



Mayor
Scott Korthuis

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

City Council Agenda - Regular Meeting
City Hall Annex, 205 4th Street
November 04, 2019

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.](#) Approval of Payroll and Claims
- [3.](#) Set the Public Hearing for the 2020 Property Tax Levy
- [4.](#) Lynden Municipal Airport Advisory Board Appointment and Term Renewals-2020

Public Hearing

- [5.](#) Public Hearing for the 2020 Budget

Unfinished Business

New Business

- 6. Resolution 1011-Decommissioning of ADUs

Other Business

- 7. Draft CDC Minutes-October 15, 2019
- 8. Draft Parks Committee Minutes-October 21, 2019
- 9. Calendar

Executive Session

Adjournment

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	November 4, 2019	
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"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: N/A
	Legal Review: <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input 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

October 21, 2019

1. CALL TO ORDER

Mayor Korthuis called to order the October 21, 2019 regular session of the Lynden City Council at 7:00 p.m. at the Lynden City Hall Annex.

ROLL CALL

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

Members absent: None.

Staff present: Finance Director Anthony Burrows, Fire Chief Mark Billmire, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, Police Lieutenant Russ Martin, Public Works Director Steve Banham, City Clerk Pam Brown, City Administrator Mike Martin, and City Attorney Bob Carmichael.

OATH OF OFFICE - None

APPROVAL OF MINUTES

Councilor Wohlrab moved and Councilor Strengholt seconded to approve the regular council minutes of October 7; the special council minutes for the public safety committee of October 3 and the special council minutes for the public works committee of October 9. Motion approved on a 7-0 vote.

ITEMS FROM THE AUDIENCE

Scheduled: None

Nonscheduled: None

2. CONSENT AGENDA

Approval of Payroll Disbursed – October 1-15, 2019

Paychex EFT	\$272,296.43
City of Lynden EFT	\$60,797.37
Warrant Liability	\$56,984.68
Subtotal	\$390,078.48
Paychex EFT Liability	\$6,065.19
Total EFT & Other Liabilities	\$396,143.67

CITY OF LYNDEN



CITY COUNCIL MINUTES OF REGULAR MEETING

Approval of Claims – October 23, 2019

Manual Warrants No.	-	through	-		\$0.00
EFT Payment Pre-Pays					\$114,726.17
				Sub Total Pre-Pays	\$114,726.17
Voucher Warrants No.	73915	through	74069		\$1,359,081.09
EFT Payments					\$46,481.73
				Sub Total	\$1,405,562.82
				Total Accts. Payable	\$1,520,288.99

Ordinance No. 1593-Establishing Park Hours

The City of Lynden does not have an ordinance designating hours that parks are open and/or closed to public use. The police department has requested that an ordinance be established for park hours so they will have legal enforcement ability to contact individuals who are in the parks after hours. Ordinance No. 1593 sets the hours that parks are open to the public.

SCORE Inmate Housing Agreement 2020

The City of Lynden maintains a contract with South Corrections Entity (SCORE) for jail bed space for housing potential long-term offenders when the Whatcom County Jail is at capacity. This agreement reflects an increase in the daily non-guaranteed bed rate from \$180 to \$184 and other minor technical changes. If approved the inmate housing agreement will go into effect January 1, 2020.

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

3. PUBLIC HEARING - None

4. UNFINISHED BUSINESS- None

5. NEW BUSINESS

Contract for State-Level Advocacy Gordon Thomas Honeywell Governmental Affairs

Briahna Murray, Vice-President of Gordon Thomas Honeywell Governmental Affairs, has advocated for the City of Lynden since 2015. That advocacy has resulted in some \$8 million worth of capital earmarks for important city projects. The \$3,000/month cost for a total annual cost of \$36,00 is unchanged from previous years and is included in the proposed 2020 budget.



Councilor Strengholt moved and Councilor Laninga seconded to approve the Contract for State-Level Advocacy between the City and Gordon Thomas Honeywell in the 2020 legislative session. Motion approved on a 7-0 vote.

Contract for Probation Services with Whatcom County

This contract with Whatcom County for probation services has a two-year term and fees are based on a formula that has been unchanged for many years. If approved the contract will be effective January 1, 2020 and end December 31, 2021. Aside from formatting and other editing changes made for clarification, the document is virtually identical to its predecessor.

Councilor Lenssen moved and Councilor Wohlrab seconded to approve the Contract for Probation services with Whatcom County. Motion approved on a 7-0 vote.

Mayor's 2020 Budget Message and Preliminary Budget Introduction

Mayor Korthuis read the 2020 Budget Message into the record. This document has been included in the official council file along with the Preliminary Budget document.

Councilor Lenssen asked for clarification on whether hiring and onboarding the Assistant Chief position for the Fire Department was contingent on approval of the 2020 Budget? Mayor Korthuis stated that an offer may be put forward in the next couple of weeks, but the start date would not be until January 2020 and is contingent on approval of the 2020 Budget.

2020 Legislative Agenda

The City of Lynden has a practice of adopting a legislative agenda that is used to focus advocacy at the State Legislature. This practice formalizes and strengthens our legislative "ask" and gives it added credibility with state lawmakers.

- City Trail, Depot to 8th Street. The cost of this project is \$1.1 million. As Council knows, the City will link the existing City Trail to the section of trail around Fisher School that was completed in 2018. The City hopes to have the trail under construction in 2020.
- \$3 million for the Line and Bradley Roads: This is the arterial between Lynden High School and Lynden Middle School. This ¾-mile stretch of road will include a path/sidewalk as well as a widened street and a new culvert.
- Delay of the State's SR-546 (Badger Road) Culvert Replacement project: The Washington State Department of Transportation (WSDOT) intends to replace culverts at Badger and Double Ditch roads in 2022. The new culverts will worsen flooding in the Pepin Creek project area. We want 1) State help in funding the infrastructure needed to avoid flooding



and 2) WSDOT to delay their culvert replacement project until those infrastructure improvements are in place.

Councilor Bode moved and Councilor Wohlrab seconded to approve the 2020 Legislative Agenda. Motion approved on a 7-0 vote.

Resolution No. 1009- Support of Lynden Regional Park and Recreation District Bond Issue

The Lynden Regional Park and Recreation District has assisted the City in several park projects over the last number of years. The District is desirous to again assist the City in expanding its trail system, beginning to develop park properties, and with the acquisition of park properties.

The District is proposing Proposition 2019-4 to the voters on the general election to be held on Nov. 5, requesting approval of a \$3 million-dollar Bond to extend the trail system through the Dickinson property, begin the utilities, roads and restrooms needed to make Benson Park usable, and to assist with the acquisition of the Glenning Street property.

Parks Committee reviewed Resolution No. 1009 and recommends forwarding the resolution to full council for their approval of support for the Rec. District Bond issue #2019-4.

Councilor De Valois moved and Councilor Wohlrab seconded to approve Resolution No. 1009 in support of the Lynden Regional Park and Recreation District bond issue proposal and authorize the mayor's signature on said document. Motion approved on a 7-0 vote.

Condition Use Permit- Ellis

Ben and Suzanna Ellis are seeking to establish a short term (vacation) rental at their home located at 1808 Pine Circle. Commonly marketed through websites such as Air BNB and VRBO, the City of Lynden regulates these transient accommodations consistent with LMC 19.49 - Conditional Use Permits and Bed and Breakfast. As transient accommodations located within a neighborhood zoned for single family residences could potentially have negative impacts on surrounding property owners, applicants must seek a Conditional Use Permit. This process includes notifying the surrounding property owners.

On September 12, 2019, the Planning Commission held a public hearing to accept public testimony on the request, the minutes of this meeting were included in the council packet. The Commission carefully considered the criteria outlined in LMC 19.49 and recommended approval of the Conditional Use Permit with the condition that the use be reviewed after 12 months' time to determine if additional screening at the northwest property line is needed due to the impacts associated with the transient accommodations.

Councilor Lenssen moved and Councilor Kuiken seconded to approve Conditional Use Permit #19-02 for Ben Ellis and authorize the mayor's signature on the Findings of Fact. Motion approved on 7-0 vote.



6. OTHER BUSINESS

Council Committee Updates

Councilor Lenssen reporting for the Community Development Committee, involving the discussion of:

- Travel trailers and recommended changes to the Lynden Municipal Code
- Wayfaring signs, pricing and icon changes
- Impact fees
- Decommission ADUs

Councilor Strengholt reporting for the Finance Committee, involving the discussion of:

- Review of payroll, overtime and sales tax
- Mayor's 2020 Budget
- Contracts that came before the council that evening
- Breakdown of who is paying Lynden's sales tax
- Highlights and availability of monthly financial report

Councilor De Valois reporting for the Parks Committee, involving the discussion of:

- Possibility of constructing a pump track
- Ordinance No. 1593- Setting Park Hours
- Resolution No. 1009-Support of Bond
- Cameras for the city's parks
- Progression of the Rotary project
- Park impact fees
- Possibility of constructing an Art Wall
- Correspondence requesting a skate park

Councilor Bode reporting for the Public Works Committee, involving the discussion of:

- Vehicle and pedestrian traffic at Lynden middle school
- LED lighting and solar powered lights
- Line Road sidewalks
- Economic development plans for West Front Street
- Arborist evaluation of trees in the city
- Old water treatment plant demolition has been completed
- 7th Street work has begun

Quarterly Work Plan Update

Department directors provided council with a high-level overview of their department's 3rd quarter work plan. It has been anticipated that 80% of the work that is occurring in the city departments is not reflected on the work plan.



7. EXECUTIVE SESSION

Council did not hold an executive session.

8. ADJOURNMENT

The October 21, 2019 regular session of the Lynden City Council adjourned at 8:17 p.m.

Pamela D. Brown, MMC
City Clerk

Scott Korthuis
Mayor

DRAFT

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	November 4, 2019	
Name of Agenda Item:	Approval of Payroll and Claims	
Section of Agenda:	Consent	
Department:	Finance	
Council Committee Review:	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input checked="" type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
None		
Summary Statement:		
<p>RCW 42.24.180 sets forth the conditions for issuance of warrants or checks before Council approval. The auditing officer and the City officers designated to sign the warrants shall have an official duty for the faithful discharge of his or her duties.</p> <p>The City Council has adopted contracting, hiring, purchasing, and disbursing policies that implement effective internal controls; and shall provide for its review of the documentation supporting claims paid for its approval of all warrants issued in payment of claims and/or payroll at regularly scheduled public meetings within one month of issuance.</p> <p>The City Council shall require that if, upon review, it disapproves some claims and/or payroll, the auditing officer and the officer designated to sign the warrants or checks shall jointly cause the disapproved claims to be recognized as receivables and to pursue collection diligently until the amounts disapproved are collected or until the City Council is satisfied and approves the claims and/or payroll.</p> <p>The Finance Committee and/or full City Council may stipulate that certain kinds or amounts of claims and/or payroll should not be paid before the City Council has reviewed the supporting documents.</p>		
Recommended Action:		
Approve the payment of City Payroll and Claims.		

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	November 4, 2019	
Name of Agenda Item:	Set the Public Hearing for the 2020 Property Tax Levy	
Section of Agenda:	Consent	
Department:	Finance	
Council Committee Review:	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:		
Set the Public Hearing for the 2020 Property Tax Levy		
Summary Statement:		
<p>On Monday, October 21, 2019 the 2020 Preliminary Budget was introduced by the Mayor to the City Council and the Public. As required by the budget process, in order to receive public comments before adoption, a public hearing is required for consideration of any public commentary regarding the property tax levy.</p> <p>At this time, the request is to set the property tax levy on Monday, November 18, 2019 at 7:00PM, Lynden City Hall Annex.</p>		
Recommended Action:		
For Council to set a public hearing on Monday, November 18, 2019 to hear and consider from the public, testimony regarding the property tax rate.		

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	November 4, 2019	
Name of Agenda Item:	Lynden Municipal Airport Advisory Board Appointment and Term Renewals	
Section of Agenda:	Consent	
Department:	Public Works	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:		
Corwin McCaig – Request for Airport Board Appointment		
Summary Statement:		
<p>The terms for Don Korthuis, Roger Humphreys, and Doug Broersma, who serve on the Airport Advisory Board, expire December 31, 2019. Don Korthuis and Roger Humphreys have agreed to serve another three-year term, but Doug Broersma has declined to renew his term at this time. Corwin McCaig, a new resident at the airport, has requested to serve on the board in his place.</p> <p>According to Lynden Municipal Code Chapter 2.54.010, the board members shall be appointed by the Mayor with the approval of City Council, each to serve a three-year term. The Airport Board members operate in an advisory capacity to the Lynden City Council to make recommendations concerning the adoption of rules, regulations or policies for the management, operation and use of the airport, and the highways, roads, streets and territories adjacent to the airport.</p> <p>The Mayor and Public Works Committee reviewed McCaig’s Request for Appointment at their October 9th meeting and concurred to forward the request to the full City Council for approval.</p>		
Recommended Action:		
That City Council confirm the Mayor’s appointment of Corwin McCaig to the Lynden Municipal Airport Advisory Board for the term January 1, 2020 to December 31, 2022, and the reappointment of Don Korthuis and Roger Humphreys to the Lynden Municipal Airport Advisory Board for new three-year terms, ending December 31, 2022.		

Dear Mayor Korthuis and associated Lynden Council Members

My name is Corwin McCaig and I have lived in Lynden for the past 12 years at 1813 Emerald Way along with my wife Sarah, and our three boys, Aiden, Ethan, and Evan. Sarah is a part time Registered Nurse at Peace Health Hospital. All of our boys have been educated in Lynden.

I have been acting as a guest and attending board meetings at various times in 2018 and 2019 so as to familiarize myself how the board meeting process works and get to know Steve Banham and the other airport board members. Now that I am familiar with how the board meetings work and what is to be expected I am requesting to serve as an acting member on the Airport Advisory Board for the Lynden Airport.

I am employed as an airline pilot for Cathay Pacific Airways Ltd. and I fly the Boeing 777. We own an aircraft in Lynden and recently purchased a property with a hangar at the Lynden Airport.

My background includes the following:

- Commercial Aviation Diploma - Okanagan University College - 1991
- Bachelor of Arts Degree - General Studies / Economics - University of British Columbia - 1995
- 29 Year Aviation Career Based in Canada, Europe, and the United States.

My administrative experience stems from several training departments at different charter groups or airlines I have worked at over my career. I was also involved in the Airline Pilot's Association from 1997 to 2000 as a representative for my pilot group.

I am on the Operational Health and Safety Committee at Cathay Pacific Airways and I also represent pilots at the Airline Officers of Canada as an Executive Council Member, Director of Grievances, and a member of the contract Negotiation Committee for 2019. I will be retiring all of these positions at year end to take up a base in the United States.

From 2009 to 2018 I volunteered / managed / coached several basketball / soccer teams both here in Lynden and Bellingham. As our children get older my wife and I are transitioning to serving the community of Lynden. Our goal is to continue to serve our community. My education, work history, and committee experience allows me to be productive from the start.

I look forward to your response and if you or anyone on the council wishes to ask me any questions please feel free to call.

Sincerely,

Corwin McCaig
1813 Emerald Way
Lynden, WA 98264
360-223-1143
mccaig3@gmail.com

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	November 4, 2019	
Name of Agenda Item:	Public Hearing for the 2020 Budget	
Section of Agenda:	Public Hearing	
Department:	Finance	
Council Committee Review:	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:		
Public Hearing for the 2020 Budget		
As published, 7:00PM on November 4, 2019 is the time and date set for the first Public Hearing on the 2020 Preliminary Budget as presented to the City Council by Mayor Korthuis at the October 21st City Council meeting.		
Recommended Action:		
Conduct the required Public Hearing, and consider any commentary by the public regarding the 2020 Preliminary Budget.		

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	November 4, 2019	
Name of Agenda Item:	Resolution 1011 Decommissioning of ADUs	
Section of Agenda:	New Business	
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 checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
Resolution 1011, Exhibit A - Covenant to Decommission, see also CDC Minutes of 10-15-19 within this agenda package		
Summary Statement:		
<p>Recently the City of Lynden began charging an Ambulance Fee on residential properties that have accessory dwelling units (ADUs). This was done in recognition of the impact that an additional living unit, although accessory, can have on the City’s resources. The fee is roughly \$72 annually (or \$6 monthly). This is the only additional fee that the City currently charges to accessory units.</p> <p>In response, a few of the properties contacted the City to dispute the fee because they no longer utilize the ADU on their property as a dwelling unit.</p> <p>As you may recall, any single-family residence is eligible to have an ADU. ADU’s must meet specific design criteria including limitations in size as outlined in Lynden Municipal Code 19.20. Property owners must record a covenant with the City which states they will adhere to code requirements. The covenant also provides proof that the ADU was established legally and can continue to operate.</p> <p>The attached resolution creates a policy to decommission these units if a property owner desires to remove the ADU and the associated covenant.</p> <p>Notably the pending 2020 City Budget also includes a Planning Department fee addendum which dictates that a \$100 fee would be collected by the City for both covenants to establish and covenants to decommission. This fee will be collected for the first as of January 1, 2020. With the approval of this resolution property owners will have the opportunity to file for ADU decommissioning without this fee for the rest of 2019.</p>		
Recommended Action:		
Motion to approve Resolution 1011 indicating the City’s policy on the decommissioning of accessory dwelling units (ADUs) and authorizing the Mayor’s signature on the document.		

RESOLUTION NO. 1011

A RESOLUTION OF THE CITY OF LYNDEN ESTABLISHING A POLICY FOR DECOMMISSIONING ACCESSORY DWELLING UNITS AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO SIGN COVENANTS TO RESTRICT USE AND RELEASE COVENANT OF ACCESSORY DWELLING UNIT

WHEREAS, pursuant to Ch. 19.20 LMC, if a property owner wishes to operate an accessory dwelling unit (“ADU”) on their property, the property owner must record a “Covenant for ADU” obligating them and all successors to occupy either the primary dwelling or the ADU on the Property and additionally to comply with all requirements of Ch. 19.20 LMC; and

WHEREAS, because of a change in circumstances or a change in ownership, some property owners do not wish to continue to maintain an ADU on their properties; and

WHEREAS, it is the purpose of this Resolution to provide a policy for the decommissioning of ADUs legally established under Ch. 19.20 LMC;

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

Section 1: Policy for Decommissioning of ADUs.

At the request of the owner of a lot with an attached or detached ADU legally established under Ch. 19.20 LMC, the City may release the Covenant for ADU if the property owner takes all of the following steps at his or her expense:

1. Remove the cooking facilities from the ADU and remodel the ADU so that cooking facilities cannot be easily replaced (e.g., stove removal alone is not adequate); and
2. Schedule and pass an inspection by the Lynden Fire Department to verify the safe and permanent removal of cooking facilities; and
3. Apply to the Lynden Planning and Community Development Department for the City’s approval of a “Covenant to Restrict Use and Release of Covenant for ADU,” the form of which is attached hereto as Exhibit A; and
4. Execute and record the Covenant to Restrict Use and Release of Covenant for ADU with the Whatcom County Auditor.

Section 2: Authorization.

The Council hereby authorizes the Mayor of the City of Lynden or his designee to execute the “Covenant to Restrict Use and Release of Covenant for ADU” form attached as Exhibit A, to release the City’s interest in the Covenant for ADU and bind the property owner to the other terms contained therein for each and every property owner meeting the requirements described in Section 1 above.

Section 3:

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

Section 4:

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

Section 5:

This Resolution shall be in full force and effect immediately upon approval.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, ____ IN FAVOR ____ AGAINST, AND SIGNED BY THE MAYOR THIS ____ DAY OF _____, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

After recording return document to:

City of Lynden
Planning Department
300 4TH Street
Lynden WA 98264

DOCUMENT TITLE:

Covenant to Restrict Use and Release of Covenant for ADU

REFERENCE NUMBER OF RELATED DOCUMENT:

Covenant for ADU, AF # _____

GRANTOR(S):

City of Lynden
Name(s) of Property Owners:

GRANTEE:

City of Lynden
Name(s) of Property Owners:

ABBREVIATED LEGAL DESCRIPTION:

Full legal description available at page(s) _____ hereto.

ASSESSOR'S TAX PARCEL NUMBER(S):

**COVENANT TO RESTRICT USE
AND RELEASE OF COVENANT FOR ADU**

WHEREAS, _____ (“Owner”) is the owner of the real property located at _____, Lynden, Washington, 98264, which is legally described at Exhibit A hereto (“Property”); and

WHEREAS, on _____, 20____, pursuant to LMC 19.20.040(E), Owner or Owner’s predecessor in interest entered a Covenant for Accessory Dwelling Unit (ADU), which was recorded at Whatcom County Auditor’s File No. _____ (“Covenant for ADU”); and

WHEREAS, Owner or Owner’s predecessor improved the Property with an ADU, consisting of (*check one*) a detached structure *OR* a living unit attached to the primary residence on the Property, which included complete, independent living facilities, with provisions for living, sleeping, eating, cooking and sanitation (“ADU”); and

WHEREAS, the Covenant for ADU obligated the Owner to occupy either the primary dwelling or the ADU on the Property and additionally to comply with all requirements of Ch. 19.20 LMC; and

WHEREAS, because of the ADU, the Property contains two dwelling units, not one, and may be assessed additional fees, charges, utility costs, and taxes; and

WHEREAS, Owner no longer wishes to maintain the ADU; and

WHEREAS, Owner has caused the cooking facilities to be removed from the ADU, so that the ADU no longer contains complete, independent living facilities; and

WHEREAS, the Lynden Fire Department inspected Owner’s removal of the cooking facilities on _____, 20____ and found it to be sufficient; and

WHEREAS, Owner has taken the following additional steps to decommission the ADU: (*describe additional steps if applicable*) _____; and

WHEREAS, upon complete execution and recording of this Covenant, Owner will have satisfied all required steps under City policy for decommissioning ADU’s; and

WHEREAS, in exchange for releasing the Owner from the Covenant for ADU and the additional obligations imposed on the Owner having an additional dwelling unit on the Property, this Covenant prevents the Owner from re-establishing the ADU without extinguishment hereof and further approvals and agreements with the City; and

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. At no time may a second dwelling unit or accessory dwelling unit including complete, independent living facilities, with provisions for living, sleeping, eating, cooking and sanitation, be developed or created on the Property, regardless of whether such dwelling unit is in the detached structure or the attached unit which was formerly occupied by the ADU. This Covenant shall run with the land and be binding upon the Owner's heirs, devisees, successors, and assigns. This Covenant may not be released except by recorded document executed by the City of Lynden.

2. The Covenant for ADU recorded at Whatcom County Auditor's File No. _____ is hereby released and extinguished.

DATED this _____ day of _____, 20_____.

OWNER:

Printed Name: _____

Printed Name: _____

STATE OF WASHINGTON)
) ss.
 COUNTY OF WHATCOM)

On this day personally appeared before me, _____, to me known to be the individual(s) described herein and who executed the within and foregoing instrument and acknowledged to me that they signed the same as their free and voluntary act for the purposes herein mentioned.

DATED this _____ day of _____, 20_____.

 Notary Public in and for
 the State of Washington
 Appointment Expires: _____

DATED this _____ day of _____, 20_____.

By: _____
Title: _____
City of Lynden

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

I certify that I know or have satisfactory evidence that _____
is the person who appeared before me, and said person acknowledged that s/he signed
this instrument, on oath stated that s/he was authorized to execute the instrument and
acknowledged it as the _____ of the City of Lynden to be
the free and voluntary act of such party for the uses and purposes mentioned in the
instrument.

DATED this _____ day of _____, 20_____.

Notary Public in and for
the State of Washington
Appointment Expires: _____

EXHIBIT A

Legal Description of Property

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	November 4, 2019	
Name of Agenda Item:	CDC Minutes of 10-15-19	
Section of Agenda:	Other	
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 Community Development Committee Meeting Minutes of October 15, 2019		
Summary Statement:		
Draft CDC Minutes of 10-15-19 attached for review.		
Note: Attached minutes have not yet been approved by the CDC.		
Recommended Action:		
Council Review		



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

COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES

4:00 PM October 15, 2019
2nd Floor Conference Room, City Hall

1. ROLL CALL

Council: Gerald Kuiken, Kyle Strengholt,

Staff: Heidi Gudde, Dave Timmer

Community: Nikki Turner, Kathy Stanford, Jeff McKenzie (joined at 4:30)

2. MINUTES

9-18-19 Minutes - approved as presented

3. DISCUSSION ITEMS

a. Residential Use Restrictions - RV Storage

Dave Timmer gave an introduction to the issue and summarized the changes that he has proposed to LMC 19.31 based on the feedback from a previous CDC meeting.

Changes summarized:

- Time limitations for storage, previously identified as the summer months, to be removed.
- Revision addresses the way that RV's are stored rather than blanket allowance for storage or a complete prohibition. RV's to be in good condition, screened when needed, etc.
- Examples provided. DT noted many cities permit RV storage but address how they should be stored and quite a few limit the size of the vehicle that can be stored on a residential lot. Addressing the size of the vehicle gets to the issue of appropriate scale. Very large RV's can dominate a streetscape but smaller RV's are less obtrusive.

Discussion:

- More RV's seem to be present in town and RV's seem to be larger than they used to be.

- CDC confirmed that front yard storage can be done well and discussed how code was drafted to note the conditions required when they are located in front yards.
- Discussion of size limitations for RV's stored in front yards and classifications of vehicles. Generally, 30 feet was agreed that it would fit in most driveways. Never allowed to encroach into sidewalks.
- KS suggested that B2 should indicate that all of the criteria must be met when storing in the front yard. Discussion of appropriate screening options for RV's in the front yard. The group noted that fences cannot be used to screen in front yards due to height restrictions.
- SK noted that some areas should be noted as "shall" or "must" rather than just considered.
- Jeff McKenzie joined the meeting at 4:30 to talk about his experience in Lynden as a new resident. Feeling that RV's parked in yards and streets makes the City look cluttered.
- McKenzie suggested that when the City moves toward enforcement it makes sense to suggest storage options to those who are getting enforcement notices.

Conclusions: Dave Timmer to clarify regulations about storing RV's code and bring to CDC at the next meeting in November. Draft to be distributed to those who are interested ahead of the CDC meeting. HG noted that final changes to code not likely to get to public hearing with the Planning Commission until January or February of 2020.

b. Process for Decommissioning of ADU's

Gudde summarized the issue noting that a new ambulance fee on ADU's has stimulated at least 3 property owners to come forward to say they do not use their ADU. They are requesting they not be charged the fee.

Legal Counsel has provided guidance on some options for the decommissioning of ADU's. The method which avoids compliance issues (illegal ADU's) later involves making physical changes to the home to 'remove' the ADU function.

BL questioned if the ambulance fee is causing more issues than it's worth.

The group noted that the cost of removing the ADU would discourage residents from removing the fee. The fee is relatively low as compared to the cost of removal.

HG noted that having a legal ADU adds to the value of a property and allows home owners to list their homes as having a secondary living unit. A highly desirable feature. It can also provide additional income in that ADU's may be rented out.

Continue to bill the units until they demonstrate that the ADU is not present.

Inspection to demonstrate that the ADU is not present.

Covenant to remove the fee **or** a Fire inspection fee should be charged. Staff is suggesting a fee of \$100 to record a covenant and \$100 to decommission.

Conclusions:

Owners who wish to decommission their ADU's must:

- (1.) Remove the cooking facilities from the ADU and remodel the area so that cooking facilities are not easily put back in (just removing a stove for example is not adequate).
- (2.) Then they must schedule a fire inspection to verify the removal of the cooking facilities.
- (3.) And then file a covenant with the City which states that the previously recorded ADU has been removed. (Beginning January 1, 2020 there will be a fee of \$100 associated with this process.). This covenant must be recorded at the County.

c. Impact Fee Deferral per RCW 82.02, LMC Chapter 3.46 Clean-up

Gudde provided an overview on this State mandated program which was meant to provide economic recovery to the building industry (in 2015).

CDC was reluctant to push impact fees, potentially, to home buyers. The group was very concerned also that lot/home buyers would not be aware that impact fees were still pending.

They suggested that lot description, sales listing, or even a lot posting must include the fact that fees are still due. As drafted, an applicant seeking a deferral must grant and record a lien against the property in favor of the municipality in the amount of the deferred impact fee.

As the program is State mandated and was meant to be in place by September 1, 2016 staff will continue to move it forward. The State has begun surveying the implementation and the use of impact fee deferral programs. Gudde has reported to the state the developers are able to defer half of park and fire fees from the time of plat to the time of permit. However, she noted this does not meet the standards of the mandate.

Staff is also using this amendment to clarify issues related to impact fee credits and removing specific fees from code so that they can be referenced to the budget or a unified fee schedule rather than codified at a specific amount.

Item is going to the Public Works Committee in November. This gives the Committee the opportunity to think about the issue before moving forward. It will generally correspond with the budget process.

4. INFORMATIONAL ITEMS

- a. Development Reports were included in the packages but not discussed.
- b. Wayfinding Signs: Logos re-worked with some satisfaction. SK noted that the Planning Dept had sorted through the proposed sign menu to reduce the number of signs such as those in close proximity to each other or locations that were already well-signed. Also, pedestrian kiosks and signs pointing to municipal services removed to reduce costs. Interlocal agreement expected to be sent out soon which will detail what sort of commitment the City is making to the program.
- c. Downtown Expansion: CDC discussed the possibility of expanding the "downtown core" to Grover Street.
- d. Downtown Parking: Water treatment plant now removed and there may be some expectations from the Downtown merchants that parking would be available there. However, the construction (demolition) scope did not include improving the lot to a compacted gravel (or otherwise) parking surface. The lot has not been improved. Council members noted that the 'gravel' that's there now is broken concrete and not suitable for parking. It's likely this will become an issue for the public works department to address.

Next Meeting Date: November 20, 2019

DRAFT

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	Nov. 4, 2019	
Name of Agenda Item:	Parks Committee Minutes	
Section of Agenda:	Other Business	
Department:	Parks	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:		
Draft Parks Committee Minutes – Oct. 21, 2019		
Summary Statement:		
See next Page		
Recommended Action:		
For Council Review		



PARKS COMMITTEE MINUTES

4: 00 PM. Oct 21, 2019

1. Roll Call:

Members Present:

Mayor Scott Korthuis; Councilors, Ron DeValois, Nick Laninga, and Mark Wohlrab

Staff Present:

City Administrator Mike Martin; Parks Director Vern Meenderinck; and Admin, Assistant Nancy Norris

Public Present:

Kevin Russ

2. Action Items:

A. **Approval of minutes from Sept. 16, 2019**

DeValois motioned to approve the minutes, Laninga seconded the motion

Action:

The Minutes from September 16, 2019 were approved.

B. **Pump track proposal- Kevin Rus**

Kevin Rus made a presentation/proposal to install a BMX pump track at Bender Fields. It would be approximately 120 ft X 80 ft. with an asphalt track. The track would be similar to one built in Pinto Lake. They are in the process of fund raising and will provide all funding and labor. No cost to the City. Kevin is willing to make a presentation to full council in November or December.

Action:

Motion by Wohlrab to approve the concept and forward to full council, second by Laninga.

This project also has full support from the Rotary Club who is installing the new boulder park/basketball/pickleball/ volleyball park.

C. **Recommendation to approve Ordinance 1593- Setting Park hours**

Action:

-The Parks committee is in support of Ordinance 1593- Setting Park hours and recommended forwarding to full council for approval.



- D. Recommendation to approve Resolution 1009- Support for the Rec. District bond issue.

Action:

-Parks committee is in agreement to support the efforts of the Lynden Regional Park and Recreation District in their submitting their bond proposal for approval to the public and recommends full council approving Resolution 1009- Support for the Rec. District bond issue.

3. **Information items:**

- A. Quote for camera through the PD, willing to split the cost
Matt Torok from the PD forwarded a proposal for purchasing remote camera's that operate off of radio waves. The Police Department is willing to split the costs of the receiver and 2 cameras (one of which will be dedicated to the Parks Department).
-Recommendation to move ahead with the purchase which the PD will take care of.
- B. Rotary project- Making great progress:
-So far the Rotary Club has collected over \$400,000 for the project.
-concrete work is completed and it looks amazing
-blacktop work for the courts will be pushed back to next spring to make sure it can set up and seams don't separate due to cold weather. The acrylic finish will be installed at that time also
-light standards will also be pushed back until spring.
-The 3rd boulder should arrive in 4 weeks?
-Community support has be awesome !!
- C. Start looking at what impact fees for parks should look like for budgeting next year.
-Park impact fees for the City were set in 2004 and have not been increased since. Will be comparing our fees with other local communities and make a recommendation on fees and structure sometime next spring.
- D. Art wall report:
-Wohlrab has been in contact with a concrete contractor re: cost/donation of installing an art wall possibly at City Park for our "budding" artists to use rather than the sides of our buildings and playgrounds. Further study on the effectiveness in other cities will follow before a final decision is made.



- E. Letter received: re: skate park- response?**
-We received a letter from a young person requesting a skate park in Lynden. We will respond informing him of the possible pump track which will be able to be used by skaters/scooters etc.

4. Items added

- A. Lynden Youth Sports has requested adding a lean to onto the shop building so they will have a place to store their pitching mounds etc. LYS will pay for the installation and then gift it to the City. Recommendation to have LYS present their plans for approval before a final decision is made.**

Meeting Adjourned at 5:08pm.

Next meeting: November 18

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	November 4, 2019	
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	

November 4, 2019

Monday

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All Day

Food Drive Contributions Begins (LEAF) -- City-Wide

7:00 PM - 9:00 PM

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

November 5, 2019

Tuesday

8:30 AM - 9:30 AM

LT Meeting -- City Hall 1st Floor Large Conference Room

5:00 PM - 6:30 PM

Design Review Board Meeting -- Annex South East Conference Room

November 6, 2019

Wednesday

9:00 AM - 5:00 PM

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

9:00 AM - 10:30 AM

Technical Review Committee -- City Hall 2nd Floor Large Conference Room
Hi Everyone,

Our regularly scheduled TRC meeting needs to be changed from Thursday, Nov 7th to Wednesday, November 6th. Same time same location, just 1 day earlier.

Thanks!

10:00 AM - 11:00 AM

Check-In -- Mike's Office

4:15 PM - 6:00 PM

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

November 7, 2019

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Thursday

4:00 PM - 5:00 PM

Public Safety Committee Meeting -- Police Training Room

November 8, 2019

Friday

10:00 AM - 11:00 AM

Check-In Steve/Mike -- Mike's Office

11:00 AM - 12:00 PM

Check-In Heidi/Mike -- Mike's Office

November 11, 2019

Monday

All Day

Veteran's Day -- United States

7:00 PM - 9:00 PM

Park & Trail Advisory -- Annex South East Conference Room

November 12, 2019

Tuesday

8:30 AM - 9:30 AM

LT Meeting -- City Hall 1st Floor Large Conference Room

November 13, 2019

Wednesday

9:00 AM - 10:00 AM

Check-In Mark/Mike -- Mike's Office

7:00 PM - 9:00 PM

Rec. District Meeting -- Annex South East Conference Room

November 14, 2019

Thursday

7:30 PM - 9:30 PM

Planning Commission Meeting -- Annex Council Chamber

November 15, 2019

Friday

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8:30 AM - 9:30 AM

Check In-Mike/Anthony -- Mike's Office

November 18, 2019

Monday

3:00 PM - 4:00 PM

Finance Committee Meeting -- City Hall 1st Floor Large Conference Room
Visit WWW.LYNDENWA.ORG to view the agenda

4:00 PM - 5:00 PM

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

7:00 PM - 9:00 PM

Copy: Council Meeting -- Annex Council Chamber; Annex East Training Room; Annex North East Conference Room; Annex South East Conference Room