

# CITY OF LYNDEN



Mayor  
Scott Korthuis

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

Regular City Council Meeting  
Annex - 205 Fourth Street  
October 03, 2022

## **Call to Order**

## **Pledge of Allegiance**

## **Roll Call**

## **Oath of Office**

## **Summary Reports and Presentations**

## **Approval of Minutes**

- [1.](#) Draft Council Minutes- Special Meeting
- [2.](#) Draft Council Minutes- September 19, 2022 Meeting
- [3.](#) Draft SPECIAL Joint Council Meeting Minutes-September 22, 2022

## **Citizen Comment**

## **Consent Agenda**

- [4.](#) Approval of Payroll and Claims
- [5.](#) Set the Public Hearing to Consider Ord 1650 – Interim Zoning Ordinance regarding Community Residential Facilities

## **Public Hearing**

- [6.](#) Ordinance No. 1652 - Amend Lynden Municipal Code Section 13.24 Stormwater Management Systems

## **Unfinished Business**

## **New Business**

- [7.](#) Mayor's Status of the 2022 Budget

## **Other Business**

- [8.](#) Draft Parks Committee Minutes September 20, 2022
- [9.](#) Draft Community Development Committee Minutes 9/28/22
- [10.](#) Calendar

## **Executive Session**

## **Adjournment**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	September 15, 2022	
<b>Name of Agenda Item:</b>	Draft Council Minutes- Special Meeting	
<b>Section of Agenda:</b>	Approval of Minutes	
<b>Department:</b>	Administration	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <input type="checkbox"/> Other: N/A	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>	Draft Council Minutes- SPECIAL Meeting – September 15, 2022	
<b>Summary Statement:</b>	Draft Council Minutes- SPECIAL Meeting	
<b>Recommended Action:</b>	For Council review and approval.	

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF SPECIAL COUNCIL MEETING



## Special City Council Meeting

September 15 , 2022

### 1. CALL TO ORDER

The special council meeting was called to order at 5:00 pm.

### ROLL CALL

Members present: Councilors Gary Bode, Ron DeValois, Brent Lenssen, Nick Laninga, Kyle Strengholt and Mark Wohlrab.

Members absent: Gerald Kuiken absent with notice.

Staff present: Planning Director Heidi Gudde, Police Chief Steve Taylor, City Administrator John Williams, and City Attorney Bob Carmichael.

### 2. AGENDA

Council recessed into executive session at 5:01 pm to discuss with legal counsel current or potential litigation per RCW 42.30.110.(1) (i)). The executive session is expected to last 15 minutes, reconvening at 5:15 with council action. At 5:16 pm Mayor Korthuis extended the executive session for five additional minutes. Council reconvened at 5:22.

***Motion made by Councilor Bode, seconded by Councilor Wohlrab to adopt ordinance number 1650, an ordinance of the City of Lynden establishing an interim zoning ordinance on the locating of community residential facilities within 500 feet of all community schools and 300 feet of other community residential facilities.***

***Roll call vote: Bode-Aye, De Valois-Aye, Lenssen-Aye, Laninga- Aye, Strengholt-Aye, Wohlrab-Aye. Motion passed 6-0.***

### 3. ADJOURNMENT

The September 15, 2022 special council meeting adjourned at 5:24 pm.

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John Williams, City Administrator

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Scott Korthuis, Mayor

# CITY OF LYNDEN

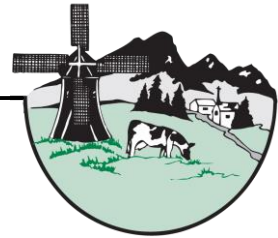
## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	September 19, 2022	
<b>Name of Agenda Item:</b>	Draft Council Minutes- Regular Meeting	
<b>Section of Agenda:</b>	Approval of Minutes	
<b>Department:</b>	Administration	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <input type="checkbox"/> Other: N/A	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>	Draft Council Minutes- Regular Meeting	
<b>Summary Statement:</b>	Draft Council Minutes- Regular Meeting	
<b>Recommended Action:</b>	For Council review.	

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



September 19, 2022

### 1. CALL TO ORDER

Mayor Korthuis called to order the September 19, 2022 regular session of the Lynden City Council at 7:00 p.m. at the city's council chambers.

### ROLL CALL

Members present: Councilors Gary Bode, Ron De Valois, Gerald Kuiken, Brent Lenssen, Nick Laninga, Kyle Strengolt, and Mark Wohlrab

Members absent: None.

Staff present: Finance Director Anthony Burrows, Parks Director Brent DeRuyter, Planning Director Heidi Gudde, Public Works Director Steve Banham, City Administrator John Williams, City Clerk Pam Brown, and City Attorney Bob Carmichael.

**OATH OF OFFICE- None**

**SUMMARY REPORTS AND PRESENTATIONS – None**

### APPROVAL OF MINUTES

*Councilor De Valois moved, and Councilor Wohlrab seconded to approve the September 6, 2022 regular council meeting minutes as presented. Motion approved on 7-0 vote.*

### CITIZEN COMMENT

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

- Anti-American books and classes about racism and Marxists ideology being read/taught to children
- Honoring the Lyons Club and the POW flags
- Queen Elizabeth's religion
- Patriotism

# CITY OF LYNDEN



CITY COUNCIL  
MINUTES OF REGULAR MEETING

## Tessa Garcia, 17<sup>th</sup> Street, Lynden

- Expressed gratitude to council and staff for enacting the interim emergency moratorium ordinance for location of residential transitional housing near schools.
- Provided information/update concerning Nelson’s NARR application
- Discussion with representative from WAQRR concerning Nelson’s application

## 2. CONSENT AGENDA

### Payroll Liability to August 28 through September 10, 2022

#### EFT & Other Liabilities

#### Non-L&I Liabilities

Monthly EFT .....	\$500,332.38
Check Liability .....	\$0.00
Total Non-L&I Liabilities .....	\$500,332.38
Quarterly Liabilities .....	\$13,345.79
<b>Total EFT &amp; Other Liabilities</b>	<b>\$513,678.17</b>

### Approval of Claims – September 20, 2022

Manual Warrants No.   =	through	=		\$0.00
EFT Payment Pre-Pays				\$0.00
			Sub Total Pre-Pays	\$0.00
Voucher Warrants No. <u>24852</u>	through	<u>24967</u>		\$2,781,151.73
EFT Payments				<u>\$630,375.02</u>
			Sub Total	\$3,411,526.75
			Total Accts. Payable	\$3,411,526.75

- Professional Services Agreement with the Watershed Company
- Resolution No. 1052 Authorizing Submission of an Application for A Community Economic Revitalization Board (CERB) Loan
- Ordinance No. 1652- Set Public Hearing for Amending LMC 13.24, Stormwater Management Systems
- Ratification of City Participation in State Opioid Settlement

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

# CITY OF LYNDEN

CITY COUNCIL  
MINUTES OF REGULAR MEETING



## 3. PUBLIC HEARING

### Ordinance No. 1654-Moratorium on Residential Development within the CSL Zones

The City's existing zoning ordinance, under certain provisions allows multi-family residential development within the Commercial Services- Local (CSL) zones in conjunction with first floor commercial spaces. These projects are often referred to as "mixed-use" and are intended to facilitate a symbiotic relationship between commercial uses and the residents that live nearby.

As the demand for commercial space wanes, the viability of mixed-used projects has been called into question by the Community Development Committee. As a result, at the start of 2022 the City Council approved Ordinance 1642 which enacted a moratorium on residential development within the City's Commercial Services – Local (CSL). Subsequently, planning staff have been working with the Community Development Committee and the Planning Commission on a revised ordinance which would be more sensitive to the current commercial and residential markets.

The final ordinance, including associated comprehensive Plan amendments, are expected to go to public hearing before the Planning Commission on September 22nd and then be routed to the Department of Commerce for comment prior to the City Council hearing in December. In the meantime, the City Council being asked to consider a reestablishment of the moratorium on residential development within the CSL zone which would last through the remainder of 2022 as the previous moratorium has expired.

Mayor Korthuis opened the public hearing at 7:12 pm. There were no comments. The public hearing was closed at 7:12 pm.

***Councilor Lenssen moved, and Councilor Strengholt seconded to approve Ordinance No. 1654 which would reinstate an interim moratorium on new residential development within the City's CSL zones through the end of the 2022 calendar year, and to authorize the Mayor's signature on the document. Motion approved on 7-0 vote.***

## 4. UNFINISHED BUSINESS- None

# CITY OF LYNDEN

CITY COUNCIL  
MINUTES OF REGULAR MEETING



## 5. NEW BUSINESS

### Puget Sound Energy Conditional Use Permit 22-01, Variances 22-02 and 22-03

The Planning Commission considered a Conditional Use Permit (CUP) application and two corresponding Variance requests at a public hearing on August 25th for Puget Sound Energy (PSE) who was represented by Emily Hagin and the PSE design team. A CUP is required as PSE is proposing to expand an electrical substation within a RM-3 residential zone into the vacant lot immediate west of the existing substation located at 131 E. Front Street.

PSE was previously granted a Conditional Use Permit in 1999 which was considered during the review of these applications. The variance requests relate to design considerations specific to an electrical substation. This includes a request for greater fence (wall) heights than typically allowed in order to properly secure the site, and a request to allow structures within the front setback in order to efficiently use the allotted space. The update to the sub-station will result in greater capacity and more resilient electrical infrastructure. It will also provide additional enclosure of electrical infrastructure inside of the enclosure and an overall reduction in equipment height.

Staff worked closely with PSE representatives regarding the impact of this project as it is closely located to residences and adjacent to a frequently used sidewalk. The result is a replacement of the entire substation enclosure to more attractive materials, an updated landscape for the entire site, and access points designed to prevent the encroachment of vehicles onto the sidewalk. The Technical Review Committee and the Planning Commission recommend approval of the CUP 22-01 and Variances 22-02 and 22-03 with specific conditions that have been detailed in the draft findings of fact.

***Councilor Lenssen moved, and Councilor Laninga seconded to approve with specific conditions, and authorize the Mayor's signature on the Findings of Fact, for Conditional Use Permit 22-01, Variance 22-02 and 22-03 regarding the expansion of the Puget Sound Energy Substation located at 131 East Front Street. Motion approved on 7-0 vote.***

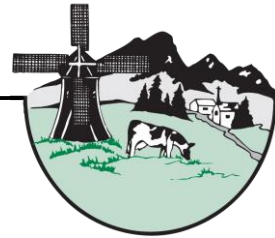
## 6. OTHER BUSINESS

### **Councilor Bode reporting for the Public Works Committee:**

- Grover Street Overlay complete



# CITY OF LYNDEN



## CITY COUNCIL MINUTES OF REGULAR MEETING

- Pepin Creek, Main Street Bridge on schedule
- Industrial condensate outfall is basically completed
  
- 6<sup>th</sup> Street sewer pipe project will begin in November
- Hanging baskets downtown
- Automatic sandbag filling machines

### **Councilor Strengholt reporting for the Finance Committee**

- Discussion of satellite agency budget proposals for:
  - Chamber of Commerce
  - Downtown Business Association
  - Lynden Pioneer Museum
  - Project Hope
  - Lynden Community Center

## **7. EXECUTIVE SESSION**

Council did not have an executive session.

## **8. ADJOURNMENT**

The September 19, 2022, regular session of the Lynden City Council adjourned at 7:30 p.m.

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Pamela D. Brown  
City Clerk

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Scott Korthuis  
Mayor

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	September 22, 2022	
<b>Name of Agenda Item:</b>	Draft Minutes Joint Council, School District & Rec District Mrg	
<b>Section of Agenda:</b>	Approval of Minutes	
<b>Department:</b>	Administration	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Other: _____
		<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>	Draft Minutes Joint Council, School District & Rec District Mrg	
<b>Summary Statement:</b>	Draft Minutes Joint Council, School District & Rec District Mrg	
<b>Recommended Action:</b>	Review and approval of September 22, 2022 Joint Council, School District and Recreation and Parks meeting minutes.	

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF SPECIAL COUNCIL MEETING



### Special Joint School District, Parks District and City Council Meeting (Joint Work Session)

September 22, 2022

#### 1. CALL TO ORDER

The Special Joint Council, Lynden School District, and Lynden Regional Parks & Recreation District (joint work session) was held at 516 Main Street, Lynden.

The Lynden School Board called the meeting to order at 7:00 p.m. and conducted scheduled school board business for the first 10 minutes of the meeting and then opened the work session portion of the meeting. .

#### ROLL CALL

Mayor Scott Korthuis and Council Members Gary Bode, Nick Laninga, and Mark Wohlrab present.

Members absent: Brent Lenssen, Ron De Valois, Gerald Kuiken, and Kyle Strengholt absent with notice.

Staff present: Fire Chief Mark Billmire, Police Chief Steve Taylor, Public Works Director Steve Banham, City Administrator John Williams.

#### 2. Work Session

The joint work session agenda is made a part of this official council meeting file.

#### 3. ADJOURNMENT

The September 22, 2022 special session of the Lynden City Council Joint meeting with Lynden School District, and Lynden Regional Parks & Recreation District. adjourned at 8:40 p.m.

\_\_\_\_\_  
John Williams, City Administrator

\_\_\_\_\_  
Scott Korthuis, Mayor

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	October 3, 2022	
<b>Name of Agenda Item:</b>	Approval of Payroll and Claims	
<b>Section of Agenda:</b>	Consent	
<b>Department:</b>	Finance	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>	None	
<b>Summary Statement:</b>	Approval of Payroll and Claims	
<b>Recommended Action:</b>	Approval of Payroll and Claims	

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	October 3, 2022	
<b>Name of Agenda Item:</b>	Set the Public Hearing to Consider Ord 1650 – Interim Zoning Ordinance regarding Community Residential Facilities	
<b>Section of Agenda:</b>	Consent	
<b>Department:</b>	Planning Department	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>		
Ord 1650, Map exhibit.		
<b>Summary Statement:</b>		
<p>On September 15, 2022 the City Council held a special meeting to consider an emergency interim zoning ordinance pertaining to the prohibition of the establishment of community residential facilities within 500 feet of the City’s schools and within 300 feet of other community residential facilities.</p> <p>Pursuant to RCW 36.70A.390 and RCW 35A.63.220 the City Council rapidly adopted temporary zoning controls during the time in which permanent regulations are being developed. Subsequently, the City Council has 60 days within which to hold a public hearing to accept public comment on this issue.</p> <p>Drafting and review of the final ordinance on community residential facilities continues with Committee review expected in mid November and early December. Public hearing with the Planning Commission in late December. State review at the start of 2023 and Council hearing in early March.</p> <p>The interim zoning ordinance will be discussed at the October 17<sup>th</sup> Council hearing. Considerations will include the extension of the interim ordinance to a full six months.</p>		
<b>Recommended Action:</b>		
Motion to set a public hearing date of October 17, 2022 to consider an interim zoning ordinance as well as an the extension of the ordinance through March 15, 2023.		

**ORDINANCE NO. 1650**

**ORDINANCE OF THE CITY OF LYNDEN ESTABLISHING AN INTERIM ZONING ORDINANCE ON THE LOCATING OF COMMUNITY RESIDENTIAL FACILITIES WITHIN 500 FEET OF ALL COMMUNITY SCHOOLS AND 300 FEET OF OTHER COMMUNITY RESIDENTIAL FACILITIES**

**WHEREAS**, the City of Lynden (“City”) notes that House Bill 1220 (“E2SHB 1220”), passed by the Washington State Legislature in May 2021, compels municipalities to support efforts to provide indoor emergency housing, indoor emergency shelters, transitional housing, and permanent supportive housing consistent with Chapters 35.21 and 35A.21 RCW; and

**WHEREAS**, for the purposes of this emergency interim zoning ordinance (“Ordinance”), these four types of facilities identified in E2SHB 1220 as well as all facilities which may be considered recovery residences, sober living homes, or halfway homes, are collectively referred to herein as “Community Residential Facilities” or “CRFs”; and

**WHEREAS**, E2SHB 1220 also states that reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance to protect public health and safety as it relates to CRFs; and

**WHEREAS**, the Lynden City Council (“City Council”) desires to establish reasonable standards for the safe operation and appropriate siting of CRFs within the City of Lynden so as to protect public health and safety for both facility residents and the broader community; and

**WHEREAS**, the City’s zoning regulations have not yet been updated to address E2SHB 1220’s emphasis upon municipal support for the establishment of CRFs; and

**WHEREAS**, the City does not presently have in place any spacing requirement regulations governing CRFs; and

**WHEREAS**, a new ordinance is currently being drafted which will provide comprehensive zoning regulation of CRFs in a manner consistent with E2SHB 1220; and

**WHEREAS**, the City Council has recently received a large volume of public comments expressing concern and opposition to the potential siting of CRFs in close proximity to schools for children within the community; and

**WHEREAS**, additional time is needed to develop comprehensive zoning regulations for CRFs—including careful consideration of regulations on the spacing of such facilities related to schools per public concerns, and each other; and

**WHEREAS**, if short-term action is not taken now, new CRFs may either vest or obtain nonconforming status prior to the development and adoption of the forthcoming comprehensive zoning regulations, thereby interfering with and potentially undermining

the development of a meaningful comprehensive and permanent ordinance reasonably regulating occupancy, spacing, and intensity of use of CRFs in the City; and

**WHEREAS**, the City’s development of reasonable comprehensive zoning regulations pertaining to CFR occupancy, spacing, and intensity of use is necessary prior to establishment of new CRFs in order to protect the public health, safety, welfare, property, and peace in the City; and

**WHEREAS**, this interim Ordinance does not prohibit building permit applications for or the locating of CRFs in any zone of the City, but rather imposes limited interim spacing requirements for CRFs pending adoption of comprehensive zoning regulations applicable to CRFs; and

**WHEREAS**, an interim zoning ordinance adopted pursuant to RCW 36.70A.390 and RCW 35A.63.220 is a means for local governments to rapidly adopt temporary zoning controls during the time in which permanent regulations are being developed and enacted; and

**WHEREAS**, RCW 36.70A.390 and RCW 35A.63.220 authorize the enactment of an interim zoning ordinance without holding a public hearing as long as a public hearing is held within at least sixty (60) days of its adoption; and

**WHEREAS**, the adoption of this Ordinance will provide the City with the time necessary to develop and finalize comprehensive zoning regulations applicable to CRFs while simultaneously addressing immediate public concerns as to the proximity of CRFs to community schools; and

**WHEREAS**, the City Council concludes that it has the authority to establish an emergency interim zoning ordinance; and

**WHEREAS**, the foregoing recitals are a material part of this Ordinance;

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

Section 1. Findings of Fact. The City Council adopts the above “WHEREAS” recitals as findings of fact in support of this Ordinance. The City Council reserves the right to adopt additional findings in the event that additional evidence is presented.

Section 2. CRF Minimum Spacing Requirements Established. No proposed Community Residential Facility shall be located within 500 feet of a Community School or within 300 feet of another approved Community Residential Facility.

Section 3. Community School Defined. “Community School” as used herein shall refer to any elementary school, middle school, or high school located within the City of Lynden.

Section 4. Measurement Standard. For the purposes of the spacing requirement established herein, distance shall be measured in a straight line between the closest property line of the proposed Community Residential Facility and the closest property line of the Community School or other approved Community Residential Facility.

Section 5. Public Hearing Required. The City Council shall hold a public hearing within sixty (60) days from the date of this Ordinance on this or a substitute ordinance that addresses interim zoning regulations applicable to Community Residential Facilities.

Section 6. Emergency Situation. Based on the findings herein, the City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the City Council as required by RCW 35A.12.130.

Section 7. Duration. This Ordinance shall be in effect for six (6) months and may be renewed for one or more successive six-month periods pursuant to RCW 36.70A.390 and RCW 35A.63.220.

Section 8. Conflict with Other LMC Provisions. If the provisions of this Ordinance are found to be inconsistent with other provisions of the Lynden Municipal Code, this Ordinance shall control.

Section 9. Severability. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, subsection, clause, or phrase of this Ordinance.

Section 10. Effective Date. This Ordinance shall take effect immediately.

PASSED BY THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, AND APPROVED BY THE MAYOR ON THIS \_\_\_ DAY OF SEPTEMBER, 2022.

\_\_\_\_\_  
Scott Korthuis, Mayor

ATTEST:

\_\_\_\_\_  
Pamela Brown, City Clerk



APPROVED AS TO FORM:

ROBERT CARMICHAEL, City Attorney

# CITY OF LYNDEN

EXECUTIVE SUMMARY – City Council



<b>Meeting Date:</b>	October 3, 2022	
<b>Name of Agenda Item:</b>	Ordinance No. 1652 - Amend Lynden Municipal Code Section 13.24 Stormwater Management Systems	
<b>Section of Agenda:</b>	Public Hearing	
<b>Department:</b>	Public Works	
<b><u>Council Committee Review:</u></b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		<b><u>Legal Review:</u></b>
		<input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
<b>Attachments:</b>	Ordinance No. 1652	
<b>Summary Statement:</b>	<p>Staff has identified revisions needed to Lynden Municipal Code Section 13.24 Stormwater Management Systems. The code currently refers to Ecology’s 2012 Stormwater Management Manual for Western Washington; however, the 2019 Manual is the current edition.</p> <p>The proposed Ordinance amends the Lynden Municipal Code to clarify that the 2019 Ecology Stormwater Management Manual is to be used for stormwater system design in Lynden as required by the City’s current National Pollution Discharge Elimination System (NPDES) Phase II Permit.</p> <p>The City Council set a Public Hearing date of October 3, 2022 based on Public Works Committee review of the draft ordinance at their September 7, 2022 meeting.</p> <p>The Public Hearing provides an opportunity for the public to comment on the proposed revisions to Lynden Municipal Code Section 13.24 Stormwater Management Systems. After the hearing is closed, the Council may pass Ordinance No. 1652 (attached) approving the change.</p>	
<b>Recommended Action:</b>	That City Council, after hearing public comment, approve Ordinance No. 1652 Amending Lynden Municipal Code Section 13.24 Stormwater Management Systems, and authorize the Mayor’s signature on the Ordinance.	

**ORDINANCE NO. 1652**

**AN ORDINANCE OF THE CITY OF LYNDEN, AMENDING SECTION 13.24  
STORMWATER MANAGEMENT SYSTEMS**

**WHEREAS**, Section 13.24 of the Lynden Municipal Code carries out the city’s adopted comprehensive drainage and stormwater management plan, including responsibilities for planning, design, construction, maintenance standards, administration, and operation of all city stormwater management system facilities, as well as establishing standards for design, construction, and maintenance of private facilities associated with new development and redevelopment where these may affect stormwater; and

**WHEREAS**, The City has determined that a more recent Ecology Stormwater Management Manual for Western Washington (“Ecology Manual”) was published by the State Department of Ecology in 2019; and

**WHEREAS**, The City the City of Lynden is required under its current Stormwater National Pollution Discharge Elimination System (NPDES) Permit with the State Department of Ecology to apply this newer 2019 Ecology Manual; and

**WHEREAS**, The City of Lynden seeks to incorporate the most recent regulations from this Manual

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

**Section 1.** Section 13.24 of the Lynden Municipal Code is hereby repealed and replaced as follows:

**Chapter 12.28 - STORMWATER MANAGEMENT SYSTEMS**

13.24.050 – Minimum requirements for new development and redevelopment.

**B. Stormwater Management Manuals Adopted**

1. The city adopts Ecology's 2019 Stormwater Management Manual for Western Washington, hereafter referred to as the Ecology Manual. Adoption is not for general regulatory purposes. Adoption shall be for guidance as stated in the Ecology Manual, Volume 1 Chapter 1, except where otherwise provided herein.
2. The city adopts the Thresholds, Definitions, Minimum Requirements, and Exceptions, Adjustment, and Variance Criteria found in Appendix 1 of the city's NPDES Permit all of which are incorporated herein.
3. Any undefined terms in this chapter have the meanings established in the Ecology Manual.

- 4. The city utilizes the 2012 Puget Sound Partnership Low Impact Development Technical Guidance Manual for information related to BMPs. BMPs shall be used to control pollution from stormwater. The city will also use the latest edition of the Ecology Manual. BMPs shall be used to comply with the requirements in this chapter and to ensure protection of water quality, reduction of discharge of pollutants to the maximum extent practicable and to apply all known available reasonable methods of prevention, control and treatment prior to allowing discharge.
- 5. The director is authorized to determine feasibility and make decisions on adjustments and exceptions under the Ecology Manual.

Section 2 – 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 3 – 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 BY AN AFFIRMATIVE VOTE, \_\_\_ IN FAVOR \_\_\_ AGAINST AND SIGNED BY THE MAYOR THIS 3rd DAY OF October, 2022.

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

**ATTEST:**

\_\_\_\_\_  
CITY CLERK PAMELA D. BROWN

**APPROVED AS TO FORM:**

\_\_\_\_\_  
CITY ATTORNEY ROBERT A. CARMICHAEL

# CITY OF LYNDEN

## EXECUTIVE SUMMARY - FINANCE



<b>Meeting Date:</b>	October 3, 2022	
<b>Name of Agenda Item:</b>	Mayor's Status of the 2022 Budget	
<b>Section of Agenda:</b>	New Business	
<b>Department:</b>	Finance	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>		
The Mayor's 2022 Budget Status Update will be handed out at Council.		
<b>Summary Statement:</b>		
Per statute RCW 35.33.135, in preparation for the 2023 Preliminary Budget Review on October 17, 2022 the Mayor provides the City Council with an updated status regarding the current 2022 Budget.		
<b>Recommended Action:</b>		
None – Information only for the Council's review.		

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	October 3, 2022	
<b>Name of Agenda Item:</b>	Draft Parks Committee Minutes September 20, 2022	
<b>Section of Agenda:</b>	Other Business	
<b>Department:</b>	Parks	
<b>Council Committee Review:</b>	<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: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
ES-Draft Parks Committee Minutes September 20, 2022		
<b>Summary Statement:</b>		
See Next page		
<b>Recommended Action:</b>		
For Council Review		



## PARKS COMMITTEE MINUTES

~~September 12, 2022 Canceled~~  
Rescheduled September 20, 2022

### 1. ROLL CALL:

**Members Present:** Mayor Korthuis, Councilors Ron DeValois, Nick Laninga and Mark Wohlrab

**Staff Present:** Parks Director DeRuyter; Parks Admin. Assistant Nancy Norris, Park Maintenance Supervisor Tim Holleman

**Guest:** Park & Rec. Commissioner Bob Johnson

### 2. ACTION ITEMS:

#### A. **Approval of Parks Committee Minutes- August 15, 2022**

Laniga motioned to approve the August 15, 2022, minutes Wohlrab approved the motion.

**Action: The Parks Committee Minutes from August 15, 2022, were approved**

### 3. INFORMATION ITEMS:

#### A. **SHKS Presentation on the Benson Barn Project**

Follow up communication made, but no date set for onsite visit.

#### B. **Updates on Parks projects**

##### **Benson Park**

Exploratory committee turf complex committee met September 15, 2022. This Committee is going to continue to pursue a turf complex for the Community. Chris Overdorf with SCJ is looking at how to make a turf complex more feasible for the community.

##### **Dickinson**

Moving the swinging gate from Berthusen to Double Ditch in October. A master will be given to the house tenant for emergency access only.

Dickenson Park house roof needs repair and replaced. Parks Director DeRuyter asked Joostens Roofing to submit an estimate. Joosten proposed an 50year composite roof with new base boards and fascia boards and gutters at \$26,000. After speaking with Finance Director Burrows, about funding and approval of funds, Joostens Roofing is scheduled to install the new roof October 24, 2022.

##### **Automated Lock Report**

Doors are delivered, and Security Solutions will finish connecting the week of Sept. 19-23, 20022.



### **Bender Fields/City Park**

Numerous vandalism incidents at both sites. Looking into camera upgrades. Council Members questioned if the worth of the cameras for identification purposes when the vandals are completely unrecognizable. Suggest notifying Lynden Watch social media, the community will show up to help paint and remove the graffiti as they have in the past. Parks Director DeRuyter will contact Lynden Watch with any future graffiti.

- C. Park and Trail Advisory Committee contacted for availability of a combined meeting in October.** Parks Director DeRuyter is going to schedule a solo meeting in October or November with the Park and Trail Advisory Committee.

**D. Update on the implementation of signage ideas for Parks Rules/Hours and E-bikes and E-scooters on City Trails after Council approval.**

It was suggested to paint the speed limit on the trail pavement and to post the rules at the trail connections.

**a. Budget Discussion/Major Line Items**

1. 1.0 FTE Position

- a. Increased property responsibilities at Glenning, Dickinson, and Heusinkveld
- b. Increased trail responsibilities along Badger and starting from Depot to 8<sup>th</sup> with the Dickinson section coming soon thereafter.
- c. Right now, due to school requirements and family vacation/weddings our 4 seasonal employees are really 3 positions based on months worked

2. Office Move

- a. Budget amendment due to added costs and lack of interest in project so have had to seek out individuals (only bid is from Faber Bros. at \$230k so far)

3. Equipment (Based on the updated Capital Plan)

- a. 1 Pick-up/1-ton since current one from Public Works is deteriorating rapidly
- b. JD Tractor for mowing (~5,000 hrs) (\$40,000)
- c. JD Riding Lawn Mower (\$6,000)
- d. Aerator- up to \$8-9000 and used to be on small equipment list

4. Small Equipment

- a. Could really use another snow blower for added property (\$2,500)
- b. Utility Trailer (existing 2nd one is rotten and needs replacement) (\$3,500)
- c. Exmark push mower--\$1200

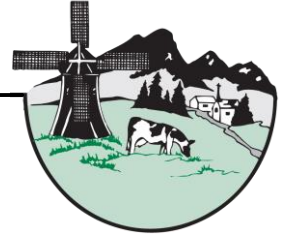
5. Maintenance

- a. City Park Storage Shed Roof replacement—could do ourselves (~\$5,000)
- b. New Outfield Fence for Fields 5-8 @ Bender— (~15,000)
- c. Request to tie into City Water Line at Lynden Jim



# CITY OF LYNDEN

## PARKS DEPARTMENT



d. Cameras—Would like to ask for \$5,000 to begin putting up higher quality ones at different park and trail sites

**E. Discussion on Sept. 22 Joint Meeting with the Lynden School District.**

Items from parks will be the development of the Glenning Property and Benson Park, and a Turf Complex.

#### **4. ITEMS ADDED**

**A. Benson House and Park Property shared power meter.**

The Benson House lease says the tenant is responsible for the house electric bill, but after the lease was written it was discovered the other outbuildings, barn, and irrigation well all share one meter. It was determined that the city would pay the electric/power bill. The lease was never changed to reflect this agreement. Parks Director DeRuyter recommends splitting the power by having PSE install separate meters.

**Action: Parks Committee Supported separating the Benson Park power between two meters. Parks Committee also recommends PW assist with any infrastructure prep work that we can do in house to cut cost.**

**B. Berthusen Caretakers House Lease Renewal Discussion:**

More discussion on terms and due diligence on insurance matters to follow. **Parks Committee members will be notified via email.**

**Meeting Adjourned: 5:27pm**

**NEXT MEETING-OCTOBER 17, 2022**

# CITY OF LYNDEN

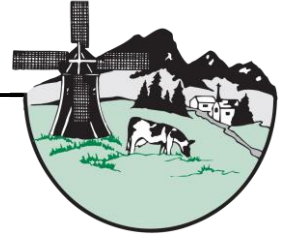
## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	October 3, 2022	
<b>Name of Agenda Item:</b>	Community Development Committee Minutes of September 28, 2022	
<b>Section of Agenda:</b>	Other	
<b>Department:</b>	Planning Department	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Attachments:</b>		
Draft Meeting Minutes of Community Development Committee		
<b>Summary Statement:</b>		
Draft CDC Minutes of September 28, 2022 attached for review.		
<b>Recommended Action:</b>		
Council review.		

# CITY OF LYNDEN

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



## COMMUNITY DEVELOPMENT COMMITTEE

### MINUTES

4:00 PM September 28, 2022  
2<sup>nd</sup> Floor Conference Room, City Hall

#### 1. ROLL CALL

**City Council Members:** Kyle Strengholt, Brent Lensen, Gary Bode

**City Staff:** John Williams, Heidi Gudde

**Community Members:** Gary Vis, Stephanie Rogers, Miles Davis, Claudia B., Keenan Haak

#### 2. APPROVAL OF MINUTES

- Community Development Committee Meeting Minutes of 6/16/22 approved as presented.

#### 3. **Unscheduled Item: Parking on Public Streets**

- Keenan Haak, a resident from 17<sup>th</sup> Street, visited the CDC to explain concerns regarding parking requirements for multi-family parking requirements. His concerns related to an overflow of parking demand onto 17<sup>th</sup> Street near Kok Road. This has resulted in some long term parking in front of his house. The owners of the vehicles live in a multi-family development that is out of site and earshot. In one case a car alarm went off for hours without the vehicle's owner being aware.
- Haak is aware that the street is public and vehicles are permitted to park for up to 72 hours. He's documented instances when vehicles have stayed in one spot for a week. He's had conversations with the police department and the City Administrator about this issue.
- Committee noted that multi-family parking requirements expected to increase with upcoming code changes.
- Committee discussed the option to reduce the total number of hours that a vehicle can sit on a city street from 72 to 48 hours.
- The group also discussed dedicating more resources toward enforcement of parking regulations.

- Conclusions: CDC asked Haak to allow the group more time to consider options.

#### 4. **Unscheduled Item: COMMUNITY RESIDENTIAL FACILITIES**

- As guests to the CDC were interested in this topic Lenssen asked Gudde for an update on pending ordinance regarding transitional housing (community residential facilities).
- Gudde explained that the final ordinance is currently being reviewed by legal counsel. The expected timeframe for that ordinance includes the following:

November 18 – Community Development Community meeting

December 1 – Public Safety Committee meeting

December 22 – Public hearing with the Planning Commission

January and February – Department of Commerce comment period

March 6 – Public hearing with the City Council (final decision)

Temporary interim zoning ordinance went into effect on September 15 for 60 days and a public hearing will be held on October 17 to accept comment and for the City Council to extend the ordinance to a full 6 month time period. Map exhibit will be available showing the buffers from schools.

Additional discussion about what aspects must be considered as the legal review continues on the final ordinance. Draft of this ordinance likely ready for public distribution by November 15.

- Residents expressed concern about the delay in the timeframe on the final ordinance. Committee noted that the delay related to the drafting of the interim ordinance which took the attorneys attention away from the final ordinance review.
- Lenssen noted that this ordinance is one of the most complicated the City has considered in recent years and will take time to get it right.
- Miles Davis, of Envision Ministries, expressed appreciate for the work that the City has been doing.

## 5. INFORMATIONAL ITEMS: Buildable Lands Report

- Gudde informed the group that the County Planning Commission will be considering the Buildable Lands Report at their October 13<sup>th</sup> meeting. The CDC meeting package included a summary of that presentation.
- The City Council will be asked to consider and approve the Buildable Lands Report at a November hearing.
- The group discussed the difference between planned and achieved density. Planned density looks forward and achieved density looks back at what was actually constructed. The City of Lynden shows an achieved density that is greater than the planned density. Gudde noted that this represents only construction since 2016. The City's Comprehensive Plan sets the goal of having 5 units per acre across the City and, in order to achieve this, would required 7 units per acre throughout new UGA areas. The upcoming 2025 Comp plan update will provide updated numbers in these areas.
- Gudde talked with the group about the market factor that the report tries to capture. The consultant and city planners used tools such as property owner surveys to explore land owners' intentions regarding future development.

## 6. DISCUSSION ITEM: Planning and Housing (Building Division) Budget

- Lenssen introduced the topic and noted that narratives as well as a budget memo had been distributed by the Planning Director.
- Topics discussed related to the budget included the potential downturn in the demand for building review and permitting due to a softening economy and / or higher interest rates which are now over 6.5%. Gudde noted that recent months had been slower but due more to the lack of available lots than rising interest rates. Generally, the Building Official has found that builders' sense of anxiety seems to be higher and spec homes are not as common.
- Staffing. Adding 0.75 in administrative staffing will assist planning and building staff in covering phone calls and greeting visitors so that these inquires can be appropriately directed. Due to workload it has become more difficult for staff to cover all phone calls and contractors are having trouble reaching staff to schedule inspections. The new admin position will also be an individual that can monitor the Planning Dept's website so

that relevant issues can be updated regularly. This could include updates to ongoing development projects and outreach on legislative and quasi-judicial items. Gudde indicated that staff has only been able to be reactive rather than proactive when it comes to recent issues. Planning, obviously, is best done with a proactive approach.

- Online offerings could be vastly improved. This could include permit tracking, permit submittal, scheduling inspections, and paying for fees. Haak, a member of the development, asked that the City not become as impersonal as other local cities. He appreciates the ability to come into City Hall and be able to talk with staff. Software expense related to tracking were mentioned but are not included in the 2023 budget. These requests are expected to appear in future years.
- Vis, from the Chamber of Commerce, expressed appreciation for the Planning Dept and how he is able to send development inquires to staff. Feedback on the process with the department has been good.
- Special projects. Advanced wetland mitigation and economic development are special projects that staff could spend more time on if they had assistance with day to day tasks. Long term planning documents are difficult to focus on when handling phone calls and walk-ins.
- Code enforcement. Additional time has been needed to address code enforcement. At the moment several code enforcement issue are progressing to monetary consequences. Tracking and enforcing these issues is expected to take more staff time in the future. Admin support in these areas will be beneficial.
- Legal expenses were discussed. The 2022 budget included \$50k for legal expenses and this is requested again for 2023. Gudde noted that as of August 31 the department had spent \$40k of that budget but recent work related to community residential facilities and the SEPA appeal defense will likely push legal expenses over the \$50k this year. It should be noted that legal expenses are paid from the general fund and can be difficult to pin to one single department.
- Planning services will be sought in 2023 for assistance with the 2025 Comp plan update. The 2022 budget has \$14k that is unspent. Gudde has requested that this be rolled over into 2023 and funds added to reach \$30k to secure a consultant and begin planning efforts. She noted that we can expect some funding from the State for Comp Plan update efforts but that those funds are not yet available.

**Conclusions:** Committee expects to see full budget numbers in the next month. Lenssen and Strengholt expressed support via motion for additional staffing request of a full time admin assistant, to be shared by the Planning Dept and Building Division as proposed by the Planning Director. This would be the addition of 0.75 FTEs as the Department currently covers 0.25 FTEs of one of the Public Works admin positions. This arrangement would be discontinued with the hire of a Planning Admin.

**7. DISCUSSION ITEMS:** Update re Mixed-use Code and Amendments to LMC 17, 18, and 19

- Update re Mixed-use Code and Amendments to LMC 17, 18, and 19 from Gudde. This included updates after the Planning Commission hearing on this item as well as two Comprehensive Plan Amendments (CPA). One CPA brought forward by Lynden Door to shift a parcel with split zoning to fully industrial. The second CPA is city-led and includes changes to sub-area delineations, the identification of the mixed-use overlay and associated qualifying commercial centers, and a revision to the Future Land Use map for UGA parcels south of the Birch Bay Lynden Road. Gudde noted that the Planning Commission had recommended, differently than the staff recommendation, to assign a single family zoning category to all parcel south of the BBL Rd. when they are annexed into the City.
- The Committee asked if this would then mean the existing businesses would become non-conforming. Gudde confirmed that it would. She also noted that future plans may include a round-about at the intersection of Berthusen and BBL Rd. This may be better suited to uses other than single-family residential.
- Gudde noted that several property owners spoke at the PC meeting and summarized their comments for the group. These will also be reflected in the minutes from that Sept 22<sup>nd</sup> meeting.
- The code amendments that the Planning Commission considered have reached a recommendation. Gudde noted that only a few conditions were added to their recommendation. One of them related to provisions for the parking of studio apartments. PC suggested that 1.5 parking stalls (rather than 2) should be added to the code. The group discussed this option.
- Updates the PRD code were mentioned. This relates specifically to updates of homeowner association requirements and City review of CCRs. State code now includes updates regarding developer requirements. Legal counsel is reviewing for consistency with state code and will have those edits ready ahead of the Council hearing in December.

- CPAs and code amendments have been transmitted to the Dept. of Commerce for their comment period. Council will see these proposals at the first meeting in December.

**Conclusions:** Committee asked staff to reach out to property owners south of BBL Rd that would fall within the 40 acres in question re the future land use. Preferences and expectations for future land use are important to the Council members. The opportunities for existing businesses to grow here was noted as a critical factor.

**Next Meeting Date: No meeting in October. Next meeting is November 16, 2022**

DRAFT



# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	October 3, 2022	
<b>Name of Agenda Item:</b>	Calendar	
<b>Section of Agenda:</b>	Other Business	
<b>Department:</b>	Administration	
<b>Council Committee Review:</b>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
<b>Summary Statement:</b>		
<b>Recommended Action:</b>		

**October 3, 2022**  
Monday

7:00 PM - 9:00 PM

Copy: Council Meeting -- Annex Council Chamber

**October 4, 2022**  
Tuesday

9:00 AM - 10:00 AM

Copy: Leadership Team Meeting -- Annex Council Chamber

5:00 PM - 6:30 PM

Design Review Board -- City Hall 2nd Floor Large Conference Room

**October 5, 2022**  
Wednesday

All Day

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

4:00 PM - 6:00 PM

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

**October 6, 2022**  
Thursday

2:00 PM - 4:00 PM

Technical Review Committee Meeting -- TBD

**October 9, 2022**  
Sunday

All Day

10-9 thru 10-22 Pay Period

**October 11, 2022**  
Tuesday

9:00 AM - 10:00 AM

Copy: Leadership Team Meeting -- Annex Council Chamber

**October 11, 2022 Continued**  
Tuesday

**October 12, 2022**  
Wednesday

7:00 PM - 9:00 PM                      **Parks & Rec District Meeting -- Annex South East Conference Room**

**October 13, 2022**  
Thursday

7:00 PM - 9:00 PM                      **Planning Commission -- TBD: Virtual Meeting or Annex Council Chamber**

**October 14, 2022**  
Friday

**All Day                                      PAYDAY  
PAYDAY**

**October 17, 2022**  
Monday

4:00 PM - 5:00 PM                      **Parks Committee Meeting -- City Hall 1st Floor Large Conference Room**

7:00 PM - 9:00 PM                      **Copy: Council Meeting -- Annex Council Chamber**