

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
City Annex- 205 Fourth Street
July 06, 2021

Call to Order

Pledge of Allegiance

Roll Call

Oath of Office

Approval of Minutes

- [1.](#) Draft Council Minutes- Regular Meeting

Items from the Audience

Scheduled

Unscheduled (20 Minutes)

Audience members may address the Council on any issue other than those scheduled for a public hearing or those on which the public hearing has been closed. Prior to commenting please state your name, address, and topic. Please keep comments under 4 minutes.

Consent Agenda

- [2.](#) Set Public Hearing for Ordinance No. 1625 – Amending LMC Titles 1 and 12

Public Hearing

- [3.](#) Public Hearing for Vacate Application 21-01 – Redwood Road

Unfinished Business - None

New Business

- [4.](#) Appointment to Planning Commission – Darren Johnson
- [5.](#) Final Plat Approval – DeJong Long Plat **Phase 1**

Other Business

- [6.](#) Draft-Public Works Committee Minutes -June 09, 2021
- [7.](#) Draft Community Development Committee Minutes of 6-16-21
- [8.](#) Draft Public Safety Draft Minutes- June 10, 2021
- [9.](#) Calendar

Executive Session**Adjournment**

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 6, 2021	
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

June 21, 2021

1. CALL TO ORDER

Mayor Korthuis called to order the June 21, 2021, regular session of the Lynden City Council at 7:00 p.m., held through an online web-based meeting platform (Microsoft Teams).

ROLL CALL - None

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

Members absent: None

Staff present: Finance Director Anthony Burrows, Fire Chief Mark Billmire, Parks Director Vern Meenderinck, Police Chief Steve Taylor, Public Works Director Steve Banham, City Clerk Pam Brown, and City Administrator Mike Martin.

OATH OF OFFICE- None

APPROVAL OF MINUTES

Councilor Strengtholt moved and Councilor Kuiken seconded to approve the June 21, 2021, regular council minutes as presented. Motion approved on a 7-0 vote.

ITEMS FROM THE AUDIENCE

Scheduled- None

Unscheduled – Mayor Korthuis read the Proclamation declaring June 30, 2021, as Cal Bratt Day into the council record. Mayor Korthuis also expressed his gratitude to Lynden Tribune Editor Cal Bratt for his 40-years of reporting and commitment to the readers of our community.

2. CONSENT AGENDA

Payroll Liability to May 1 through May 15, 2021

EFT & Other Liabilities

Monthly EFT	\$341,221.28
Check Liability	\$11,714.38
Total Non-L&I Liabilities	\$352,935.66
Quarterly Liabilities	\$11,199.44
Total EFT & Other Liabilities	\$364,135.10

CITY OF LYNDEN



CITY COUNCIL
MINUTES OF REGULAR MEETING

Payroll Liability to May 16 through May 31, 2021

EFT & Other Liabilities

Monthly EFT	\$384,482.82
Check Liability	\$11,619.42
Total Non-L&I Liabilities	\$496,102.24
Quarterly Liabilities	\$11,870.20
Total EFT & Other Liabilities	\$507,972.44

Approval of Claims – June 22, 2021

Manual Warrants No.	<u>22194</u>	through	<u>22199</u>		\$40,367.58
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$40,367.58
Voucher Warrants No.	<u>21963</u>	through	<u>21981</u>		\$1,406,401.90
EFT Payments					\$0.000
				Sub Total	\$1,406,401.90
				Total Accts. Payable	\$1,446,769.48

Councilor De Valois moved and Councilor Laninga seconded to approve the Consent Agenda. Motion approved on a 7-0 vote.

3. PUBLIC HEARING

Ordinance No. 1621- Extending the Pepin Creek Moratorium

A financial mitigation study of the Pepin Lite infrastructure build-out showed that transportation related fees could be used for the allocation of infrastructure costs. The City Council subsequently approved a Resolution of Intent which outlined the required steps forward. To allow time for implementation, the City Council also approved Ordinance 1621 extending the moratorium on existing development through June 30, 2021, within the Pepin Creek Subarea.

Staff has taken steps to execute this path, consulted with legal counsel and the City’s transportation consultant, the Transpo Group. It was advised that the city take the time to not only update development code as planned but also amend the Comprehensive Plan to ensure full alignment of all City planning documents in relation to the planned Pepin Lite infrastructure.

To allow time for this Comp Plan amendment and the associated Department of Commerce comment period, staff is requesting a 3-month extension of the existing moratorium. This

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



extension will also allow Transpo to finalize fees as transportation impact fees rather than SEPA mitigation fees. Staff anticipates that all Pepin related actions needed prior to lifting the moratorium can be brought forward to Council by the August 16th or September 7th meeting. As a result, City staff requests that the Council extend the moratorium by three months. The current date of expiration is June 30, 2021.

Mayor Korthuis opened the Public Hearing at 7:14 p.m.
Council did not receive any public comment.
Mayor Korthuis closed the Public Hearing at 7:14 p.m.

Councilor Bode moved and Councilor Lenssen seconded to approve Ordinance No. 1626 extending the existing moratorium of development on those properties previously identified with the Pepin Creek Sub-Area through September 30, 2021 and authorize the Mayor's signature on the Ordinance. Motion approved on a 7-0 vote.

4. UNFINISHED BUSINESS- None

5. NEW BUSINESS

City Park License Agreement

The Lynden Christian Schools are expanding their elementary school and adding portables for the middle school resulting in a loss of playground space for their students. They have contacted the City requesting the possibility of a shared use agreement for approximately 100 feet of the eastern part of City Park to be used as additional playground space for their students. The eastern portion of the wooded section of City park is seldom used by citizens or visitors to the park.

The school has agreed to build a chain link fence at their expense, clean up the agreed to area, install gates so the public can use that area when school is not in session and maintain the area for the duration of the agreement. Parks Committee reviewed the request at their meeting last month and again at their meeting on June 21, and requested the agreement be brought to City Council for final approval.

Councilor De Valois moved and Councilor Laninga seconded to approve the City Park License Agreement between the City of Lynden and Lynden Christian School and authorize the Mayor's signature. Motion approved on a 7-0 vote.

Resolution No. 1038- Volunteer Firefighter Pay

In March 2021, the Lynden Fire Department Volunteer Firefighter/EMTs petitioned Chief Billmire and the City of Lynden to reclassify the volunteer force to permanent part-time

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



employees. This prompted a comprehensive review by Chief Billmire and HR Manager, Kim Clemons, into the compensation structure for Volunteer Firefighters/EMTs.

After the review and audit of the current pay schedule, it was confirmed that payment of a volunteer based on hours worked is a clear violation of Fair Labor Standards Act (FLSA). In order to align with federal law, follow industry standards and maintain a volunteer workforce, we are recommending a stipend compensation structure which includes a nominal fee for their service to the citizens of Lynden be implemented per Resolution No. 1038.

Councilor Wohlrab moved and Councilor Strengholt seconded to approve Resolution No. 1038, effective July 1, 2021. Motion approved on a 7-0 vote.

6. OTHER BUSINESS

Council Committee Updates

Councilor Wohlrab reporting for the Public Safety Committee stated discussion of the following:

- OT discussion
- Fire call load slightly up
- AC candidates
- Fire station remodel going well
- Resolution No. 1038
- Police officers getting body cameras at no cost to city because of State Representative Alicia Rule's efforts
- PD challenges due to HB 1054 and 1310
- Fingerprinting re-opens at PD
- Speeding and parking complaints

Councilor Bode reporting for the Public Works Committee stated discussion of the following:

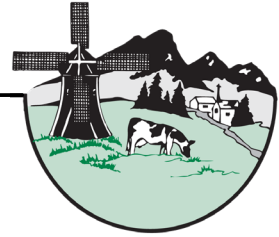
- Interlocal Agreement with Bertrand & North Lynden Water District re: drainage reports
- Street striping re-configuration on Vinup Road
- Crosswalk requests
- Speed bump requests
- Pump station #17, west of the Guide Meridian on hold

Councilor Lenssen reporting for the Community Development Committee stated discussion of the following:

- Pepin Creek Subarea
- Minimum densities
- Protection of the rights of property owners
- Extension of Pepin Creek moratorium

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



Councilor Strengholt reporting for the Finance Committee stated discussion of the following:

- Finance department is wrapping up the Caselle software implementation
- Finance director Burrows is pleased with the efficiencies taking place
- Payroll process is automated and down to seconds rather than hours
- Monthly reports can be created to fit the needs of what council wants to see
- New hires in finance
- OT reviewed
- Sales tax continues to be strong.
- Utility bill collection – roughly a dozen or so Lynden accounts are delinquent

Councilor De Valois reporting for the Parks Committee stated discussion of the following:

- City Park license agreement passed at tonight's council meeting
- Choose a firm for the Benson Barn renovation, SHKS Architects in Seattle
- Dickinson house rental, discussed the rental price and other details
- Picnic tables and trees are ready for installation at Glenning Park
- Benson Park project updates
- Trail location at Dickinson property
- Purchase Agreement with VanderGriend Lumber
- Possibility of impromptu spray park a couple of times this summer

7. EXECUTIVE SESSION

Council did not hold an executive session.

8. ADJOURNMENT

The June 21, 2021, regular session of the Lynden City Council adjourned at 7:42 p.m.

Pam Brown, MMC
City Clerk

Scott Korthuis
Mayor

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 6, 2021	
Name of Agenda Item:	Set Public Hearing for Ord 1625 – Amending LMC Titles 1 and 12	
Section of Agenda:	Public Hearing	
Department:	Planning Department	
Council Committee Review:	<input checked="" type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	Proposed amendment to LMC Titles 1 and 12. Corresponding CDC Minutes of 4-21-21. Draft Ord 1625.	
Summary Statement:	<p>In May of 2019 the City Council identified a desire to update the municipal code to remove or revise some sections which were no longer necessary.</p> <p>Although revisions were drafted, the details of the amendments related to the serving of alcohol and horse taxies proved to be more complicated than initially thought and the amendment stalled. In an effort to conclude this item the proposed amendments were brought to the Community Development Committee meeting on April 21, 2021.</p> <p>The Committee concluded discussion by requested that staff move forward only with the revisions to Title 1 regarding the City’s datum point and Title 12 regarding a requirement for oil drip pans. (Minutes from this meeting are attached).</p> <p>The attached draft of Ordinance 1625 amends the Lynden Municipal Code as requested. At this time staff is requesting that Council set the public hearing date for this amendment.</p>	
Recommended Action:	Motion to set a public hearing date of July 19, 2021 at which the Council will consider an amendment to LMC Titles 1 and 12.	

Ordinance No. 1625

AN ORDINANCE OF THE CITY OF LYNDEN AMENDING CHAPTER 1.12 AND 14.16.050 OF THE LYNDEN MUNICIPAL CODE REGARDING DATUM PLANE AND DRIPPING OF PETROLEUM

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

WHEREAS, the City of Lynden finds it necessary to amend regulations from time to time ensure orderly review of codes within the City.

WHEREAS, from time-to-time certain chapters of the Lynden Municipal Code need updating to provide clarification and to reflect changes that have been identified as outdated.

WHEREAS, LMC Section 1.12 states: 1.12 - Datum Plane

1.12.010 - Datum plane established—Location.

There is established a datum plane for the city. Said plane shall be a level plane ninety-five feet below the United States Geological Survey benchmark of the Lynden State Bank building on the northerly side of Front Street between Fourth and Fifth Streets, and all grades and elevations shall be recorded as a definite number of feet or feet and inches above said datum plane.

(Ord. 56 § 1, 1909).

WHEREAS, LMC Section 12.16.050 states: 12.16.050 - Dripping petroleum products on pavement prohibited.

Except for motorcycles, no owner or operator of any motor vehicle, shall leave said motor vehicle standing upon any paved street or alley in the city unless such motor vehicle is provided with a drip pan or some other contrivance to effectually prevent the dripping on the pavement of petroleum products from said machine. Motor vehicle owners will be liable for costs to repair damage to pavements.

(Ord. 154 § 3, 1914).

WHEREAS, the City has identified the above noted sections of code to be outdated and has determined that they should be removed from the Lynden Municipal Code.

WHEREAS, the amendments to Chapters 1.12 and 12.16.050 are procedural and are exempt from SEPA review under WAC 197-11-800 (20); and

WHEREAS, the proposed amendments were reviewed and discussed with the Community Development Committee; and

WHEREAS, the proposed amendments were introduced to the Lynden City Council on July 6, 2021 and a date for a public hearing was set; and

WHEREAS, on July 19, 2021, the Lynden City Council held a public hearing to accept public testimony on the proposed amendments and to consider the matters of record to that date; and

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

Section 1: LMC 1.12 – Datum Plane – to be deleted in its entirety as follows:

~~1.12.010 – Datum plane established—Location.~~

~~There is established a datum plane for the city. Said plane shall be a level plane ninety five feet below the United States Geological Survey benchmark of the Lynden State Bank building on the northerly side of Front Street between Fourth and Fifth Streets, and all grades and elevations shall be recorded as a definite number of feet or feet and inches above said datum plane.~~

~~(Ord. 56 § 1, 1909).~~

Section 2: LMC Section 12.16.050 – Dripping Petroleum products on pavement prohibited; to be deleted in its entirety as follows:

~~Except for motorcycles, no owner or operator of any motor vehicle, shall leave said motor vehicle standing upon any paved street or alley in the city unless such motor vehicle is provided with a drip pan or some other contrivance to effectually prevent the dripping on the pavement of petroleum products from said machine. Motor vehicle owners will be liable for costs to repair damage to pavements.~~

~~(Ord. 154 § 3, 1914).~~

Section 3 Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section 4 Effective Date. This ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor, otherwise as provided by law, five days after the date of its publication.

PASSED by the City Council this _____ day of July 2021. Signed by the Mayor on this _____ day of _____, 2021.

SCOTT KORTHUIS, MAYOR

ATTEST:

PAM BROWN, CITY CLERK

APPROVED TO AS FORM:

ROBERT CARMICHAEL, CITY ATTORNEY

CITY OF LYNDEN

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



COMMUNITY DEVELOPMENT COMMITTEE

MINUTES

4:00 PM April 21, 2021
2nd Floor Conference Room, City Hall

1. ROLL CALL

Council: Brent Lenssen, Kyle Strengholt, Gary Bode, Mayor Scott Korthuis
Staff: Heidi Gudde, Steve Banham
Chamber: Gary Vis
Guests (present for Item 3a): Tim Keiper, Ron Hanson

2. APPROVAL OF MINUTES

- a. Community Development Committee Meeting 2-17-21 Minutes were approved.

3. DISCUSSION ITEMS

a. Mural revisions to 610 Front Street.

Ron Hanson and Tim Keiper presented the mural revisions at 610 Front Street – a building they own and have added on 2 floors. The first floor exterior west wall has had a mural painted on it that was funded by the Lions Club. An agreement that the City has with the building owners requires that the existing mural be preserved or, if it is replace, that the design be approved by the City of Lynden.

Building owners Keiper and Hanson related to the Committee that they had looked into options for repainting the portion of the mural that had to be removed for construction of the building addition. They spoke to the artist of the existing mural, Bill Swinburnson, to see if he was interested in repainting the mural and he declined. Artists were contacted about replacing the missing portion of the mural but matching the style of the existing mural was not realistic.

They brought with them the painted canvas prototype that the artist had created. Artist, Harry Engstrum from Arlington has been contracted to paint the new mural. The mural shows a blended scene of the Dutch countryside, street scenes from years past, and finally a view looking east down Front Street itself. Hanson clarified that the prototype did not include all of the details that would be included in the final mural. He also showed the Committee some of this artist's previous murals.

Swinburnson was also contacted regarding the new mural design. Hanson related that the artist expressed understanding in the need for the mural changes and seemed honored to know that elements from the previous mural will be included in the new mural. Swinburnson will also be spotlighted in an upcoming newspaper article.

The Committee expressed support of the mural design as well as the artists previous work.

Property owners Hanson and Keiper have requested that the artist not be questioned or pestered during the painting of the mural after this painter experienced a lot of public interruption at a recent project.

The cost of the mural is about \$20,000. Possible sources of funding were discussed.

Conclusions: The CDC was supportive of the mural design as proposed. Gudde to add the mural approval to the City Council agenda along with a photo of the canvas prototype.

b. Proposed Revision to Outdated Code

The Committee discussed the proposed changes to sections of the City’s code that have been identified as outdated. Since the draft of the ordinance was created a number of discussions have occurred as to the origin of these codes and their usefulness.

The Committee concluded that some of the code identified for deletion still has value in specific situations.

Conclusions: Delete revisions related to alcohol and horse taxi changes Planning staff to revise the ordinance and bring to Council.

c. Revision to the West Lynden Transportation Impact Fee Discount

Lenssen and Bode introduced the item giving some history of Reso 709 and what became the 50% discount of transportation and park impact fees.

Lenssen began the discussion by noting that if the fee is revised that the City should do that with notice to the developer.

Asked the Committee if the fee should be discontinued, if it should continue and how it might be revised.

Bode noted that every time a fee increases it always catching the people who are in-process and expressed support for language that would allow those who have started to develop to be exempt from the increase.

Vis recalled the initial implementation of the fee discount as a means of getting development into the area with the thought that the long-term revenue of the City would increase because of the economic development.

The Committee discussed the use of the City's portion of Real Estate Excise Tax (REET) from the sale of industrial properties being directly funneled into streets for the area from which the REET comes from.

Also discussed the sales tax bump that new development brings to the City as a whole and whether this same amount could be allocated to benefit industrial / commercial areas that are responsible for this bump.

Strengholt asked if the streets fund needed assistance and Banham confirmed that after recent street projects that the fund was in need of additional revenue.

Vis asked that the TIF be added to a fee schedule and subject to regular review. Mayor Korhuis confirmed that the Finance Dept is planning to include a unified fee schedule in the next budget and periodic or annual reviews / increases could be built into the fee schedule so that impact fees like TIF don't fall behind.

Banham noted that currently we are far under collecting for the actual cost of road construction. Banham confirmed that the City has contracted with consultant, Transpo, to analyze transportation fees across the City.

Lenssen requested that if the fee is modified that the ordinance go to the Council relatively soon so that the development community will be aware of the upcoming fee increase.

The Committee generally discussed the desire / need for economic incentives for industrial development within the City. And, what role stormwater expenses play in this development progress.

Residential demand is high and offering low fees isn't needed in order to stimulate this market. However, offering incentives to increase economic development could be boon for the West Side of Lynden. However, to date, it has not been enough to see significant industrial development outside of the growth of Lynden Door and the establishment of Preferred Freezer.

Gudde noted that the intensity of roads per acre are much higher for residential development as compared to the industrial. Roads needing

improvement in the industrial area of the City are generally limited to the arterials of Front, Main, Berthusan, and Tromp.

Banham noted that heavy truck traffic takes a toll on streets – much more so than residential streets and do need to be built to a high standard and maintained regularly.

The committee discussed the methodology for collecting fees and asked if an alternate fee could be used for residential vs. other commercial or industrial uses. Staff noted that the fee is based on trips not on type of use.

Banham noted that if the City wanted industrial investment to benefit from its TIF that it could be useful for separate Transportation analysis zones (TAZ) to be established. Impact fees collected within each TAZ would be used for projects with that respective TAZ. Banham noted that the City of Lynden only has one TAZ – that is, that all funds collected go into one pot of money. Bellingham has 14 different TAZs. It may be useful for the City to create one TAZ west of the Guide one TAZ for east of the Guide.

Mayor Korthuis and the Committee discussed a timeline for altering the fees and possibility a gradual transition to full TIF in all areas of the City. Some at the meeting thought that a year to 18 month delay may allow prospective buyers to complete transactions and development under the currently fee. Mayor Korthuis noted that stormwater solutions in this area will take more than 18 months to develop and thought that any development of significant size would not be able to develop in 18 months anyway. Proposed that full fees take effect at the start of 2022 and the Committee agreed.

Conclusion: Ordinance to eliminate the West Lynden Impact Fee discount and increase fees January 1, 2022 up to 100% of the full TIF fee.

Committee also requested that staff review the financial implications of creating TAZ areas so that industrial impact fees go toward industrial road capital improvements. This might divide the City into 2 different zones. The area West of the Guide into one TAZ and East of the Guide into another TAZ.

4. INFORMATIONAL ITEMS

a. Update on the Pepin Creek Financial Mitigation Strategy

Gudde noted that many of the items on the Pepin schedule are on track with the goal of lifting the moratorium at the start of July. However, the latest addition to the schedule is a revision to the Comprehensive Plan

that would include an update to the Pepin Creek Sub-area plan, the Capital Facilities Plan, and the Transportation Element.

Legal Counsel advised the alignment of all documents. Transpo has been contracted to work with City staff on these updates.

Committee confirmed that the preference would be to get the project all aligned before the moratorium is lifted. If the Council needs to extend the moratorium for another 3 months then it can be always be lifted early.

Next Meeting Date: May 19, 2021

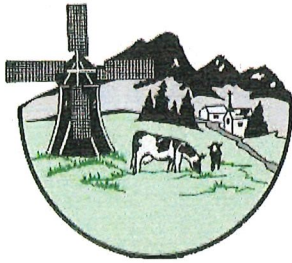
CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 6, 2021	
Name of Agenda Item:	Public Hearing for Vacate Application 21-01 – Redwood Road	
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 type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:		
Vacate Application 21-01 – Redwood Road, Draft Findings reflecting Staff Review		
Summary Statement:		
<p>Compass Point Survey, on behalf of the West Lynden Business Park, has submitted an application for the vacate of a portion of Redwood Road right-of-way.</p> <p>The subject vacate is a dedication of approximately 48,000 square feet meant for the future construction of Redwood Road. This dedication was originally made with the approval of the West Lynden Business Park General Binding Site Plan with the intent that it would be constructed at the time of development.</p> <p>Needs of the industrial market indicate that large scale parcels are desirable. As such, public right-of-way at the planned location is not needed and may limit the design potential of the parcel.</p> <p>The Technical Review Committee has completed review and provided the attached report. As additional vacation of associated utility easements is being finalized, staff is asking that the City Council only conduct the public hearing and take public comment at this time. Council can expect an applicable ordinance to follow at a subsequent meeting.</p>		
Recommended Action:		
(none at this time)		

21-01



City of Lynden

APPLICATION FOR VACATION OF CITY RIGHT-OF-WAY

APPLICANT

Name: Compass Point Survey, LLC. - Richard Lane

Address: 523 Front St., Lynden, WA 98264

Telephone Number: (360) 354-8320 Fax Number: (360) 354-8321

E-mail Address: richard@compasspointsurvey.com

Who is the primary contact for this project? This person will receive all official correspondence for the project. Property owner Applicant

Location of property to be vacated (give brief, common description & attach a complete legal description): 300-400 Redwood.

The property is located in section 24, township 40 north, range 2 east of W.M., within the West Lynden Business Park. It is the south portion of Redwood Road, that is south of Alderwood Drive.

The property is 80 x 596 = 47,670 square feet

Provide a brief description of the reason for seeking the vacation (attach additional sheets if necessary):

This roadway was never built and would add a little over an acre of useable land to the existing lot.

Provide a brief summary outlining the effect of the proposed vacation on the surrounding area (attach additional sheets if necessary):

This roadway was never built and does not serve a purpose for the current planning model at this time.

Applicant's Signature: [Signature] Date: 04-02-21

Property Owner's Signature: [Signature] Date: 4-2-21

Property Owner's Printed Name: Richard Vandenberg Date: _____

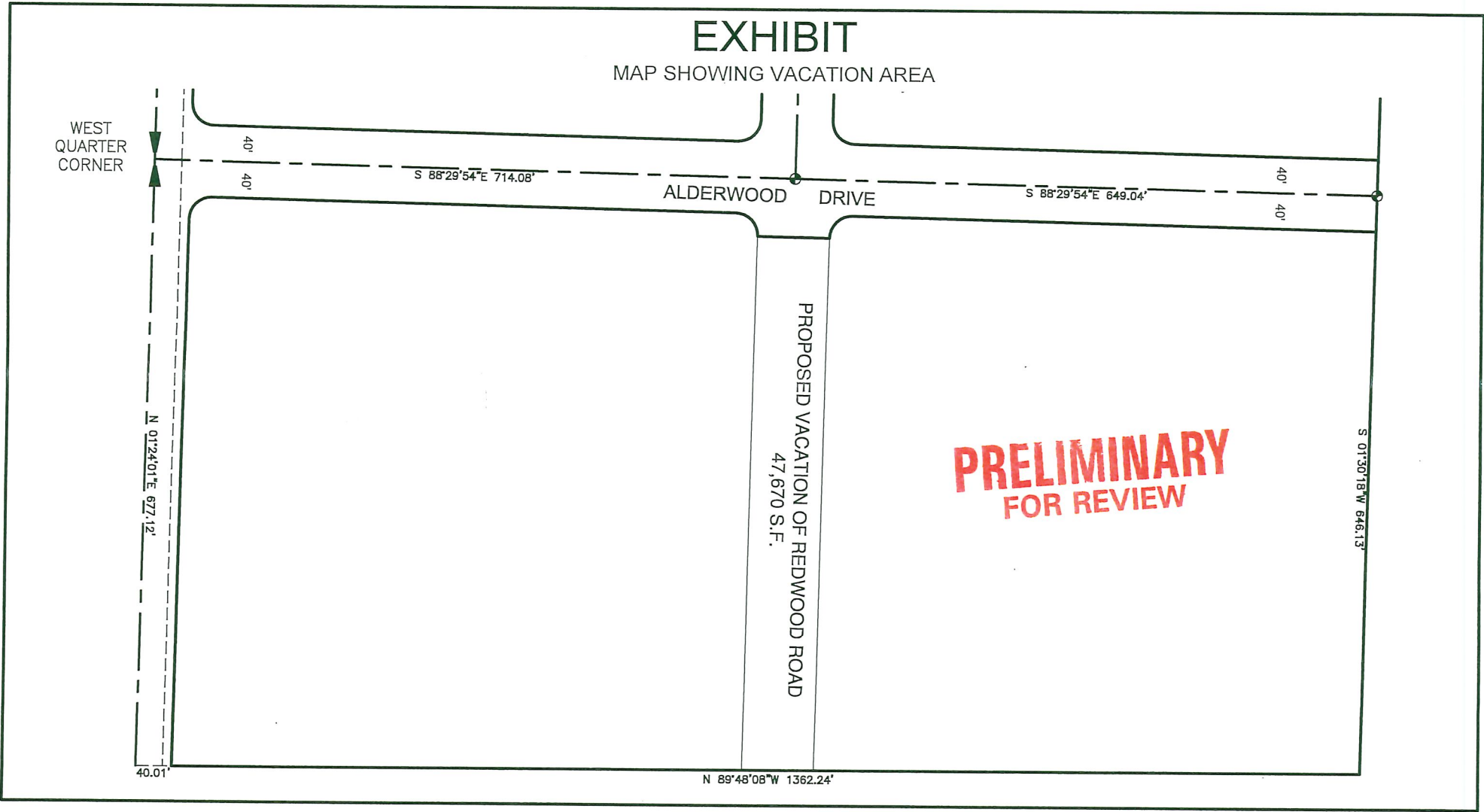
PRE-APPLICATION MEETING DATE: _____ HEARING DATE: _____

(APPLICATIONS WILL NOT BE ACCEPTED WITHOUT FIRST HAVING A PRE-APPLICATION MEETING)

FEE'S PAID (\$300.00) : _____ DATE PAID: _____ RECEIPT #: _____

EXHIBIT

MAP SHOWING VACATION AREA



Whatcom County Assessor & Treasurer

125510 WEST LYNDEN BUSINESS PARK LLP for Year 2021 - 2022

Property

Account

Property ID:	125510	Abbreviated Legal Description:	THAT PTN OF WEST LYNDEN BUSINESS PARK GENERAL BINDING SITE PLAN AS REC AF 2070902318 LY WITHIN N 1/2 NW SW
Parcel # / Geo ID:	4002240712420000	Agent Code:	
Type:	Real		
Tax Area:	0400 - LYNDEN 504 L C10 LPR	Land Use Code	83
Open Space:	Y	DFL	N
Historic Property:	N	Remodel Property:	N
Multi-Family Redevelopment:	N		
Township:	T40N	Section:	24
Range:	R02E	Legal Acres:	17.7100

Location

Address:	BERTHUSEN RD LYNDEN, WA	Mapsc0:	
Neighborhood:	2140010400 AGAC	Map ID:	2KS_W-LYN
Neighborhood CD:	2140010400		

Owner

Name:	WEST LYNDEN BUSINESS PARK LLP	Owner ID:	492974
Mailing Address:	PO BOX 840 LYNDEN, WA 98264-0840	% Ownership:	100.0000000000%
		Exemptions:	

Pay Tax Due

Taxes and Assessment Details

Values

Map List

Taxing Jurisdiction

Improvement / Building

Sketch



2091000996

Page: 1 of 5
10/09/2009 9:55 AM
DEED \$66.00
Whatcom County, WA

Request of: WINDWARD CONSULTING LLC

For Record at Request of
Nicole L. Terpstra, Attorney at Law, PLLC
709 Grover St.
Lynden, WA 98264

AFTER RECORDING RETURN TO:
Nicole L. Terpstra, Attorney at Law, PLLC
709 Grover St.
Lynden, WA 98264

WHATCOM LAND TITLE
ACCOMMODATION RECORDS
ONLY

1101345 pgs 5

QUIT CLAIM DEED

THE GRANTOR Windward Consulting, L.L.C., a Washington limited liability company
for and in consideration of a mere change in identity pursuant to WAC 458-61A-211
conveys and quit claims to West Lynden Business Park, LLC, a Washington limited liability company,

the following described real estate, together with all after acquired title, situated in the County of Whatcom, State of Washington:

Ptn. W. Lynden Bus. Park GBSP, Lots 2 & 3, W. Lynden Bus Park SBSP #2; and
All Units in W. Lynden Bus. Park Stg. Condo (Except Units 9, 12, 14, 27 & 41).
Full Legal Description Attached Hereto as Exhibit A.

pg 3-4

Assessor's Property Tax Parcel/Account Number(s):

Complete List of Tax Parcel Numbers Attached Hereto as Exhibit B.

400224 080343 0000

Dated this 6th day of October, 2009.

Windward Consulting, L.L.C.,
a Washington limited liability company

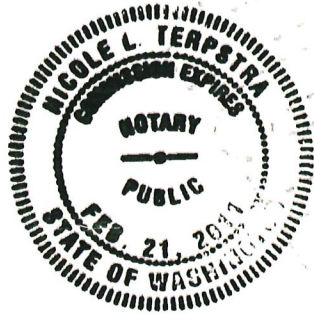
By: **Richard J. Vandenberg, Inc.**,
a Washington corporation
Its: Member


By: **Richard J. Vandenberg**, Its: President

STATE OF WASHINGTON)
)
) ss.
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that **Richard J. Vandenberg**, signed this Quit Claim Deed as the **President of Richard J. Vandenberg, Inc.**, a Washington corporation, the **member of Windward Consulting, L.L.C.**, a Washington limited liability company, on behalf of said limited liability company, and acknowledged the same to be the free and voluntary act and deed of said company for the uses and purposes mentioned in the instrument.

Dated this 6th day of October, 2009.



Nicole L. Terpstra
Nicole L. Terpstra
Notary Public in and for the State of
Washington, residing in Lynden.
My commission expires: 2-21-11

**EXHIBIT "A"
LEGAL DESCRIPTION**

PARCEL A:

WEST LYNDEN BUSINESS PARK GENERAL BINDING SITE PLAN, ACCORDING TO THE PLAT THEREOF, RECORDED SEPTEMBER 19, 2007, UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 2070902318, EXCEPT WEST LYNDEN BUSINESS PARK SPECIFIC BINDING SITE PLAN NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED OCTOBER 5, 2007, UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 2071000873, AND ALSO EXCEPT WEST LYNDEN BUSINESS PARK SPECIFIC BINDING SITE PLAN NO. 2, ACCORDING TO THE PLAT THEREOF, RECORDED APRIL 7, 2008, UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 2080400724.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

PARCEL B:

LOTS 2 AND 3, AS DELINEATED ON THE FACE OF WEST LYNDEN BUSINESS PARK SPECIFIC BINDING SITE PLAN NO. 2, ACCORDING TO THE PLAT THEREOF, RECORDED APRIL 7, 2008, UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 2080400724.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

PARCEL B-1:

A 60-FOOT AND 35-FOOT WIDE EASEMENT FOR ACCESS AND UTILITIES AS DELINEATED ON THE FACE OF WEST LYNDEN BUSINESS PARK SPECIFIC BINDING SITE PLAN NO. 2, ACCORDING TO THE PLAT THEREOF, RECORDED APRIL 7, 2008, UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 2080400724.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

PARCEL C:

ALL UNITS WITHIN OF WEST LYNDEN BUSINESSES PARK STORAGE CONDOMINIUM, ACCORDING TO THE DECLARATION THEREOF, RECORDED UNDER AUDITOR'S FILE NO. 2080903501, AND ANY AMENDMENTS THERETO, RECORDS OF WHATCOM COUNTY, WASHINGTON. EXCEPT UNITS 9, 12, 14, 27 AND 41 THEREOF.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

Continued on next page

EXHIBIT "A". LEGAL DESCRIPTION, continued

PARCEL C-1:

AN EASEMENT FOR ACCESS AND UTILITIES AS DELINEATED ON WEST LYNDEN BUSINESS PARK STORAGE CONDOMINIUM, ACCORDING TO THE MAP THEREOF, RECORDED UNDER AUDITOR'S FILE NO. 2080903500, RECORDS OF WHATCOM COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

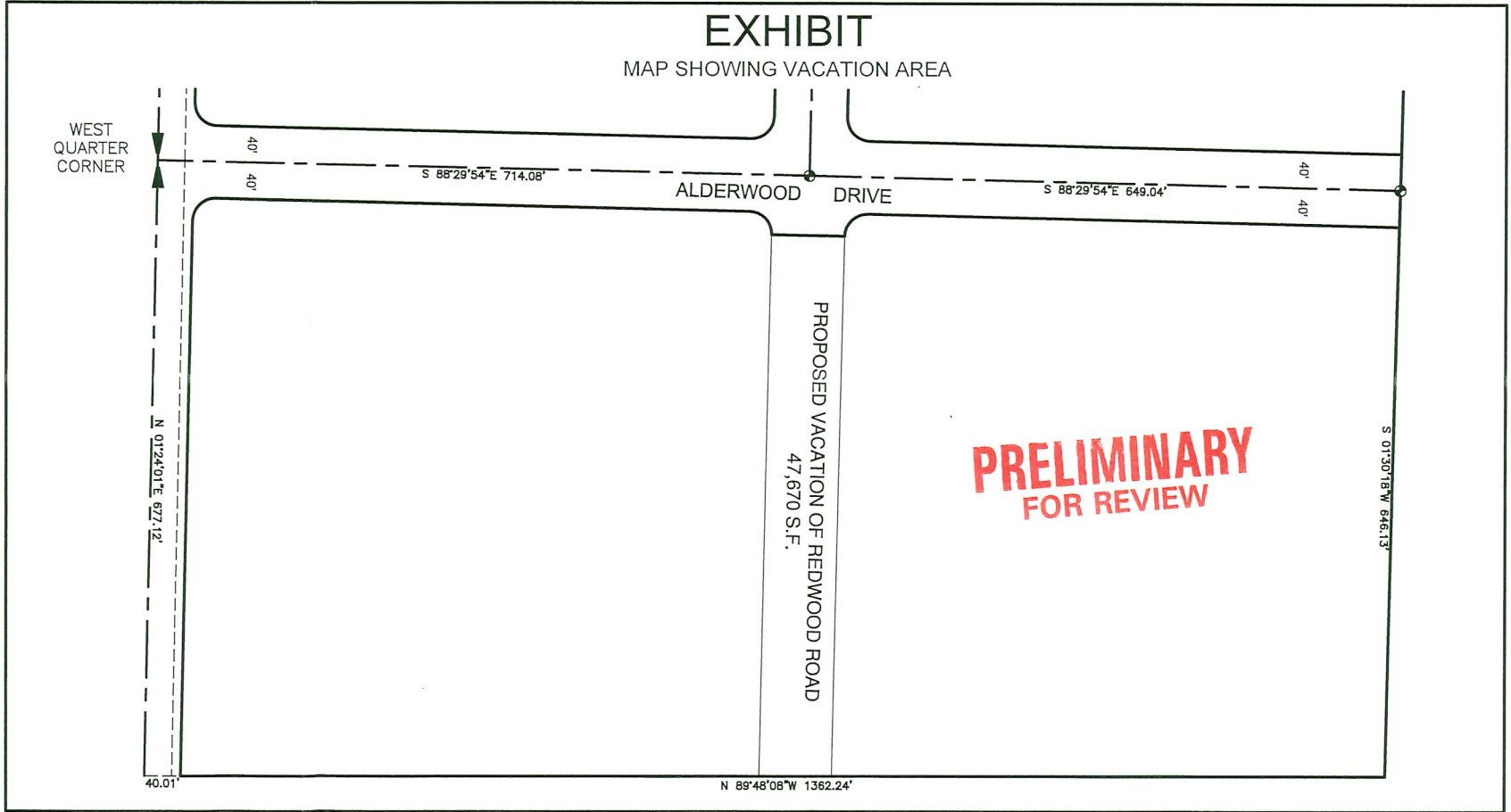
... END OF EXHIBIT "A" ...

EXHIBIT "B"
TAX PARCEL NUMBERS

- 400224 080343 0000
- 400224 071242 0000
- 400224 092302 0000
- 400224 122283 0000
- 400224 122315 0001
- 400224 122315 0002
- 400224 122315 0003
- 400224 122315 0004
- 400224 122315 0005
- 400224 122315 0006
- 400224 122315 0007
- 400224 122315 0008
- 400224 122315 0010
- 400224 122315 0011
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- 400224 122315 0045
- 400224 122315 0046
- 400224 122315 0047

EXHIBIT

MAP SHOWING VACATION AREA



CITY OF LYNDEN



TECHNICAL REVIEW COMMITTEE Development Project Report

Date Issued:	June 15, 2021
Project Name:	Vacate #21-01, Redwood Road
Applicant:	Compass Point Survey, LLC
Property Owner:	City of Lynden
Site Address:	Portion of Redwood Road
Zoning Designation:	IBZ
Application Type:	Street Vacate
RIGHT-OF-WAY Vacation Size:	47,670
Hearing Type:	Quasi-Judicial
Hearing Objective:	To determine whether the City of Lynden should vacate the right-of-way
Date application determined complete:	May 12, 2021
Date of Publication:	May 26, 2021
SEPA Determination:	SEPA Exempt per WAC 197-11-800(i)
Project Description:	The applicant is seeking the vacation of a portion of Redwood Road approximately 80-feet X 596-feet (47,670 square feet).

Summary:

The property in question is located within the 300 – 400 Block of Redwood Road. The applicant states that the roadway was never built and would add just over an acre of useable land to the existing lot.

The right-of-way property in question is approximately 80-feet in width by 596-feet in length totaling approximately 47,670 square feet.

Review Comments:

1. *Transportation and Circulation:* Staff has determined that at this time, the right-of-way is not necessary for transportation circulation or public safety access.

2. *Utility Easements Required:*

- a. The proposed vacation request will need to include the vacate of the City's standard 10-foot utility easements located outside of the right-of-way.
- b. Puget Sound Energy has a 10-foot utility easement located outside of the right-of-way (AF 2070501372). This easement was established under SBSP 1.
- c. The City will require new utility easements from Alderwood Drive south to the south end of property. A 30-foot utility easement will be required when water and sewer lines are combined and a 20 - foot easement if separate.
- d. The City will require a 10-foot utility easement across Redwood Road for Alderwood Drive.

3. *Public Works Comments:*

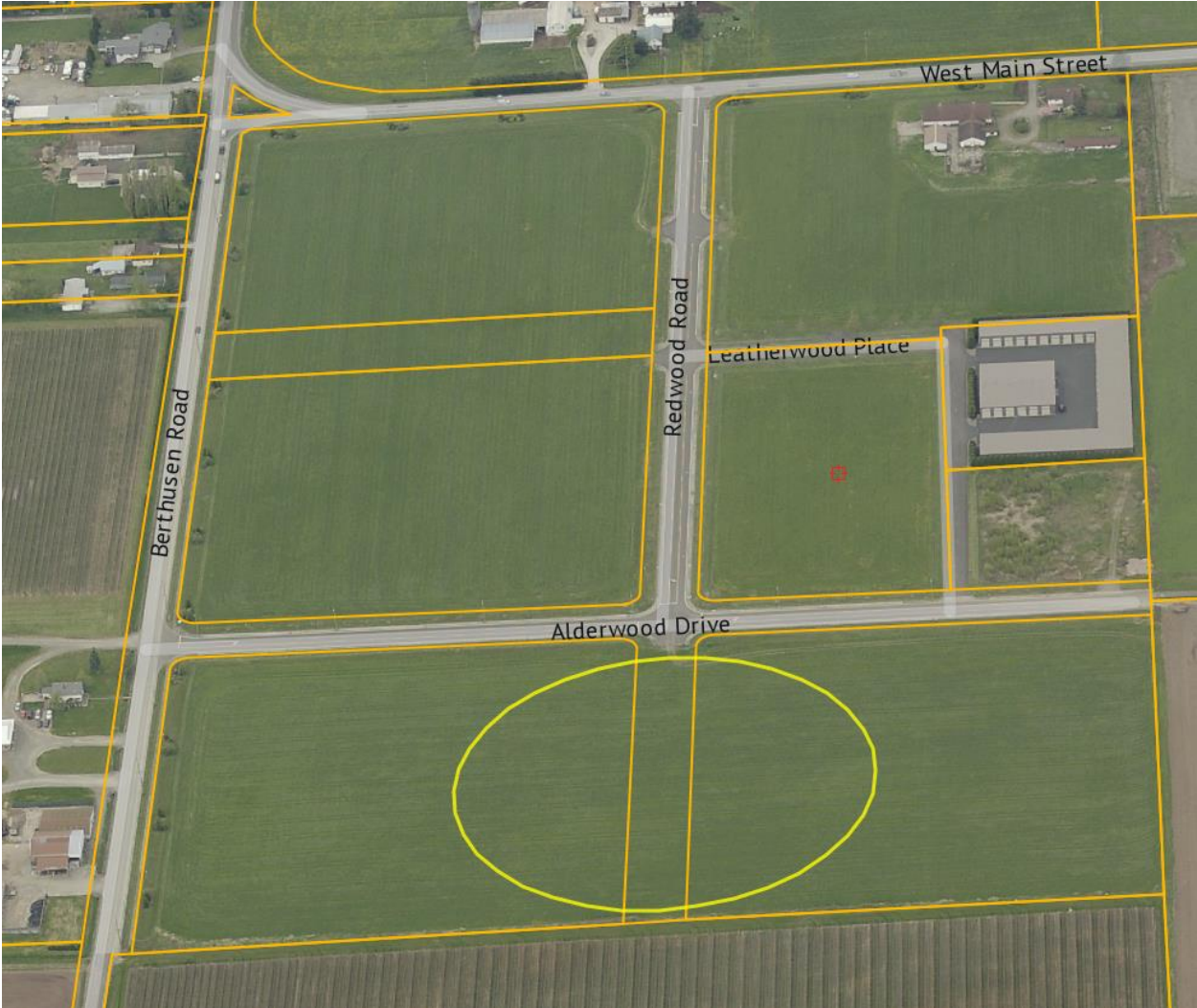
- a. The vacate indicates that the curb return right-of-way at Alderwood Drive will remain. These should remain only out to the right-of-way location for Alderwood Drive.
- b. Alderwood RIGHT-OF-WAY will need to be depicted as going east-west across the vacated Redwood Road.
- c. The request is to vacate 596 feet. The east right-of-way line of Redwood Road is only 594.93. The west ROW is 596.64. Exhibits and descriptions to be clarified prior to final approval.
- d. There is an existing City 8-inch water main stubbed approx. 40 feet south of the Alderwood Drive curb into the vacated ROW. This will need to remain in easement.

4. *Compliance with Chapter 17.21- Please be advised.*

- a. If the City Council, after holding the required public hearing, determines to grant the petition or any part thereof, the applicants shall complete an appraisal of said property to be vacated. The appraisal shall be conducted by a certified appraiser and provide a minimum of three comparable properties.
- b. If the appraisal is found to be acceptable by the City Council, the City Council shall adopt an ordinance to vacate the street or alley; provided however, that said ordinance shall not be effective until the owners of property abutting upon the street or alley to be vacated have compensated the City in an amount not to exceed the full appraised value of the area vacated.
- c. The ordinance shall provide that the City shall retain easements for the installation, repair and maintenance of public utilities and services.
- d. A certified copy of said ordinance shall be recorded by the applicant in the office of the County Auditor.

Vacate Application 21-01 – Redwood Road

Approximate area to be vacated.



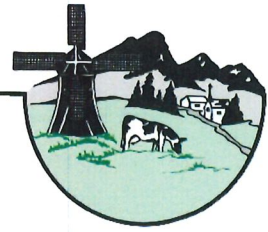
CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 6, 2021	
Name of Agenda Item:	Appointment to Planning Commission – Darren Johnson	
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 checked="" type="checkbox"/> Other: <u>_Mayor_</u>
		Legal Review:
		<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:		
Planning Commission Application of Darren Johnson		
Summary Statement:		
<p>The Mayor has appointed a new member, Darren Johnson, to fill a vacancy on the Planning Commission.</p> <p>The Planning Commission consists of seven volunteer members. At the time of appointment and throughout their term of office, the primary residence of each member of the Planning Commission must be within the city limits of Lynden. The term of office for each member is four years unless specifically completing the term of another member.</p> <p>Darren will be filling the seat vacated by the resignation of Gerald Veltkamp. Gerald’s remaining term to be completed by Mr. Johnson runs through the end of December 2021. This appointment is being brought forward to the City Council meeting for confirmation. Darren’s experience as a nearly life-long resident of the Lynden area and his role as a real estate agent will undoubtedly be an asset to the Planning Commission.</p> <p>The City also want to take this opportunity to thank Gerald Veltkamp. He has been a long time Planning Commissioner and the City sincerely wishes to thank him for his service.</p>		
Recommended Action:		
Motion to confirm the appointment of Darren Johnson to the Lynden Planning Commission to complete an existing term expiring December 2021.		

CITY OF LYNDEN



Mayor
Scott Korthuis

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

Planning Commission Application

Please complete the application below and return to Mayor Scott Korthuis at 300 4th Street, Lynden, WA 98264 or KorthuisS@lyndenwa.org.

Name: Darren Johnson

Address: Lynden

Phone: E-mail address:

Are you available at work? yes Phone:

1. How long have you lived within Lynden city limits? 3 years
2. Please tell us why your background and education would be an asset to the Planning Commission.

I am a real estate agent and have lived in Lynden most of my life. I feel that I could be an asset to the commission because of my everyday work in the Lynden real estate market.

3. Do you have experience with any community committees?
If so, what was your role?

I have not served on any city committees but serve on School board and Rotary club committees.

- 4. How do you view the task of balancing the public good and private property rights?

I take this task seriously. I believe in that we need to strike a reasonable balance between the two.

- 5. How do you view growth within our community?

I believe that we need to plan for smart growth. We cannot sit back and say that because we live here, we shouldn't grow anymore and on the other side we can't just open the flood gates and let just everything happen. We need to be smart and intentional with our growth so that as we grow, we can maintain the values that make our community a great place to live.

Thank you for your willingness to serve the Lynden Community. I will contact you to discuss your application.

Scott Korthuis, Mayor
City of Lynden

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 6, 2021	
Name of Agenda Item:	Final Plat Approval – DeJong Long Plat Phase 1	
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 checked="" 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:		
DeJong Long Plat drawings and supporting materials, Council Preliminary Findings of DeJong Long Plat		
Summary Statement:		
<p>The DeJong family and their agent, Jerry Blankers, were granted preliminary plat approval for the DeJong long plat on February 18, 2020. This long plat is located north of Aaron Drive near Line Road. The property is approximately 9.44 acres in size and is zoned as residential multi-family, RM-3.</p> <p>The development of the plat is proposed in two phases. At this time the applicant is seeking final approval of Phase 1. This phase included frontage improvements along the Aaron Drive, the creation of 11 lots, and the dedication of trail easement along the Badger Road (with trail construction scheduled for Phase 2 of the plat development).</p> <p>The Council is being asked to consider final plat approval for Phase 1 of the DeJong Long Plat under the following conditions:</p> <ol style="list-style-type: none"> 1. Completion of all punch list items. 2. Submittal and acceptance of required maintenance bonds and any necessary performance bonds including bonding for future trail construction. 3. Payment of final inspection fees for plat construction. 4. Submittal of final as-built drawings. 5. Submittal of final plat mylars. 6. Final development fees paid in full. 		
Recommended Action:		
Motion to grant final approval of Phase 1 of the DeJong Long Plat subject to conditions 1-6 listed above, and to authorize the mayor’s signature on the final plat documents.		

CITY OF LYNDEN
FINDINGS OF FACT AND CONCLUSIONS OF LAW

REGARDING THE APPLICATION OF
Eldon and Renae DeJong, TO
SUBDIVIDE PROPERTY

Petitioner

LP #19-02

FINDINGS OF FACT, CONCLUSIONS
OF LAW, CONDITIONS and
DECISION on SUBDIVISION
APPLICATION #19-02

PARCELS 1 AND 2, DEJONG SHORT PLAT, ACCORDING TO THE PLAT THEREOF, RECORDED AUGUST 3, 2007 UNDER WHATCOM COUNTY RECORDING NO. 2070500523, RECORDS OF WHATCOM COUNTY, WASHINGTON. SITUATE IN WHATCOM COUNTY, WASHINGTON.

COMMONLY DESCRIBED AS: 1205 E Badger Road, Lynden

Has applied for a subdivision of approximately 9.44 acres into 23 multi-family residential lots within the RM-3 zone. The Lynden Planning Commission held a public hearing on January 23, 2020, and recommended approval to the City Council through Planning Commission Resolution #19-02. Said request having come before the Lynden City Council on February 18, 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. Eldon and Renae DeJong, having filed an application ("Property Owners") for a subdivision which was accepted by the City as complete on November 22, 2019.

1.02 Location. The Property is located at 1205 E Badger Road in Lynden, Whatcom Co., Washington as described above.

1.03 Ownership. Eldon and Renae DeJong are the Property Owners.

1.04 Request. To subdivide approximately 9.44 acres in size into 23 multi-family residential lots located within the RM-3 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 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.

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

1.08 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.

1.09 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.

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

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

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

1.13 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.

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

1.15 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:

II. CONDITIONS

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

Project Summary:

The proposed long plat was reviewed against the subdivision standards found in Chapter 18 of the Lynden Municipal Code (LMC) and the Engineering Design and Development Standards. The following aspects were found to be consistent with these standards:

Zoning: The area to be developed in this application is located within the RM-3 residential multi-family zone and permits the development of up to 12 units per building.

Minimum Lot Size: The lots proposed in this subdivision meet the RM-3 minimum lot size of 7,200 square feet. As proposed, parcels within this plat range from 11,000 square feet to 28,709 square feet.

Street Sections: Per Chapter 4 of the Engineering Design and Development Standards the minimum street width, for a publicly dedicated access street right-of-way is 60 feet. This standard has been met as proposed.

Build-out: Be advised, both single family and multi-family homes are permitted within the RM-3 zone. The applicant has indicated in the associated traffic study that there will be a mix of building types ranging from duplex, four-plex, eight-plex and nine-plex units. All lots are subject to the development requirements listed under 19.17 of the Lynden Municipal Code and associated design standards. This includes, but is not limited to, Section 19.17.060 which sets a maximum lot coverage of 40% for each lot.

Parking: Be advised, per Chapter 19.51.040 of the LMC, a minimum of 2 parking stalls is required *per home and or unit*. It is important to note that if an enclosed single car garage is provided per dwelling unit, a minimum of two outside spaces must be provided. If an enclosed garage for two or more vehicles is provided, a minimum of one outside parking space must be provided.

Specific Project Comments from the Technical Review Committee:

Planning and Development

1. *Applicant Response Required:* Provide a written response to each of the Technical Review Committee’s comments below. Advisory comments should be acknowledged. A Word version of this document will be provided to you for your convenience.
2. *Existing Buildings:* There are several existing buildings on site. The applicant has indicated that the existing home on the proposed lot 18 and the existing warehouse on lot 9 will remain. And, that the existing buildings located on lots 11 (located in a utility easement) and 19 will be demolished. Please be advised that a demolition permit will be required for the removal of those buildings. All buildings to be removed must be done prior to final plat approval. This must be noted on the face of the plat.

- 3. Existing Commercial Warehouse Use: Lot 9 is the location of an existing commercial business. Be advised, this use may remain however it is considered an existing non-conforming use. Parking for this commercial use is subject to LMC 19.51. All parking must be contained on Lot 9.
- 4. Phasing Plan: Please provide a plat map which shows the interim condition which will exist following the build-out of Phase 1 but not Phase 2. Staff is particularly interested in the infrastructure improvements which will exist at this time. Show the proposed condition of the street section and existing buildings at this stage of completion. See Public Works comments related to the minimum roadway standard for emergency access.
- 5. Plat 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 will be required to provide supporting data. Please provide on the face of the plat a table which breaks down the total area of the plat 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 square feet)
Gross plat area	
Reserve tracts	
Critical areas	
Right of ways (ROWs)	
Other infrastructure	
Net developable	
Percent ROW and Infrastructure	%

- 6. Utility Easements: Per 18.14.075, the proposed plat must identify the required 5-foot utility easements around the interior property line of all lots. Revise plat map to include this easement on the face of the plat.
- 7. Street Name: Provide a street name for the proposed long plat. Be advised, the street name must be approved by the Whatcom County emergency dispatching agencies and avoid duplication with any other road within the County.

- 8. Street Tree Requirements: Be advised, street trees will be required as described here.
 - a. As per Section 18.14.130, Street trees shall be provided by the sub-divider in all subdivisions within the dedicated public utility easements adjacent to the street; preferably between the curb and the sidewalk.
 - 1. In RM zones one street tree is required for every 50 linear feet of street frontage. Distance may be averaged due to driveways and sight distance requirements.
 - 2. Street trees shall be a minimum caliper of 1 1/2" at the time of installation, small trees used under powerlines shall be a minimum a caliper of 1".
 - 3. Street trees shall be selected, installed, and maintained in accordance with the standard City of Lynden engineering specifications. Trees shall be placed on the property with consideration of potential driveway cuts and utility services.
 - b. Establishment of street trees and planting strips shall be per an approved site plan in conformance with design and bonding standards as set forth in LMC 19.61.
 - c. Maintenance of street trees and planting strips shall be the responsibility of the adjoining property owner and shall be done in accordance with the city's engineering design and development standards.

- 9. Frontage Requirements and Lot Access: LMC 18.14.020 states that no lots shall be created that have less than 50-feet of frontage. Lots 5 and 18 do not meet the minimum frontage requirements. A long plat of this size may utilize one pipe stem lot (LMC 18.14.040). In addition, a long plat of this size may also access one lot via access easement (LMC 18.14.110(c)). The current lot design exceeds these limits. Note that access easements and stems on pipe stem lots must be a minimum of 24 feet in width. Please revise.

Public Works

- 10. Right-of-Way: Dedication is required along the full frontage of Aaron Drive to achieve a 60-foot right-of-way.

- 11. Street Section: Street section must match the existing roadway to the east and west of the proposed plat.

- 12. Phase 1 Emergency Access: At the time of Phase 1 construction, Phase 2 street section must be constructed to a minimum of a 24-foot wide, stabilized surface which is sufficient to support emergency vehicles. If the stabilized surface is

gravel, or similar, a minimum of 50 linear feet must be paved adjacent to Aaron Drive to prevent material tracking into Aaron Drive.

13. Access: As proposed, no vehicular access will be permitted to/from Badger Road. Existing driveways must be abandoned. Note that the existing home and commercial warehouse/shop will be assigned a new address in association with the plat approval.
14. Lot Access: Vehicular access will be prohibited from proposed lots to/from Aaron Drive.
15. Engineering Design Standards: All proposed streets must meet the minimum separation requirements as outlined in the City of Lynden Project Manual for Engineering Design and Development Standards.
16. Utility Easements: Plat must show the required 10-foot utility easement along the frontage of each lot (back of sidewalk).
17. Traffic analysis needs to be completed. All recommended items of the report shall be completed.
18. Street Lighting: Puget Sound Energy to design street lighting. Please submit a final plan.
19. Mailbox Locations: Mailbox locations must be shown on the civil plans. Acknowledgement from the Postmaster must be provided.
20. Stormwater Advisory Comments
 - 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. 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, 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.

21. Water

- a. As per 6.2 (M) of the City of Lynden Project Manual for Engineering Design and Development Standards, the water mainline must be looped through the plat and extended to the east and west property lines. Show easements as appropriate on the face of the plat.
- b. Be advised, water system design and construction must meet the requirements of the City of Lynden Engineering Design and Development Standards.
- c. Be advised, each house and/or unit within this plat must be individually metered. Water services for all multi-family zoned parcels must be sized for maximum number of units. Water meters must be located within the City right-of-way.
- d. Existing house (1241 East Badger) and commercial warehouse/shop (1205 East Badger) shall connect to City water and pay applicable hookup fees. Water rights associated with the property shall be transferred to the City.
- e. If the existing commercial building remains, backflow protection will need to be investigated based on specific use of structure.

22. Sanitary Sewer

- a. Be advised, sanitary sewer design and construction must meet the requirements of the City of Lynden Engineering Design and Development Standards.
- b. Sanitary sewer services for all multi-family zoned parcels must be sized for maximum number of units.
- c. As per 7.2 (P) of the City of Lynden Project Manual for Engineering Design and Development Standards, sanitary sewer must be extended to the north property line unless other service is available. Show easements as appropriate on the face of the plat.
- d. Be advised that all parcels in this plat are within the East Lynden Sewer Special Assessment Area and will be subject to additional connection charges for the regional sanitary sewer facilities. This must be noted on the face of the plat.
- e. The existing house (1241 East Badger) shall connect to City sewer and pay applicable hookup fees.

Fire and Life Safety

23. *Fire Service Impact Fee:* Be advised, half of the required fire impact fee is due at the time of final plat approval. The balance of the fire impact fees is deferred to the time of building permit. Contact Planning staff for an estimated fee total.
24. *Street Addressing:* Be advised, address numbers must be clearly posted on each house to assist in efficient fire aid response.
25. *Hydrants:* The installation of a fire hydrant is required. Hydrant spacing to be 300 feet for multi-family. The final hydrant location will be determined upon review of civil plans and must be approved by the Fire Department.
26. *Existing Commercial/shop building may require sprinklers depending on uses.*

Parks and Recreation

27. *Trail Easement:* Pedestrian provisions for the proposed long plat must include the establishment of a 15-foot wide public access easement for the purpose of a recreational trail at the northern edge of the property. This easement can overlap with other required easements and setbacks. Revise plat maps to include this easement.
28. *Trail Construction:* Pedestrian provisions for the proposed long plat must include the construction of a 10-foot wide recreational trail. The minimum standard is a design which utilizes compacted limestone. The specific standard is available from the Planning or Public Works Departments.
29. *Trail Access:* Provide a public access easement a minimum of 10 feet in width from the proposed loop road sidewalk to the Badger Road trail easement. This easement must include a paved walkway a minimum of 5 feet in width. The easement may straddle a lot line.
30. *Park Impact Fee:* Be advised, half of the required park impact fee is due at the time of final plat approval. The balance of the park impact fees can be deferred to the time of building permit. Contact Planning staff for an estimated fee total.

Long Plat Advisory Comments

31. *Impact Fees:* Be advised, prior to final plat (PRD) approval, the developer will be required to pay transportation mitigation fees, plus the first half of park and fire mitigation fees. Contact Planning Staff for a fee estimate.
32. *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.

33. 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.
34. Infrastructure Installation: A City of Lynden Fill and Grade Permit is required prior to the commencement of site work. The site and utility work must be addressed on SEPA Checklist.
35. Performance Bonding Requirements: Be advised, a 150% performance bond may be required for all work in the City's right-of-way or on city owned property which is deemed incomplete. Only items not specifically exempted from bonding under LMC 18.18.010(G) are eligible for bonding.
36. Maintenance Bonding Requirements: A post construction maintenance bond for infrastructure in the amount of 10% of the construction costs will be required prior to final plat approval.
37. Landscape Bonding: Be advised, performance and maintenance bonding will be required for the plat. This relates to street trees and any required mitigation trees. Bonds are due prior to final plat approval.
38. 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.
39. Expiration of Preliminary Approval: Petitioner shall record the final subdivision, 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.
40. 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.
41. Covenants, Conditions and Restrictions (CC&Rs): CC&R's for the long plat may be recorded in conjunction with the final long plat. This document can impose more restrictive conditions on the property but not less restrictive than City of Lynden development code. Be advised, enforcement of CC&R documents is the responsibility of the developer and/or neighborhood association.

- 42. Design Review: Design Review Approval will be required for all multi-family buildings including duplexes.

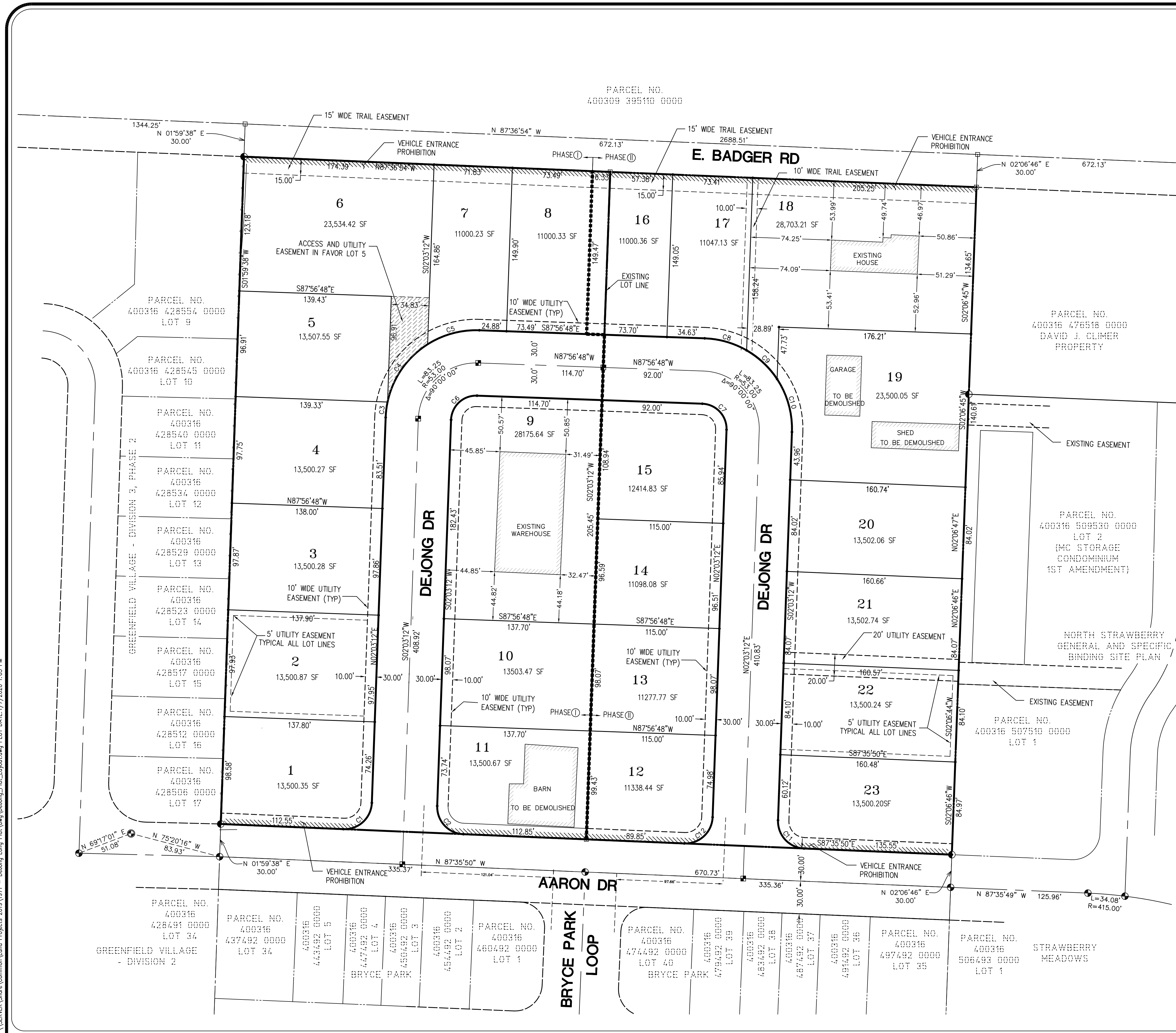
III. DECISION

Petitioner's application to subdivide the property described herein into twenty-three (23) parcels for future development is hereby Preliminarily Approved as outlined in Planning Commission Resolution #20-01 and subject to the conditions set forth in this document.

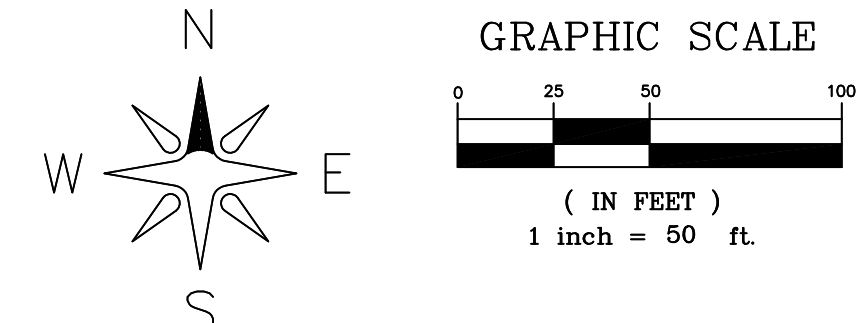
DATED: 2-18-20



Scott Korthuis
Mayor



NUMBER OF NEW LOTS		
No of Lot	PHASE I	PHASE II
1	13500.35 SF	
2	13500.87 SF	
3	13500.28 SF	
4	13500.27 SF	
5	13507.55 SF	
6	23534.42 SF	
7	11000.23 SF	
8	11000.33 SF	
9	28175.64 SF	
10	13503.47 SF	
11	13500.67 SF	
12		11338.44 SF
13		11277.77 SF
14		11098.08 SF
15		12414.83 SF
16		11000.36 SF
17		11047.13 SF
18		28703.21 SF
19		23500.05 SF
20		13502.06 SF
21		13502.74 SF
22		13500.24 SF
23		13500.20 SF



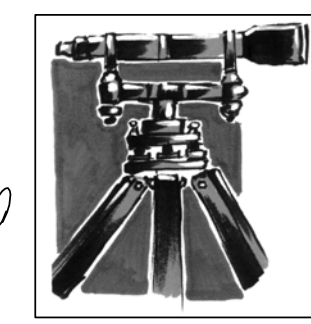
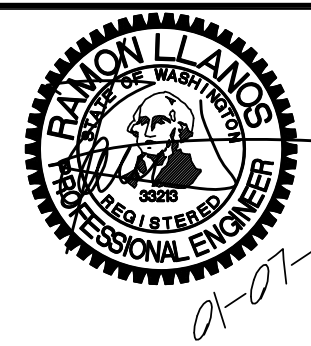
PLAT	
	Plat Area (in square feet)
Gross plat area	411122.49 SF
Reserve tracts	0
Critical areas	0
Right of ways (ROWs)	68513.30 SF
Other infrastructure	0
Net developable	342609.19 SF
Percent ROW and Infrastructure	16.66%

PROPERTY INFORMATIONS			
Description	PHASE I	PHASE II	TOTAL
Overall Area (Acreage)	203117.70 SF	208014.79 SF	411122.49 SF
Lot Area (Acreage)	168224.08 SF	174385.11 SF	342609.19 SF
Area of ROW in SF	34883.62 SF	33629.68 SF	68513.30 SF
Zoning Classification	RM-3	RM-3	RM-3
Number of New Lots	11	12	23
Minimum Lot Size	11000.23 SF	11000.36 SF	11000.23 SF

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	39.42	25.00	90°20'58"
C2	39.12	25.00	89°39'02"
C3	14.17	83.00	9°46'45"
C4	66.31	83.00	45°46'39"
C5	49.90	83.00	34°26'36"
C6	36.13	23.00	90°00'00"
C7	36.13	23.00	90°00'00"
C8	40.36	83.00	27°51'29"
C9	38.77	83.00	26°45'52"
C10	51.25	83.00	35°22'39"
C11	39.12	25.00	89°39'02"
C12	39.42	25.00	90°20'58"

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NO.	REVISION	BY	DATE
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2	SUBMITTAL 2	PS	12/03/19
3	SUBMITTAL 3	PS	01/07/20



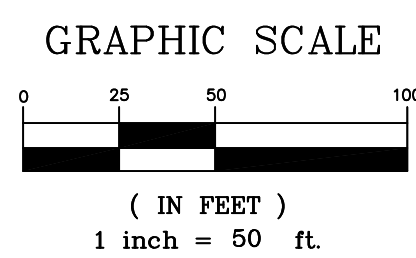
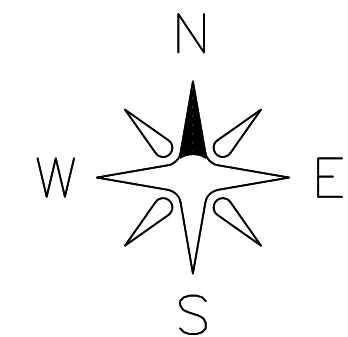
LDES, INC.
 5160 INDUSTRIAL PL. #108
 FERNDALE, WA 98248
 PHONE 360-383-0620
 FAX 360-383-0639

JOB NO.:	-
DWG. NAME:	Dejong_Ph1_Layout.dwg
DESIGNED BY:	RL
DRAWN BY:	RL
CHECKED BY:	RL

DEJONG
 1205 E BADGER ROAD
 LYNDEN, WA 98264

DEJONG LONG PLAT
PROPOSED SUBDIVISION LAYOUT
PHASE I AND II
 1205 AND 1241 E BADGER RD, LYNDEN, WASHINGTON
 A PORTION OF SECTION 16, TOWNSHIP 40N, RANGE 3E, W.M.

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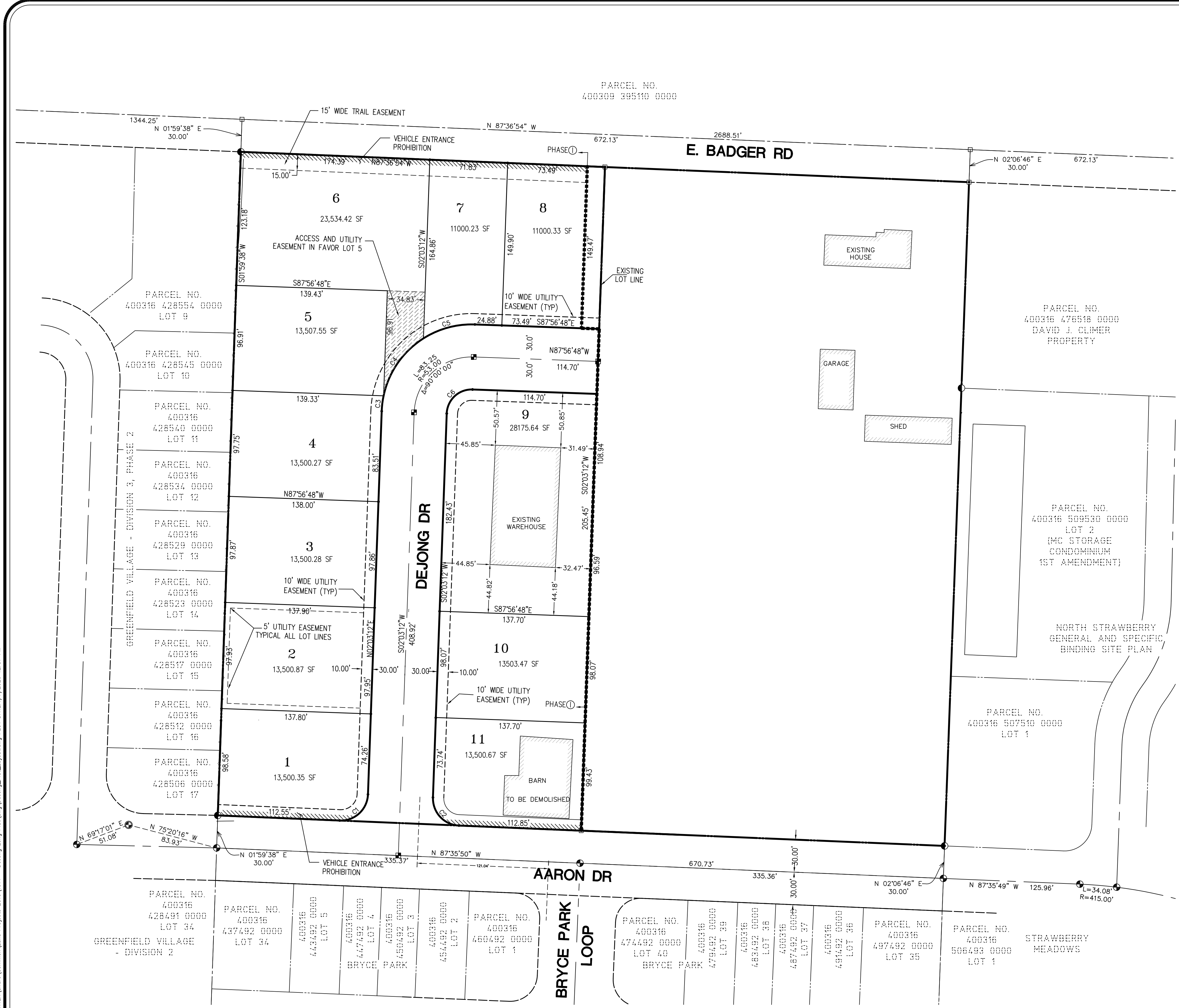


PHASE I NUMBER OF NEW LOTS		
A/A	No of Lot	AREA
1	1	13500.35 SF
2	2	13500.87 SF
3	3	13500.28 SF
4	4	13500.27 SF
5	5	13507.55 SF
6	6	23534.42 SF
7	7	11000.23 SF
8	8	11000.33 SF
9	9	28175.64 SF
10	10	13503.47 SF
11	11	13500.67 SF

PROPERTY INFORMATIONS	
Description	PHASE I
Overall Area(Acreage)	203117.70 SF
Lot Area (Acreage)	168224.08 SF
Area of ROW in SF	34883.62 SF
Zoning Classification	RM-3
Number of New Lots	11
Minimum Lot Size	11000.23 SF

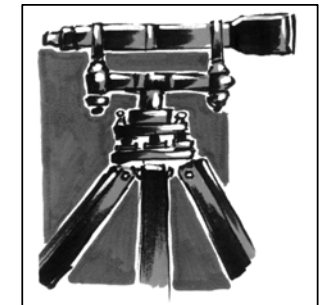
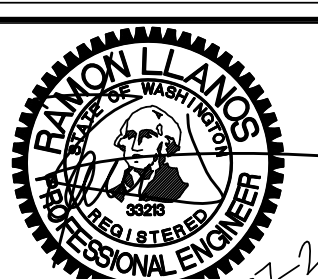
Phase 1	
Description	Plot Area(in square feet)
Gross plot area	203117.70 SF
Reserve tracts	∅
Critical areas	∅
Right of ways (ROWS)	34883.62 SF
Other infrastructure	∅
Net developable	168224.08 SF
Percent ROW and Infrastructure	17.17%

CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	39.42	25.00	90°20'58"
C2	39.12	25.00	89°39'02"
C3	14.17	83.00	9°46'45"
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C5	49.90	83.00	34°28'36"
C6	36.13	23.00	90°00'00"
C7	36.13	23.00	90°00'00"
C8	40.36	83.00	27°51'29"
C9	38.77	83.00	26°45'52"
C10	51.25	83.00	35°22'39"
C11	39.12	25.00	89°39'02"
C12	39.42	25.00	90°20'58"



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3	SUBMITTAL 3	PS	01/07/20



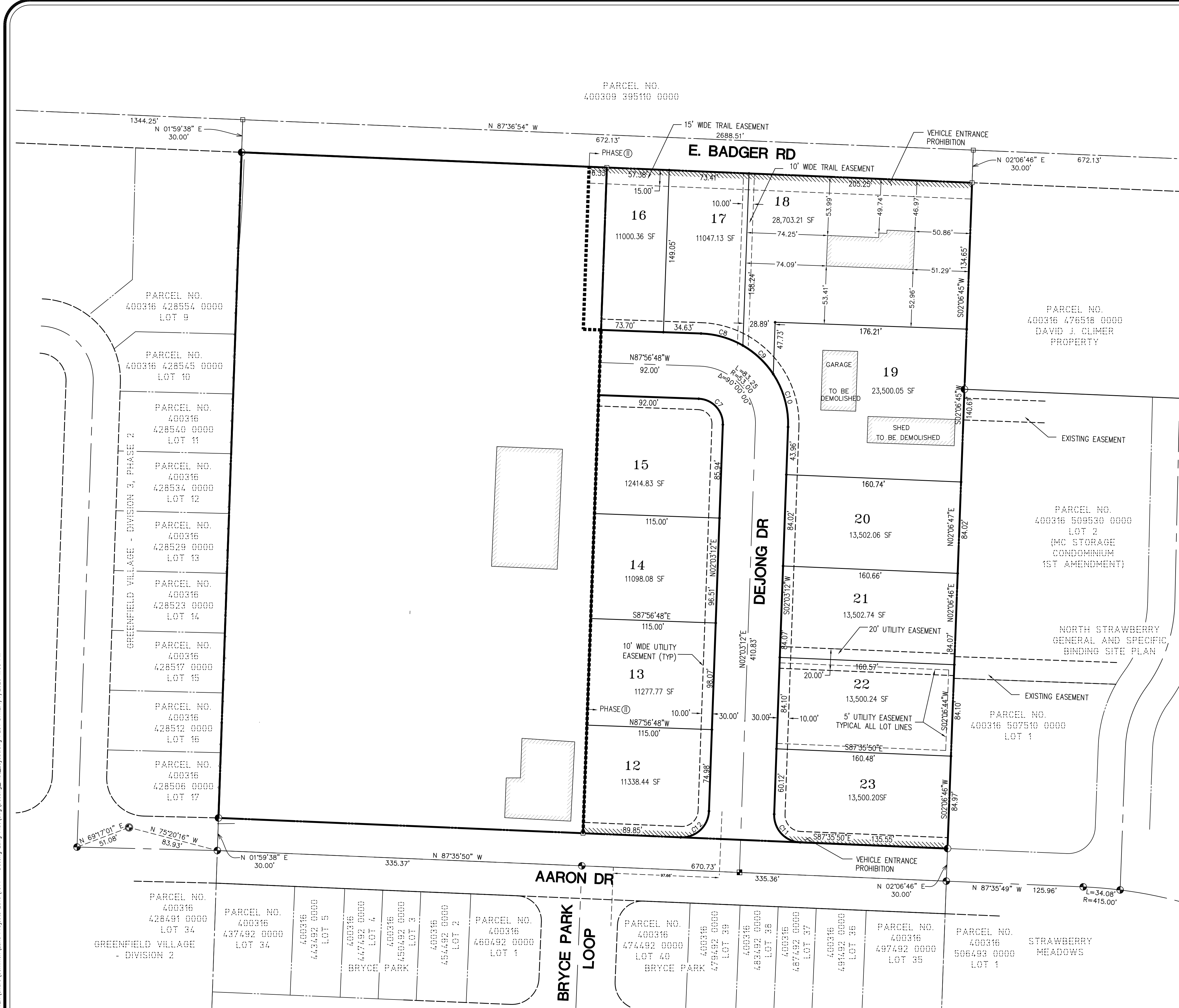
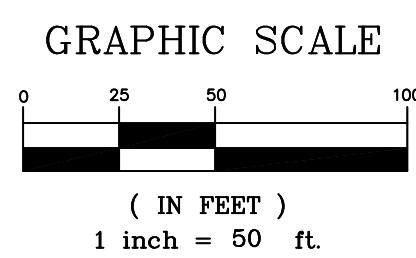
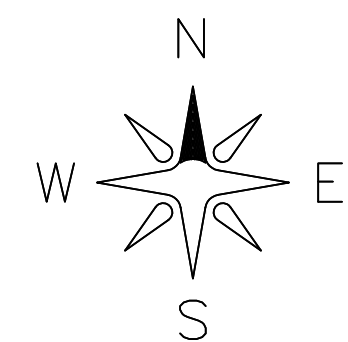
LDES, INC.
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DESIGNED BY:	RL
DRAWN BY:	RL
CHECKED BY:	RL

DEJONG
 1205 E BADGER ROAD
 LYNDEN, WA 98264

**DEJONG LONG PLAT
 PROPOSED SUBDIVISION LAYOUT
 PHASE I**

1205 AND 1241 E BADGER RD, LYNDEN, WASHINGTON
 A PORTION OF SECTION 16, TOWNSHIP 40N, RANGE 3E, W.M.



PHASE II
NUMBER OF NEW LOTS

A/A	No of Lot	AREA
1	12	11338.44 SF
2	13	11277.77 SF
3	14	11098.08 SF
4	15	12414.83 SF
5	16	11000.36 SF
6	17	11047.13 SF
7	18	28703.21 SF
8	19	23500.05 SF
9	20	13502.06 SF
10	21	13502.74 SF
11	22	13500.24 SF
11	23	13500.20 SF

PROPERTY INFORMATIONS

Description	PHASE II
Overall Area (Acreage)	208014.79 SF
Lot Area (Acreage)	174385.11 SF
Area of ROW in SF	33629.68 SF
Zoning Classification	RM-3
Number of New Lots	12
Minimum Lot Size	11000.36 SF

Phase 2

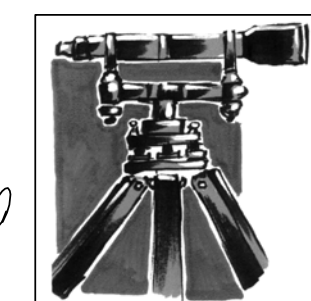
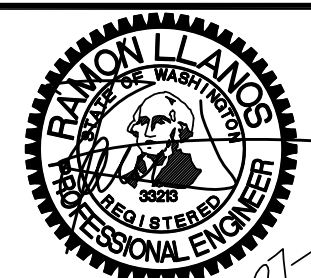
Description	Plot Area (in square feet)
Gross plot area	208014.79 SF
Reserve tracts	0
Critical areas	0
Right of ways (ROWs)	33629.68 SF
Other infrastructure	0
Net developable	174385.11 SF
Percent ROW and Infrastructure	16.16%

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA
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C3	14.17	83.00	9°46'45"
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△	SUBMITAL 2	PS	12/03/19
△	SUBMITAL 3	PS	01/07/20
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JOB NO.: -

DWG. NAME: Dejong_Plat_Layout.dwg

DESIGNED BY: RL

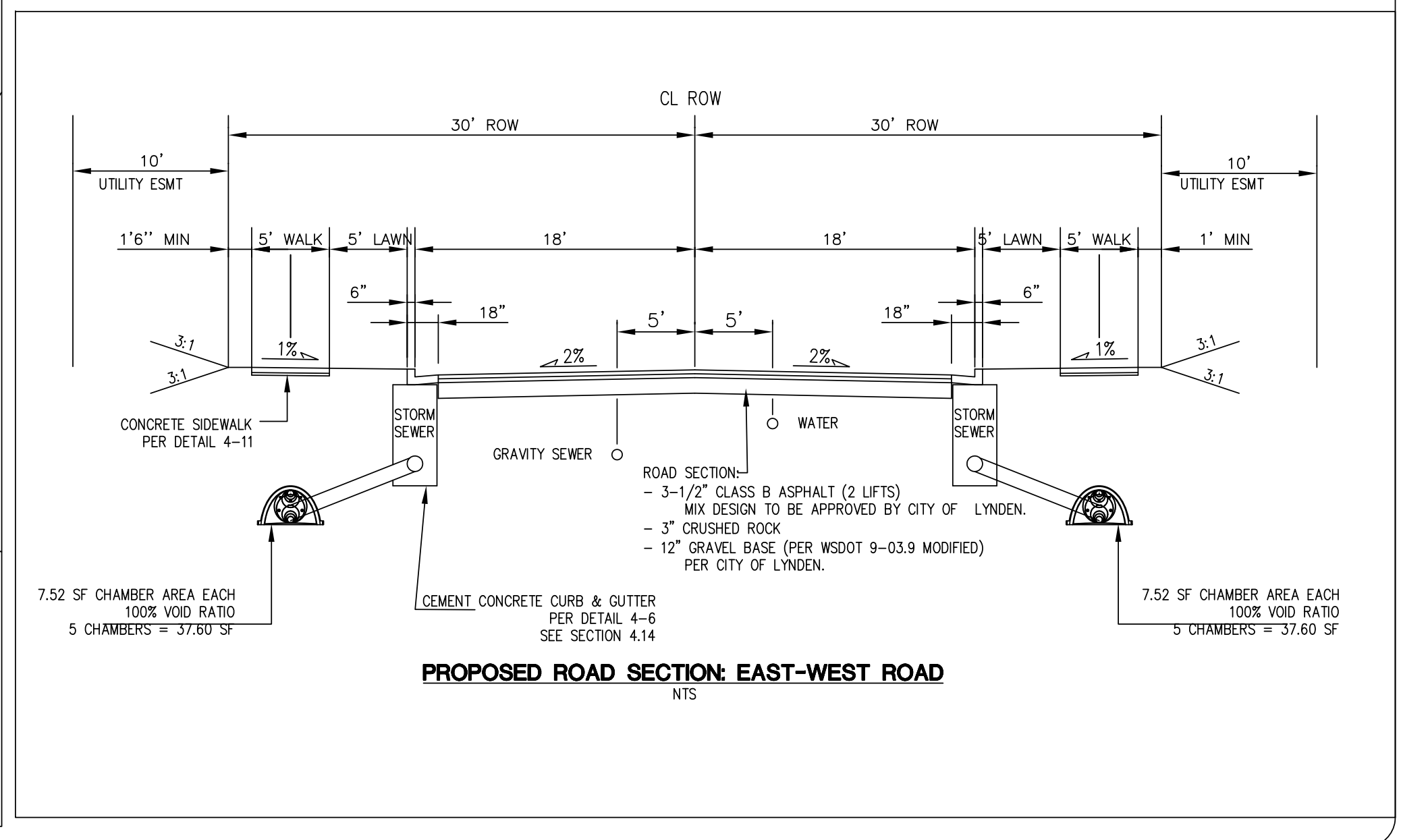
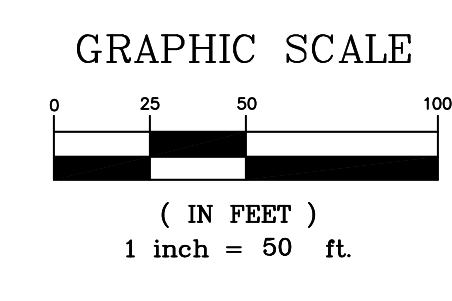
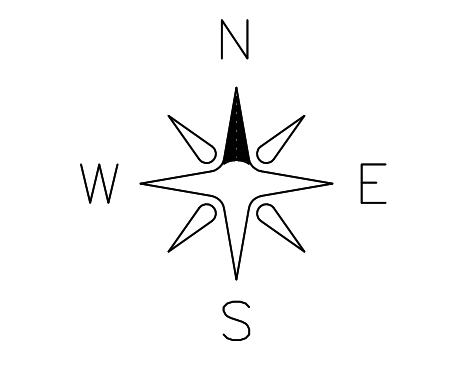
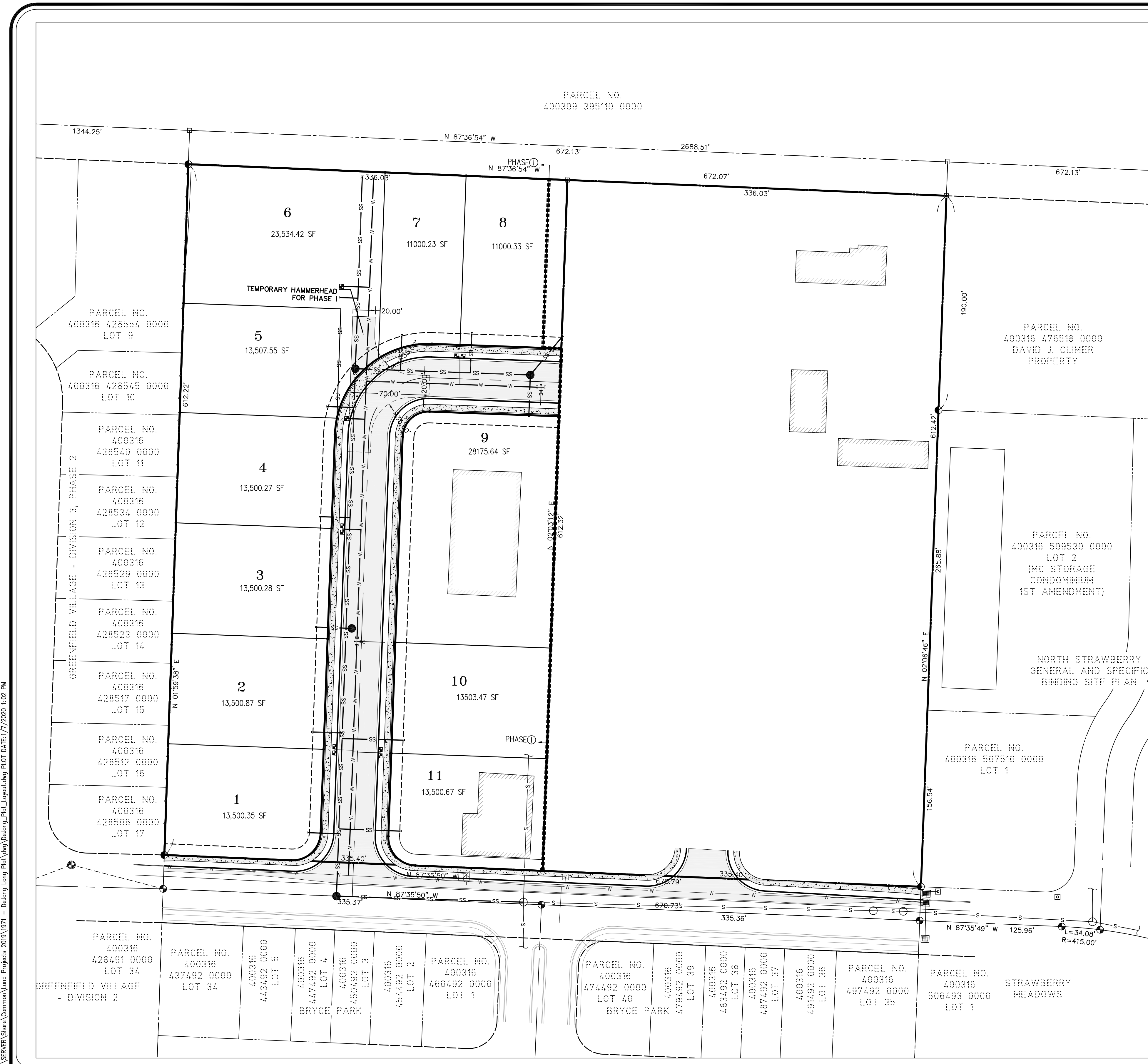
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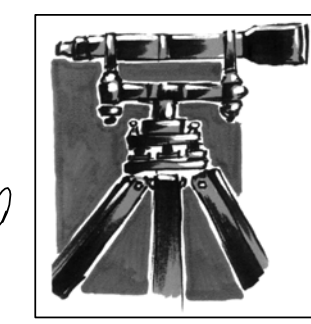
DEJONG
1205 E BADGER ROAD
LYNDEN, WA 98264

DEJONG LONG PLAT
PROPOSED SUBDIVISION LAYOUT
PHASE II
1205 AND 1241 E BADGER RD, LYNDEN, WASHINGTON
A PORTION OF SECTION 16, TOWNSHIP 40N, RANGE 3E, W.M.

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NO.	REVISION	BY	DATE
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△	SUBMITAL 2	PS	12/03/19
△	SUBMITAL 3	PS	01/07/20
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JOB NO.: —
 DWG. NAME: DeJong_Plat_Layout.dwg
 DESIGNED BY: RL
 DRAWN BY: RL
 CHECKED BY: RL

DEJONG
 1205 E BADGER ROAD
 LYNDEN, WA 98264

DEJONG LONG PLAT
PROPOSED COMPOSITE UTILITY PLAN
PHASE I
 1205 AND 1241 E BADGER RD, LYNDEN, WASHINGTON
 A PORTION OF SECTION 16, TOWNSHIP 40N, RANGE 3E, W.M.

SHEET
5
 OF 06

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 6, 2021	
Name of Agenda Item:	Public Works Committee Meeting Minutes June 09, 2021	
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:		
June 09, 2021 Draft Public Works Committee Meeting Minutes		
Summary Statement:		
Draft minutes for the June 09, 2021 Public Works Committee meeting.		
Recommended Action:		
For Review		

CITY OF LYNDEN

PUBLIC WORKS DEPARTMENT

Main Number: (360) 354-3446



Public Works Committee Meeting Minutes

Microsoft Teams Virtual Meeting

City Hall - 300 4th Street

4:00 PM June 09, 2021

Call to Order

Roll Call

Members Present: Mayor Scott Korthuis, City Administrator Mike Martin, Councilors Gary Bode, Ron De Valois and Jerry Kuiken

Staff Present: Public Works Director Steve Banham, Planning Director Heidi Gudde, Programs Manager Mark Sandal, Sr. Admin. Assistant Miriam Kentner

Public Present: Gary Vis, Henry Bierlink (representing the Bertrand and North Lynden WIDs and Ag Water Board)

Action Items

1. **Approve Minutes from May 5, 2021**

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

Action:

The minutes from May 5, 2021, were approved.

2. **Interlocal Agreement with Bertrand and North Lynden Water Improvement Districts (WID)**

Banham introduced an Interlocal Agreement which addresses cost sharing between the City and the Bertrand and North Lynden Water Improvement Districts (WIDs) to investigate drainage issues in the City's northwestern industrial and commercial land (Berthusen Road and Main Street vicinity) and in the Bertrand drainage (west of Berthusen Road). Gudde explained that the City has recently started discussions with the WIDs and surrounding agricultural businesses on drainage and possible collaboration to address drainage.

Banham informed the Committee that staff recently applied for a Port Small Cities Grant to help with funding preliminary stormwater investigations in the West Lynden area. Bierlink, representing the WIDs and farmers in the area, expressed concerns about drainage in the area and the impact on the agricultural industry. He stated a collaborative process is needed to look at the drainage. Bierlink discussed the Willamette Partnership out of Oregon that can act as a facilitator for joint solutions and that has funding needing to be spent in Washington.

The Committee discussed the Port Grant that would include survey work and necessary preliminary drainage investigation.

Action:

The Public Works Committee concurred and recommended that staff continue to collaborate with the Bertrand and North Lynden Water Improvement Districts and local farmers on the details of an Interlocal Agreement (ILA) with Bertrand and North Lynden Water Improvement Districts. The final draft of the ILA will be taken to City Council for approval unless substantial changes are made to the draft presented at this meeting, in which case the ILA will be returned to the Public Works Committee for review and approval.

3. **Traffic Impact Fees (TIF) for Pepin Creek Overlay area**

Banham presented an updated project list from the Transportation Plan for City-wide transportation improvements. The Pepin Creek Project is included in this list. This updated list will be used to calculate the Traffic Impact Fees (TIF) needed to complete the improvements within the Pepin Subarea. He also included three TIF options to fund necessary Pepin Creek transportation needs. Gudde explained the three TIF options which include 1) a single Citywide TIF assessment, 2) a combination of City-wide and Pepin specific TIF, and 3) Another combination with a Pepin Creek Overlay TIF (90%) and City-wide TIF that includes 10% contribution. The Committee concurred on Option 3 at this time. They also discussed having the new City-wide TIF rates take effect January 1, 2022 and including provisions for annual COLA increases.

Gudde informed the Committee that other issues related to impact fees associated minimum density of development will be reviewed at the Planning Commission on Thursday, June 10th and by the Community Development Committee meeting on Wednesday, June 16th.

Action:

The Public Works Committee concurred on Option 3 as being most consistent with previous agreement to have most of the Pepin transportation infrastructure costs be paid for by the development to occur in that subarea.

4. **Vinup Road Street Striping Reconfiguration**

Banham presented an exhibit showing the areas on Vinup Road where staff thought the center turn lane striping could be removed. Bode explained the need expressed by residents for street parking on Vinup Road. The Committee reviewed the proposed changes and felt the low traffic volumes warranted the reduction in left turn protection for the benefit of additional street parking. This restriping would also likely increase traffic calming. Left-hand turn lanes would be retained at Bridgeview and Aaron Drives. The center-turn strip would also be preserved from Aaron Drive north to Badger Road as there are no street facing residences in that section to benefit from the minimal increase parking that could be provided.

Action:

The Public Works Committee concurred and directed staff to proceed with the center turn lane revisions with this summer's restriping as shown on the exhibit.

5. **Crosswalks on Depot Road at Apple Valley Apartments and Vinup Road at Edgewater Lane**

Banham explained that staff has installed ADA ramps at Apple Valley Apartments on Depot Road and on Vinup Road at Edgewater Lane. The Committee discussed whether crosswalks should be installed as previously requested. Although the Public Safety Committee expressed concern about crosswalks, Banham stated that these long and busy north-south streets have few crossings. Citizens have requested pedestrian crossings that allow both vehicles and pedestrian to see where slower pedestrians will be crossing. The Committee discussed the need for a similar crossing on Main Street at 17th Street which was mentioned at Public Safety. This would also help highlight the

existence of the new street extension and the sidewalks that connect to the new trails near Fairway Center.

Action:

The Public Works Committee concurred and directed staff to 1) install of crosswalk markings on Depot Road at the Apple Valley Apartments and on Vinup Road at Edgewater Lane, and 2) investigate installing ramps and crosswalk markings on Main Street at 17th Street.

6. Request for Crosswalk – Across Bradley Road at Bradley Meadows Lane

Staff received a request for a crosswalk on Bradley Road at Bradley Meadows Lane, citing increased pedestrian traffic to and from the high school due to the increased residential housing in the area. The Committee reviewed the proposed crosswalk exhibit. Banham stated that a pedestrian improvement grant is planned for submittal to the Transportation Improvement Board later this summer. These funds would be used to install a sidewalk on the north side of Bradley Road. He stated at this time it would be best to delay the installation of a crosswalk until the projects receiving TIB grant awards are announced.

Action:

The Public Works Committee concurred to recommend that staff proceed with the application for a Transportation Improvement Board grant for pedestrian improvements on Bradley Road and to delay the installation of a crosswalk at Bradley Meadows Lane until there is more certainty on possible grant funding of those improvements.

7. Sidewalk Use Code Amendment

Staff presented proposed revisions to the City's Sidewalk Obstruction Ordinance. The revisions were in response to the request for additional outside seating by Overflow Taps at the Public Works Committee meeting on May 5th. Additional revisions were discussed, including suggestions from Gary Vis that were based on his understanding of past downtown concerns.

Action:

The Public Works Committee concurred to recommend that staff finalize the Sidewalk Obstructions Code Amendment and bring a final draft to the next Public Works Committee meeting for review.

8. Request for Speed Bump on Aaron Drive near Oak Street – Mark West – 2203 Oak Street

Mark West, resident of 2203 Oak Street, emailed staff requesting that a speed bump be installed on Aaron Drive near Oak Street, citing concerns about speeding in this area. The Committee briefly discussed the policy of not putting speedbumps on public streets.

Action:

The Public Works Committee concurred that speed bumps should not be installed and recommended that this also be forwarded to the Police Department for possible increased patrols and speed trailer deployment.

Information Items:

9. Grant Application Update

- 1) West Front Street was approved by the EDI Board. Staff will present to Whatcom County Council on June 15th.
- 2) Benson Road (Sunrise Drive to Badger Road) application for an STBG grant was presented to

TTAG requesting \$800,000. Scoring occurs in mid-June and the application will then be forwarded to the Transportation Policy Board on July 14th. This project is scheduled to be coordinated with the planned WSDOT construction of a compact roundabout in 2023.

10. Forge Fitness Lease Amendment for old YMCA

Korthuis reviewed the proposed Forge Fitness Lease Amendment which increases the reimbursement for renovation to a maximum of \$250,000 per year upon approval by City Council. Particular attention was given to the other provisions within the contract that provide for City Staff and Council oversight and approval of renovations. The older condition of this facility and the cost-effective improvements already accomplished through this private partnership were discussed. Mention was also made of the recent escalation of building material costs.

11. PROJECT - Stormwater Decant Facility

The pre-engineered building is scheduled to be delivered on August 20th. Staff is reviewing a change order for work to construct a waterline creating a loop along the western side of the City shop property from Badger Road south to the new line constructed by the new development on their southern property line.

12. PROJECT - Guide Meridian Pump Station #17

The Committee discussed the status of the Guide Meridian Pump Station project. Banham explained the new commercial property landowner has questions on the placement of the pump station and integration with their property plans. This project is now on hold pending development plans for commercial/mixed-use property coordination with the Pump Station site and likely will be constructed in 2022.

13. PROJECT - Jim Kaemingk Sr. Trail Gap - Depot Road to Main Street

Sandal stated that the SEPA has been submitted. Once the SEPA is complete, the shoreline permit will be submitted. The design is 60% complete.

Adjournment: The meeting was adjourned at 5:40 p.m.

Next Meeting: July 7, 2021

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 6, 2021	
Name of Agenda Item:	Community Development Committee Minutes of 6-16-21	
Section of Agenda:	Approval of Minutes	
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:		
Draft Meeting Minutes of Community Development Committee June 16, 2021		
Summary Statement:		
Draft CDC Minutes of 6-16-2021 attached for review.		
Recommended Action:		
Council review.		



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

COMMUNITY DEVELOPMENT COMMITTEE

MINUTES

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

1. ROLL CALL

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

2. APPROVAL OF MINUTES

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

3. DISCUSSION ITEMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Update to the Transportation Impact Fee – Transpo Group

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

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

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

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

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

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

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

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

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

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

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

4. INFORMATIONAL ITEMS

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

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:		July 6, 2021
Name of Agenda Item:		Public Safety Draft Minutes- June 10, 2021
Section of Agenda:		Other Business
Department:		Police
Council Committee Review:		Legal Review:
<input type="checkbox"/> Community Development	<input checked="" type="checkbox"/> Public Safety	<input type="checkbox"/> Yes - Reviewed
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	<input type="checkbox"/> No - Not Reviewed
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Review Not Required
Attachments:		
Public Safety Draft Minutes- June 10, 2021		
Summary Statement:		
Public Safety Draft Minutes- June 10, 2021 attached for review.		
Recommended Action:		
For Council review.		

CITY OF LYNDEN

POLICE DEPARTMENT

Steve Taylor, Police Chief

(360) 354-2828



Public Safety Committee Meeting Minutes

Online (Microsoft Teams)

4:00 PM June 10, 2021

Call to Order

Roll Call

Members Present: Councilors Mark Wohlrab, Brent Lenssen and Gerald Kuiken

Members Absent: Mayor Scott Korthuis

Staff Present: City Administrator Mike Martin, Chief Mark Billmire, Chief Steve Taylor, HR Manager Kim Clemons and Support Services Manager Holly Vega

Approval of Minutes

1. **Approval of May 6, 2021 meeting minutes**

The minutes from the May 6, 2021 meeting were approved.

Committee Items

2. **Public Safety Overtime - May 2021**

Fire Dept had 226 overtime hours in May, mostly comprised of Kelly and vacation days. The summer season will likely show an increase in OT due to vacation coverage. There were also 438 volunteer hours in May. No time loss due to COVID/quarantine sick leave.

Police Dept had 325 overtime hours in May, about half of which was from the Memorial Day holiday and quarterly range training. Approximately 150 hours was shift coverage for vacation leave, etc. Officer Fiksdal is back to full duty after being on extended medical leave and light duty.

Fire Department Items

3. **Fire Monthly Report - May 2021**

Chief Billmire presented the monthly report for May. Business inspections have resumed as well as hydrostatic testing at some of the larger construction projects. Response time increased by approximately 30 seconds; Chief Billmire will monitor. The number of Aid given was 17, and Aid received was 6, 1 in which no Lynden units were available. There was an uptick in COVID watch responses (6), corresponding to the spike in Lynden cases.

4. **Assistant Chief Recruitment Update**

Skype interviews were held last week for 4 applicants, now narrowed down to 2 out of state candidates. In person panel interviews are scheduled for next Wednesday.

5. Fire Station Renovation Update

The renovation project is making good progress. Insulation and drywall should be installed in the next few weeks.

6. Resolution No. 1038 - Volunteer Firefighter/EMT Pay

The volunteer firefighters petitioned the city for a pay increase and reclassification. Upon further research it was discovered that volunteers cannot be compensated by the hour. The Fair Labor Standards Act (FLSA) requires volunteer wages to be stipend and not exceed 20% of a full-time firefighter. Resolution No. 1038 will be presented at the next council meeting and will put the city in compliance with FLSA regulations.

7. 2021 Northwest Washington Fair – Staffing

Staffing will be similar to past years with 3 EMTs at the 1st Aid booth plus the 2 nights of the rodeo. Hours will be offered to the volunteers first, then career staff.

Police Department Items

8. Legislative changes affecting police procedures

Chief Taylor will be meeting with the patrol squads over the next week to review and answer questions on the recent legislative changes affecting police procedures. He provided a brief overview of a few significant items.

House Bill 1054 establishes requirements for police tactics and equipment, including limitations on situations when vehicle pursuits are allowable. House Bill 1310 concerning permissible uses of force, will most notably change the way officers handle someone in a mental health crisis. If a person is not an imminent threat to anyone other than themselves, officers must have probable cause to arrest that person of a crime to take them into custody.

Custodial statements are now required to be recorded; however, LPD is already set up to do this with the installation of the video surveillance system installed last year. One significant change to take effect in January 2022 is the requirement to provide juveniles access to an attorney before being interviewed. The requirement cannot be waived by the juvenile nor his/her legal guardian/parent.

9. Police Monthly Report - May 2021

Chief Taylor presented the monthly report for May, noting domestic violence calls were up again, which have been up and down over the past year.

The traffic data from the Westview neighborhood study showed an overwhelming majority of drivers in compliance with the speed limit. There were 4 vehicles on Westview Circle that exceeded 35 mph, and 1 on Westview Place, although average speed was 17.8 mph.

Added Items

10. Public Works received a request for a speed bump on Aaron Drive. Councilor Kuiken suggested putting a traffic counter to monitor traffic, although now that school is out for the summer it may not reflect the citizen's concern.
11. Councilor Lenssen inquired if there is a limit on the length of cars in the diagonal parking downtown. Chief Taylor will look at the City Code for clarification.
12. The traffic counters have been out on Main Street, but the data has not been collected yet.
13. Regarding the intersection at Front St and 7th St, Chief Taylor noted he and the Lieutenants have been out at the intersection at different times of the day from all 4 directions and did not find any structural defects or unsafe conditions.
14. The next Public Safety Committee meeting will resume in person on July 1, 2021.

Adjournment

Meeting adjourned at 4:56 p.m.

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 6, 2021	
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: N/A
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:	Outlook Calendar	
Summary Statement:	See next page.	
Recommended Action:	None	

July 6, 2021

Tuesday

8:30 AM - 9:30 AM

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

5:00 PM - 6:30 PM

Design Review Board -- To be determined

7:00 PM - 9:00 PM

City Council Meeting -- To Be Determined

July 7, 2021

Wednesday

4:00 PM - 6:00 PM

Public Works Committee Meeting -- City Hall 2nd Floor Large Conference Room
Welcome!

Public Works Committee Meeting meets Wednesday at 4:00 pm

We look forward to seeing you in person at City Hall in the 2nd Floor Conference room.

July 8, 2021

Thursday

7:00 PM - 9:30 PM

Planning Commission Meeting -- Microsoft Teams Meeting

Microsoft Teams meeting

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July 8, 2021 Continued

Thursday

July 9, 2021

Friday

10:00 AM - 11:00 AM

Meeting: Steve/Mike -- Mike's Office

July 12, 2021

Monday

9:00 AM - 10:00 AM

Meeting: Vern/Mike -- Mike's Office

7:00 PM - 9:00 PM

Park & Trail Advisory Meeting -- Annex South East Conference Room

July 13, 2021

Tuesday

8:30 AM - 9:30 AM

Leadership Team Meeting -- To Be Determined

July 14, 2021

Wednesday

All Day

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

9:00 AM - 10:00 AM

Meeting: Mark/Mike -- Mike's Office

7:00 PM - 9:00 PM

Park and Rec. District Meeting -- Annex South East Conference Room

July 15, 2021
Thursday

2:00 PM - 4:00 PM

Technical Review Committee -- Microsoft Teams Meeting

Microsoft Teams meeting

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July 19, 2021
Monday

3:00 PM - 4:00 PM

Finance Committee Meeting -- City Hall 1st Floor Large Conference Room
Finance Committee Meeting

UPDATE: beginning June 21st the location will return to the City Hall 1st Floor Large Conference room

Thank you!

4:00 PM - 5:00 PM

Parks Committee -- City Hall 1st Floor Large Conference Room

July 19, 2021 Continued

Monday

69

7:00 PM - 9:00 PM

City Council Meeting -- To Be Determined