 19.29.060 above and LMC Chapter 13.14. An applicant may submit a master plan application when approval of a development concept is desired, or when the applicant wishes to submit applications for the planned residential developments in phases as noted in Section 19.29.090 below. In order to be determined complete, an application for master plan approval of a MPRD shall include the information listed below:

- 1. *A consolidated legal description of all parcels to be included in the master plan.*

Comment: Please see Section II, above, for a full legal description of all parcels to be included in the MPRD.

- 2. *A map, prepared by a qualified professional, showing the following:*
 - a. *The primary transportation and utility corridors;*
 - b. *The location of common open space, and*
 - c. *The distribution of housing types and densities*

Comment: Please see the site plans showing transportation and utility corridors, the location of common open spaces, and housing types and densities included with this application.

- 3. *A narrative description of the project. If the application seems to modify the minimum development standards, a detailed explanation of how the development will meet the criteria listed in Section 19.29.060 and other applicable criteria shall be included.*

Comment: Please see the narrative project description in Section III. Several modifications have been approved already with the Phase 1 MPRD. Additional setback modifications are proposed and are described in detail in this application narrative and are reflected in the Project Plan set.

- 4. *A completed SEPA Checklist, prepared as part of a phased environmental review under WAC 197-11-060(5).*

Comment: The project SEPA was approved with the Phase 1 MPRD and rezone and the MDNS for the project is attached with this application. The Phase 2 proposal is consistent with the issued SEPA MDNS and does not exceed any of the contemplated thresholds from that MDNS. No additional SEPA checklist edits are necessary. It should be noted that additional studies and reports have been completed to supplement the issued SEPA determination (traffic and critical areas).

- A. *To be determined complete, an application for a Planned Residential Development must include all of the information listed below. This information may be submitted for a portion of a project with the approval of a master plan. This information shall be submitted for the entire development proposal for a project that does not use the master plan approval procedure.*

- 1. *One map showing street systems, location of utilities, preliminary plat designs and contours at five foot intervals;*

Comment: The project plan set attached with this application includes sheets showing the street systems, approximate location of utilities, plat designs and other relevant.

- 2. *One map showing watercourses, natural drainage patterns, unique and sensitive natural features, forest cover, and critical areas;*

Comment: The project plan set attached with this application includes sheets showing the watercourses and natural drainage patterns on the Property. These sheets identify the stream running along the west side of the Property parallel to the Guide Meridian, the full buffer from this stream, and the proposed reduced buffer.

- 3. *One map showing locations and sizes of areas proposed to be set aside for common open space as required in Section 19.29.080, any public buildings, and similar public and semi-public uses;*

Comment: The project plan set attached with this application includes sheets showing locations and areas proposed to be set aside for common open.

- 4. *One map showing each of the maps indicated in subsections A, B and C superimposed upon one another.*

Comment: The project plan set attached with this application includes a sheet showing the proposed lot lines, proposed uses, utility locations common open spaces, etc... superimposed.

- 5. *Areas designated for recreational buildings, clubhouses, country club facilities and the nature and extent of such facilities;*

Comment: No recreational buildings or clubhouses are proposed in this MPRD.

- 6. *Proposed building areas or phases, housing types, densities, setbacks and height.*

Comment: The project plan set attached with this application includes a phasing plan showing the proposed building areas and phases of development (3 phases). The project plan set also includes information identifying housing types (single-family detached, single family attached in two-unit and four-unit designs, duplex and fourplex), setbacks and proposed heights.

- 7. *A development schedule indicating:*
 - a. *The approximate date when construction of the project can be expected to begin;*
 - b. *The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;*
 - c. *The anticipated rate of development;*
 - d. *The approximate dates when the development of each of the stages in the development will be completed;*
 - e. *The area and location of common open space that will be provided at each stage;*

Comment: A phasing plan is included in the project plan set. It is anticipated that the first phase will be located in the southwest corner of the property and include construction of the primary Boulevard into the site, and all lots located south and west of this Boulevard, as well as secondary roads, alleys, utility infrastructure and storm water facilities serving this Phase. Storm water facilities located under the large central open space tract will also be installed in this phase. It is anticipated that Phase 2 will include the remaining primary road extending east to connect to 19th Street, as well as the easterly most north/south secondary road, and all lots served by these roads, all road and utility infrastructure, and storm water infrastructure, necessary to serve the lots in this phase. It is anticipated that the third phase will be located in the northwest corner of the Property and will include all remaining lots, roads, utilities, stormwater and open space improvements. All of these improvements are identified on the project plan set.

The first phase of construction would begin as soon as the MPRD is approved and civil construction drawings can be reviewed. We anticipate MPRD approval in Q2/Q3 of 2022, with civil design drawings in review in Q3 and potential start in the beginning of Q4 2022. It is possible that due to permitting or design delays, that the start of the project could be pushed to Q2 2023 due to high winter ground water table and weather concerns. Once the first phase is under construction, construction permitting on the second phase will begin, and it is anticipated that this phase would start construction in Q3 of 2023. The third phase would follow after this, with construction in Q2 2024. It is also possible that all three phases are proposed to be developed at the same time, if market conditions and anticipated unit absorption warrant. The full build out of the entire project

infrastructure is expected to be complete in 2023 or early 2024, with home construction carrying through 2024.

- 8. *The existing and proposed utility systems including sanitary sewers, storm sewers, water lines, electric lines, gas lines and telephone lines.*

Comment: The project plan set attached with this application includes sheets showing the existing and proposed utility systems.

- 9. *Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open areas.*

Comment: A draft Declaration of Covenants, Conditions and Restrictions has been provided with this application. This document will be refined and edited as we receive City feedback on the project plan set and identify potential conditions for the Phase 2 MPRD. This document will be finalized prior to issuance of the Phase 2 MPRD approval.

- 10. *The existing and proposed circulation system of arterial, collector and residential access streets including off-street parking areas, service areas, loading areas and major points of access to public rights-of-way. Notations of proposed ownership, public or private, should be included where appropriate.*

Comment: The project plan set attached with this application includes sheets showing the existing street system and its relation and connection to the proposed circulation system within the development. All roads shown on this map will be public roads (except proposed alleys). Parking for the proposed lots will be private off-street parking located on each corresponding lot. There will be public pocket parking along both sides of the proposed 60’ rights of way and along one side of the proposed 50’ rights of way. This parking will be public.

- 11. *The existing and proposed pedestrian circulation system, including interrelationships with the vehicular circulation system. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be shown.*

Comment: The project plan set attached with this application includes sheets showing vehicular and pedestrian circulation, via sidewalks and trails, and connectivity to existing sidewalk infrastructure.

- 12. *A general landscaping and tree planting plan including the proposed treatment of the perimeter of the PRD, including materials and techniques used such as screens, fences and walls.*

Comment: A general landscaping plan showing approximate street tree locations and screening is included with this application. A more detailed landscape plan is proposed

to be submitted prior to final approval of the Phase 2 MPRD. This detailed landscape plan has not been produced yet as the applicant would like to receive initial City feedback on the project site design, discuss open space areas, critical areas and other design considerations before investing in a final landscape plan.

13. An economic feasibility report or market analysis and a statement substantiating how the proposed PRD will be superior and provide benefit to the public beyond what is available through conventional development.

Comment: A market analysis was prepared and provided with the rezone application for this Property in 2019, in a document titled "Attachment A". This market analysis is valid for the Phase 2 MPRD application.

14. The names and addresses of all persons, firms, and corporations holding interest in the property, including easement rights and drainage structures.

Comment: Please see Section 1 of this application. The Ridnour Activities Center located on the property next door has a drainage easement and access easement over the Property. The applicant is working with the owner of this property to coordinate access, parking, storm water and other relevant common considerations.

15. Information on a map which shows the development in relation to the surrounding area and its uses, both existing and proposed, including land uses, zoning classifications, densities, circulation systems, public facilities and unique and sensitive natural features of the landscape.

Comment: An exhibit showing surrounding zoning classifications and land uses is included with this application. A vicinity map is also provided.

16. A complete environmental review package including a complete SEPA checklist, engineered traffic impact analysis, critical areas preliminary review and other studies as required during the pre-application meeting or master plan approval.

Comment: A completed Critical Areas Checklist is included with this application. We are also including a Traffic Impact Analysis, Critical Areas Assessment, and Preliminary Stormwater Memorandum with this submittal.

In addition to these application requirements, an MPRD must be reviewed against the criteria for approval contained in LMC 19.29.110:

19.29.110 - Criteria for approval.

A. Design Criteria: The design of the PRD or MPRD shall achieve two or more of the following results:

- 1. High quality architectural design, placement, relationship or orientation of the structures;*

2. *Achieving the allowable density for the subject property;*
3. *Providing housing types that effectively serve the affordable housing needs of the community;*
4. *Improving circulation patterns;*
5. *Minimizing the use of impervious surfacing materials;*
6. *Increasing open space or recreational facilities on-site;*
7. *Preserving, enhancing or rehabilitation the natural features of the property such as significant woodlands, or critical areas;*

Comment: The design of the MPRD achieves multiple results listed above. The residential units will be of high-quality architectural design and will be oriented, as much as possible, toward open spaces. The development will achieve the allowable density for the Property and will provide for variation in housing options (single family detached units at varying sizes, single family attached units in two-unit and four-unit designs, duplex and triplex units) to provide varied housing price points that are attainable for Lynden residents from multiple demographics. Through reduced road widths impervious surfaces will be decreased for the project, and extra land can be retained for open space, as well as the preservation of the sensitive creek corridor along the Guide, which is currently in a degraded state, and will be enhanced as a part of this project.

B. Perimeter Design. The perimeter of a PRD or MPRD shall be appropriate in design, character and appearance with the existing or intended character of the development adjacent to the subject property and with the physical characteristics of the property.

Comment: A landscape buffer compliant with LMC 16.16.380 will be provided along the Guide Meridian frontage coinciding with the creek buffer in order to provide privacy for residences of the units proposed closest to Guide Meridian. This will include trees, shrubs and ground cover, with varied plantings, designed by the project biologist and intended to enhance the creek buffer function. Units along Main Street will include landscaping. Interior units will predominantly be oriented to the project open spaces, with alley access for many units, reducing the number of curb cuts along the internal streets and lessening the predominance of the automobile in front yards. Lots on the east side of the project are the largest in the development, in order to provide appropriate transition to the existing single-family development to the east. These lots will have a 25’ rear yard setback along the east side to ensure that homes are not built close against the rear yards of these existing neighboring lots.

C. Streets and Sidewalks. Existing and proposed streets and sidewalks within a PRD or MPRD shall be suitable to carry the anticipated traffic within the proposed development and the vicinity. The design of the circulation system shall be consistent with the requirements of Chapter 18.14 LMC.

Comment: The proposed streets and sidewalks through the development will meet the demands of the new residential units in the development. They will tie into existing street and pedestrian infrastructure on 19th Street and Main Street. Please see the project plan

set included with this application, which demonstrates the connections to existing infrastructure, and proposed layout in the development itself.

VI. Conclusion

This application and the supporting documents provided with it clearly show that the Master Planned Residential Development is consistent with Chapter 19.29, as well as the previously approved Planning Commission and City Council resolutions related to Phase 1 review of the MPRD. The project as designed is consistent with all of the density, bulk, massing and orientation conditions that were applied to the Phase 1 MPRD approval. The MPRD addresses changed conditions in the community and is supported by the City of Lynden Comprehensive Plan and the State Growth Management Act. The MPRD allows for a project to be developed on the Property that provides a variety of housing options at varying price points, serving a broader segment of the Lynden population than is currently served in the West Lynden Residential sub-area. The MPRD will contribute to the implementation of the housing goals and policies identified in the City Comprehensive Plan and will have a positive impact on the City of Lynden and its residents.



PLANNING COMMISSION MEETING MINUTES

7:00 PM June 9, 2022
Microsoft Teams Meeting

1. CALL TO ORDER

2. ROLL CALL

Present: Tim Faber, Blair Scott, Jim Kaemingk, and Khush Brar

Absent with notice: Bryan Korthuis, Darren Johnson, and Hollie Lyons with notice.

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

3. APPROVAL OF MINUTES

A. March 24, 2022

No quorum present to approve the minutes. Move approval to next meeting.

4. DECLARATION OF CONFLICT

None of the other Commissioners reported any ex-parte contact or conflict of interest.

5. PUBLIC HEARING - Quasi-Judicial Item

A. MPRD #20-01 – Step 2 of 2, Lions Gate, 1990 Main Street, Lynden

Faber opened the public hearing.

Gudde stated that the subject Property zoning became effective after Step 1 of the subject MPRD was approved by Lynden City Council, in September 2020. The MPRD and rezone approvals (Planning Commission Resolution #20-06, #20-07, and City Council Ordinance #1608 and Findings of Fact for MPRD #20-01) laid out the conditions of approval for Step 2 of the MPRD. These conditions of approval included compliance with Chapter 19.16 RMD zoning, and Chapter 19.29 PRD overlay within the Lynden Municipal Code, but also provided flexibility from the standard code requirements in certain areas, mostly related to lot size, housing type and road standards.

The concept approved in Step 1 of the Planned Residential Development (PRD) approval process included up to 134 housing units that incorporated detached and paired (zero-lot line) single-family housing types as well as the potential to include some attached housing types such as duplex, tri-plex, or four-plex structures. Tonight, the request for Step 2 of the process includes the requests to develop 21.83 acres into 108 lots, containing 129 residential units within the RMD zone. Neighborhood layout, lot sizes, street widths and maximum unit counts have been previously established with the approval of Step 1. Step 2 review includes development standards such as building setbacks and height, street design within the approved layout and widths, and pedestrian movement.

The Lionsgate’s MPRD Step 2 approval seeks to establish development standards – some of which require deviation from the minimum standards listed in 19.29.060. This includes building setbacks, perimeter setback, and the design of the private alleys as follows:

Design of private alley: 24-foot total width, 15-foot wide drive lane, thickened concrete edge, fence and structure setbacks to allow for better visibility.

MPRD Perimeter Setback: 20-feet on the north, the east, most of south perimeter. 75-feet along most of the west perimeter with 3 lots (96-99) using a side yard setback of 7 feet along the Guide Meridian. 3 lots (1, 19, 20) on south property line reduced to a 7-foot side yard adjacent to RAC.

Gudde stated that Staff is supportive of the request, subject to the Staff Report and conditions outlined in that document:

- 1) Pedestrian Access Easements: In addition to the planned public right-of-way dedications (streets and sidewalks), additional public pedestrian access easements will be required as needed to allow public pedestrian access movement from the northeast corner of the project to the southwest. Easements must appear on the face of the final plat and will be noted as a link within the City’s public trail system.
- 2) Side Yard Setbacks: The final development contract must increase the side yard setbacks on lots 98-108 so as not to conflict with the 10-foot utility easement located along the public road frontage. Note that vertical encroachment of eaves into utility easements cannot occur without approval of the Public Works Director.
- 3) Critical Area Mitigation: Required implementation of May 9, 2022, Mitigation Plan developed by Northwest Wetlands Consulting, LLC as well as the posting of maintenance bonds in association with continued establishment of mitigation plantings along the western property line. Long term maintenance must clearly be outlined within the developments Covenants, Conditions and Restrictions (CCRs) as the responsibility of the homeowner’s association.
- 4) Alley Design: Alley standard must utilize a thickened concrete edge along both sides to edge the drive lane on all alleys. Design and management of the unpaved areas within the easement must be addressed within the property CCRs. This must include, but is not limited to, defining the potential allowances for parking and permitted surfaces off of the alley drive aisles. Long term maintenance and the management of parking restrictions must be clearly outlined within the developments Covenants, Conditions and Restrictions (CCRs) as the responsibility of the homeowner’s association.
- 5) Alley Setbacks: Alley setbacks of fences and garages as well as rear yard of homes must be consistently described and measured from the edge of alley pavement so as to be easily and consistently enforceable.
- 6) Final Contract and CCRs: A final development contract, with all exhibits, must be presented to the Planning Commission for review and the City Council for approval within one year following approval of Step 2 of the MPRD. This contract must include specific

development requirements based on the MPRD approval and all special conditions and approvals applied to the property within the MPRD. This development contract, related exhibits, and any amendment approved pursuant to 19.29.120(2) shall be recorded in the Whatcom County Auditor’s Office. The Covenants, Conditions, and Restrictions (CCRs) for this development must be submitted simultaneously with the development contract and is also subject to staff review and approval by the City Council.

Gudde reviewed the Planning Commission conditions that were placed on the project at the meeting held in August 2020. It appears as if all conditions have been addressed.

1. That the maximum unit count be no more than 134 units.
2. That paired housing lots be a minimum of 3000 square feet, single family detached lots a minimum of 4000 square feet and single family detached lots adjacent to green space be a minimum of 3500 square feet.
3. That there be a variety of townhomes and 4-plex units with the 4-plex units being permitted along the Guide Meridian only.
4. That the reference to open spaces between the duplex / 4-plex buildings along the west side of the development be removed and considered part of the lot.
5. That zero lot lines be added to separate the townhome lots south along Main Street.

Speaking in Favor:

Ali Taysi, AVT Consulting LLC, Agent, 1708 F Street, Bellingham

Taysi thanked both Staff and the Planning Commission. Bruce Wood, representative for the church ownership is also present.

Taysi touched on the history of the property. In 2019, a short plat was completed to segregate a large parcel off for the Ridnour Activities Center to preserve the existing building. The new parcel was sold and is now occupied by the RAC.

After completion of the short plat, the applicants proposed a project on the remaining site, Phase 1 MPRD - consisting of approximately 134 residential housing units, with large detached single-family lots, medium and small sized detached single-family lots, attached duplexes, fourplexes and townhomes.

The project included new public and private streets, open spaces, and a trail system, as well as new water, sewer and storm water infrastructure. In conjunction with the project proposal, which was presented as a Master Planned Residential Development (MPRD), the applicants proposed a rezone of the property from RS to RMD, in order to facilitate the density and the mix of housing types. The overarching vision for the project was and still is to provide a residential development that includes a variety of housing types, on varied lot sizes, with opportunities for homeownership and rental, at varying price points. Developing a mixed neighborhood like this provides opportunity to address Lynden’s housing needs across

multiple demographics. The design consciously addressed concerns that were raised by neighbors in the planning process, particularly related to protection of the existing large lot single family neighborhood to the east.

As Gudde mentioned, the Planning Commission made 5 recommendations during the hearing for Step 1. After that meeting the project team redesigned the project to comply with those recommendations.

- Reduced lot count and unit count.
- 108 Lots and 129 units.
- Increased critical areas buffer to 75'.
- Reduced fourplex lots along Guide to triplex.
- Townhouses along Main St.
- All small lots situated on open spaces.

The project incorporates publicly accessible trail system, new public roads, new utilities, storm water facilities, large open space areas. Exceeds code requirements for open space. Provides innovative site design with many alley loaded lots which reduces curb cuts resulting in better design and safer streets.

Taysi stated that the applicants are requesting limited modifications:

- Alley width reduced to 15'. Alleys will be private, only for vehicles, not garbage. Modification is consistent with criteria in LMC, as detailed in the staff report. Improves character of the neighborhood.
- Setback reductions. For alley loaded lots and for lots on north end. Lots on north end have large front and rear yard setbacks, due to perimeter setback. Requesting reduction of perimeter setback to allow for more room for homes. This will facilitate better design. Alley loaded lots requesting reduced rear yard setbacks to the alley for garages. Maneuvering detail in packet, to address safe visibility and maneuvering for vehicles using the alley to access garages.

Taysi stated that public comments were mostly related to traffic, stormwater and appropriateness of project zoning.

Traffic study for this project was prepared by a licensed professional. The road network has been designed to meet City standards for travel lane widths, the primary access road has been designed to direct traffic into the site, away from 19th St. Traffic will still exit to 19th St, but a complete traffic analysis has been conducted and has determined that all streets and intersections will operate at adopted levels of service with the post project traffic.

Stormwater is major concern for neighbors in the area. The project team includes a civil engineer and local contractor from Lynden who are familiar with the regional storm water issues and are actively working to design project infrastructure to address the potential for impacts from the project. All storm water from the site (roofs, driveways, sidewalks and roads) will be captured and detained in an on-site vault and will be released at a controlled rate to the

existing conveyance system to the south and west. No stormwater will be discharged to the east towards existing development.

As Gudde mentioned as a condition is that an interceptor swale will be required along the entire north property line, which is intended to capture surface water flow and shallow ground water flow from the north, and then route west to the ditch along the Guide Meridian. This will reduce water that is currently flowing onto the site and impacting neighbors to the east. Taysi stated that the applicants are committed talk with the neighbors during the construction design phase of the project to identify other stormwater mitigation measures that could be implemented to address concerns. Taysi stated that many of the stormwater issues in the area are regional in nature and demand regional solutions, and the project is designed to meet all applicable standards and will not exacerbate the existing issues.

Coordination of access and storm water improvements with the Ridnour Activities Center property are required as easements and stormwater facilities are currently shared.

Appropriateness of project/zoning. The rezone has been approved and is not the subject of this meeting or this stage of review. Project has been designed to be consistent with the RMD zoning, as well as meeting all of the conditions of the MPRD Phase 1, including density, lot size and configuration, critical areas and other requirements.

Taysi stated that the team has reviewed and are comfortable with all conditions in the Staff Report as well as the Staff recommendation. No problem with compliance.

Staff stated that the stream that runs along the Guide Meridian ditch has a standard 100' buffer along most of the property's west boundary. The project proposes to reduce this buffer to 75' using a 25% reduction permitted through mitigation (LMC 16.16.380(H)). Mitigation will be provided for this reduction through enhancement of the remaining buffer, which is currently degraded. This buffer area will also be placed in a permanent open space tract with a conservation easement restricting it for preservation purposes. This stream enters a piped conveyance system along the southern 1/3 of the property frontage along the Guide Meridian, and in this location, there is no buffer applied. Upgrades to this culvert under Main Street are included on the City's stormwater infrastructure projects in association with the widening of the Guide Meridian.

Scott asked about the seven-foot setback to the alley. How do you envision parking? Taysi stated that on street parking in front of the homes will accommodate guest parking. Someone could also put a gravel parking pad next to their garage if they wanted to.

Talking about the swale on the northside along with a reduced setback what type of yard will they have? Proposing 15-feet in the rear is not a lot. Taysi, there will still be room for a back yard. One does not have to build all the way up to the 15-foot setback line. It just leaves flexibility for design. Faber also expressed some concern with a 15-foot setback to the swale. May be more comfortable with maintaining the 20-foot rear yard setback.

Faber asked about parking requirements. Gudde stated that PRD parking allows garage bays to be counted towards their parking requirement. A third stall could be added off of the alley. Guest parking would be on the street.

Brief discussion regarding the width of the proposed alley. Gudde noted that the alley will be used for accessing garages. Guests will not use the alley. Also, Nooksack Valley Disposal was asked to comment on the proposal, and they will be collecting garbage from the street, not interested in collection from the alley.

Scott addressed the possible swale along the north property line and asked, how deep will the swale be? Taysi stated that calculations are still needed.

Steve Banham, Public Works Director

The city is aware that flooding and stormwater are a significant concern to residents in this area. Banham stated that capacity calculations will be needed and then it can be adequately sized for the flow. Staff will be talking to the applicants engineer. Banham stated that the ditch will be larger than just a swale.

Scott asked, is it possible that the swale / ditch could be located via a pipe underground instead of in a ditch? Banham stated that it is possible and may be an option. It will need to be discussed with the engineers.

Flooding in this area is predominantly caused by overland flow. The city is working with WSDOT to increase the size of multiple culverts that flow from this site. This includes the culvert under Main Street, a second culvert under the Guide Meridian flowing west, and replacement of the failing culvert that flows south under Front Street. Stormwater standards required for the Lionsgate project must be compliant with the Western Washington Stormwater Manual. Construction cannot begin on the property until engineering review of the stormwater plan has been vetted and approved. Stormwater management in this area is challenging as groundwater is relatively high.

Kaemingk asked about the level of the water table. Banham stated, depending on the time of year, it is close to surface. Foundations should not be a concern. Still working with the civil design. Banham stated that it is likely that fill will be brought in to elevate the building pads. This issue will be discussed during the civil design. Banham stated that stormwater design is complex.

Scott asked about water under the homes. Gudde stated that it depends on the construction of the home. Bogaard is building slab on grade with no crawl spaces. If you want a crawl space, then you will need to elevate the space even more. The property in the Bogaard Meadows plat also has a high-water table. The City has a standard established with the plat that requires finished floor elevations of a home to be 2-feet above elevation so that they stay above the water table.

Faber asked if an HOA will be in charge of taking care of common landscaping, trails and boulevard landscaping. Yes, the HOA will be required take care of the street trees, open space and common landscaping, it will be included in the agreement. The rules for the operation of an HOA are becoming more and more strict.

Kaemingk asked what the zoning is to the north? It is in the County. Could the stormwater be designed to accommodate development to the north when that time comes? Taysi stated that each development is responsible to handle and manage their own stormwater. Right now, the development is showing water and sewer mains to the north, and I would assume that the City would also require a storm line to extend to that point for future connectivity. Banham stated that the interceptor ditch will direct flow toward the Guide. Development will see the front line of defense against the overland flow shift to the next development and the facilities that have been put into place for this development will now become available to the next.

Faber asked about a landscape buffer between lots 20, 19 and 1. Gudde stated that the RAC is technically a CUP and would be responsible for providing the buffer between the parcels. The requirement for landscaping typically falls to the more intense use. The RAC's CUP is up for review and they are aware of the requirement.

Speaking in Opposition:

Submitted letters:

Duana Adams (860 19th Street, Lynden) – Submitted a letter (included in the meeting packet) expressing concerns regarding stormwater and flooding as well as concerns related to an increase in traffic on Main Street and 19th Street.

Chris Pillar (PO Box 29207, Bellingham) – Submitted a letter (included in the meeting packet) expressed concerns regarding the process that was used to rezone the property. Recommended the property be used for “more luxurious much bigger homes with double size or even bigger lots” and called for the installation of a roundabout at 19th and Main Street. (letter referenced a rezone appl. that the Planning Commission recommended be denied).

Present:

Fred Likkle, 949 19th Street, Lynden

Likkle stated that he will be speaking in a dual role as he is a homeowner as well as a representative of the Watershed Improvement Districts.

Water level is very high. It is a very wet area. Likkle has been involved in drainage issues in Whatcom County for over 20-years, especially involved since the 2012 floods. The property on this side of the city as well as this parcel is wet, flat and poorly drained. There is little room for errors. Any little change can result in big concerns.

Watershed – start in Canada which lately has had a large amount of development. Canada has been mining the gravel hills to the north which held the water in the past. More flashing streams are being witnessed. WSDOT are claiming that culverts in our area are undersized, and that they will be replaced with large ones. What that means is that previously the small culverts were holding water back and now the large culverts when replaced will allow more flow which will make matters worse.

Natural overflow heads for this development, interceptor ditch is a good idea, however, it is challenging. Modelling is necessary to determine what is exactly needed. If that ditch is

constructed, it would be meant to dump into the ditch on the Guide which was at capacity during this winter, so the interceptor ditch will fill and drain into an already full ditch.

Another concern is at Main Street with that culvert being limited with a possible replacement not until 2025. Crossing the Guide is another culvert that is also limited with talks of replacement in 2023. Head further south toward the floodplain where there are three other culverts with concerns and finally dumping into a city owned detention pond which farmers claim does not work well which leads to challenges for them.

Likkle and Banham are talking about ways to work together to look at solutions, however, we are in the infancy of this discussion. There are not answers yet and there is no room for error.

Likkle stated that he and his wife do not object to development in the backyard, however, are concern with possible flooding and water damage that could put our property a risk. Did receive damage during the recent flood despite two sump pumps under the house and a small berm. Likkle is concerned on the potential for future damage to their home. This area is not like East Lynden, with regards to good infiltration.

Steve Banham has been working very hard and is doing a great job. Taysi has also been working hard to work with the neighborhood. Communication around this project is so important, however, was not great. The public notice did not include a time for the meeting.

Banham stated that even though the water is coming from Lynden it is not all city water, we are the last chunk of pipe. Because we own the segment of pipe does not mean it is all of our water.

Joel VanderYacht, 8376 Meadow Lane

Echoes all of what Likkle says. The last big flood saw a lot of water flooding the streets and homes. Stormwater is a real concern. VanderYacht stated that many of the homes that will be built in this development would have been flooded. Last year was not the first time this has happened it also happened 5-years ago. There needs to be a lot of planning. Not opposed to development.

Luke Wyatt 836 19th Street, Lynden

Echo's Likkle's comments. If the neighborhood truly understood what could happen, this meeting would be a larger event. There are too many unknowns. A bit concerning that the development packet talks about elevating the new homes, however, the existing homes do not have that option. If something goes wrong, it will negatively impact a lot of homes. The entire area suffers. Not opposed to the development, Wyatt just has real concerns with no solutions near. It is scary for a lot of people.

Melissa VanderYacht, 8376 Meadow Lane

VanderYacht has traffic concerns. The traffic on 19th and Main can handle extra traffic, however, Meadow Lane is currently sinking. The water line was just repaired. There have been three water main breaks because the street is sinking. If there is any more traffic directed onto Meadow Lane, there will be more issues. We need to maintain what we have. Not opposed to the development, however, concerned with auxiliary traffic and further sinking

of the road. Meadow Lane is maybe 25-feet wide with parking on both sides. Briefly looked at the traffic study.

Mark Hollander, 359 Wiser Lake Road, Lynden

Sent a letter to the Planning Commission. Concurs with Likkle. Main concern is water issues. First introduced to this proposal about a month ago which made me concerned for multiple reasons. Stormwater / Flooding for single family homes is very concerning and we cannot let that happen. We need to minimize the risks as it relates to stormwater.

Hollander stated that along the way, something has been missed with regards to commercial and or industrial development along the Guide. Hollander understands that there was controversy from the 19th Street neighborhood regarding commercial development, however, details and opportunities to figure this out together were lost during Covid. Feels that the path of least resistance from the Council was to allow residential development because we need more lots.

The Guide Meridian frontage is a precious commodity to Lynden and an opportunity to grow jobs which is important to families. Residential can take place in a lot of places, however, there is only so much land available on the Guide Meridian. Would like to see residential development backed off of the Guide Meridian. Not opposed to residential along the properties fronting 19th. The cart is before the horse as we need to first figure out stormwater. Should not put homeowners at risk. Maybe a stormwater pond could be constructed to collect the water with the addition of a vegetative buffer.

Hollander stated that he did not have enough time to contact other commercial property owners across the Guide Meridian and bets that they would prefer commercial or light industrial across the street instead of residential. Last time Hollander heard anything about this property was when Fred Meyer was interested.

Hollander is speaking as a concerned citizen and is not proposing to develop or take over the property. Storm should have been figured out before the plat was designed. Hollander would encourage the proponent to think of ways to create ponding areas and not develop quite as much yet so that we do not end up with a disaster.

Not sure if there is anyway to reverse the decision. Hoping that the proponent will reconsider what's best for our community and take a pause to reconsider redevelopment.

Taysi stated that a couple of years ago when this development idea came forward. We held an extremely well attended neighborhood meeting at the RAC. Our plan was to do a multi-tiered zoning development. The message delivered to the team, very loud and very angry, was to not put commercial next to their properties. The neighborhood indicated that they preferred residential development. Our team has spent a lot of time and effort in the design. The neighborhood told us what they wanted, and it was not commercial. That ship has sailed.

There are clearly stormwater issues in this area. The issues are regional and not caused by the development of this parcel. This development is only one very small part. Planning and growth should not be put on hold. Regional development is the best way to go about this. We

are working with the city trying to collaborate efforts. If developed appropriately it could help the area.

Banham stated that this development will make the stormwater better to the east, however, it will not fix the regional issue. Banham feels comfortable that it can work, civil review will be important.

Kaemingk asked if the Fire Department has reviewed this application. Gudde replied, yes, they are part of the TRC Committee

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

The Commission have further discussion on the following topics:

- The PC is not deciding the zoning as that has already been approved.
- Scott stated that he is not in favor of reducing the north setback to 20-feet.
- Scott expressed concern with no parking for homes that front the boulevard. Would there be any room for parking on one side (Lots 79-87). The median could be shifted to allow parking on one side to provide guest parking for those lots. Bump outs could be used to define parking areas / pockets and or bike path.
- Lot 96, 97 and 99 are duplex lots. Concerned with their proximity to the Guide. Taysi, stated that, yes, they are close, however, have no intention to build the units close to the Guide. The PC discussed the setbacks to the Guide for those lots.
- Combine 99 & 100 to build one 4-plex.
- Design of the private alley. Commissioners are okay with the request.
- The PC supports Staffs condition regarding overland flows and that the HOA be required to maintain this and all other private stormwater features.
- The city and developer need to be certain that the stormwater design will work. This was the major concern from residents this evening.
- How the sites are handled along the north property line is important.
- Staff recommended that the PC hold another meeting in two weeks to review the Planning Commission Resolution to ensure that all conditions are exactly how the Commission would like. PC agreed.
- Taysi will also have an updated site plan to show the revision to lots 96-100.
- The PC would like to see the access points for the Church property to be shown on the project map.
- Brief discussion regarding having a rain garden option along the Guide with specific landscaping that would feed on more water. Mitigation plan will require plants that slow down rainwater etc.

No further comments from the Commission.

Purpose of Master Planned Residential Developments and Approval Criteria
The Commission found that the MPRD meets the criteria as outlined in LMC 19.29.010.

- A. Permit developers to use innovative methods including low impact development (LID) techniques and approaches not available under conventional zoning methods to facilitate the construction of a variety of housing types and densities serving the housing needs of the Lynden community and meeting the goals and policies of the comp plan;
- B. Provide for the economic provision of public facilities and services by allowing choices in the layout of streets, utility networks and other public improvements through superior site design and the use of clustering;
- C. Allow development of land with physical constraints while preserving the natural characteristics of the site, including topography/ native vegetation, critical areas and other natural amenities of value to the community;
- D. Encourage infill within areas of the city which are characterized by existing development;
- E. Create and/or preserve open space for recreation and the aesthetic enjoyment of residents; and
- F. Provide for the management and control of stormwater under current state and local regulations.

LMC 19.29.060(J) - Criteria to Approve Alternate Standard Applies to Lionsgate

• Alley Design and Perimeter Setback along North (lots 55-67), East (lots 1-10), and a portion of the South (lots 1,19, and 20)

Where the applicant seeks to depart from the above minimum standards in the MPRD process the Planning Commission and Council shall consider the following factors and the Council may in its sole discretion approve departure from one or more of said minimum standards upon finding that the MPRD proposal clearly satisfies one or more of these factors:

- 1. The modification of minimum standards protects or improves the character of the surrounding neighborhood in terms of architectural scale, view corridors, the aesthetic character or provision of services; **Satisfied.**
- 2. The modification of minimum development standards protects critical areas and the environmental quality of the parcel(s) to be developed; **Satisfied.**
- 3. The modification of minimum standards is necessary to permit reasonable development as a result of unique characteristics of the property or the proposed uses; **Satisfied.**
- 4. The modification of building height (subject to Section 19.29.060(2)) or building setbacks where reasonably necessary due to arrangement of buildings and open spaces as they relate to various uses within or adjacent to the planned development; provided that any such modification shall be consistent with subsection A herein; **Satisfied.**
- 5. The modification of minimum standards is adequately mitigated by reasonably related public improvements proposed in connection with the planned development. **Satisfied.**

LMC 19.29.110 - Criteria for Approval.

In addition to the findings of fact required for approval within Section 17.09.040, the following criteria shall be met for approval of a PRD or MPRD.

A. Design Criteria: The design of the PRD or MPRD shall achieve two or more of the following results:

- 1. High quality architectural design/ placement, relationship or orientation of the structures; **Satisfied.**
- 2. Achieving the allowable density for the subject property; **Satisfied.**
- 3. Providing housing types that effectively serve the affordable housing needs of the community; **Satisfied.**
- 4. Improving circulation patterns; **N/A**
- 5. Minimizing the use of impervious surfacing materials; **N/A**
- 6. Increasing open space or recreational facilities on-site; **Satisfied.**
- 7. Preserving, enhancing or rehabilitating the natural features of the property such as significant woodlands, or critical areas; **Satisfied.**

B. Perimeter Design. The perimeter of a PRD or MPRD shall be appropriate in design, character and appearance with the existing or intended character of the development adjacent to the subject property and with the physical characteristics of the property. **Commission: Satisfied.**

C. Streets and Sidewalks. Existing and proposed streets and sidewalks within a PRD or MPRD shall be suitable to carry the anticipated traffic within the proposed development and the vicinity. The design of the circulation system shall be consistent with the requirements of Chapter 18.14 LMC. **Commission: Satisfied.**

Planning Commission Required Findings for Land Use Actions. LMC 17.09.040(C)

The Planning Commission shall not approve or recommend approval of a proposed development unless it first makes the following findings and conclusions:

- 1. The development is consistent with the comprehensive plan and meets the applicable requirements and intent of this code. **Commission: Satisfied.**
- 2. The development makes adequate provisions for open space/ drainage ways/ streets and other public ways, transit stops, water supply, sanitary wastes, parks and recreation facilities, playgrounds, sites for schools and school grounds. **Commission: Satisfied.**
- 3. The development adequately mitigates impacts identified under Titles 16 through 19. **Commission: Satisfied.**
- 4. The development is beneficial to the public health, safety and welfare and is in the public interest. **Commission: Storm water provision as outlined in #2 of conditions**
- 5. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan, and fully complies with Chapter 17.15 of the city code. If the

development results in a level of service lower than those set forth in the comprehensive plan/ the development may be approved if improvements or strategies to raise the level of service above the minimum standard are made concurrent with the development, and in conformance with all requirements in Chapter 17.15 of the city code. For the purpose of this section, "concurrent with the development" is defined as the required improvements or strategies in place at the time of occupancy, or financial commitment is in place to complete the improvements or strategies within six years of approval of the development. **Commission: Satisfied.**

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. **Commission: Satisfied.**

Scott motioned to recommend to the City Council the approval of the Lionsgate MPRD #20-01-Step 2 subject to the following conditions:

1. **Staff conditions outlined in the Technical Review Report dated June 3, 2022.**
2. **That the Lionsgate stormwater report clearly address overland flows which may occur during high water rain events. That the HOA be required to maintain this and all other private stormwater features. That these maintenance responsibilities be addressed in the property’s covenants, conditions, and restrictions (CCRs).**
3. **A minimum 20-foot setback be required for all lots along the project’s north property line to accommodate a stormwater feature meant to address overland flow.**
4. **That the boulevard be widened on the west lane, fronting lots 79-87, to accommodate on-street parking; and, that an urban shoulder be striped to delineate an area meant for bike travel on the east side.**
5. **That lots 96, 97 and 99 be subject to a 25-foot buffer adjacent to the Guide Meridian and, as a result of this shift, that lot 96 be labeled as a duplex lot and that lots 97-100 would be combined to become 2 four-plex parcels.**

Seconded by Kaemingk, and the motion passed 4-0.

6. DISCUSSION

- A. Election of Chair and Vice-Chair – Postponed for more members to be present.

7. ADJOURNMENT

Motion to adjourn by Scott / Second by Kaemingk. Meeting adjourned at 10:00 pm.



Freeland and Associates, Inc.

220 West Champion Street
Suite 200
Bellingham, Washington
(360) 650-1408

December 10, 2021

City of Lynden
Public Works
300 4th Street
Lynden, WA 98264

**Subject: Lionsgate Plat
 Preliminary Stormwater Design Letter
 F&A Project No. 21098**

This letter serves as a preliminary stormwater design narrative for the proposed Lionsgate Plat project at 1986 Main Street Lynden, Washington. The project site is bounded by Guide Meridian Road to the west and Main Street to the south. Figures 1 and 2 provide a vicinity map and an aerial photo of recent ground cover conditions on site. The southern end of the site is currently developed with the Lynden Academy building and associated parking, stormwater pond, and play fields. The remainder of the site is undeveloped pasture with a row of trees bisecting the property into north and south halves. Proposed improvements will develop the pasture and portions of the parking lot with a mixture of multi- and single-family housing and associated streets and utilities.

Existing topography on site appears to slope at gentle grades from north to south, however a topographical survey is not available at this time. Stormwater runoff from the Lynden Academy developments appears to be conveyed to a stormwater pond in the southwest corner of the site, which outfalls directly to municipal storm drains in adjacent streets. Any runoff that may occur from the northern portion of the site is either collected in this pond or in the existing drainage ditch along Guide Meridian Road.

Regional soil mapping from Natural Resources Conservation Service (NRCS) indicates that soils on site are classified as Edmonds-Woodlyn loam, hydrologic group B/D. Our experience with similar soils in the vicinity indicates that stormwater infiltration systems will likely be rendered infeasible. In addition, Sound Geology, LLC (Sound Geology) performed a preliminary geotechnical study on site. Groundwater levels were monitored and found to be present at or near the ground surface during the peak of the wet season.

Based on the soils encountered and seasonal high groundwater, Sound Geology does not recommend on-site stormwater management using infiltration methods or permeable pavement.

Proposed improvements will create 108 lots which will consist of a mix of multi- and single-family housing, as well as associated public streets, private alleys, and open spaces for recreation. Access will be provided from Main Street and Pine Street.

Minimum stormwater management requirements for this project have been determined using the 2014 Department of Ecology Stormwater Management Manual for Western Washington (2014 DOE SWMM or DOE Manual). Proposed improvements will exceed 10,000 square feet of new hard surfacing and 5,000 square feet of pollution-generating hard surfacing. As such, the project will be subject to all 9 Minimum Requirements in the DOE Manual. On-site stormwater management BMPs, such as infiltration systems or dispersion systems, are expected to be infeasible due to soil/groundwater conditions and due to the lack of native vegetation on site. Therefore, stormwater will be managed with conventional flow control and treatment strategies. Minimum Requirements #1 through #9 are expected to be addressed as follows:

Minimum Requirement #1 Preparation of Stormwater Site Plans

This letter serves as a preliminary Stormwater Site Plan (SSP). All final stormwater management systems will be designed according to City of Lynden Development Standards and Department of Ecology (DOE) standards. A construction Stormwater Pollution Prevention Plan (SWPPP) will also be prepared and incorporated in the construction documents.

Minimum Requirement #2 Construction Stormwater Pollution Prevention (SWPPP)

A construction SWPPP will be prepared as part of the permitting documents and will address each of the 13 Elements identified in the DOE Manual. Since this project will exceed one acre of soil disturbance and all stormwater will discharge to waters of the state, an NPDES permit from Washington Department of Ecology will be required. The contractor will be required to provide a Certified Erosion and Sedimentation Control Lead (CESCL) to routinely monitor and inspect the temporary erosion controls that will be used during construction.

Minimum Requirement #3 Source Control of Pollutants

Pollutant sources for residential development include vehicular traffic, fertilizers, and other detergents or chemicals typical to building maintenance activities. Pollution will be controlled at the source to the maximum extent possible. All known, available and reasonable source control BMPs will be applied to the design and layout of the site and stormwater plans. Per the DOE Manual, land use controls that emphasize prevention of water quality impacts are preferred over treatment strategies. Therefore, clearing areas will be limited to the minimum areas necessary for construction. No vehicle or machinery repair or maintenance will be performed on site unless the maintenance area is contained and protected in such a way as to prevent any contact with stormwater. Maintenance

activities such as oil changes or fluid replacements should be performed off site to the maximum extent practicable.

Minimum Requirement #4 Preservation of Natural Drainage Systems and Outfalls

Currently, the entire project site is contained within a single regional basin and stormwater appears to drain to municipal conveyance systems near the site. No significant stormwater diversions are proposed as a part of this project. Natural drainage patterns will be maintained by discharging stormwater to the existing municipal stormwater conveyance systems.

Minimum Requirement #5 On-Site Stormwater Management

As a project that is expected to trigger Minimum Requirements #1 through #9, this project will be required to demonstrate compliance with the LID Performance Standard or shall use BMPs from List #2 in the 2014 DOE Manual. This project is expected to comply with List #2.

Projects choosing to utilize List #2 of the 2014 DOE Manual to meet the requirements of Minimum Requirement #5 – On-site Stormwater Management must consider the BMPs in the order listed for each type of surface. The first BMP that is considered feasible must be used on the site. No other On-site Stormwater Management BMPs are necessary for that surface. The following table identifies all of the required BMPs in List #2 and if they are feasible or infeasible.

TABLE 1 - MINIMUM REQUIREMENT #5 LIST #2				
Minimum Requirement		Feasible	Infeasible	Criteria Comments
#	Lawn & Landscaped Area			
1	Post-Construction Soil Quality and Depth - BMP T5.13	✓		This BMP will be applied to all areas outside of roofs or hard surfaces disturbed during construction.
#	Roofs			
1	Full Dispersion - BMP T5.30 Full Infiltration - BMP T5.10A		✓	Likely infeasible due to poor soil conditions and lack of suitable flow path onsite.
2	Bioretention – BMP T7.30		✓	Likely infeasible for infiltration due to poor soil conditions.
3	Downspout Dispersion BMP T5.10B		✓	Infeasible due to lack of vegetation area downstream from new buildings.
4	Perforated Stub-out Connection BMP T5.10C		✓	Likely infeasible due to groundwater elevations and poor soil conditions.
#	Other Hard Surfaces			
1	Full Dispersion BMP T5.30		✓	Infeasible due to impervious surface limits, lot size, and the lack of suitable vegetated areas downstream from the proposed improvements.
2	Permeable Pavement - BMP T5.15		✓	Likely infeasible due to existing soil types.
3	Bioretention – BMP T7.30		✓	Likely infeasible for infiltration due to poor soil conditions.
4	Sheet Flow Dispersion BMP T5.12 Concentrated Flow Dispersion BMP T5.11		✓	Infeasible due to lack of vegetation area downstream from new improvements.

As shown in Table 1, on-site stormwater management BMPs are expected to be deemed infeasible and cannot be reasonably implemented within the site. Stormwater runoff from the project will be managed on site with conventional flow control and treatment facilities. In addition, post-construction topsoil quality and depth will comply with BMP T5.13 for all disturbed areas that will be stabilized with vegetation.

Minimum Requirement #6 Runoff Treatment

New pollution-generating hard surface areas include the new road surfaces. These surfaces will exceed 5,000 square feet, and as such, are subject to runoff treatment. Less than 50% of the project runoff is expected to come from multi-family areas, therefore, this project is subject to basic treatment requirements in the 2014 DOE Manual.

Basic treatment will be achieved with filtration vaults, such as BioClean Modular Wetland Systems, prior to discharging to public storm drains. One filter vault is anticipated downstream from the stormwater detention system (see Minimum Requirement #7 below. These filtration systems are selected from Department of Ecology's Emerging Stormwater Treatment Technologies list and have achieved a General Use Level Designation (GULD).

Minimum Requirement #7 Flow Control

Since the site cannot reasonably accommodate full dispersion or infiltration systems, conventional stormwater detention systems will be used for flow control. As currently envisioned, a series of large-diameter pipes will be installed beneath sidewalks, alleys, and open spaces. A control structure will attenuate peak flows rates and durations from this facility in accordance with the DOE Manual. Downstream from the control structure, detained stormwater will outfall to the public storm drain system in Main Street.

Minimum Requirement #8 Wetlands Protection

No existing wetlands have been identified on site or in the immediate vicinity. If wetlands become identified during the design or permitting process, a biologist will be employed to determine impacts and mitigations, if any, that may be needed for compliance with city codes.

Minimum Requirement #9 Operation and Maintenance

As required by the DOE Manual, a separate operations and maintenance manual will be prepared for the proposed stormwater management facilities. The manual will contain a description of the facilities that were installed, what the facilities do, and how they work. The manual will also identify and describe maintenance tasks for each component of the facilities and the required frequency of each task.

As shown above, this project can comply with current stormwater management requirements in place for the City of Lynden. Please contact us with any questions or concerns regarding these observations.

Sincerely,
Freeland and Associates, Inc.



Michael Bratt, PE
Associate Engineer

Attachments

- Vicinity Map*
- Aerial Photograph of Site*

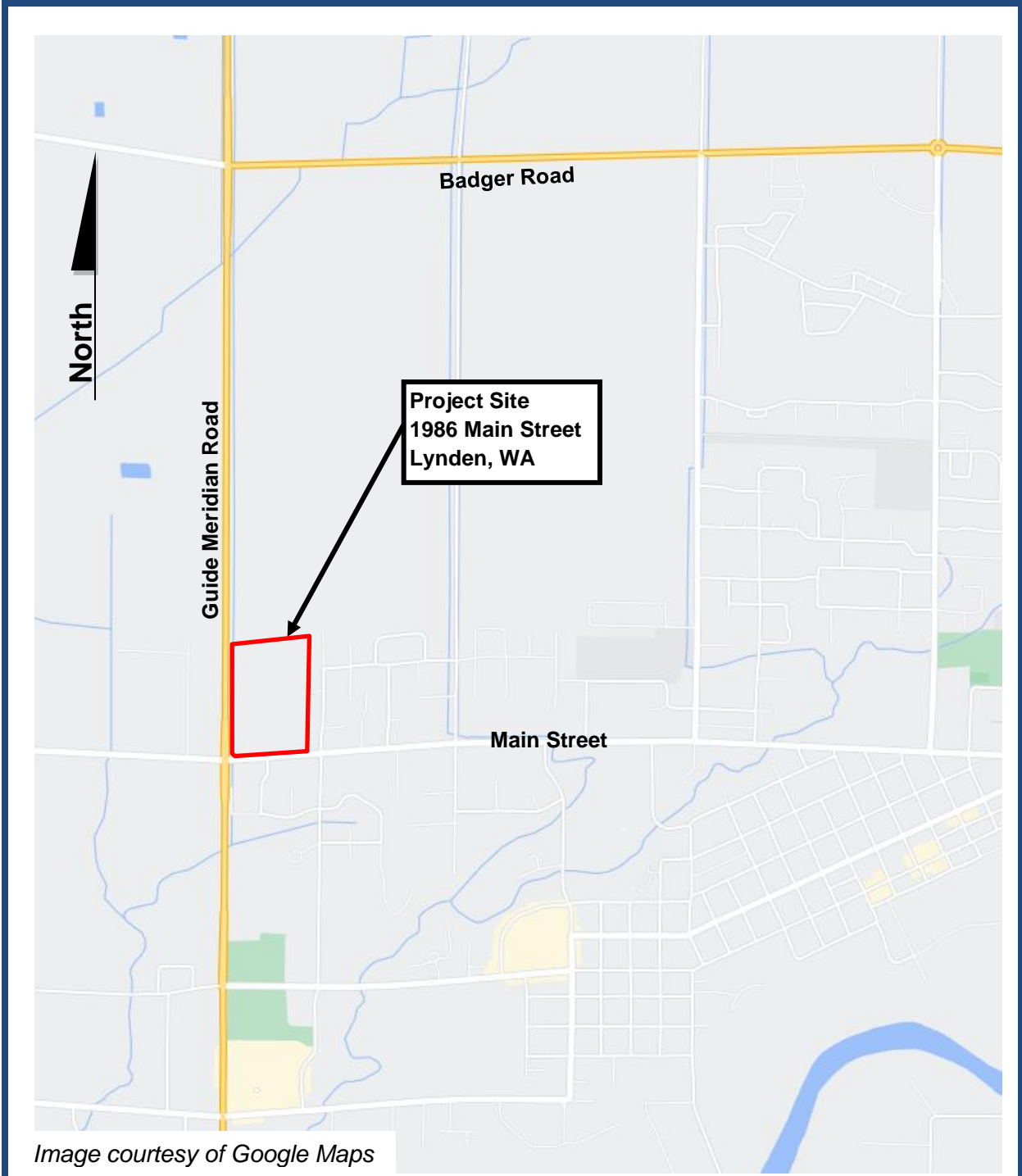


Image courtesy of Google Maps



Vicinity Map

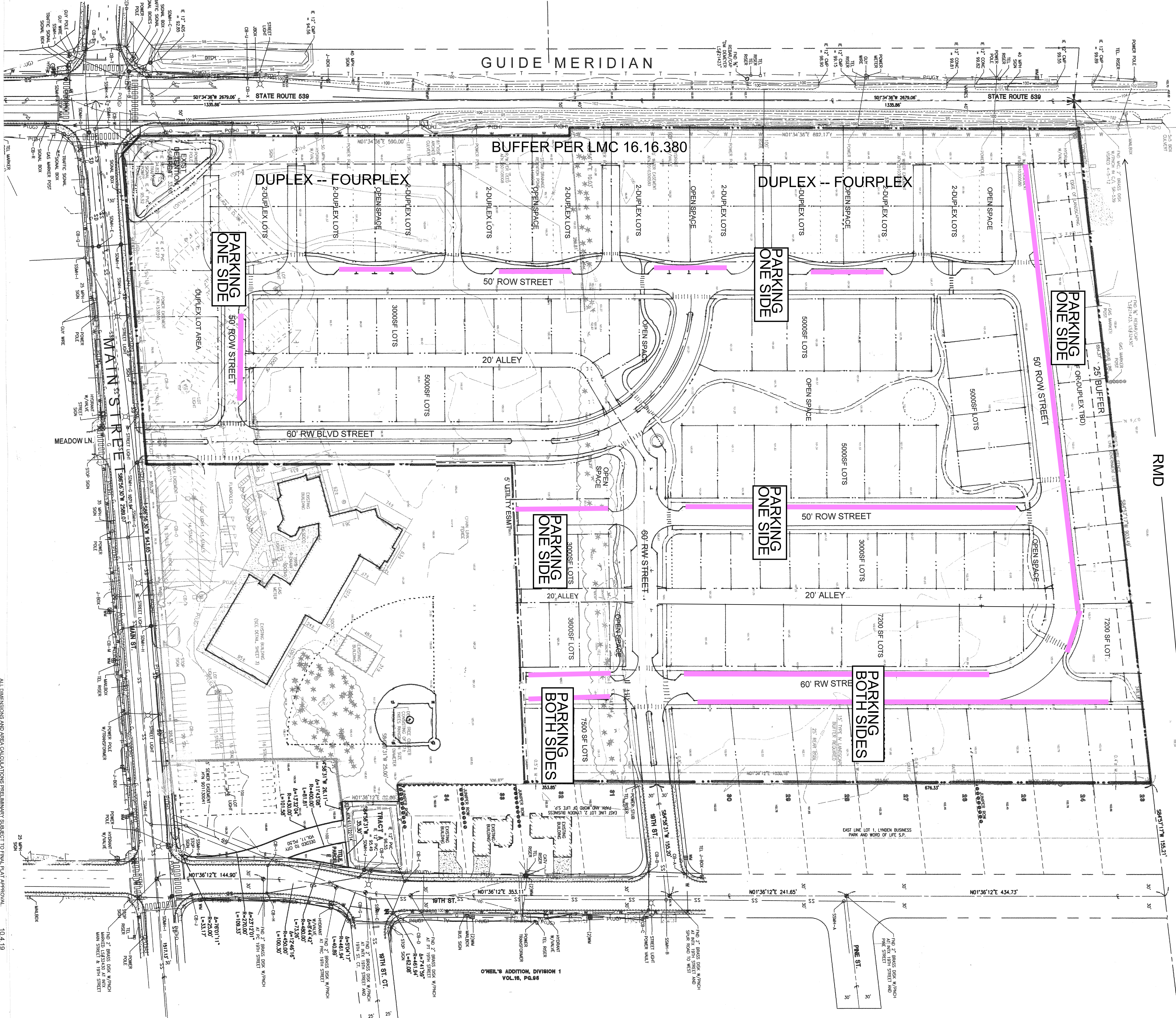
Figure 1



Aerial Photograph of Site

Figure 2

PARKING PLAN



GUIDE MERIDIAN

BUFFER PER LMC 16.16.380

DUPLEX -- FOURPLEX

DUPLEX -- FOURPLEX

PARKING ONE SIDE

PARKING ONE SIDE

PARKING ONE SIDE

PARKING ONE SIDE

PARKING ONE SIDE

PARKING BOTH SIDES

PARKING BOTH SIDES

PRELIMINARY
Master Plan Concept
LionsGate
LYNDEN, WASHINGTON

PRELIM. LOT SUMMARY:
 8000 SF LOTS: 8
 7500 SF LOTS: 2
 5000SF LOTS: 25
 3000 SF LOTS: 41
 DUPLEX LOTS: 24 (48 UNITS)

SITE AREA: 22.1 ACRES
 OPEN SPACE: 103,665 SF (2.18 AC)
 SMP BUFFER: 51,550 SF (1.17 AC)
 PRO BUFFER: 21,250 SF (0.55 AC)
 TOTAL OPEN: 176,465 SF (4.05 AC - 18.3%)

Planned Residential Development (19.21.101)

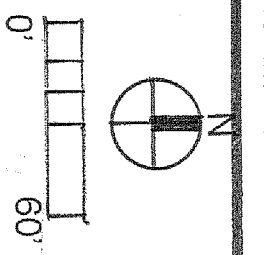
ENGINEERING SERVICES
 MASTER PLANNING
 DESIGN SERVICES
 DESIGN COORDINATOR

Christensen
 DESIGN MANAGEMENT

CDM

10.4.19

ALL DIMENSIONS AND AREA CALCULATIONS PRELIMINARY SUBJECT TO FINAL PLAT APPROVAL



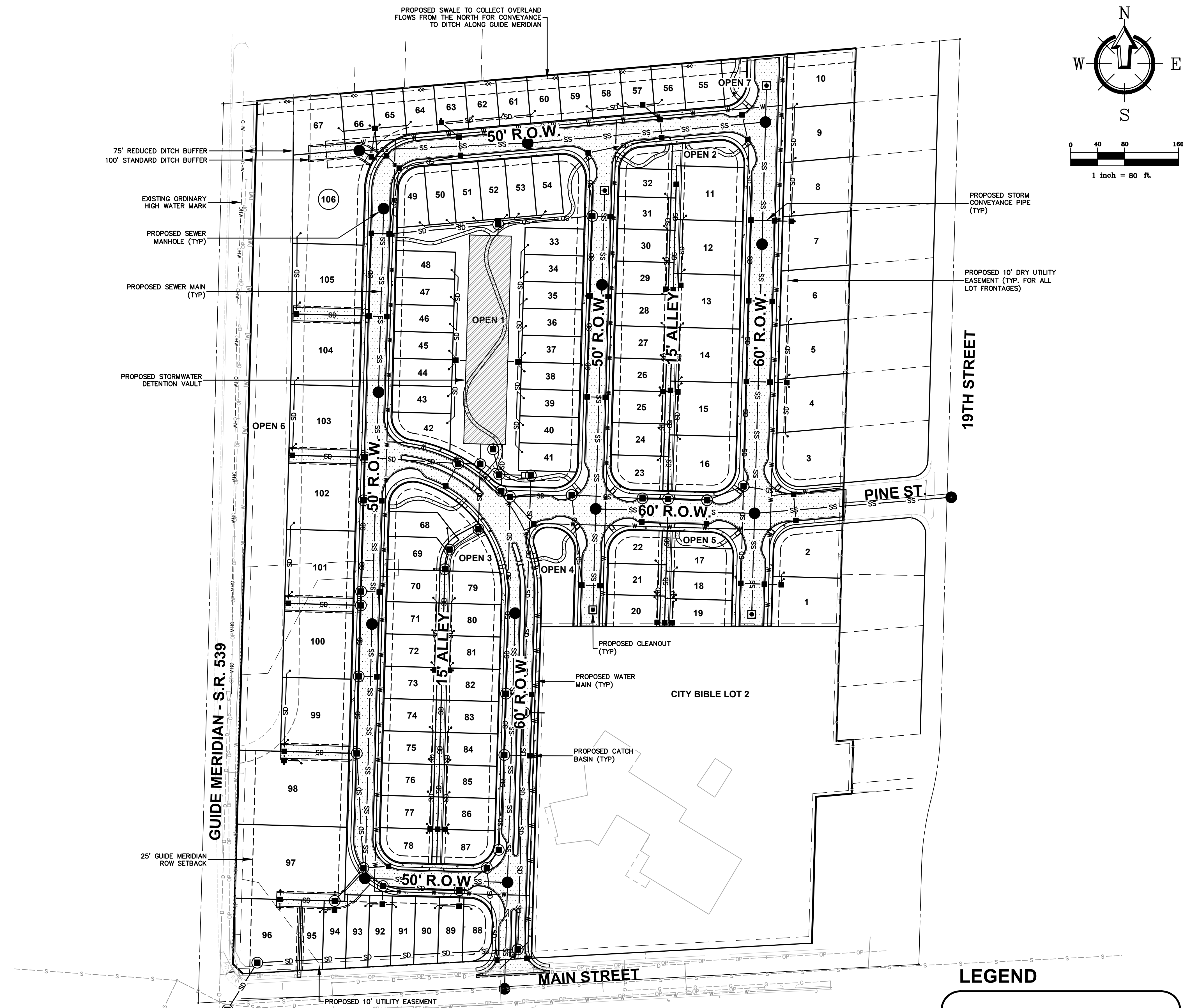
O'NEIL'S ADDITION, DIVISION 1 VOL.16, PG.66

PARCEL AREA TABLE		
PARCEL #	AREA (SF)	LOT TYPE
CITY BIBLE LOT 2	209,206	-
LOT 1	7,411	SINGLE-FAMILY
LOT 2	7,431	SINGLE-FAMILY
LOT 3	8,047	SINGLE-FAMILY
LOT 4	8,039	SINGLE-FAMILY
LOT 5	8,140	SINGLE-FAMILY
LOT 6	8,139	SINGLE-FAMILY
LOT 7	8,139	SINGLE-FAMILY
LOT 8	8,138	SINGLE-FAMILY
LOT 9	8,138	SINGLE-FAMILY
LOT 10	8,139	SINGLE-FAMILY
LOT 11	8,000	SINGLE-FAMILY
LOT 12	8,000	SINGLE-FAMILY
LOT 13	8,000	SINGLE-FAMILY
LOT 14	8,000	SINGLE-FAMILY
LOT 15	8,000	SINGLE-FAMILY
LOT 16	8,037	SINGLE-FAMILY
LOT 17	3,547	SINGLE-FAMILY
LOT 18	4,011	SINGLE-FAMILY
LOT 19	4,001	SINGLE-FAMILY
LOT 20	4,000	SINGLE-FAMILY
LOT 21	4,001	SINGLE-FAMILY
LOT 22	4,049	SINGLE-FAMILY
LOT 23	4,072	SINGLE-FAMILY
LOT 24	4,080	SINGLE-FAMILY
LOT 25	4,080	SINGLE-FAMILY
LOT 26	4,080	SINGLE-FAMILY
LOT 27	4,080	SINGLE-FAMILY
LOT 28	4,080	SINGLE-FAMILY
LOT 29	4,080	SINGLE-FAMILY
LOT 30	4,080	SINGLE-FAMILY
LOT 31	4,080	SINGLE-FAMILY
LOT 32	3,570	SINGLE-FAMILY
LOT 33	3,500	SINGLE-FAMILY
LOT 34	3,500	SINGLE-FAMILY
LOT 35	3,500	SINGLE-FAMILY
LOT 36	3,500	SINGLE-FAMILY
LOT 37	3,500	SINGLE-FAMILY
LOT 38	3,500	SINGLE-FAMILY
LOT 39	3,500	SINGLE-FAMILY
LOT 40	3,500	SINGLE-FAMILY
LOT 41	3,581	SINGLE-FAMILY
LOT 42	3,652	SINGLE-FAMILY
LOT 43	3,500	SINGLE-FAMILY
LOT 44	3,500	SINGLE-FAMILY
LOT 45	3,500	SINGLE-FAMILY
LOT 46	3,500	SINGLE-FAMILY
LOT 47	3,500	SINGLE-FAMILY
LOT 48	3,500	SINGLE-FAMILY
LOT 49	3,538	SINGLE-FAMILY
LOT 50	3,500	SINGLE-FAMILY
LOT 51	3,500	SINGLE-FAMILY
LOT 52	3,500	SINGLE-FAMILY
LOT 53	3,500	SINGLE-FAMILY
LOT 54	3,500	SINGLE-FAMILY
LOT 55	4,000	SINGLE-FAMILY
LOT 56	3,170	ATTACHED SF

PARCEL AREA TABLE		
PARCEL #	AREA (SF)	LOT TYPE
LOT 57	3,170	ATTACHED SF
LOT 58	3,170	ATTACHED SF
LOT 59	3,169	ATTACHED SF
LOT 60	3,169	ATTACHED SF
LOT 61	3,169	ATTACHED SF
LOT 62	3,169	ATTACHED SF
LOT 63	3,169	ATTACHED SF
LOT 64	3,175	ATTACHED SF
LOT 65	3,659	ATTACHED SF
LOT 66	4,167	ATTACHED SF
LOT 67	6,295	ATTACHED SF
LOT 68	3,570	SINGLE-FAMILY
LOT 69	4,090	SINGLE-FAMILY
LOT 70	4,080	SINGLE-FAMILY
LOT 71	4,080	SINGLE-FAMILY
LOT 72	4,080	SINGLE-FAMILY
LOT 73	4,080	SINGLE-FAMILY
LOT 74	4,080	SINGLE-FAMILY
LOT 75	4,080	SINGLE-FAMILY
LOT 76	4,080	SINGLE-FAMILY
LOT 77	4,080	SINGLE-FAMILY
LOT 78	4,072	SINGLE-FAMILY
LOT 79	4,035	SINGLE-FAMILY
LOT 80	4,077	SINGLE-FAMILY
LOT 81	4,077	SINGLE-FAMILY
LOT 82	4,077	SINGLE-FAMILY
LOT 83	4,077	SINGLE-FAMILY
LOT 84	4,077	SINGLE-FAMILY
LOT 85	4,078	SINGLE-FAMILY
LOT 86	4,078	SINGLE-FAMILY
LOT 87	4,070	SINGLE-FAMILY
LOT 88	3,526	ATTACHED SF
LOT 89	3,521	ATTACHED SF
LOT 90	3,529	ATTACHED SF
LOT 91	3,528	ATTACHED SF
LOT 92	3,519	ATTACHED SF
LOT 93	3,556	ATTACHED SF
LOT 94	3,515	ATTACHED SF
LOT 95	3,520	ATTACHED SF
LOT 96	10,640	DUPLEX
LOT 97	17,950	4-PLEX
LOT 98	17,951	4-PLEX
LOT 99	11,178	TRIPLEX
LOT 100	11,178	TRIPLEX
LOT 101	11,178	TRIPLEX
LOT 102	11,178	TRIPLEX
LOT 103	10,669	TRIPLEX
LOT 104	10,710	TRIPLEX
LOT 105	10,912	TRIPLEX
LOT 106	14,767	TRIPLEX
OPEN 1	48,345	-
OPEN 2	6,085	-
OPEN 3	8,772	-
OPEN 4	7,321	-
OPEN 5	2,096	-
OPEN 6	58,202	-
OPEN 7	2,205	-

MPRD AREA TABLE	
	PLAT AREA (SF)
GROSS PLAT AREA	951,048
RESERVE TRACTS*	133,026
CRITICAL AREAS (INCLUDING BUFFERS)	79,037
RIGHT OF WAYS (ROWs)	261,432
OTHER INFRASTRUCTURE	0
NET DEVELOPABLE	477,553
PERCENT ROW AND INFRASTRUCTURE	27.50%

*THIS AREA INCLUDE ALL OPEN SPACE AREAS



LEGEND

- = PROPOSED STORM DRAIN CATCH BASIN
- = PROPOSED SEWER CLEANOUT
- = PROPOSED SEWER MANHOLE
- W — W — = PROPOSED WATER LINE
- SS — SS — = PROPOSED SANITARY SEWER LINE
- SD — SD — = PROPOSED STORM DRAIN LINE
- ▨ = PROPOSED STORM DETENTION



BY:	
DESCRIPTION:	
REV:	
DATE:	

CLIENT:
CITY BIBLE CHURCH
 9200 NE FREMONT ST
 PORTLAND, OR 97220-3610
 CALL BEFORE YOU DIG
 FOR BURIED UTILITY LOCATIONS
 1-800-424-5655

PROJECT LOCATION:
LIONSGATE PLAT
 1986 MAIN STREET
 LYNDEN, WA 98264
 DRAWING #: 21098SP6.DWG
 DESIGNED BY: MDB
 DRAWN BY: SKE
 CHECKED BY: MDB

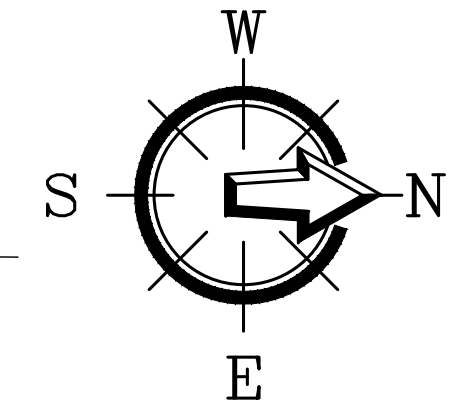
SHEET CONTENTS:
PRELIMINARY SITE PLAN



JOB #: 21098
 DATE: 06-23-2022
 SHEET:

PRE1

GUIDE MERIDIAN - S.R. 539



0 25 50 100
1 inch = 50 ft.



220 West Champion Street, Suite 200
Bellevue, WA 98005
F: 360.650.1401
FREELAND & ASSOCIATES

BY:	
DESCRIPTION:	
REV:	DATE:

CLIENT: **CITY BIBLE CHURCH**
9200 NE FREMONT ST
PORTLAND, OR 97220-3610
CALL BEFORE YOU DIG
FOR BURIED UTILITY LOCATIONS
1-800-424-5655

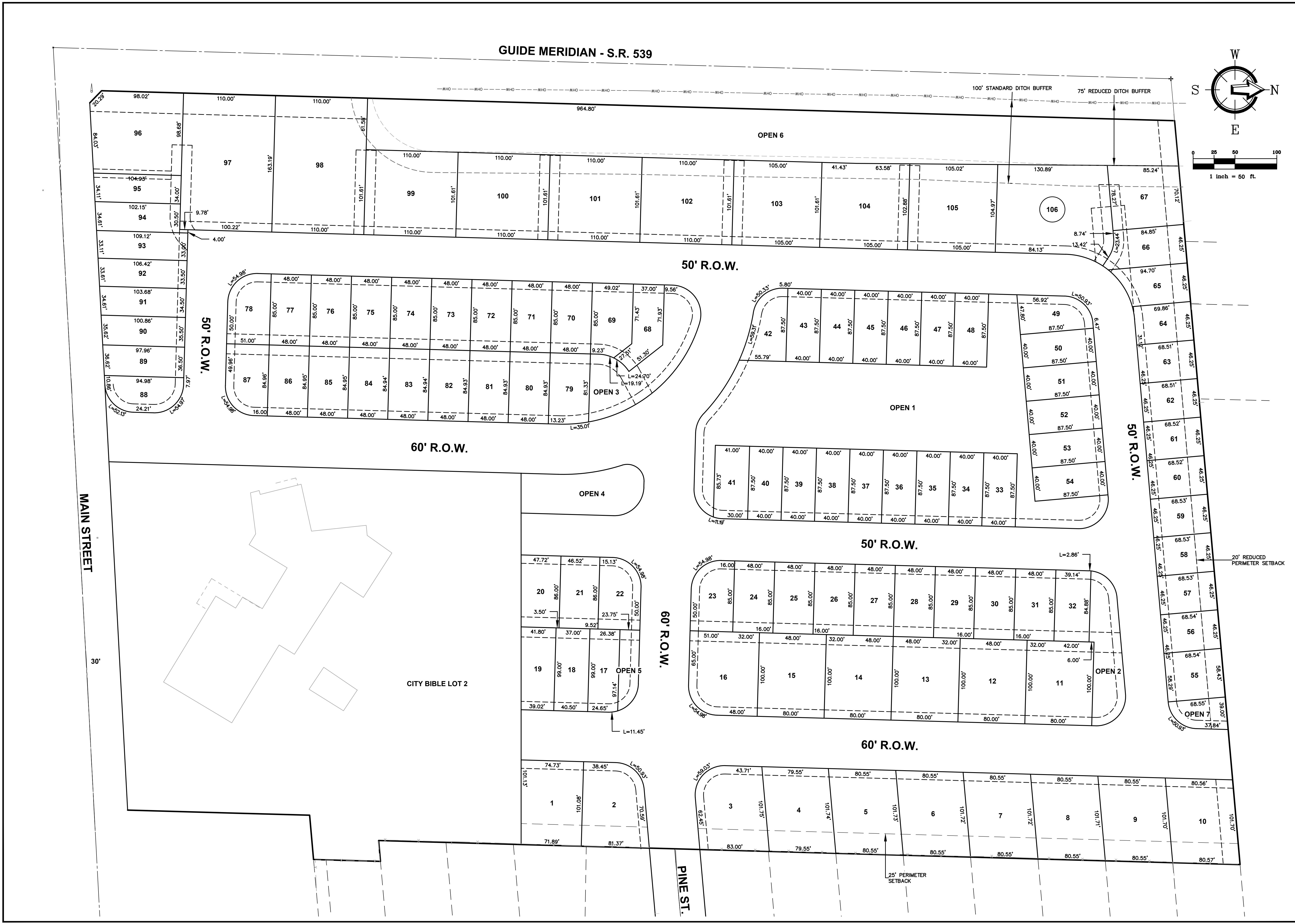
PROJECT LOCATION: **LIONSGATE PLAT**
1986 MAIN STREET
LYNDEN, WA 98264
DRAWING #: 21098SP6.DWG
DESIGNED BY: MDB
DRAWN BY: SKE
CHECKED BY: MDB

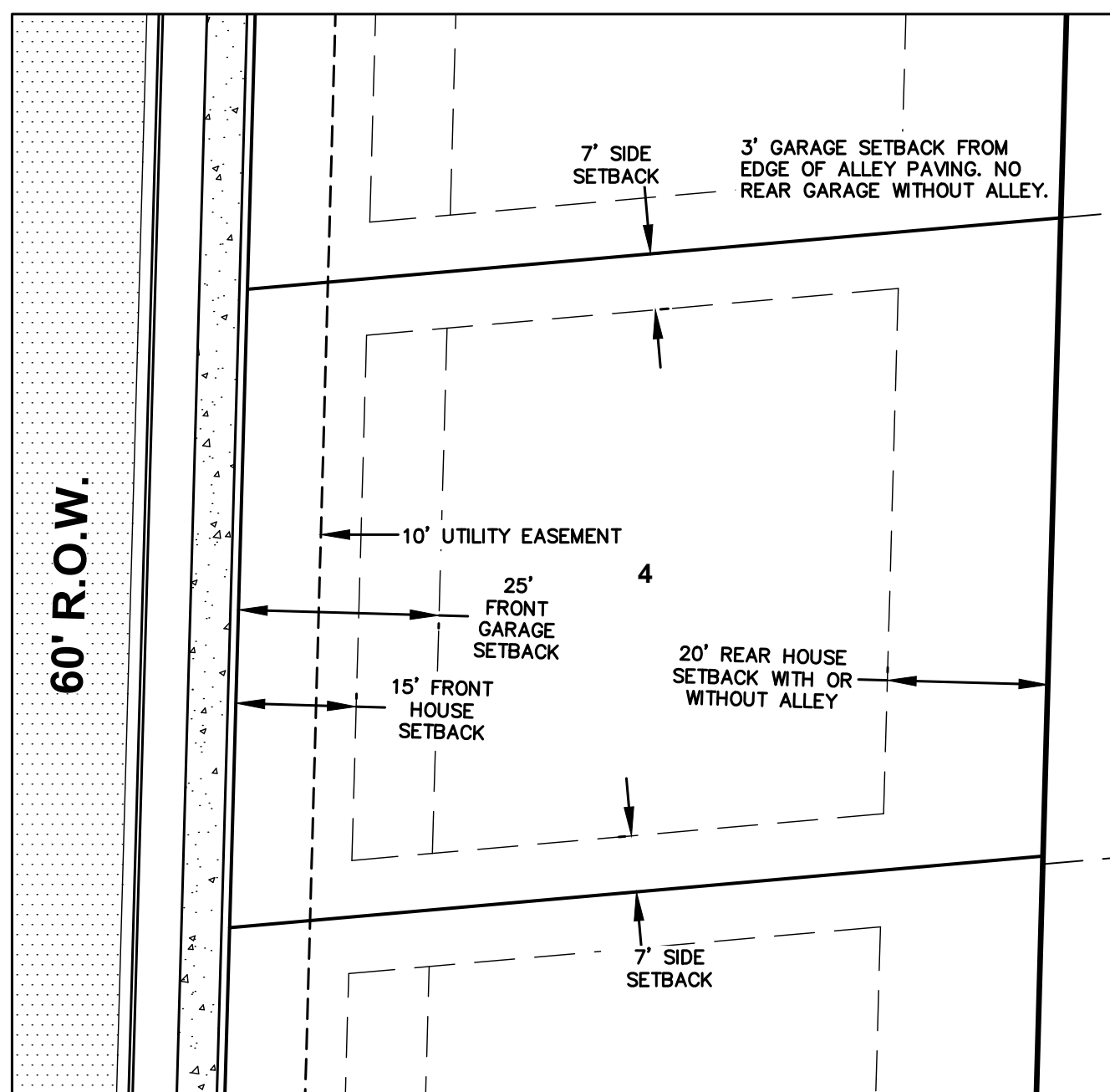
SHEET CONTENTS: **LOT DIMENSIONS**



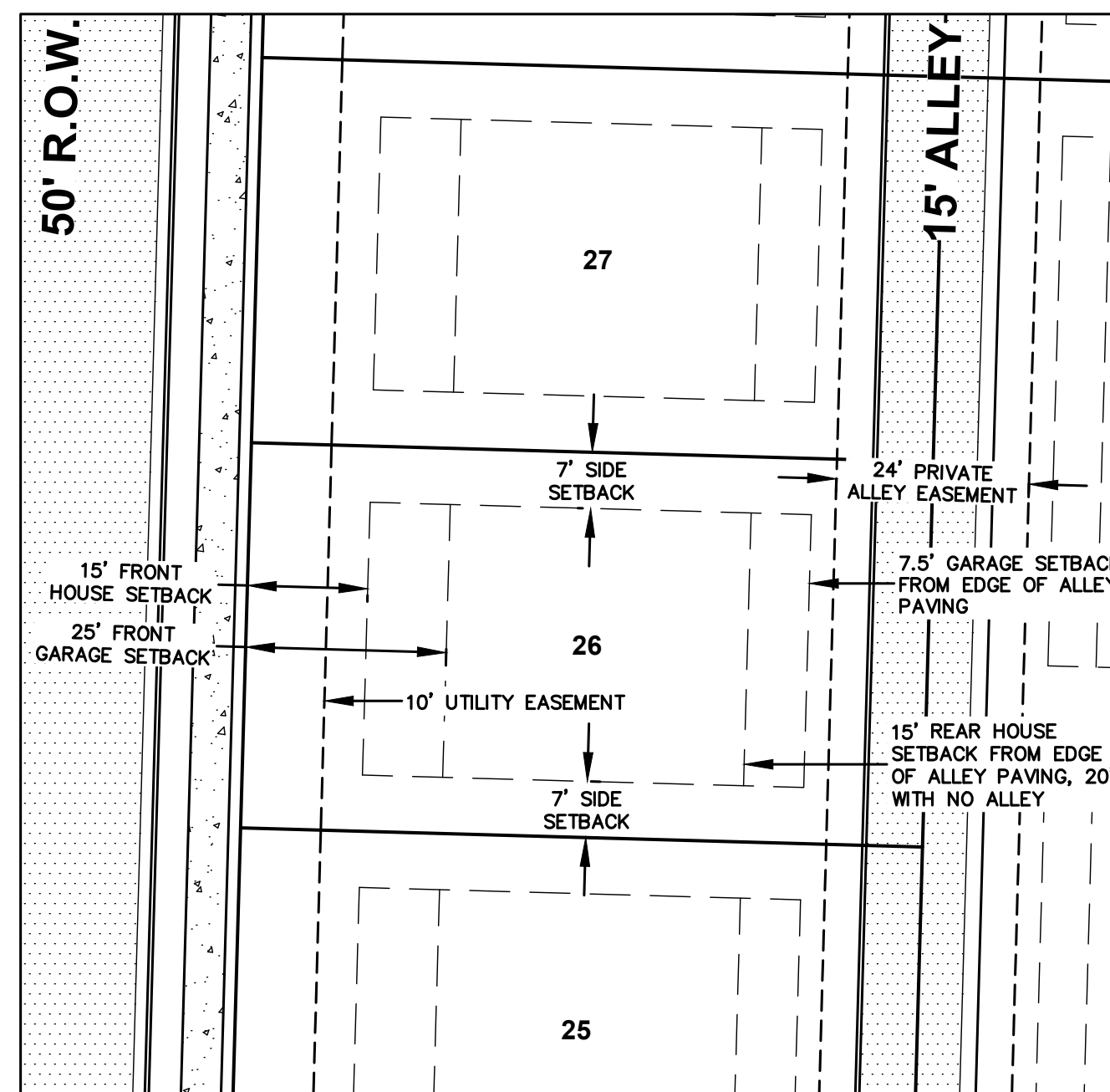
JOB #: 21098
DATE: 06-23-2022

SHEET: **PRE2**

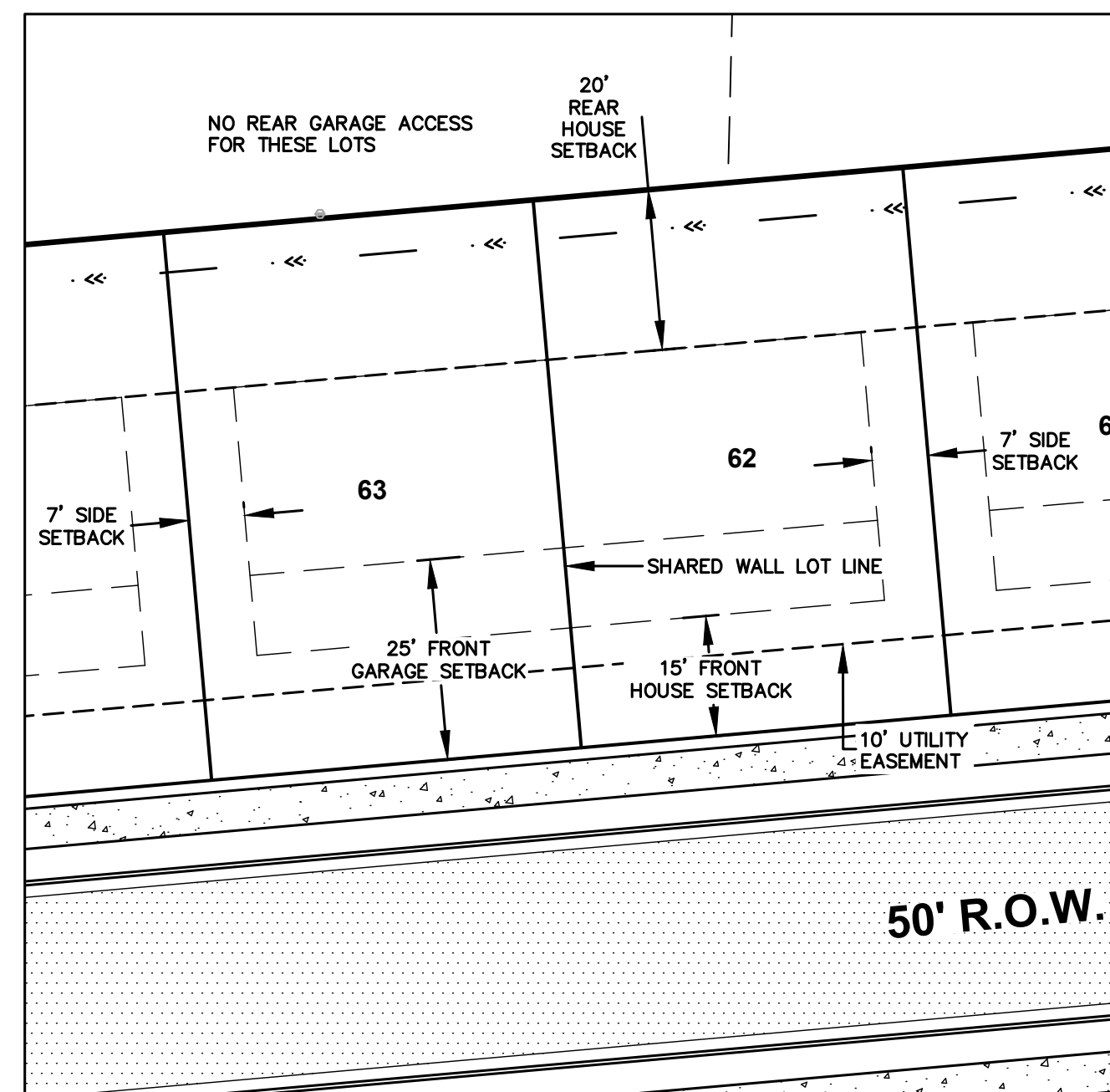




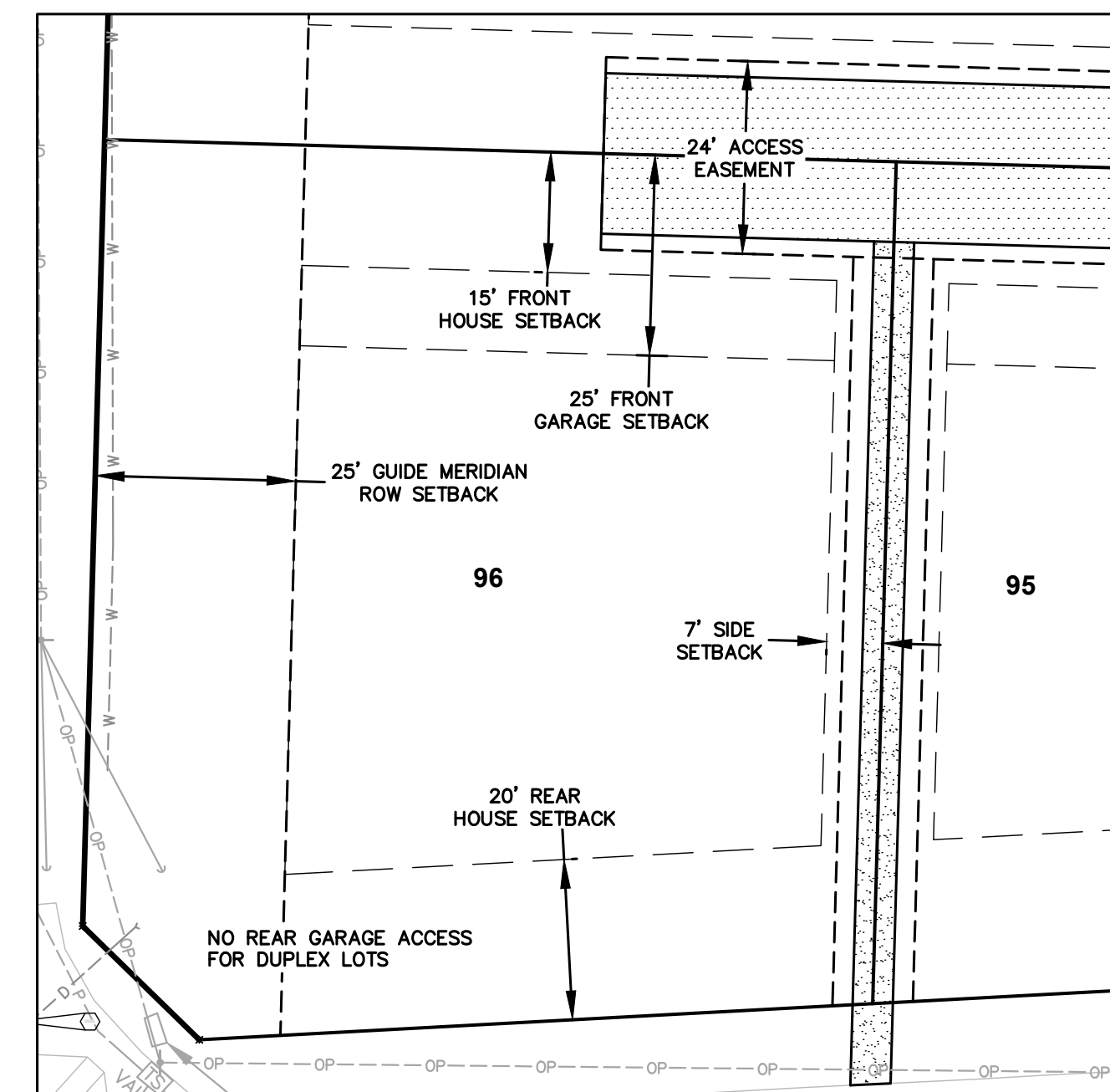
TYPICAL 7,200 SF + LOT SETBACKS (LOTS 1-16)



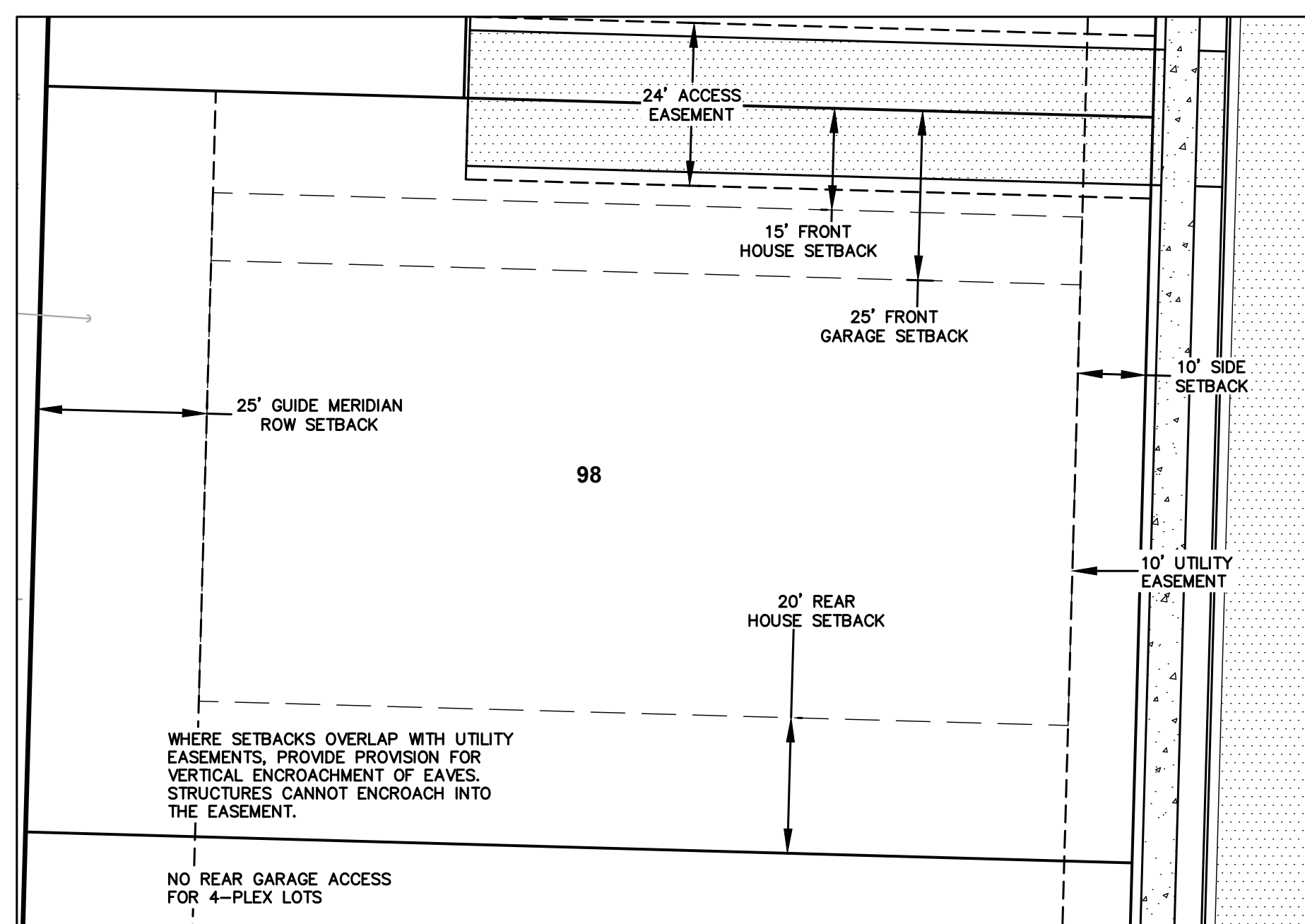
TYPICAL 3,500 - 4,500 SF LOT SETBACKS (LOTS 17-55, 68-87)



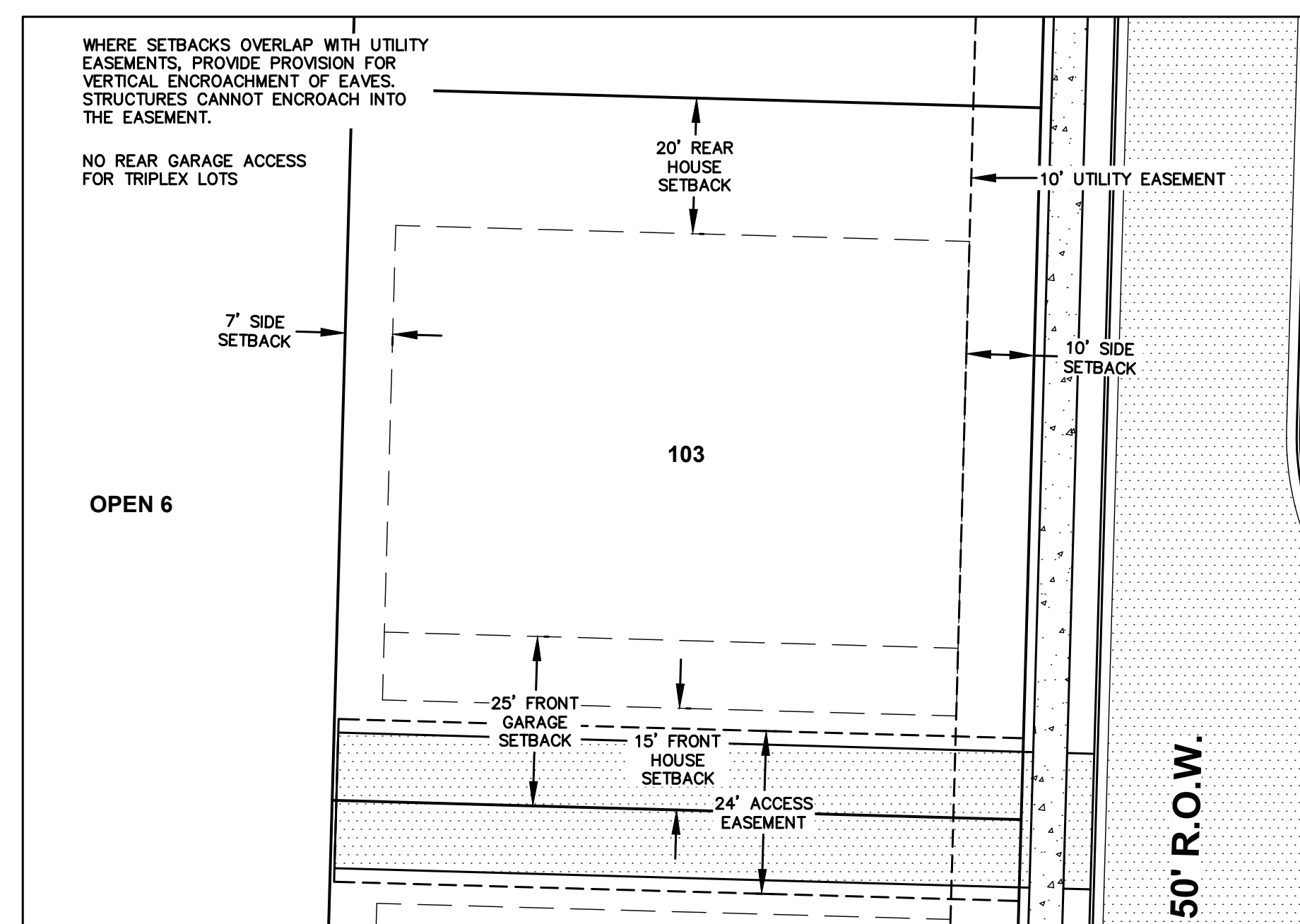
TYPICAL 3,000 SF ATTACHED LOT SETBACKS (LOTS 56-67)



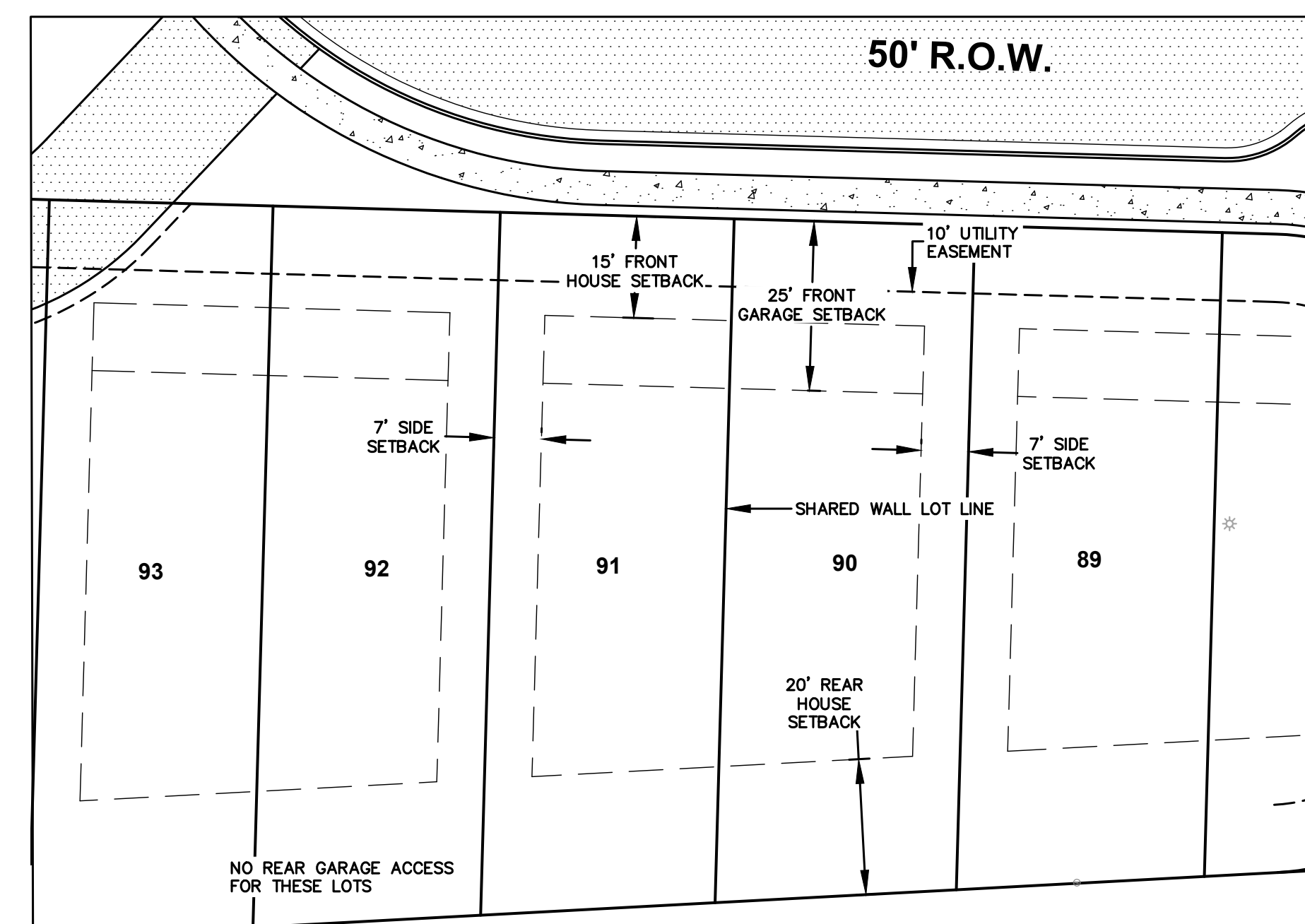
TYPICAL DUPLEX LOT SETBACKS (LOT 96)



TYPICAL 4-PLEX LOT SETBACKS (LOTS 97-98)



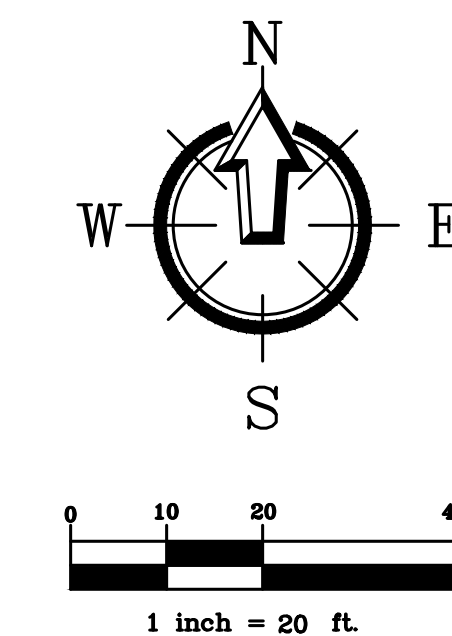
TYPICAL TRIPLEX LOT SETBACKS (LOTS 98-106)



TYPICAL 3,500 SF ATTACHED LOT SETBACKS (LOTS 88-95)

PROPOSED SETBACKS TABLE							
	7,200+ SF LOT	3,500 - 4,500 SF LOT	3,000 SF ATTACHED LOT	DUPLEX LOT	TRIPLEX LOT	4-PLEX LOT	3,500 SF ATTACHED LOT
SIDE YARD	7'	7'	7' (0' AT SHARED WALL LOT LINE)	7'	7'	7'	7' (0' AT SHARED WALL LOT LINE)
FRONT HOUSE	15'	15'	15'	15'	15'	15'	15'
FRONT GARAGE	25'	25'	25'	25'	25'	25'	25'
REAR HOUSE	20'	15' FROM EDGE OF ALLEY, 20' IF NO ALLEY ACCESS	20'	20'	20'	20'	20'
REAR GARAGE	3' FROM EDGE OF ALLEY, IF APPLICABLE	3' FROM EDGE OF ALLEY, IF APPLICABLE	-	-	-	-	-

NOTE: ALL LOTS TO MEET APPLICABLE STANDARDS IN LMC 19.29 (PRD) AND LMC 19.16 (RMD), EXCEPT AS NOTED ON THESE PLANS IN THE PLANNING COMMISSION RESOLUTION #20-07, AND IN CITY COUNCIL RESOLUTION APPROVING MPRD #20-01, DATED 09-22-2020.



BY:	
DESCRIPTION:	
DATE:	
REV:	

CLIENT: CITY BIBLE CHURCH
9200 NE FREMONT ST.
PORTLAND, OR 97220-3610
CALL BEFORE YOU DIG
FOR BURIED UTILITY LOCATIONS
1-800-424-5655

PROJECT LOCATION: LIONSGATE PLAT
1886 MAIN STREET
LYNDEN, WA 98264
DRAWING #: 21098SP6.DWG
DESIGNED BY: MDB
DRAWN BY: SKE
CHECKED BY: MDB

SHEET CONTENTS: TYPICAL SETBACK EXHIBIT



JOB #: 21098 DATE: 06-23-2022
SHEET: PRE3



220 West Champion Street, Suite 200
Bellevue, WA 98005
f: 360.650.1401
FREELAND & ASSOCIATES

BY:	
DESCRIPTION:	
DATE:	
REV:	

CLIENT:
CITY BIBLE CHURCH
 9200 NE FREMONT ST.
 PORTLAND, OR 97220-3610
 CALL BEFORE YOU DIG
 1-800-424-5655

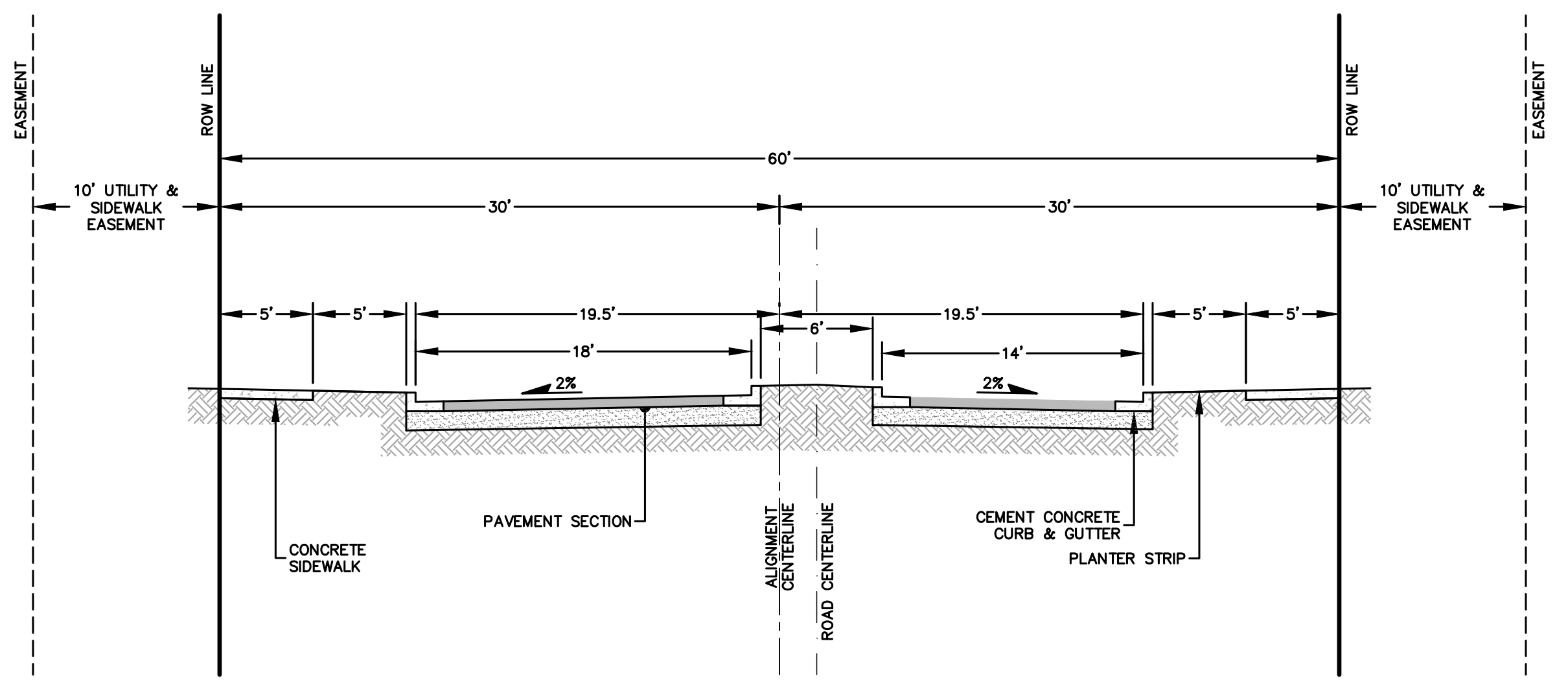
PROJECT LOCATION:
LIONSGATE PLAT
 1986 MAIN STREET
 LYNDEN, WA 98264
 DRAWING #: 21098SP6.DWG
 DESIGNED BY: MDB
 DRAWN BY: SKE
 CHECKED BY: MDB

SHEET CONTENTS:
TYPICAL SETBACK EXHIBIT



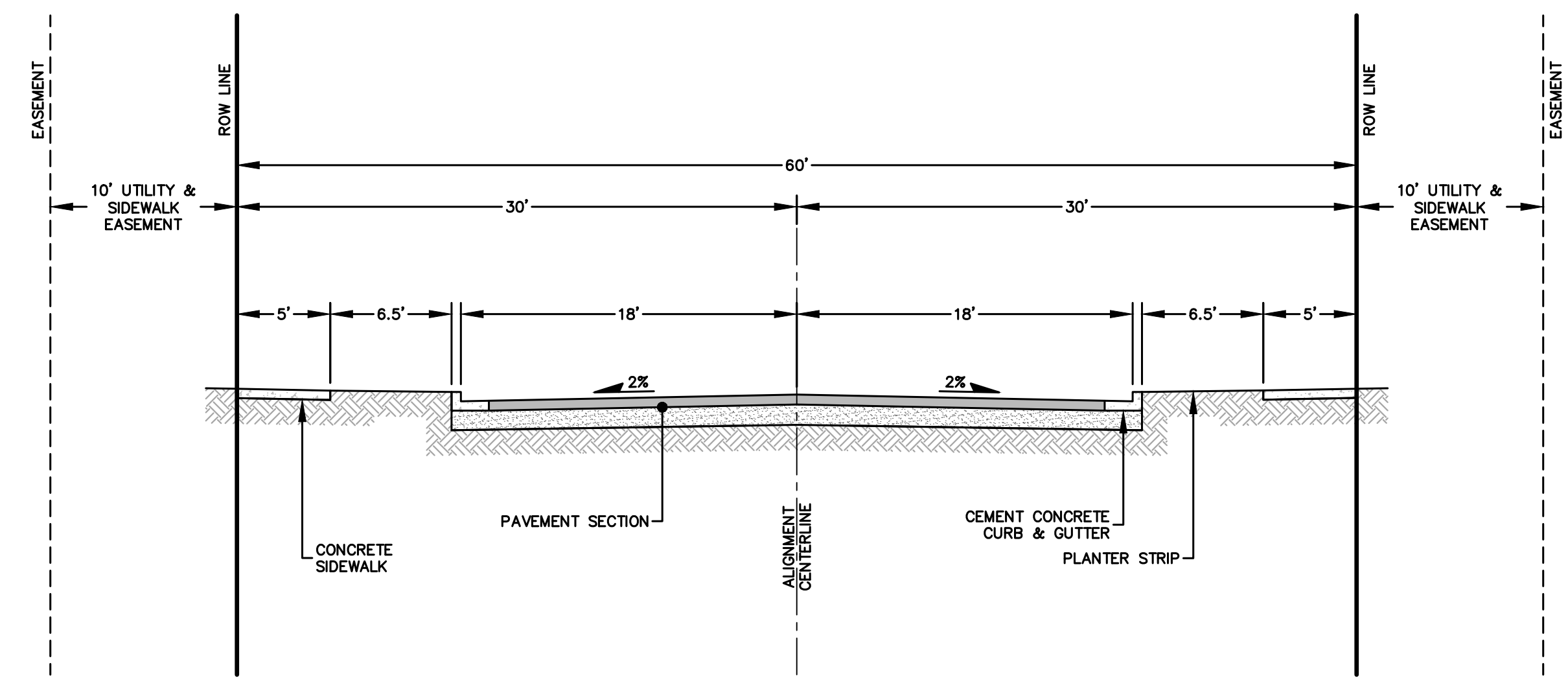
JOB #: 21098
 DATE: 06-23-2022
 SHEET:

PRE4

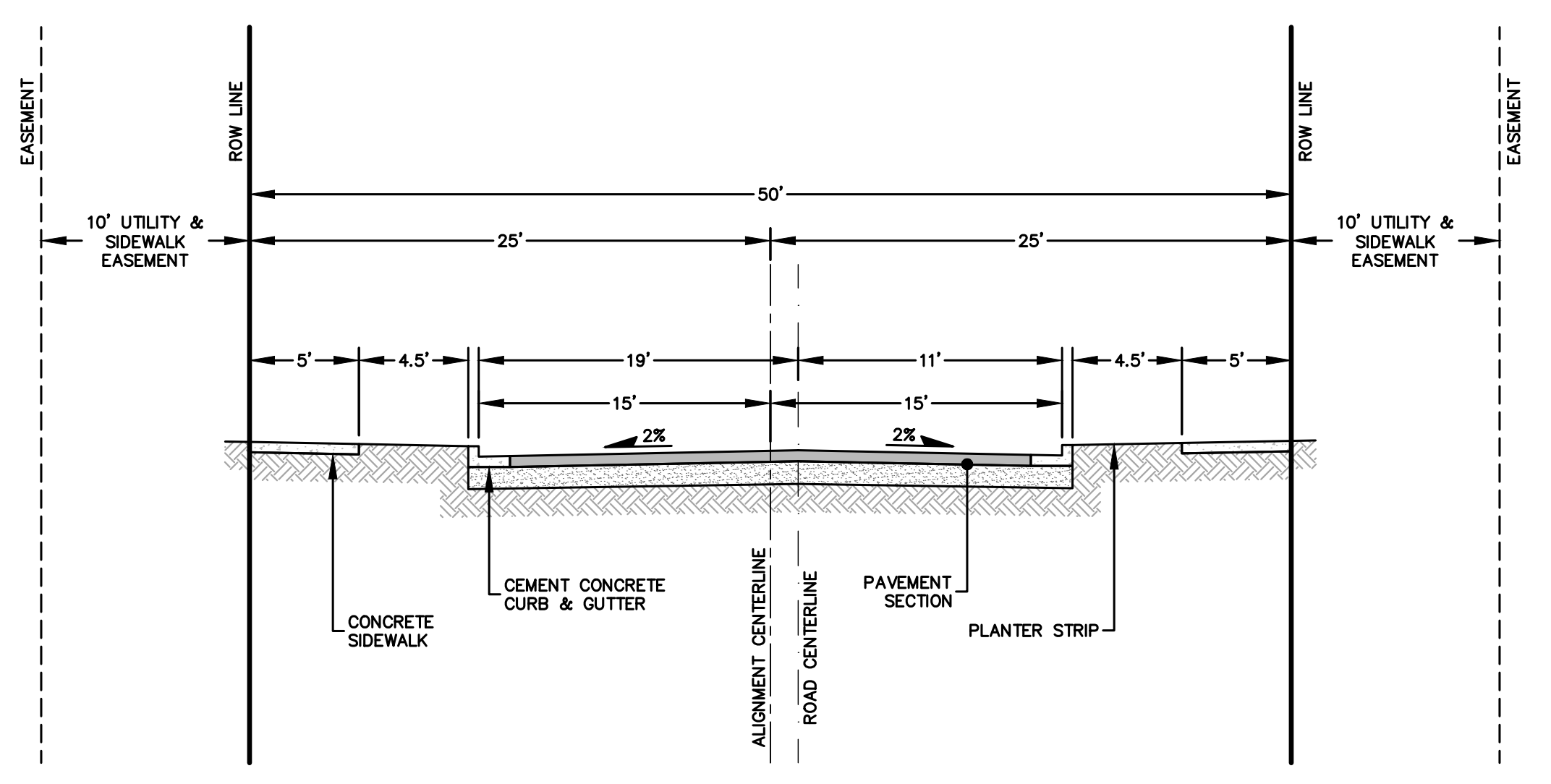


NOTE:
 EAST LANE TO DELINEATE 4-FOOT WIDE
 URBAN SHOULDER FOR BICYCLE TRAVEL.

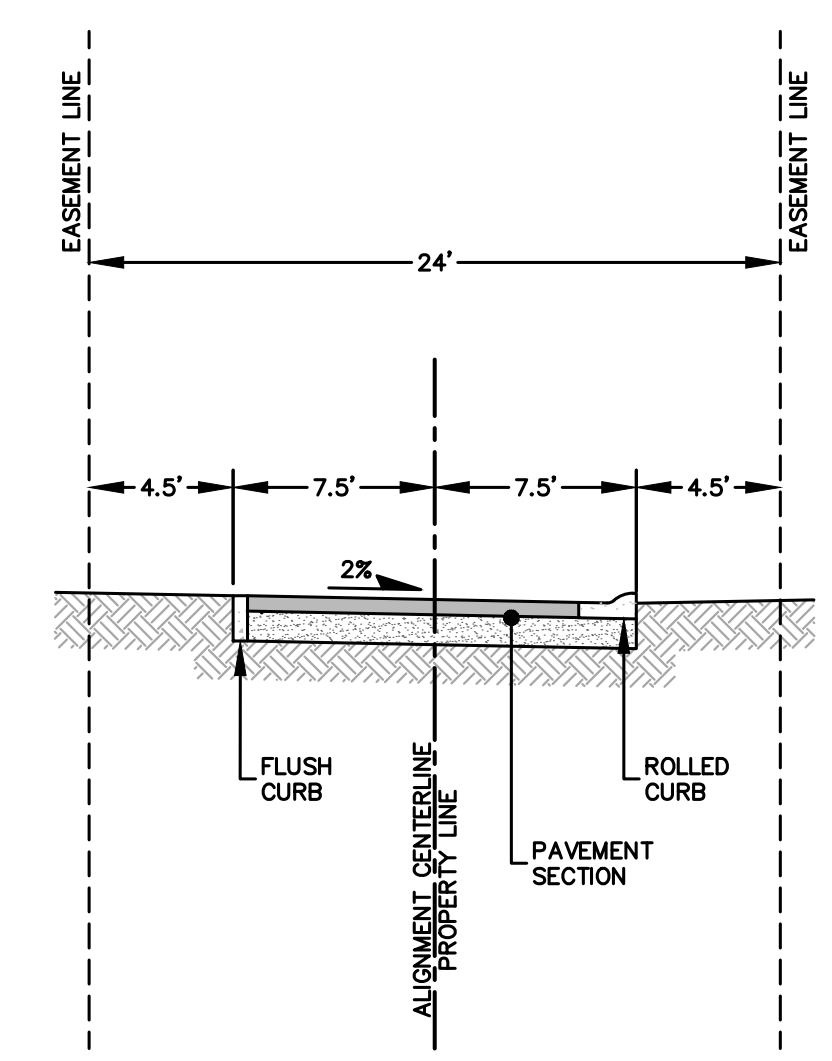
A 60' ROW STREET SECTION W/ MEDIAN
 N.T.S.



B 60' ROW STREET SECTION
 N.T.S.

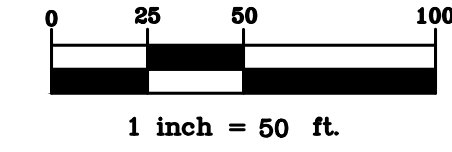
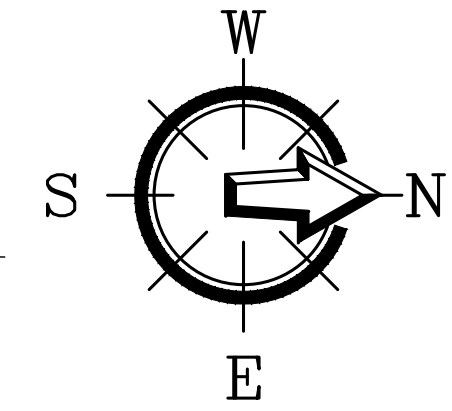


C 50' ROW STREET SECTION
 N.T.S.



D 15' ALLEY SECTION
 N.T.S.

GUIDE MERIDIAN - S.R. 539



BUFFER ENHANCEMENT AREA - PLANTING SCHEDULE PER BIOLOGIST MITIGATION PLAN RECOMMENDATIONS (TBD)

PROPOSED STREET TREE, TYP. SPACED EVERY 50'

LANDSCAPED OPEN SPACE, TYP.

50' R.O.W.

50' R.O.W.

60' R.O.W.

50' R.O.W.

50' R.O.W.

60' R.O.W.

60' R.O.W.

PINE ST.

MAIN STREET

OPEN SPACE AREA TABLE		
OPEN SPACE (PERCENT OF TOTAL SITE)	REQUIRED	PROPOSED
7.5%	7.5%	14.0%
ACTIVE OPEN SPACE (PERCENT OF TOTAL OPEN SPACE)	30%	56.3%

- CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARITY WITH ALL UNDERGROUND UTILITIES, PIPES AND STRUCTURES. CONTRACTOR SHALL TAKE SOLE RESPONSIBILITY FOR ANY COST INCURRED DUE TO DAMAGE OF SAID UTILITIES. VERIFY ALL UTILITY LOCATIONS, PADS, AND APPURTENANCES PRIOR TO PLANTING ACTIVITY. DO NOT BLOCK ACCESS TO UTILITY STRUCTURES. IDENTIFY DISCREPANCIES IMMEDIATELY TO LANDSCAPE ARCHITECT.
- ESTABLISH SUB-GRADE ELEVATIONS THAT WILL ACCOMMODATE FULL PLANTING SOIL DEPTHS AS SPECIFIED IN SOIL PREPARATION SPECIFICATIONS THIS SHEET, ACCOMMODATE DEPTHS TO ALLOW FOR COMPOST ADDED FOR SUBGRADE PREPARATION AND SUBGRADE OPERATIONS.
- LANDSCAPE AREAS SHALL BE AMENDED PER BMP TS.13. PLANTING SOIL SHALL BE PLACED IN TWO EQUAL LIFTS. THE FIRST LIFT SHALL BE INCORPORATED/ROTILLED INTO PREPARED SUBGRADE TO A MINIMUM 4" DEPTH. ALL AREAS SHALL BE FINAL GRADED TO AVOID HIGH OR LOW SPOTS, AND PROVIDE POSITIVE DRAINAGE.
- ALL PLANT MATERIAL SHALL BE NURSERY GROWN (NOT FIELD COLLECTED), CONTAINERIZED OR BALLED AND BURLAPPED. PROVIDE ONLY SOUND, HEALTHY, VIGOROUS PLANTS, FREE OF DEFECTS, DISEASE, AND ALL FORMS OF INFESTATION. MEASUREMENTS, CALIPER, BRANCHING, GRADING QUALITY, BALLING AND BURLAPPING PLANT MATERIAL SHALL CONFORM TO CITY OF LYNDEN DESIGN STANDARDS, LATEST EDITION.
- ALL CONTAINER GROWN NURSERY STOCK SHALL BE HEALTHY, VIGOROUS, WELL-ROOTED, AND ESTABLISHED IN THE CONTAINER IN WHICH IT IS GROWN. CONTAINER GROWN NURSERY STOCK SHALL HAVE A WELL-ESTABLISHED ROOT SYSTEM REACHING THE SIDES OF THE CONTAINER TO MAINTAIN A FIRM BALL WHEN THE CONTAINER IS REMOVED, BUT SHALL NOT HAVE EXCESSIVE ROOT GROWTH ENCIRCLING THE INSIDE OF THE CONTAINER.
- PLANTS SHALL NOT BE PRUNED PRIOR TO DELIVERY. PRUNE PLANTS ONLY AFTER PLANTING AND ACCORDING TO STANDARD HORTICULTURAL PRACTICE TO PRESERVE THE NATURAL CHARACTER OF THE TREE. REMOVE ALL DEAD WOOD, SUCKERS AND BROKEN OR BADLY BRUISED BRANCHES. USE ONLY CLEAN SHARP TOOLS.
- PLANTS SHALL BE TRUE TO SPECIES AND VARIETY AND SHALL CONFORM TO SPECIFIED MEASUREMENTS, HOWEVER, LARGER PLANTS MAY BE USED IF APPROVED BY LANDSCAPE ARCHITECT. CALIPER MEASUREMENT SHALL BE TAKEN AT A POINT ON THE TRUNK 6 INCHES ABOVE THE NATURAL GROUND LINE FOR TREES UNDER 4 INCHES IN CALIPER, AND AT A POINT 12 INCHES ABOVE THE GROUND FOR TREES 4 INCHES OR GREATER IN CALIPER. IF A RANGE OF SIZES IS GIVEN, NO PLANT SHALL BE LESS THAN THE MINIMUM SIZE AND NO LESS THAN 40% OF THE PLANTS SHALL BE AS LARGE AS THE MAXIMUM SIZE SPECIFIED. PRIOR TO INSTALLATION, ALL PLANT MATERIAL PROPOSED FOR USE ON THE PROJECT SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT AT THE TIME OF DELIVERY TO THE SITE FOR CONFORMANCE WITH THE REQUIREMENTS OF THE PLANT SCHEDULE, PLANT SPECIFICATIONS, AND STORAGE AND HANDLING REQUIREMENTS. CONTRACTOR IS TO PROVIDE A MINIMUM OF TWO WEEKS NOTICE PRIOR TO DELIVERY TO THE LANDSCAPE ARCHITECT.
- TREES SHALL BE PLACED FIRST, THEN SHRUBS, AND THEN GROUNDCOVERS. TREES SHALL BE STAKED OR GUYED PER CITY OF LYNDEN STANDARD DETAILS WITHIN 24 HOURS OF INSTALLATION. TREE TRUNKS SHALL BE LOCATED NO CLOSER THAN 5' FROM BUILDING WALLS. SHRUBS SHALL BE LOCATED SO THAT AT MATURITY THERE WILL BE A MINIMUM 3' CLEAR BETWEEN TRUNK AND BUILDING WALL.
- FINISH GRADE (TOP OF MULCH) IN PLANTING BEDS AND FINISH GRADE OF TURF SHALL BE 1/2" BELOW FINISHED SURFACE OF ADJACENT WALK OR PAVED AREAS.
- ALL AREAS OF BARE SOIL, OR AREAS IMPACTED BY VEHICULAR USE OF ANY KIND, OR STORAGE OF MATERIALS OUTSIDE OF THE CLEARING LIMITS SHALL RECEIVE FULL SUBGRADE PREPARATION, INCLUDING COMPOST AMENDMENTS AND SHALL RE-ESTABLISH FINAL DESIGN CONDITION AND SHALL BE AT CONTRACTOR'S COST.
- THE CONTRACTOR SHALL BEGIN MAINTENANCE IMMEDIATELY FOLLOWING PLANT INSTALLATION. THE CONTRACTOR SHALL MAINTAIN THE PLANTED AREAS FOR 90 DAYS AFTER ACHIEVING COMPLETION OF PLANTING.
- STANDARD COMMERCIAL GRADE FERTILIZERS AND HERBICIDES SHALL NOT BE APPLIED UNLESS THE CONTRACTOR HAS DEEMED IT NECESSARY TO PROMOTE HEALTHY AND SUSTAINABLE GROWTH. THE CONTRACTOR SHALL OBTAIN WRITTEN APPROVAL FROM THE LANDSCAPE ARCHITECT BEFORE APPLYING FERTILIZERS AND HERBICIDES.

GENERAL PLANTING NOTES



220 West Champion Street, Suite 200
Bellevue, WA 98005
FREELAND & ASSOCIATES

BY:	
DESCRIPTION:	
REV:	
DATE:	

CLIENT:
CITY BIBLE CHURCH
 9200 NE FREMONT ST
 PORTLAND, OR 97220-3610
 CALL BEFORE YOU DIG
 FOR BURIED UTILITY LOCATIONS
 1-800-424-5655

PROJECT LOCATION:
LIONSGATE PLAT
 1986 MAIN STREET
 LYNDEN, WA 98264
 DRAWING #: 21098SP6.DWG
 DESIGNED BY: MDB
 DRAWN BY: SKE
 CHECKED BY: MDB

SHEET CONTENTS:
**PRELIMINARY LANDSCAPING
 AND TREE PLANTING PLAN**



JOB #: 21098
 DATE: 06-23-2022

SHEET: **PRE5**

Heidi Gudde

From: Heidi Gudde
Sent: Monday, April 11, 2022 2:03 PM
To: Calvin DenHartog
Subject: RE: New Development - Garbage Collection

Thanks for the feedback. We will head in that direction and loop you in when we get a little farther down the road.

Heidi

Heidi Gudde, AICP
Planning & Community Development Director

City of Lynden
(360) 354-5532

From: Calvin DenHartog <calvin_nvd@msn.com>
Sent: Monday, April 11, 2022 8:40 AM
To: Heidi Gudde <GuddeH@lyndenwa.org>
Subject: Re: New Development - Garbage Collection

Hi Heidi,

I would say if there are at least driveways available to park, we should be able to come up with a plan as we progress with development.

It likely won't be alley pickup, so we will just have to have some rules about street parking.

Thanks,

Calvin Den Hartog

From: Heidi Gudde <GuddeH@lyndenwa.org>
Sent: Monday, April 11, 2022 8:32 AM
To: Calvin DenHartog <calvin_nvd@msn.com>
Subject: RE: New Development - Garbage Collection

Thank you for looking at this Calvin.

The homes that back up to an alley will have driveways on the alley. Homes without an alley will have driveways on the street. The current configuration shows that the on-street parking is typically occurring on the side of the street with driveway cuts leaving the alley loaded homes with clear curb.

I agree with your conclusions about the alley – someone is always parked wonky especially early in the morning when they think it won't be an issue.

Please let me know your preferences so that we can write them into the requirements. Also, we can require them to work with you prior to final plat approval when they get a little farther into the development and construction.

Heidi

Heidi Gudde, AICP
Planning & Community Development Director

City of Lynden
(360) 354-5532

From: Calvin DenHartog <calvin_nvd@msn.com>
Sent: Friday, April 8, 2022 9:09 AM
To: Heidi Gudde <GuddeH@lyndenwa.org>
Subject: Re: New Development - Garbage Collection

Hi Heidi,

Do the units have garages and/or driveways proposed on the alleys?

If not, the parked cars will be a huge problem on the main street. I also have a hard time believing the alleys will remain 100% clear. Someone always has a trailer or extra car/stuff that ends up "alongside" an alley but at 22 feet wide, could hinder our access.

I'll have our lead driver look at the plan.

Thanks,

Calvin Den Hartog

From: Heidi Gudde <GuddeH@lyndenwa.org>
Sent: Thursday, April 7, 2022 12:00 PM
To: Calvin DenHartog <calvin_nvd@msn.com>
Cc: Korene Samec <SamecK@LYNDENWA.ORG>
Subject: New Development - Garbage Collection

Hi Calvin,

Hope this note finds you well. I'm reaching out to you for input on a new development that is occurring on the corner of Main and the Guide (the City Bible Church Property). They have a couple areas that will have alley-loaded lots. The alley's here are 22 feet wide. The streets are 50' – 60' wide with the 50' wide streets having parking only on one side. The alley's will not have parking on them.

Question for you - do you want to pick up garage on the street or the alley. I thought probably the street but if there are no driveway cuts along the street then there could be a solid line of parked vehicles at the time of garage pick-up.

I've attached plan that shows street parking and the alleys. Could you let me know your preference? We are at a point in the approval process when we could write in a requirement one way or another.

Thank you!

Heidi

Heidi Gudde, AICP
Planning & Community Development Director

City of Lynden
(360) 354-5532

ORDINANCE NO. 1608

**AN ORDINANCE REZONING CERTAIN PROPERTY
IN THE CITY OF LYNDEN, WASHINGTON**

WHEREAS, the City of Lynden fixed the 21st day of September, 2020, as the date to consider the Lions Gate site specific rezone for the following property (approximately 21.83 acres) from Single Family Residential (RS-100) to Residential Mixed Density (RMD).

PROPERTY DESCRIPTION:

LOT 1, AS DELINEATED ON CITY BIBLE CHURCH LOT LINE ADJUSTMENT, ACCORDING TO THE PLAT THEREOF, RECORDED AUGUST 29, 2019 UNDER AUDITOR’S FILE NUMBER 2019-0803655, RECORDS OF WHATCOM COUNTY, WASHINGTON.

COMMONLY DESCRIBED AS: 1990 Main Street, Lynden

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

WHEREAS, the Lynden Planning Commission held a public hearing on August 13, 2020, at the Lynden City Hall Annex, 205 4th Street, Lynden, Washington, to accept public testimony on the proposed rezone, and that meeting was duly recorded; and

WHEREAS, Planning Commission Resolution #20-06, outlines the Commission’s recommendation of approval for the proposed Lions Gate Rezone.

WHEREAS, on September 21, 2020, the Lynden City Council did convene and inquire into the proposed change of zone, and has determined to grant the rezone request as submitted; and

WHEREAS, after careful consideration of the record for the Lions Gate Rezone request, the Lynden City Council enters the following Findings of Fact regarding the proposed rezone, provided the conditions set forth in Section 2 herein are met;

1. Notice. Proper notices of the hearing were published and posted within the vicinity of the property as required by law.
2. Location. The subject property is located at 1990 Main Street, Lynden, in Whatcom County, Washington.
3. Ownership. Petitioner, Mannahouse Church is the owner of the subject property.

4. Request. Petitioner requests that the subject property (approximately 21.83 acres) be granted a site-specific rezone from Single Family Residential (RS-100) to Residential Mixed Density (RMD).
5. Reason for Request. The rezone will provide an opportunity for infill within the City of Lynden and will offer a variety of housing types for the community.
6. Change in Conditions: Development patterns and the housing market within the community have changed since the time this property was zoned RS-100.
7. Comprehensive Plan and City Code. The proposed rezone is consistent with the Comprehensive Plan land use designation for the property; it is consistent with and satisfies applicable city codes, including LMC 17.09.040 (C); and it will further the goals of the Lynden Comprehensive Plan.
8. Public Health and Safety. The proposed rezone will promote the health, safety, and welfare of the community.

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

Section 1: The zoning map of the City of Lynden and Ordinance No. 1608 adopting said zoning map are hereby amended to rezone the Property to RMD (Residential Mixed Density).

Section 2: This rezone is granted subject to the following conditions:

1. Approval of the Lions Gate Rezone is subject to the findings, conditions and recommendations of the Technical Review Committee Report dated August 4, 2020.

Section 3: 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, and if, for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.


Section 4: Any ordinance or parts or ordinances in conflict herewith are hereby repealed.

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

PASSED BY THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, AND APPROVED BY THE MAYOR on the 21st day of September, 2020.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

ORIGINAL

CITY OF LYNDEN
FINDINGS OF FACT AND CONCLUSIONS OF LAW

REGARDING THE APPLICATION OF AVT Consulting on behalf of Mannahouse Church, TO SUBDIVIDE PROPERTY	MPRD #20-01
Petitioner	FINDINGS OF FACT, CONCLUSIONS OF LAW, CONDITIONS and DECISION on the Lions Gate MPRD #20-01

Mannahouse Church, owners of the premises known as:

LOT 1, AS DELINEATED ON CITY BIBLE CHURCH LOT LINE ADJUSTMENT, ACCORDING TO THE PLAT THEREOF, RECORDED AUGUST 29, 2019 UNDER AUDITOR’S FILE NUMBER 2019-0803655, RECORDS OF WHATCOM COUNTY, WASHINGTON.

COMMONLY DESCRIBED AS: 1990 Main Street, Lynden

Has applied for a Master Planned Residential Development requesting to develop approximately 21.83 acres into 110 residential lots (135 units) within the RMD zone. The Lynden Planning Commission held a public hearing on August 13, 2020, and recommended approval to the City Council. Said request having come before the Lynden City Council on September 21, 2020, and the Lynden City Council having fully and duly considered the request, hereby makes the following:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

- 1.01 Application. AVT Consulting, LLC, (“Agent”) filed an application for a rezone which was accepted by the City as complete and containing all information required by LMC 17.19.010 on March 10, 2020.
- 1.02 Location. The property is located at 1990 Main Street, Lynden.
- 1.03 Ownership. Mannahouse Church is the Property Owner.
- 1.04 Request. To allow the MPRD / subdivision of property into 135 residential units (110 lots) within the Residential Mixed Density) (RMD) zone.
- 1.05 Reason for Request. To make effective use of land within the existing city limits where all urban services are available.
- 1.06 Planning Commission Recommendation. As outlined in Planning Commission Resolution #20-07, the Lynden Planning Commission recommended approval of the Master Planned Residential Development Concept application.

1.07 Conformance with Zoning and Comprehensive Plans. The subdivision of the Property proposed in the application is in conformity with City zoning ordinances, comprehensive plans, and all other applicable City development regulations including Chapter 17.15 LMC.

1.08 Compliance with General Requirements for Subdivision Approval. The application complies with Chapter 18.06 LMC, General Requirements for Subdivision Approval, as applicable.

1.09 Compliance with Lot and Plat Design Standards. The application complies with lot and plat design standards as required under Chapter 18.14 LMC, as applicable.

1.10 Compliance with Project Manual for Engineering Design and Development Standards. The application complies with the development standards and requirements set forth in Title 18 LMC and with the Project Manual for Engineering Design and Development Standards.

1.11 Appropriate Provisions for Promoting Health, Safety and General Welfare. The application makes appropriate provisions for public health, safety and general welfare.

1.12 Open Spaces, Streets, Roads, Sidewalks and Alleys. The application makes appropriate provisions for public open spaces, roads, streets, sidewalks and alleys.

1.13 Potable Water Supplies, Sanitary Wastes and Drainage Ways. The application makes appropriate provisions for public drainage ways, potable water supplies and sanitary wastes.

1.14 Public Interest. The application results in additional infilling within the City consistent with the City's Comprehensive Plan and the Growth Management Act. The public interest will be served by the approval of the application.

1.15 Critical Area Review. The Critical Area checklist for this project has been submitted and requires no further review.

1.16 SEPA Determination. Environmental review of the proposal has been made under the requirements of WAC 197-11 and a mitigated determination of non-significance has been made.

The foregoing Findings of Fact and Conclusions of Law are not labeled. Those sections which are most properly considered Findings of Fact are hereby designated as such. Those sections which are most properly considered Conclusions of Law are also designated as such. From the foregoing Findings of Fact and Conclusions of Law, the Council establishes the following conditions:

CONDITIONS

Any approval of the Petitioner's application shall be subject to the conditions as listed below:

Lynden Municipal Code (LMC) 19.29 guides the development standards and criteria for approval for Master Planned Residential Developments (MPRDs). The Lions Gate proposal appears to meet the following requirements consistent with the LMC:

Intent: The primary purpose of a Master Planned Residential Development (MPRD) is to promote creativity in site layout and design by allowing flexibility in the application of the standard zoning requirements and development standards.

The overall intent of the Lions Gate MPRD appears mostly consistent with the purpose of Planned Residential Developments as outlined in LMC 19.29.010. Provisions for critical areas should be strengthened. See staff comments below regarding this issue.

Generally, the project provides a desirable mix of housing types. This facilitates a variety not typically available under conventional zoning methods and serves to meet the housing needs of the Lynden community. This is consistent with the Lynden Municipal Code but also the goals identified in Chapter 1.6.2 of the City of Lynden Comprehensive Plan.

Unit Density: Running concurrently with the MPRD is a request for a site-specific rezone. The current zoning of the property is Residential Single Family with a minimum lot size of 10,000 square feet (RS-100) and a maximum density of 4 units per acre. RS-100 zoning allows for up to 95 units, a maximum density of 4 units per acre. In light of the City's comprehensive goals and the Properties proximity to transportation corridors, the applicant is seeking zoning categories that permit a higher density. If successful, the rezone would allow the proposed 135 units, an average gross density of 6.2 units per acre.

Generally, the proposal locates low density housing types adjacent to the single-family neighborhood that exists along 19th Street. These are single family units on lots of 7,000-8,000 square feet. Housing types become more dense, in the form of zero lot line units and duplexes, on the west side of the property adjacent to the Guide Meridian.

Parking Requirements: Proposal demonstrates compliance with minimum parking requirements per LMC 19.29.060(C) and driveway lengths. Additionally, the proposal includes on-street parking on both sides of right-of-ways which are 60 feet wide and one side of right-of-ways 50 feet wide consistent with LMC 19.29.060(E). See staff comment below regarding a request for an on-street parking graphic.

Pedestrian Connections: As noted in 19.29.060(6), in addition to sidewalks fronting residential lots, there must be logical pedestrian connections throughout the project including paved pathways to front doors, and trails within or adjacent to open space areas. The proposal provides these connections and shows sensitivity to the City of Lynden's long range trail plan.

Open Space Standards: An MPRD shall set aside a minimum of seven and one-half percent (7.5%) of the gross land area or 4,000 square feet, whichever is greater, for active recreational uses. The proposal has indicated that area reserved for open space equals 18.3%. Be advised that to comply with LMC 19.29 open space shall require a recorded deed restriction or restrictive covenant which runs with the land and assures that said property will remain in open space in perpetuity, consistent with the terms of this chapter, and which shall be held and maintained for such purposes for the common benefit of residents of the development by a homeowner's association.

A minimum of 30% of the required open space shall be suitable for active recreational purposes. The proposal indicates that the reserved open space will be suitable for active recreational purposes and has proposed pedestrian access points to these areas.

Specific Project Comments from the Technical Review Committee:

The application was reviewed against the applicable chapters of the LMC and the Engineering Design and Development Standards and the comments generated have been included below.

Applicant Response Required: Applicant will be required to provide written responses to each staff comment below. Advisory comments should be acknowledged or confirmed.

Planning and Development

1. Approval Process: Be advised, if approved, the proposed concept for the Lionsgate MPRD will be required to return to the Planning Commission within the setting of a public hearing to finalize the design standards and development agreement associated with the plan. The neighborhoods CC&R's will also be reviewed during this process.
2. Critical Areas: The western property line of the development is impacted by a fish-bearing waterway that runs parallel with the Guide Meridian. The proposed neighborhood design notes the buffer associated with this waterway. Standard buffer for this time of waterway is 100 feet. However, buffer reductions and averaging are opportunities that the Lynden Municipal Code provides with appropriate mitigation under specific criteria. The revised site plan notes compliance with LMC 16.16.380. Be advised, details of the buffer and mitigation must be addressed through the phase SEPA review and associated critical areas report prior to the second public meeting with the Planning Commission on the Planned Residential Development.
3. Minimum Lot Size and Architectural Variety: Per LMC 19.29.060(I) the minimum lot size for single family homes within a PRD is 5,000 square feet. The application proposes a deviation from this standard and addresses the associated criteria in the application package. Staff acknowledges that applicant has provided exterior architectural examples of single-family homes and

duplexes / zero lot line homes. Please identify which of these could utilize lots as small as 3,000 square feet. Additionally, please address how architectural variety will be introduced on these more compact sites. Staff will subsequently recommend that the future development agreement and CC&Rs create standards which would require architectural variety within the development.

4. Garage Elevations: The residential design standards described in LMC 19.22.030(D)(2) limit the percentage of building elevation that can be occupied by garage doors to no more than 60% of the street elevation. Be advised, this standard will apply to the home proposed within the Lionsgate PRD unless an alternate design standard is a proposed and approved in the development agreement.
5. Residential Design Standards: Be advised, the homes proposed within the MPRD will be subject to the design standards of LMC 19.22. These also include articulations on building elevations that face toward public streets or shared green spaces, exterior finish details, porches and stoops, and the screening of mechanical equipment. Staff recommends these standards be reviewed in detail to ensure compliance with these standards will be achievable within the proposed MPRD.
6. Garage Forward Design: Be advised, per residential design standards of LMC 19.22, both attached and detached garages shall not extend forward of the home's living space by more than 12 feet.
7. On-Street Parking: Staff acknowledges that the applicant has provided a graphic which shows the areas of the development where on-street parking will be permitted and if parking will be available on one or both sides of the street.
8. Alley Loaded Residential Development: Staff is supportive of some alley-loaded residences as it creates a streetscape that is more pedestrian friendly (no driveway cuts, the inclusion of front porches, etc). Planning staff recommends that the proposed alleys within the development be maintained as common area under private ownership. Additionally, these items should be addressed in the development agreement and CC&R document:
 - Minimum pavement width.
 - Minimum setback of fences, structures, shrubs and trees which will facilitate the requirement for 24 feet clear as indicated by the Public Works Department.
 - A "no parking" condition and associated signs within the alleys.
 - Garbage pick-up and container storage.
9. Area Break-down: Whatcom County and the City of Lynden have been mandated to participate in an annual report provided to the State which tracks achieved housing density. In an effort to track accurate data for this program all plats and lot line adjustments will be required to provide supporting data. Please

provide on the face of the drawing a table which breaks down the total area of the plat drawing after the lot line adjustment into the categories shown below. Note that in some instances the area may be zero and that “other infrastructure” could refer to area used for sewer pump station, stormwater ponds, etc.

	Plat Area (in sq ft)
Gross plat area	
Reserve tracts	
Critical areas (including buffers)	
Right of ways (ROWs)	
Other infrastructure	
Net developable	
Percent ROW and Infrastructure	%

10. Lot Design-Frontage: In the future development agreement, please address standards for minimum frontage requirements for residential lots.
11. Utility Easements: Per 18.14.075, of the LMC requires 5-foot utility easements around the interior property line of all residential lots. If a deviation to this requirement is requested, it must be included in the future development agreement.
12. Street Trees: Be advised, per Sec. 18.14.120, the developer will be required to provide street trees within the dedicated public utility easement adjacent to the street, preferably between the curb and the sidewalk. Without blocking view triangles, there shall be a minimum of one tree per lot with a maximum of fifty feet between trees. Maintenance of street trees shall be the responsibility of the adjoining property owner.
13. Homeowners Association Required: Be advised, per LMC 19.29.130 the MPRD shall have a homeowner’s association and enforceable covenant to fund and effectively collect fund for such and organization. Associated agreements and covenants shall apply to all the property with the PRD, shall be recorded and shall run with land. Within one year of preliminary approval the final development contract and the community’s covenants, conditions and restrictions (CC&R’s) must be presented to the Planning Commission for review and City council for approval. CC&R’s must include a management plan for common open space, trails, alleys, mitigated areas, and conservations easements if utilized.

Public Works

14. Public Improvements: Be advised, all public improvements must be constructed to the current standards as noted in the City of Lynden Manual for Engineering Design and Development Standards or an equivalent approved through the Planned Residential Development process.
15. Plat/Interior Street Improvements: If the applicant proposes an alternate frontage improvement plan different than City standard for approval it must provide adequate turn-around within public right-of-way and address the needs of the proposed development (ex. parking, life safety, delivery, waste collection etc.) Any proposed alley shall be private with a minimum clear width of 24-feet.
16. Off-site Street Improvements: Proponents traffic study must address all phases/impacts of the proposed project. Traffic study must meet requirements of City standards. Additional right-of-way may be needed to address west bound right turn movements.
17. Stormwater
 - a. A stormwater management plan prepared by a professional engineer will be required for this development and must be approved by the City of Lynden prior to approval of construction plans. This must also address any impacts from seasonal high groundwater. The area experiences overland water flow from the north. The developed areas shall be raised, or other approved methods submitted for approval to prevent future drainage issues. An interception ditch along the north property line conveying flows to the Guide Meridian (SR-539) ditch is needed. An erosion control plan must be included in the drainage plan and construction plans as necessary.
 - b. 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.
 - c. Stormwater from public streets may be infiltrated within the dedicated right-of-way, or within a separate dedicated tract, if approved/accepted by the City, but may not be within the street prism. Infiltration areas and street trees should have adequate separation to insure the proper functioning of the drainage system and survival of the tree.
 - d. A Construction National Pollutant Discharge Elimination System (NPDES) permit may be needed.
 - e. The Guide Meridian Ditch is considered Fish Barring by WDFW and a buffer of the proposed 50 feet may not meet their standards.

- f. Proposed lot sizes may make it difficult for any form of onsite facilities to be installed on the lots.

18. Water

- a. As per 6.2 (M) of the City of Lynden Project Manual for Engineering Design and Development Standards.
- b. As per LMC 18.14.150, the main water line shall be extended to the furthest extent of all properties of this PRD unless it is determined that services, including life-safety are adequately provided elsewhere.
- c. A 20-foot utility easement is required if only water is located within it. If two public utilities are in an easement the minimum width is 30 feet equally spaced.
- d. Each house and/or unit within this plat must be individually metered. Water meters must be located within the City right-of-way or unit / access easement.
- e. Proposal has more units that was anticipated per water comprehensive plan and will need to be reviewed for impacts that may require offsite improvements.

19. Sanitary Sewer

- a. Sanitary sewer and water system design and construction must meet the requirements of the City of Lynden Engineering Design and Development Standards.
- b. The sewer line must be extended to the furthest extend of all properties per City development standards of the proposed development unless it is determined that services are adequately provided elsewhere.
- c. A sewer easement of 20 feet is required for all public systems. If more than one public utility is within the easement the easement shall be 30 feet.
- d. Proposal has more units that was anticipated per sewer comprehensive plan and will need to be reviewed for impacts that may require offsite improvements.

Fire and Life Safety

20. Hydrant Requirements: The installation of fire hydrants will be required. Code requires that fire hydrants be installed at intervals not to exceed 500-feet in single family areas and 300-feet in multi-family areas. The final hydrant location will be determined upon review of civil plans and must be approved by the Fire Department.

21. Street Addressing: Addresses that cannot be seen from the city street must be posted at both the access easement and on the house.
22. Fire Code: Future Development will require full compliance with the Fire Code.
23. Fire Impact Fees: Be advised, half of fire impact fees will be due at the time of final development approval (subdivision and half of the fire impact fee will be due at the time of building permit. The current rate of this fee is \$389.00 per multi-family unit and \$517.00 per single family home.

Parks and Recreation

24. Trail Dedication: Be advised, dedication of a public trail easement or the granting of public access on trails through an associated restrictive covenant will be required as a condition of the final Master Planned Residential Development approval.
25. Park Impact Fees: Be advised, park impact fees will be due at the time of permit. The current rate of this fee is \$546.00 per multi-family unit and \$936.00 for single family home.

Advisory Requirements

26. Civil Drawings: The construction drawings for any civil and utility improvements must be submitted for review and approval prior to construction. These drawing must illustrate that the utility improvements and extensions meet the standards listed within the Project Manual for Engineering Design and Development Standards, unless they have been specifically varied by the approval of the plat. It is the project engineer's responsibility to be aware of these standards.
27. Civil Review Deposit Required: Be advised, a review deposit of \$200 per lot, \$2,000 minimum, to review the construction plans and a plat / PRD construction inspection deposit of \$350 per lot, \$5,000 minimum, is due prior to review and construction respectively.
28. Bonding Requirements: A post construction maintenance bond in the amount of 10% of the construction costs for public facilities will be required prior to final plat approval.
29. Surveying: All surveying work and engineering design must be based on the City of Lynden survey control monuments. AutoCAD files for all improvements must be provided to the City in digital format approved by the City. A copy of the City's control monuments is available to the project consultant for their use.
30. Expiration of Preliminary Approval: Petitioner shall record the final subdivision, PRD and Development Agreement with the County in conformance with LMC 18.06.010.2, 18.06.020 and 18.06.030 within five (5) years of the date this

preliminary approval becomes final, after which City approval of this application shall become void; provided that, this one year deadline may be extended for up to one (1) additional year upon application to and approval by the City Council.

- 31. Property Addressing: Be advised, all street addressing must follow the requirements of the Lynden Municipal Code. Addresses will be assigned by the Public Works Department prior to final PRD approval.

II. DECISION

Petitioner's application to subdivide the parcel described herein into 110 lots (135 units) known as the "Lions Gate MPRD", for future development is hereby **Preliminarily Approved** subject to the conditions set forth in this document.

DATED: 9/22/2020



Scott Korthuis
Mayor

CITY OF LYNDEN
PLANNING COMMISSION RESOLUTION #20-06

A resolution of recommendation for approval of the Lions Gate Rezone #20-01, to the Lynden City Council.

WHEREAS, AVT Consulting, on behalf of Mannahouse Church, hereinafter called the "Proponent," submitted a complete application to the City of Lynden, hereinafter called the "City," for a Site Specific Rezone requesting to change the zoning designation of Residential Single Family (RS-100) to Residential Mixed Density (RMD) at 1990 Main Street in Lynden, Washington.

WHEREAS, the Proponents have provided the City with an affidavit of posting for 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, In addition to the notification requirements listed above, site-specific rezones that result in a density of five or more residential units per acre must install a 4-foot X 8-foot sign on site providing project and meeting details.

WHEREAS, the application was determined to be complete on March 10, 2020, and the notice of application was published in the Lynden Tribune on July 29, 2020; and

WHEREAS, the subject parcels together total approximately 21.83 acres and have property zoned RS-100 to the east and south, State Highway 539 to the west and the city limits to the north.

WHEREAS, the Lynden Planning Commission held a virtual public hearing via Microsoft Teams on August 13, 2020, to accept public testimony on the proposed Site Specific Rezone request, and that meeting was duly recorded;

WHEREAS, the City's Technical Review Committee has reviewed the request for the Site Specific Rezone and has provided findings, conditions and recommendations to the Planning Commission in a report dated August 4, 2020.


WHEREAS, Site-specific rezones shall be reviewed in light of the City's Comprehensive planning goals. To grant this request, the Planning Commission and City Council must find that the application satisfies the criteria listed within Section 17.09.050 of the Lynden Municipal Code. The Lynden Planning Commission has reviewed the request as noted above and has found the following to be true and adequately defended in the application:

- a. The current zoning was either approved in error or that a significant change in circumstances since approval of the current zoning warrants reclassification of the subject property as proposed; and
- b. The proposed site-specific rezone is consistent with the City's comprehensive plan and applicable sub-area plan(s); and
- c. The project proposal is consistent with the City's development codes and regulations for the zoning proposed for the project.

- d. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area; and
- e. The proposed site-specific rezone will promote the health, safety, and general welfare of the community

NOW THEREFORE, BE IT RESOLVED by the Lynden Planning Commission to *recommend* approval by a vote of 4-0, to the Lynden City Council, of the Lions Gate Rezone #20-01, subject to the Technical Review Committee Report dated August 4, 2020.

PASSED by the Planning Commission of the City of Lynden, Whatcom County, at their meeting held the 13th day of August 2020.



Tim Faber, Vice Chairperson,
Lynden Planning Commission



Heidi Gudde, AICP
Planning Director

CITY OF LYNDEN

PLANNING DEPARTMENT
(360) 354 - 5532



CITY OF LYNDEN
MITIGATED DETERMINATION
OF NON-SIGNIFICANCE
March 16, 2020

Project Name: Lion's Gate Rezone / MPRD

Description of Proposal: A proposed residential rezone from a Residential Single-family zoning category (RS-100) to Residential Mixed Density and Residential Multi-family zoning categories. Also, concurrent with this rezone, the applicant is proposing an associated master planned residential development (MPRD) on this property.

The proposed rezone and MPRD would facilitate the construction of up to 135 residential units of various housing types and the associated infrastructure for that residential development. The project is located on 21.83 acres on the northeast corner of the intersection of the Guide Meridian and Main Street in Lynden.

The proposal requests a phased environmental review as permitted under WAC 197-11-060(5) in that the rezone and the concept of the development will be considered broadly with more narrow, focused review due at a later date.

Proponent: City Bible Church
9200 NE Fremont St
Portland OR 97220-3610

Contact: Francine St Laurent, AVT Consulting LLC
Address: 1708 F St, Bellingham WA 98225
Phone: 360-527-9445
Email: francine@avtplanning.com

Parcels, Common Address and their Legal Descriptions:

4003190515390000; 400319034471000; 4003190424730000

1990 Main St, Lynden WA 98264

LOT 1 CITY BIBLE CHURCH SHORT PLAT AS RECORDED AF 2019-0803655

Lead Agency: City of Lynden (hereinafter "City")

The lead agency for this proposal has determined that it does not have a probable adverse impact on the environment if the standard conditions (*not all*

standard conditions are listed below) and mitigating measures are enacted. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after the review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

THE COMMENT PERIOD FOR THIS MDNS EXPIRES April 8, 2020. IT IS ISSUED ON THE BASIS THAT THE APPLICANT WILL COMPLY WITH THE FOLLOWING REQUIREMENTS IN MITIGATION OF THE POTENTIAL ADVERSE IMPACTS ON THE ENVIRONMENT.

Findings of Fact and Mitigating Measures

1. Phased Environmental Review: The applicant has elected to undergo a 2-step Master Planned Residential Development (MPRD) approval process as permitted per LMC 19.29.100 (2). In the 2-step process, the applicant must receive two approvals. Step 1 approval is for the master plan and general project concepts. Step 2 approval is for specific site and development designs for the master plan. This allows the concept of the MPRD to be considered along with the rezone request. If the general concept is approved at the first public hearing, the applicant would present, at a second public hearing, the more detailed MPRD project plans. Consistent with this approach of a phased approval, the applicant has also requested a phased environmental review per WAC 197-11-060(5).

As such, this determination is based on the broad, concept level MPRD proposal and subject to additional detailed environmental studies and proposed mitigation prior to the approval of Step 2. Any significant changes to the concept that would also increase the level of environmental impact are subject to a new or revised SEPA determination.

2. Proponent will mitigate potential impacts to the earth through the implementation of Best Management Practices (BMPs) for Storm and Surface Water management per the Dept of Ecology to prevent erosion during and after construction. A Construction Stormwater General Permit may be required by the Department of Ecology.
3. Stormwater:
 - a. At the time of future development, a stormwater management plan including pipe sizing prepared by a professional engineer and meeting the requirements of the City's Manual for Engineering Design and Development Standards and the approved Department of Ecology Stormwater Manual is required. This plan must be approved by the City of Lynden prior to final approval of the project plans.

- b. At the time of future development, a Stormwater Pollution Prevention Plan (SWPPP) (erosion control and sediment plan) must be included in the drainage plan and construction plans. This must be designed by a professional engineer and constructed in compliance with the Department of Ecology’s Best Management Practices (including all known and reliable technologies) and the standards approved in the Manual for Engineering Design and Development Standards.
4. Water and Sewer: The City’s adopted Sewer Comprehensive Plan and the Water Comprehensive Plan will need additional review for capacity, according to the proposed number of units, prior to Step 2 approval.

If future plans include the creation of a condominium, the City recommends that each unit must be individually metered.

5. Critical Areas: A Critical Areas Detailed Study that identifies all critical areas (including potential wetlands) must be submitted and approved prior to the approval of Step 2 of the MPRD process.

Duffner Creek, or a tributary of, runs in a ditch along the Guide Meridian on the west side of this property. This is a designated Type “F” (Fish-bearing) stream. Type “F” streams have an associated 100-ft Critical Area Buffer.

The project is proposing a 50% buffer reduction with mitigation alternatives described through a forthcoming Critical Areas Detailed Study. LMC 16.16.380(H) regulates the reduction of buffers and only allows a 25% reduction if specific criteria can be met. The concept plan, as currently being proposed, must be adjusted to reflect LMC 16.16.380(H) buffer reduction regulations prior to Step 1 approval of the MPRD. Prior to Step 2 approval, any impacts to that buffer must be analyzed and have a mitigation plan approved according to the requirements of a detailed study as described in LMC 16.16.

6. Cultural Resources: Compliance with all applicable laws pertaining to archaeological resources is required. A cultural resource assessment may be required prior to Step 2 approval as requested by agency review.

Applicant shall produce an Inadvertent Discovery Plan that identifies protocol for contacting the appropriate authorities and protecting archaeological resources if they are inadvertently found during any future construction activity.

7. Right to Farm: Notification of surrounding agricultural land uses shall be provided on the final plat in accordance with LMC 17.23.
8. Transportation: A full traffic impact analysis of this proposal must be completed prior to Step 2 approval. Minimum standards for street design,

and any proposed modifications to the minimum standards, must comply with LMC 19.29.060.

The project will mitigate impacts to local and regional transportation systems through the payment of traffic impact fees and the completion of all platting requirements including ROW dedications, required off-site improvements and provisions for pedestrian amenities such as sidewalks and public trails.

At the time of future development, all public improvements must be constructed to the standards as noted in the current City of Lynden Manual for Engineering Design and Development Standards.

General Conditions and Disclaimers

This environmental determination does not assure compliance with all state and federal laws. Compliance with all state and federal laws remains the responsibility of the property owner, applicant and designee.

Other City, State and or Federal permits may be required for specific development and construction projects. This SEPA determination does not constitute final approval for this plan or future associated construction projects.

This MDNS is issued under RCW 197-11-340(2); the lead agency will not act on this proposal until the expiration of the comment period noted below.

Responsible Official: Heidi Gudde
Phone: (360) 354-5532

Position/Title: Planning Director

Signature: 

You may appeal this determination to Heidi Gudde no later than **04/08/2020** in writing. You should be prepared to make specific factual objections regarding the environmental impacts. Contact, 300 4th Street, Lynden, phone number (360) 354-5532, to ask about the procedures for SEPA appeals.

There is no agency appeal.

CITY OF LYNDEN
PLANNING COMMISSION RESOLUTION #20-07

**A resolution of recommendation for the approval of the
Lions Gate Master Planned Residential Development Concept**

WHEREAS, AVT Consulting, LLC, on behalf of Mannahouse Church, hereinafter called the "Proponent," submitted a complete application to the City of Lynden, hereinafter called "the City," for the development of approximately 21.83 acres into a master planned residential development (MPRD) to be located 1990 Main Street, in Lynden.

WHEREAS, running concurrently with this application is a request for a site-specific rezone on the above noted property from RS-100 (Single Family Residential) to RMD (Residential Mixed Density) and on August 13, 2020, the City of Lynden Planning Commission recommended approval to the City Council through Resolution #20-06, and

WHEREAS, Chapter 19.29 of the Lynden Municipal Code (LMC) permits the development of property within the RMD zone as a planned residential development; and

WHEREAS, The primary purpose of a Master Planned Residential Development (MPRD) is to promote creativity in site layout and design by allowing flexibility in the application of the standard zoning requirements and development standards; and

WHEREAS, the proponent has opted for a 2-step approval process as described in 19.29 and will be required to return to the Planning Commission within the setting of a public hearing to finalize the design standards and development agreement associated with the plan, and

WHEREAS, the application for step 1 of the MPRD approval was determined to be complete on March 10, 2020, and the notice of application was published in the Lynden Tribune on March 25, 2020; and

WHEREAS, the Proponent has provided the City the receipts for the certified mailing of all required notices to all property owners within three hundred feet of the subject property together with the affidavits of posting said notices; and

WHEREAS, as phased environmental review was requested, the proposal was reviewed under the State Environmental Policy Act and on March 18, 2020 a Mitigated Determination of Non-Significance was issued for the project, and

WHEREAS, the Lynden Planning Commission held a virtual public hearing on August 13, 2020, to accept public testimony on the proposed master planned residential development concept application, and that meeting was duly recorded; and

WHEREAS, the City's Technical Review Committee has reviewed the request for the development of property and has provided comments and recommendations to the Planning Commission in a report dated August 4, 2020,

WHEREAS, the Lynden Planning Commission has reviewed the request and has made the following findings of fact for recommending to the City Council the Master Planned Residential Development Concept application:

- 1. The development is consistent with the Comprehensive Plan and meets the applicable requirements and intent of the Lynden Municipal Code.
- 2. The development makes adequate provisions for open space, drainage ways, streets and other public ways, transit stops, water supply, sanitary wastes, parks and recreation facilities, playgrounds, sites for schools and school grounds.
- 3. The development adequately mitigates impacts identified under Titles 16-19.
- 4. The development is beneficial to the public health, safety and welfare and is in the public interest.
- 5. The development does not lower the level of service of transportation and / or neighborhood park facilities below the minimum standards established within the Comprehensive Plan, and fully complies with Chapter 17.15 of the City Code.
- 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.

NOW THEREFORE, BE IT RESOLVED by the Lynden Planning Commission to recommend approval of the **Lions Gate Master Planned Residential Development Concept** by a vote of 4-0, to the Lynden City Council, subject to the Technical Review Committee Report dated August 4, 2020, and further subject to the following conditions:

- 1. That the maximum unit count be no more than 134 units.**
- 2. That paired housing lots be a minimum of 3000 square feet, single family detached lots a minimum of 4000 square feet and single family detached lots adjacent to green space be a minimum of 3500 square feet.**
- 3. That there be a variety of townhomes and 4-plex units with the 4-plex units being permitted along the Guide Meridian only.**
- 4. That the reference to open spaces between the duplex / 4-plex buildings along the west side of the development be removed and considered part of the lot.**
- 5. That zero lot lines be added to separate the townhome lots south along Main Street.**

PASSED by the Planning Commission of the City of Lynden, Whatcom County, at their regular meeting held on the 13th day of August 2020.



 Tim Faber, Vice Chairperson,
 Lynden Planning Commission



 Heidi Gudde,
 Planning Director

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 18, 2022	
Name of Agenda Item:	Public Works Committee Meeting Minutes July 6, 2022	
Section of Agenda:	Approval of Minutes	
Department:	Public Works	
Council Committee Review:	<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: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	July 6, 2022 Draft Public Works Committee Meeting Minutes	
Summary Statement:	Draft minutes for the July 6, 2022 Public Works Committee meetings.	
Recommended Action:	For Review	

CITY OF LYNDEN

PUBLIC WORKS DEPARTMENT
360-354-3446



PUBLIC WORKS COMMITTEE MINUTES

4:00 PM July 6, 2022
City Hall 2nd Floor Large Conference Room

CALL TO ORDER

Members Present: Councilors Gary Bode, Ron De Valois, Jerry Kuiken

Members Absent: Mayor Scott Korthuis, with notice

Staff Present: City Administrator John Williams; Public Works Director Steve Banham; Programs Manager Mark Sandal; and Sr. Admin. Assistant Jessica King

Public Present: David Vos, Bill Bode, Steve Lankhaar and Marty Gehring (Cedar Street Guests) and Nick Sawka (Village Drive)

ACTION ITEMS

1. Approve Minutes from June 8, 2022

Kuiken motioned to approve the minutes and DeValois seconded the motion.

Action

The minutes from June 8, 2022, were approved.

2. Interlocal Agreement for North Whatcom County Local Government Water Resources Group

Banham explained that the Birch Bay Lynden Water and Sewer District and Public Utility District #1 would like to form a group of north Whatcom water purveyors to provide for coordination and a consolidated response to water right adjudication and other water resource issues. This would be a vehicle to share the efforts and costs for the adjudication process.

Action

The Public Works Committee concurred to recommend forwarding the Interlocal Agreement for North Whatcom county Local Government Water Resources Group to Council for approval.

3. Recommendation to Award Bid - 6th Street CIPP

Four bids were received. The certified bid tabulation was presented, and the lowest bidder was Iron Horse, LLC in the amount of \$414,974.08 including Washington State Sales Tax. The engineer's estimate for this project was \$303,410.56.

Staff explained the difference between the engineer's estimate and the bids received was primarily material costs which recently inflated significantly.

Action

The Public Works Committee concurred to recommend that City Council award the bid for the 6th Street CIPP project to Iron Horse LLC in the amount of \$414,974.08, including Washington State Sales Tax.

4. West Main Street Federal Funding Requirements

Banham explained that staff is recommending refunding FHWA for approximately \$160,000 used for design work associated with the West Main Street project because of the Federal permitting requirements and time limits associated with these funds. Additionally, staff will request that the FHWA Main Street project funds be transferred to the Benson Road project. This will provide a higher percentage of Federal funds for Benson Road which staff expects will be more cost effective. Banham stated that staff would like to apply for Public Works Trust Fund money to complete design and construction of West Main Street, including the roundabout at Berthusen Road.

Action

The Public Works Committee concurred to recommend a) returning the West Main Street design funds to FHWA and b) proceeding with an application for Public Works Trust Fund money for the West Main Street Project.

5. Street Light Conversion

Banham explained that Puget Sound Energy (PSE) manages 90% of Lynden’s streetlights. The City has received a proposal to convert the City streetlights to City ownership through a contract with Tanko Streetlighting, Inc., which could result in substantial life cycle savings for the City. Banham explained that other cities are also considering taking over their streetlights as a cost saving. Tanko hires local companies to perform maintenance work.

The Committee discussed the possible contract conditions and the maintenance of the streetlights. Homestead streetlights are something that Homestead has asked the City to take over: currently, they are private streetlights on public streets. PSE will not take over Homestead lighting in their current configuration.

Bode expressed concern about having to pay for the feasibility analysis and asked about references from other cities that have worked with Tanko.

Action

The Public Works Committee requested that staff obtain references from Tanko and research other cities’ experiences and bring these results to the next Public Works Committee meeting.

INFORMATION ITEMS

6. Lynden Municipal Airport Work Day

Banham briefly discussed the volunteer work that was done during the Airport Work Day.

7. Private Projects' Impacts to Traffic and Utilities

Shell Station (Guide Meridian)

Sandal discussed the progression of the project and the lengthy coordination with WSDOT.

Bay Lyn Drive Development (South Side) and Guide Meridian Intersection Improvements

Sandal explained the Bay Lyn neighborhood’s previous concern about increased traffic on Bay Lyn Drive and access to Guide Meridian. A traffic study associated with proposed development on the south side recommended a signal at this intersection.

Lynden Plaza (South of Lynden Lube) Hotel and Restaurant

Sandal discussed progress of the project and needed coordination with WSDOT.

Mount Baker Silo Sewer Service (North of Cemetery)

Sandal stated that Mount Baker Silo is looking at ways to get public sewer to their property after reviewing the costs of a drain field/septic system.

8. Projects Update

Pepin Creek Relocation

Banham reminded the Committee of the SEPA appeal hearing on August 18 and 19.

Pepin Creek Main Street Bridge

Banham stated that Interwest Construction has scheduled the Main Street road closure beginning July 11 and extending through November. All of the easements have been signed.

Grover Overlay

Tiger Construction will be starting after RazzFest (July 15-16). Sandal explained the details of the layout for the project on Grover Street from 3rd to Lawrence Streets. There will be four days of full street closure for grinding.

West Front Street Improvements

Stremler Gravel will be starting early August. Pole relocation will be done by Puget Sound Energy. Banham said the project is moving forward and Sandal has been working with PSE for the pole relocation.

West Front Street Culvert Replacement

Banham stated that design proposals are due on July 14. Federal Emergency Relief funding has been approved for this project and staff is working with WSDOT to satisfy their requirements.

Industrial Condensate Outfall

Strider Construction will be setting a crane for sheet pile installation above the ordinary high-water mark. In-water work is scheduled to begin July 16.

Banham said the project is progressing on schedule and a ribbon cutting is planned upon completion.

South Park Waterline and Overlay

Advertisement for bid was delayed pending right-of-way acquisition on Beernink Lane. Sandal discussed the project layout and right-of-way options in the area.

Heusinkveld Barn Renovation

Banham presented the design schedule and said the project seems to be progressing well under the direction of Parks Director Brent DeRuyter.

NEW BUSINESS:

9. Cedar Drive Project Status Request by Residents

Banham said the City is currently doing exploratory work on Cedar Drive (water, sewer inspections/evaluations) to get a good engineering estimate for the 2023 budget. Cedar Drive is currently on the City's Six Year Transportation Improvement Plan for 2023. The question is will there be enough money in the City's Transportation Benefit District (TBD) fund to construct Cedar Drive next year.

Four residents of Cedar Drive attended the meeting and discussed existing stormwater conditions and plans for Cedar Drive. They expressed concerns about how long they've waited for this project and the fact that the road is getting worse. Vos expressed concern that apparently one of the stormwater pipes runs under a portion of his garage. Banham stated, as part of the 2023 budget process, funding for this project will be considered. The Committee also stated that TBD funding has been the planned source of this project, but this will depend upon the election to renew the TBD.

Banham explained that the City is planning to construct a sewer pump station and sewer line on Cedar Drive to address current deficiencies and to provide for future redevelopment.

10. Village Drive Detour Concerns

Nick Sawka, a resident on Village Drive, introduced himself and expressed concern about the proposed detour for the Main Street Bridge project. He explained there are numerous kids in the neighborhood, and there is concern about their safety.

Banham said that staff can add speed limit signs with orange flags and stated that he has also talked with the Police Chief about placing the speed trailer on Village Drive and increasing patrols in this area.

Bode suggested the City also place speed counters to track speeds and the times of the day that they occur.

ADJOURNMENT: The meeting was adjourned at 5:44 p.m.

NEXT MEETING: August 3, 2022



PARKS COMMITTEE MINUTES

June 27, 2022

ROLL CALL:

Members Present: Mayor Korthuis, Councilors Ron DeValois, Nick Laninga and Mark Wohlrab

Staff Present: City Administrator John Williams; Parks Director DeRuyter; Parks Admin. Assistant Nancy Norris

1. ACTION ITEMS:

A. Approval of Parks Committee Minutes- May 16, 2022

Laniga motioned to approve the May 16, 2022, minutes Wohlrab approved the motion.

Action: The Parks Committee Minutes from May 16, 2022, were approved.

2. INFORMATION ITEMS:

A. Updates on Parks projects

Pepin Creek- No news except the Main St. construction this summer.

Benson Park

Exploratory committee meets the 29th to get more costs for a turf complex.

Annexation for the property is in process.

Meeting with SHKS information on the barn project Construction begins 2024.

Dickinson

Completed a walk-through with reps from the DNR about a forestry inventory with the DNR grant for \$20,000.

City Park Sign

Lynden Door group is excited to tackle it this Fall. Parks Committee likes the look of an arch suspended between the two stone pillars.

Automated Lock Report

City Park is running already, and we are waiting on doors for other sites.

Staff Report

Two (2) employees have signed their offer letters; one started today (June 27) and one will start on July 5. Their names are Ryan Dykstra and Bryn DeVries. They fill the two (2) vacant full-time positions.

CITY OF LYNDEN

PARKS DEPARTMENT



- B. Park and Trail Advisory Committee(23rd) and Berthusen Advisory Committee(18th) Reports (Minutes included in Packet).** (For information only) Parks Committee is in favor of a joint meeting with both BA and PT committees. Park and Trail Advisory has two (2) vacant seats, DeRuyter asked to Parks Committee to submit recommendations of persons who have interest in serving on the PT committee.

3. ITEMS ADDED:

A. Berthusen Park Caretakers House Roof Replacements Bids

Parks Committee reviewed the two (2) bids from Joosten's Roofing and Topside Roofing, and accepted Joosten's Bid. Joosten's will start on July 18, 2022.

B. FYI-Dickinson Caretakers House roof will need to be replaced in the next year as well.

C. Park Camping Policy/Ordinance- Parks Committee Reviewed Mercer Island's Camping policy/ordinance and would like to mimic their ordinance with our own additions to mirror our city's needs. City Administrator Williams will forward on the consensus of council to the City Attorney to create.

D. Splash Spray Day's

Council Wohlrab asked DeRuyter to create a schedule and team to host Splash Days at the Glenning Property again this year. Wohlrab and DeRuyter will meet to make this happen.

****Request to change meeting date to either July 11 or July 25 due to rescheduled family vacation: Parks Committee Agreed to July 25, 2022**

Meeting Adjourned: 5:16pm.

NEXT MEETING DATE
July 25, 2022

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 18, 2022	
Name of Agenda Item:	Draft Parks Committee Minutes June 27, 2022	
Section of Agenda:	Other Business	
Department:	Parks	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
ES-Draft Parks Committee Minutes June 27, 2022		
Summary Statement:		
See Next page		
Recommended Action:		
For Council Review		

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 18, 2022	
Name of Agenda Item:	Calendar	
Section of Agenda:	Other Business	
Department:	Administration	
Council Committee Review:	<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: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
Attachments:		
Summary Statement:		
Recommended Action:		

July 18, 2022

Monday

4:00 PM - 5:00 PM

Parks Committee Meeting -- City Hall 1st Floor Large Conference Room

7:00 PM - 9:00 PM

Copy: Council Meeting -- Annex Council Chamber

July 19, 2022

Tuesday

9:00 AM - 11:00 AM

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

July 20, 2022

Wednesday

All Day

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

July 21, 2022

Thursday

12:00 PM - 1:30 PM

Wellness BBQ -- Berthusen Park (2nd Kitchen)

2:00 PM - 4:00 PM

Technical Review Committee -- tbd

July 22, 2022

Friday

All Day

**PAYDAY
PAYDAY**

All Day

**PAYDAY
PAYDAY**

July 26, 2022

Tuesday

9:00 AM - 10:00 AM

Copy: Leadership Team Meeting -- Annex Council Chamber

July 28, 2022

Thursday

7:00 PM - 9:00 PM

Planning Commission -- TBD: Virtual Meeting or Annex Council Chamber

July 31, 2022

Sunday

All Day

7-31 thru 8-13 Pay Period

August 1, 2022

Monday

7:00 PM - 9:00 PM

Copy: Council Meeting -- Annex Council Chamber