

# CITY OF LYNDEN



Mayor  
Scott Korthuis

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

## City Council Agenda – Online Regular Meeting City Hall Annex, 205 4<sup>th</sup> Street July 06, 2020

You may participate telephonically in the council meeting by dialing 1-253-948-9362. You will then be prompted to enter the Conference ID # 772 702 584#. It is necessary to enter the # symbol after entering the numerals.

Please be aware that callers are able to hear all other callers but are not able to provide comments directly to council. Council members will participate in this meeting remotely through an online web-based meeting platform. Per Washington State Proclamation 20-28.3, in-person attendance at public meetings is prohibited at this time.

Please note that public comments will not be taken at city council meetings until further notice. Instead, those wishing to comment are respectfully asked and encouraged to submit comments by email to [cityhall@lyndenwa.org](mailto:cityhall@lyndenwa.org).

### **Call to Order**

### **Pledge of Allegiance**

### **Roll Call**

### **Oath of Office**

### **Approval of Minutes**

- [1.](#) Draft City Council Meetings - June 15, 2020

### **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

**Public Hearing**

- [3.](#) Ordinance 1603- Amending LMC 19.26, Medical Services Overlay

**Unfinished Business**

**New Business**

**Other Business**

- [4.](#) Draft Joint Parks Committee and Parks & Recreation District Meeting Minutes-June 15, 2020
- [5.](#) Outlook Calendar

**Executive Session**

**Adjournment**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	July 6, 2020	
<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 checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input 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



June 15, 2020

### 1. CALL TO ORDER

Mayor Korthuis called to order the June 15, 2020 regular session of the Lynden City Council at 7:00 p.m. held through an online web-based meeting platform (Microsoft Teams).

### ROLL CALL

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

Councilor Brent Lenssen logged into the meeting at 7:09.

Members absent: None

Staff present: Fire Chief Mark Billmire, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, 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 De Valois moved and Councilor Laninga seconded to approve the revised April 20, 2020 council minutes and the regular June 1, 2020 council minutes. Motion approved on a 6-0 vote with Councilor Lenssen not yet in attendance.***

### ITEMS FROM THE AUDIENCE

#### Scheduled:

#### Kent Oostra, Exact Scientific – COVID-19 Monitoring Plan

Mr. Oostra discussed an Exact Scientific Services proposal to provide the City with a COVID Monitoring Plan. An option discussed is testing sewage samples from the wastewater treatment plant influent for the presence of COVID. The City currently takes composite samples as part of its National Pollution Discharge Elimination System (NPDES)

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CITY COUNCIL  
MINUTES OF REGULAR MEETING

Permit with the State Department of Ecology and this sample could easily be provided to Exact Scientific

**Unscheduled- None**

## 2. CONSENT AGENDA

### Approval of Payroll Disbursed – June 1-June 15, 2020

Paychex EFT .....	\$277,957.23
City of Lynden EFT.....	\$64,188.27
Warrant Liability .....	\$59,374.54
<b>Subtotal</b>	<b>\$401,520.04</b>
Paychex EFT Liability	\$8,102.10
<b>Total EFT &amp; Other Liabilities</b>	<b>\$409,622.14</b>

### Approval of Claims – June 17, 2020

Manual Warrants No.	<u>75485</u>	through	<u>75486</u>		\$8,015.86
EFT Payment Pre-Pays					\$161,292.88
				Sub Total Pre-Pays	\$169,308.74
Voucher Warrants No.	<u>75487</u>	Through	<u>75612</u>		\$1,089,777.90
EFT Payments					<u>\$25,655.70</u>
				Sub Total	\$1,115,433.60
				Total Accts. Payable	<b>\$1,184,742.34</b>

### 2021 Budget Calendar

As required by RCW, there are several budget preparation deadlines as the City moves forward in preparing its year 2021 Budget. These dates are for final review and approval of the full Council. Upon approval this calendar will be distributed as presentation dates to the satellite agencies, as well as to City departments.

This calendar was reviewed earlier by the Finance Committee at their May 18<sup>th</sup> meeting and presented to the full Council for review at the May 18<sup>th</sup> Council meeting.

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## CITY COUNCIL MINUTES OF REGULAR MEETING



### Axon Digital Evidence Agreement

This contract involves video evidence recording and cloud-based storage of same. This was one of the measures recommended in the LEMAP assessment. The first-year cost is \$14,950 (which is in the 2020 budget). Costs over the next 4 years (2021-2024) would be \$7,459.96 each year.

### Award Bid for East Grover Street Overlay – Railroad to Bradley Road

Staff recently solicited bids for the East Grover Overlay – Railroad to Bradley Road project. Five bids were received on June 10, 2020. Reichhardt and Ebe Engineering prepared the attached Bid Tabulation.

The Public Works Committee was advised of the bids and concurred to recommend award to Colacurcio Brothers Construction, the lowest responsive and responsible bidder, in the amount of \$531,744.52, including Washington State Sales Tax. This project will be funded in part with TIB funds (over \$350,000 of the construction and most of the construction management). The balance of the funding will be from Impact Fees and Water and Sewer Utility Fees. The Committee concurred that the bid results could be forwarded directly to City Council after informing them of the results.

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

### 3. PUBLIC HEARING

#### Resolution No. 1023- Six Year Transportation Improvement Program (STIP) 2021-2026

On , 2020, City Council set a public hearing date of June 1, 2020 to hear comments on the City's Six Year Transportation Improvement Plan (2021-2026).

In order to apply for project funding, every city and county must prepare a planned local-projects listing and forward it to the Washington State Department of Transportation by July 31, 2020 for inclusion in the State Transportation Improvement Program (STIP) list.

The Public Works Committee reviewed the STIP projects at recent meetings and concurred to forward the attached plan to City Council.

Mayor Korthuis opened the Public Hearing at 7:35 p.m.

There were no comments.

Mayor Korthuis closed the Public Hearing at 7:35 p.m.

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MINUTES OF REGULAR MEETING



***Councilor Bode moved and Councilor De Valois seconded to Resolution No. 1023, adopting the Six Year Transportation Improvement Program for the City of Lynden and authorize the Mayor's signature on the resolution. Motion approved on a 7-0 vote.***

## 4. UNFINISHED BUSINESS- None

## 5. NEW BUSINESS

### Wastewater In-Flow COVID-19 Monitoring Plan

As communities implement a phased opening from COVID-19 restrictions, there is currently no documented way to monitor the impacts in real time. EPA notes on their website that,

“Preliminary research indicates that monitoring wastewater for the presence of SARS-CoV-2 (coronavirus) may be useful as a sensitive early indicator of low levels of infections in the community. Having an early warning system to alert public health officials about infection in a community would be helpful. Likewise, monitoring SARS-CoV-2 in wastewater may also provide an indication of decreasing levels of infection within a community [[www.epa.gov](http://www.epa.gov) “*Detecting and Monitoring SARS-CoV-2 in Wastewater*”].

Exact Scientific Services provided the City with a COVID Monitoring Plan that included three different monitoring options. One of those options is testing sewage samples from the wastewater treatment plant influent for the presence of COVID. The City currently takes composite samples as part of its National Pollution Discharge Elimination System (NPDES) Permit with the State Department of Ecology and this sample could easily be provided to Exact Scientific Services consistent with Option 1 in the plan they submitted.

The City is also interested in researching other possible future testing protocols for locations to include sewer pump stations, and sites near the schools to provide an additional tool for decisionmakers on possible COVID impacts.

The Public Works Committee reviewed the draft COVID-19 monitoring plan at a special meeting on June 10, 2020 and concurred to recommend approval to enter into an initial agreement for wastewater testing to City Council.

***Councilor Bode moved and Councilor De Valois seconded to authorize the Mayor to enter into a simplified professional service agreement for wastewater treatment plant influent testing for COVID with Extract Scientific Services not to exceed \$20,000 to be***

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



***funded with federal CARES funding, and to explore additional testing services that could be bought back to Council under an expanded service agreement with Exact Scientific Services not to exceed \$150,000, also funded by CARES. Motion approved on a 7-0 vote.***

### Set Public Hearing for Ordinance No. 1603- Amending LMC 19.26

In 2007 the City of Lynden adopted development standards that allowed for the creation of a zoning overlay specific to the needs of a hospital or large medical campus. This zoning overlay can be described as a floating zoning category, with its own specific permitted uses and development standards, that can, with approval, be pinned to a specific property. To date this section of code has not been utilized.

Wishing to facilitate medical services within the community; and recognizing the existing medical services overlay does not address the potential of smaller eligible sites throughout the City; and anticipating no detrimental impacts which could not be mitigated by site design; the City has initiated a code amendment which would reduce the minimum size for a development using the Medical Services Overlay from 8 acres to 5 acres. The amendment also provides the opportunity to clarify the language found in 19.26.090 related to Transportation Management.

The amendment related to parcel size and the impact fee clarification went before the Planning Commission at a public hearing on March 12. The Planning Commission voted unanimously to recommend approval of the amendment. Since the March hearing the amendment has been on hold due to the COVID-19 restrictions on government actions. This delay has added pressure to a pending Peace Health project timeline and called attention to the required approval process. As such, with the Mayor's support, staff has drafted an additional amendment to this code section. As the binding site plan process is not a good fit for smaller scale projects, this proposed amendment modifies the process for projects which are not subdividing property or proposing phased infrastructure improvements. A redlined copy of the subject code has been included in the agenda package. The additional proposed amendment is highlight for your consideration ahead of the July 6 hearing.

***Councilor Lenssen moved and Councilor Laninga seconded to set a public hearing date of July 6, 2020 to consider Ordinance No. 1603 amending Lynden Municipal Code 19.26 regarding Medical Services Overlay. Motion approved on a 7-0 vote.***

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## CITY COUNCIL MINUTES OF REGULAR MEETING



### 6. OTHER BUSINESS

#### Council Committee Updates

Councilor Bode reporting for the Public Works Committee which involved the discussion of:

- COVID-19 Monitoring Plan

Councilor Wohlrab reporting for the Public Safety Committee which involved discussion of:

- Local 106 Union representative presentation
- Lynden Watch
- Fire Department monthly report
- Qualifications for newly created Fire Department Captain position
- Outdoor alcohol consumption options
- PD monthly report
- Increase in theft in May was related to the fraudulent ESD claims

Councilor Strengholt reporting for the Finance Committee which involved discussion of:

- Approval of Payroll and Claims
- OT for Police and Fire Departments
- 2021 Budget calendar
- Satellite agency budget schedule and possibility of joint meeting with various council committees
- Sales tax status – 62% comes from outside of the city
- Revenue from property tax lagging due to pushing back deadlines
- Budget initiatives are being pushed from this year to 2021

Councilor De Valois reporting for the Parks Committee which involved discussion of:

- Joint meeting with Recreation District
- Pickle ball court availability
- Tractor Club lease agreement approved
- Benson Barn and structural issues
- Recreation District funds for Glenning Park and Dickinson property
- Berthusen restroom is being reviewed by the County.
- Berthusen park traffic count
- Pump track will be a dirt track with possible paving in the future
- Cash infusion from Recreation District bond

Mayor Korthuis announced that the municipal court is now open and will be meeting every two weeks.

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CITY COUNCIL  
MINUTES OF REGULAR MEETING



## 7. EXECUTIVE SESSION

Council recessed into executive session at 7:58 to discuss potential litigation. It was anticipated that the executive session would last approximately 10 minutes and that a decision would not be made.

## 8. ADJOURNMENT

The June 15, 2020 regular session of the Lynden City Council adjourned at 8:08 p.m.

\_\_\_\_\_  
Pamela D. Brown, MMC  
City Clerk

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

DRAFT

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	July 6, 2020	
<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	

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## EXECUTIVE SUMMARY

<b>Meeting Date:</b>	July 6, 2020	
<b>Name of Agenda Item:</b>	Ord 1603 Amending LMC 19.26	
<b>Section of Agenda:</b>	Public Hearing	
<b>Department:</b>	Planning Department	
<b>Council Committee Review:</b>	<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: _____
	<b>Legal Review:</b> <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
Draft Ord 1603, Redlined revision of LMC 19.26, Planning Commission Minutes of 3-12-20		
<b>Summary Statement:</b>		
<p>In 2007 the City of Lynden adopted development standards that allowed for the creation of a zoning overlay specific to the needs of a hospital or large medical campus.</p> <p>Wishing to facilitate medical services within the community, and recognizing the potential of utilizing smaller sites, the City initiated an amendment to these standards which would reduce the minimum size for a development for a Medical Services Overlay. The amendment also clarified the language found in 19.26.090 related to transportation impact fees. At a March 12 hearing the Planning Commission voted unanimously to recommend approval of the amendment.</p> <p>Since the March hearing the amendment has been on hold due to the COVID-19 restrictions on government actions. This delay has added pressure to a pending Peace Health project timeline and called attention to the required approval process. Additional review also found that the site Peace Health has targeted for development has a net acreage of <u>less than 5 acres</u> and a minimum development area of 4 acres would create better feasibility than the 5 that was previously proposed. As such, with the Mayor's support, staff has drafted additional amendments to this code section. In total the attached amendment proposes the following:</p> <ul style="list-style-type: none"> <li>• Reduces the minimum development area from 8 acres to <u>4 acres</u>.</li> <li>• Allows projects which are not subdividing property or proposing phased infrastructure improvements to move to Design Review rather than the Binding Site Plan Process.</li> <li>• Clarifies Section 19.26.090(B) related to transportation impact fees</li> </ul> <p><u>Legal review was completed on June 26 which suggested a clarified version of these amendments.</u> A final version of the proposed ordinance and a redlined copy of the subject code has been included in the agenda package. (The additional proposed amendments are highlighted for your consideration.)</p>		
<b>Recommended Action:</b>		
Motion to approve Ordinance 1603 amending Lynden Municipal Code 19.26 regarding Medical Services Overlay and authorize the Mayor's signature on the document.		

**Ordinance No. 1603**

AN ORDINANCE OF THE CITY OF LYNDEN AMENDING TITLE 19 OF THE  
LYNDEN MUNICIPAL CODE

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

WHEREAS, the Growth Management Act requires that local governments planning under the Act must adopt regulations which implement adopted comprehensive plans; and

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

WHEREAS, development patterns of medical services industry have necessitated the amendment to Chapter 19.26 – Medical Services Zoning Overlay to facilitate the development of a needed community amenity; and

**WHEREAS**, on February 12, 2020, the City issued a SEPA Determination of Non-Significance related to this Ordinance; and

WHEREAS, the Lynden Planning Commission held an open record public hearing regarding the proposed amendments on March 12, 2020, to accept public comments on the proposed regulations and recommended adoption to the City Council.

WHEREAS, on January 28, 2020, the City provided notification to the State’s Department of Commerce pursuant to RCW 36.70A.106 regarding the proposed update to Title 19 of the Lynden Municipal Code and requested expedited review thereof, and said request for expedited review having been subsequently granted; and

WHEREAS, the proposed regulations were introduced to the Lynden City Council on June 15, 2020, and a date for a public hearing was set; and

WHEREAS, on July 6, 2020, the Lynden City Council held a public hearing to accept public testimony on the proposed amendments and to consider the matters of record to that date; and

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

**SECTION A Title 19, amended as follows:**

**Chapter 19.26**  
**Medical Services Zoning Overlay**

- 19.26.010 Purpose
- 19.26.020 Scope
- 19.26.030 Minimum Size
- 19.26.040 Permitted Uses
- 19.26.050 Conditional Uses
- 19.26.060 Review and Approval Process
- 19.26.070 Site Development Standards
- 19.26.080 Design Review Required
- 19.26.090 Transportation Demand Management

**19.26.010 Purpose**

The purpose of the Medical Services Overlay is to allow areas for the concentration of medical facilities and related uses in a campus like setting to enable the provision of a wide range of medical services to enhance the public’s health, safety and general welfare.

**19.26.020 Scope**

The provisions of this chapter shall apply to CSR and IBZ zones.

**19.26.030 Minimum Size**

The minimum size for a development using the Medical Services Overlay shall be four acres. For purposed of this section, the “minimum size for a development” shall mean the parcel size prior to any land division for development of uses authorized in LMC 19.26.40 or 19.26.50.

**19.26.040 Permitted Uses**

The following uses shall be permitted within a Medical Services Overlay:

- A. Medical and health care uses including hospitals, outpatient clinics, continuing/long term care services, hospice services, laboratories, medical research facilities, urgent or emergency medical services, offices of doctors, physical therapists, dentists and other health care providers.
- B. Medical staff facilities and similar uses, including but not limited to administrative offices, educational and meeting facilities and staff sleeping quarters;
- C. Childcare and adult care services, including respite care;

- D. Short term residential uses dependent upon or directly related to medical care, including convalescent care facilities, skilled nursing facilities, group homes for the disabled and overnight accommodations;
- E. Health care related retail (i.e. pharmacy, medical supplies and equipment);
- F. Miscellaneous retail trade including gift stores, bookstores, newsstands, florist, jewelry, video sales/rentals, and other retail ancillary to and located within a medical services facility;
- G. Cafeterias and food service within health care buildings and stand-alone restaurants on the following conditions:
  - 1. The maximum square footage is 4,000 square feet.
  - 2. There is no drive thru window.
  - 3. Alcohol sales are prohibited.
  - 4. No stand-alone restaurant may be developed until 30% of the land area is developed for other permitted uses.
- H. Social service providers including counseling centers and alcohol and drug treatment facilities;
- I. Accessory parking;
- J. Utilities and public facilities.

**19.26.050 Conditional uses**

The following uses require an additional conditional use permit for approval:

- A. Medical helicopter landing pad on the following conditions:
  - 1. Refueling tanks, services or storage of helicopters are not permitted on-site;
  - 2. The landing pad meets the recommendations of the Washington State Department of Transportation Aviation Division and the Federal Aviation Administration.
  - 3. Use shall be limited to emergency medical use only,

- 4. The helipad shall be sited no closer than 100 feet to any right-of-way or property boundary;
- B. Facilities for the treatment and/or temporary storage of biomedical, radioactive and hazardous waste generated within the overlay district; provided however that no materials may be transported to the site from other facilities for storage or treatment purposes.

**19.26.060 Review and Approval Process**

- A. Development of property within the Planned Medical Services Overlay which includes the division of land shall be accomplished by binding site plan pursuant to the process and requirement set forth at Chapter 18.24 LMC. Development of property within the Planned Medical Services Overlay requiring of infrastructure improvements but not any division of land shall also be accomplished pursuant to the process and requirements of Chapter 18.24 LMC, without the actual division.
- B. In addition to meeting the requirements of Chapter 18.24 LMC, property development requiring land division or the phasing of infrastructure improvements in the Planned Medical Services Overlay shall include the following:
  - 1. A transportation and circulation plan prepared by a professional transportation engineer licensed to practice in the State of Washington;
  - 2. A phasing plan for site improvements, landscaping and services;
  - 3. General building locations and types, access points and circulation within the overlay area;
- C. A binding site plan and conformance with Chapter 18.24 LMC is not required for development which does not proposed either land division or the phasing of infrastructure improvements.
  - 1. Developments proposing neither land division nor the phasing of infrastructure improvements may proceed directly to Design Review as described in Section 19.26.080.
  - 2. All development may utilize the site development standards described below in Section 19.26.070.

**19.26.070 Site Development Standards**

Except as otherwise noted, the site development restrictions shall be as follows:

- A. Minimum area for newly created lots: 25,000 square feet
- B. Minimum setback to interior street: 15 feet
- C. Minimum setback to exterior street: 30 feet
- D. Minimum distance between buildings: 10 feet
- E. Maximum height: 45 feet <sup>1</sup>
- F. Maximum lot coverage: 60% <sup>2</sup>

<sup>1</sup>. Higher height limits may be obtained through a conditional use permit.

<sup>2</sup>. May be increased by 10% when 25% of the parking is in an approved underground or multi-level parking facility.

- G. Hospital or urgent care clinic parking (parking for all other uses as outlined within Chapter 19.51.040):
  - 1. one space for every two beds; and
  - 2. one space per employee on largest shift
  - 3. All required parking must be within 300 feet of the hospital site.

**19.26.080 Design Review Required**

All buildings within the Medical Overlay are subject to review and approval by the Design Review Board. Buildings within this area are not subject to compliance with the Historic Dutch Design Criteria. The Design Review Board will consider the following items when reviewing the building plan:

- A. Pedestrian connectivity: The campus should have accessible pedestrian connections beyond standard sidewalks along the street. Special attention should be paid to crosswalks, connections between parking lots serving adjacent uses and interior walkway connections.
- B. Landscaping: Minimum landscaping shall be as required within Chapter 19.61 LMC; provided however, that additional landscaping

may be required by the Design Review Board at the time of building permit to achieve the following effects:

- 1. Effective screening of parking areas and eliminating monotony of parking areas.
  - 2. Effective buffering of adjacent residential uses.
  - 3. Enhance the building architecture and on-site landscaping.
  - 4. Coordinate with the streetscape plantings required as part of the master plan.
- C. Building Design: There should be continuity of character and building materials throughout the development to enhance a campus setting. Building design should provide articulation to avoid long blank walls and a scale appropriate to the setting. Where possible, buildings should be designed to screen parking and provide useful courtyard settings for users of the facilities.
- D. All load and unloading facilities shall be provided off street and screened appropriately.

**19.26.090 Transportation Management Program**

Medical uses are high traffic generating uses. Reducing the number of trips to the development creates a benefit to the City through less demand on the transportation system. To encourage employers within the Medical Overlay; the City of Lynden offers the following incentives:

- A. The employee parking component of each use may be reduced by up to 10% if the employer establishes a permanent commute trip reduction program that offers employees incentives such as transit passes, shuttle services or other similar programs to reduce the number of single occupant vehicles traveling to and from the site.
- B. All planned medical developments that occur within an economic assistance zone as outlined in Resolution 709 may receive an economic development credit. In addition to that credit, developers within the CSR and IBZ zones may be eligible for an additional credit of 10% of the original transportation impact fee to those developers with an established permanent commute trip reduction program as noted above.

**SECTION B.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision

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

**SECTION C.** Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

**SECTION D.** This ordinance shall take effect on April 2020.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Signed by the Mayor on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
MAYOR (Scott Korthuis)

ATTEST:

\_\_\_\_\_  
CITY CLERK (Pamela Brown)

APPROVED TO AS FORM:

\_\_\_\_\_  
CITY ATTORNEY (Robert Carmichael)

Chapter 19.26  
Medical Services Zoning Overlay

6-29-20: Highlighted portions represent an **additional amendment** that has been proposed following the March 12 Planning Commission hearing and subsequently reviewed by legal counsel.

- 19.26.010 Purpose
- 19.26.020 Scope
- 19.26.030 Minimum Size
- 19.26.040 Permitted Uses
- 19.26.050 Conditional Uses
- 19.26.060 ~~Master Development Plan Required Review and Approval Process~~**
- 19.26.070 Site Development Standards
- 19.26.080 Design Review Required
- 19.26.090 Transportation Demand Management

**19.26.010 Purpose**

The purpose of the Medical Services Overlay is to allow areas for the concentration of medical facilities and related uses in a campus like setting to enable the provision of a wide range of medical services to enhance the public’s health, safety and general welfare.

**19.26.020 Scope**

The provisions of this chapter shall apply to CSR and IBZ zones.

**19.26.030 Minimum Size**

The minimum size for a development using the Medical Services Overlay shall be ~~eight~~ **five** ~~four~~ acres. For purposes of this section, the “minimum size for a development” shall mean the parcel size prior to any land division for development of uses authorized in LMC 19.26.40 or 19.26.50.

**19.26.40 Permitted Uses**

The following uses shall be permitted within a Medical Services Overlay:

- A. Medical and health care uses including hospitals, outpatient clinics, continuing/long term care services, hospice services, laboratories, medical research facilities, urgent or emergency medical services, offices of doctors, physical therapists, dentists and other health care providers.
- B. Medical staff facilities and similar uses, including but not limited to administrative offices, educational and meeting facilities and staff sleeping quarters;
- C. Childcare and adult care services, including respite care;
- D. Short term residential uses dependent upon or directly related to medical care, including convalescent care facilities, skilled nursing facilities, group homes for the disabled and overnight accommodations;

- E. Health care related retail (i.e. pharmacy, medical supplies and equipment);
- F. Miscellaneous retail trade including gift stores, bookstores, newsstands, florist, jewelry, video sales/rentals, and other retail ancillary to and located within a medical services facility;
- G. Cafeterias and food service within health care buildings and stand-alone restaurants on the following conditions:
  - 1. The maximum square footage is 4,000 square feet.
  - 2. There is no drive thru window.
  - 3. Alcohol sales are prohibited.
  - 4. No stand-alone restaurant may be developed until 30% of the land area is developed for other permitted uses.
- H. Social service providers including counseling centers and alcohol and drug treatment facilities;
- I. Accessory parking;
- J. Utilities and public facilities.

**19.26.50 Conditional uses**

The following uses require an additional conditional use permit for approval:

- A. Medical helicopter landing pad on the following conditions:
  - 1. Refueling tanks, services or storage of helicopters are not permitted on-site;
  - 2. The landing pad meets the recommendations of the Washington State Department of Transportation Aviation Division and the Federal Aviation Administration.
  - 3. Use shall be limited to emergency medical use only,
  - 4. The helipad shall be sited no closer than 100 feet to any right-of-way or property boundary;
- B. Facilities for the treatment and/or temporary storage of biomedical, radioactive and hazardous waste generated within the overlay district; provided however that no materials may be transported to the site from other facilities for storage or treatment purposes.

**19.26.60 Master Development Plan Required Review and Approval Process**

~~A. All development within the Planned Medical Services Overlay which includes the division of land shall be accomplished by binding site plan pursuant to the process and requirements set forth at Chapter 18.24 LMC. Development of property within the Planned Medical Services Overlay requiring that proposes either land division or the phasing of infrastructure improvements but not any division of land shall also be accomplished pursuant to the process and governed by requirements of Chapter 18.24 LMC, without the actual division a master plan.~~

~~B. When required, the Master Development Plan shall constitute a binding site plan pursuant to RCW 58.17 and Chapter 18.24 of the Lynden Municipal Code and shall be reviewed and approved through the process described in said chapter of the Lynden Municipal Code. In addition to meeting the requirements of Chapter 18.24 LMC, property development requiring land division or the phasing of infrastructure improvements in the Planned Medical Services Overlay the master plan shall include the following:~~

~~1.~~

- 1. A transportation and circulation plan prepared by a professional transportation engineer licensed to practice in the State of Washington;
- 2. A phasing plan for site improvements, landscaping and services;
- 3. General building locations and types, access points and circulation within the overlay area;

~~C. A binding site master development plan and conformance with Chapter 18.24 LMC is not required for development an overlay which does not proposed either land division or the phasing of infrastructure improvements.~~

~~1. Developments proposing neither land division nor the phasing of infrastructure improvements of this nature may proceed directly to Design Review as described in Section 19.26.080.~~

~~2. All development may utilize the site development standards described below in Section 19.26.070.~~

**19.26.70 Site Development Standards**

Except as otherwise noted, the site development restrictions shall be as follows:

- A. Minimum area for newly created lots: 25,000 square feet
- B. Minimum setback to interior street: 15 feet

- C. Minimum setback to exterior street: 30 feet
- D. Minimum distance between buildings: 10 feet
- E. Maximum height: 45 feet <sup>1</sup>
- F. Maximum lot coverage: 60% <sup>2</sup>
  - 1. Higher height limits may be obtained through a conditional use permit.
  - 2. May be increased by 10% when 25% of the parking is in an approved underground or multi-level parking facility.
- G. Hospital or urgent care clinic parking (parking for all other uses as outlined within Chapter 19.51.040):
  - 1. one space for every two beds; and
  - 2. one space per employee on largest shift
  - 3. All required parking must be within 300 feet of the hospital site.

**19.26.80 Design Review Required**

All buildings within the Medical Overlay are subject to review and approval by the Design Review Board. Buildings within this area are not subject to compliance with the Historic Dutch Design Criteria. The Design Review Board will consider the following items when reviewing the building plan:

- A. Pedestrian connectivity: The campus should have accessible pedestrian connections beyond standard sidewalks along the street. Special attention should be paid to crosswalks, connections between parking lots serving adjacent uses and interior walkway connections.
- B. Landscaping: Minimum landscaping shall be as required within Chapter 19.61 LMC; provided however, that additional landscaping may be required by the Design Review Board at the time of building permit to achieve the following effects:
  - 1. Effective screening of parking areas and eliminating monotony of parking areas;
  - 2. Effective buffering of adjacent residential uses;
  - 3. Enhance the building architecture and on-site landscaping;
  - 4. Coordinate with the streetscape plantings required as part of the master plan.
- C. Building Design: There should be continuity of character and building materials throughout the development to enhance a campus setting. Building design should provide articulation to avoid long blank walls and a

scale appropriate to the setting. Where possible, buildings should be designed to screen parking and provide useful courtyard settings for users of the facilities.

- D. All load and unloading facilities shall be provided off street and screened appropriately.

**19.26.90      Transportation Management Program**

Medical uses are high traffic generating uses. Reducing the number of trips to the development creates a benefit to the City through less demand on the transportation system. To encourage employers within the Medical Overlay; the City of Lynden offers the following incentives:

- A. The employee parking component of each use may be reduced by up to 10% if the employer establishes a permanent commute trip reduction program that offers employees incentives such as transit passes, shuttle services or other similar programs to reduce the number of single occupant vehicles traveling to and from the site.
  
- B. All ~~potential~~ planned medical developments ~~will that~~ occur within an economic assistance zone as outlined in Resolution 709 may receive an economic development credit. In addition to ~~that credit, e-economic-development credit given to~~ developers within the CSR and IBZ zones may be eligible for ; an additional credit of 10% of the original transportation impact fee ~~may be given~~ to those developers with an established permanent commute trip reduction program as noted above.

# CITY OF LYNDEN

PLANNING DEPARTMENT  
360-354-5532



## PLANNING COMMISSION MEETING MINUTES

7:30 PM March 12, 2020  
City Hall Annex

### 1. CALL TO ORDER

### 2. ROLL CALL

Present: Tim Faber, Lynn Templeton, Blair Scott and Nikki Turner.

Absent with notice: Diane Veltkamp, Bryan Korthuis and Gerald Veltkamp

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

### 3. APPROVAL OF MINUTES

#### A. February 27, 2020

Turner motioned to approve the February 27, 2020, Planning Commission Minutes as submitted. Seconded by Templeton and the motion passed 3-1, with Templeton in opposition.

Templeton addressed page 4 of the minutes, last sentence *“much of this discussion was difficult to portray via written notes. An audio recording of this meeting is available of the City website.”* Templeton stated that he was disappointed that the discussion was not part of the written record as it was important information. Gudde replied, that the audio from every Planning Commission meeting is available and on the website. At any time, the PC, CC and public can here the full meeting. Martin noted that recreating word by word minutes for a meeting that is 3 hours long is time consuming, however, Staff will add more detail to this section of the minutes to better capture what was said. As Gudde mentioned, Staff is happy to send you a link of the meeting.

Scott stated that it is also important to note why a Commissioner voted in opposition. It helps to better understand their reasoning. Martin replied, then all of the votes in favor would need that same attention. Martin indicated that Staff will work to provide more details in the future.

### 4. APPROVAL OF FINDINGS - February 27, 2020, PRDa, RB Development

Templeton motioned to approve the February 27, 2020, Planning Commission Resolution #19-03, for the RB Development PRD Amendment as submitted. Seconded by Turner and the motion passed 4-0.

Discussion: Gudde noted that the Commissioners will find the legal conclusions of Carmichael Clark’s research into the transfer of units within a PRD. For a quick synopsis jump to the ‘Conclusions’ on the last page. You will see that their research showed that the City has an obligation to uphold the unit transfer because the shifting of units in this manner was expressly permitted in both the code (at the time the PRD was written) and the development contract. Later, in 2006, the code was changed to prohibit the transfer of units. City Council has this record as well as the legal conclusions in their packages for Monday night’s Council meeting.

**5. PUBLIC HEARING – Legislative Item**

**A. Amendment to Lynden Municipal Code 19.26 – Medical Services Overlay**

Faber opened the public hearing.

Gudde addressed her Executive Summary dated March 12, 2020.

In 2007 the City of Lynden adopted development standards that allowed for the creation of a zoning overlay specific to the needs of a medical campus. These provisions appear in Lynden Municipal Code (LMC) 19.26. For reference, this zoning overlay can be described as a floating zoning category, with its own specific permitted uses and development standards, that can, with approval, be pinned to a specific area / property. Other overlays, like our Airport Overlay, are specific to a described area of the City.

While the Medical Services overlay was created with a specific west Lynden property in mind, the development of a medical campus in this area has not been realized. Now, other locations within the City are being considered which may be appropriate for medical uses but do not fit the minimum size criteria indicated in LMC 19.26.030.

Wishing to facilitate medical services within the community; and recognizing the existing medical services overlay does not address the potential of smaller eligible sites throughout the City; and anticipating no detrimental impacts which could not be mitigated by site design; the City has initiated a code amendment which would reduce the minimum size for a development using the Medical Services Overlay from 8 acres to 5 acres. The amendment also provides the opportunity to clarify the language found in 19.26.090 related to Transportation Management. Specifically, the code refers to an economic development credit. This credit, adopted in 2005, is applicable only to a specific area in the West Lynden Sub-Area and should not be assumed to apply to all properties seeking the Medical Services Overlay.

All developments proposing to utilize the Medical Services Overlay would still be subject to the approval process described in 19.26.060 and 19.26.080. In January the Planning Department’s Council Committee reviewed the revision and was supportive of moving it forward to the Planning Commission for a Public Hearing.

Speaking in Favor:

Misty Parris, VP of Operations, PeaceHealth Medical Group, 4545 Cordata Pkwy, Bellingham  
Parris submitted a letter supporting the zoning amendment and asked that the City Council approve the application. Approval of the amendment will provide PeaceHealth the flexibility to best serve its patients.

Scott asked if PeaceHealth is seriously considering coming to Lynden? Parris replied, yes, we are very serious and have already contracted with an architect.

Speaking in Opposition: None.

**Planning Commission Discussion:**

The Commission agreed that this would be good for the community.

Templeton noted that he has never heard of an Economic Development Credit and asked if Staff could explain. Gudde replied, that Resolution 709, established and signed in February 2005 offers incentives for businesses to come to Lynden. For some properties in West Lynden, it provides a reduction in Transportation Impact Fees.

The Commission had no further questions.

**Faber motioned to close the public hearing. Seconded by G. Veltkamp and the motion passed, 4-0.**

**Scott motioned to recommend to the Council the approval of the amendment to Lynden Municipal Code Chapter 19.26.030 regarding the minimum size for a development using that Medical Services Overlay, and 19.26.090 clarifying language regarding development credits. Seconded by Turner, and the motion passed 4-0.**

**6. COMMISSIONERS CORNER**

The following Planning Commission meetings have been cancelled: March 26th and April 9th. The next scheduled meeting is on April 23rd.

There will be an upcoming Joint Planning Commission Meeting and Community Development Committee Meeting on April 22, 2020. Gudde stated that the topic of meeting is regarding a Hearings Examiner. City Attorney, Bob Carmichael will be there to explain the details and it will be beneficial to hear the details from him first hand.

**7. ADJOURNMENT**

**Motion to adjourn by Scott / Second by Turner. Meeting adjourned at 8:15 pm.**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	July 6, 2020	
<b>Name of Agenda Item:</b>	Parks Committee Minutes	
<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 checked="" type="checkbox"/> Review Not Required	
<b>Attachments:</b>		
Draft Parks Committee Minutes- June 15, 2020		
<b>Summary Statement:</b>		
See Next Page		
<b>Recommended Action:</b>		
For Council Review		

# CITY OF LYNDEN



PARKS DEPARTMENT  
Vern Meenderinck, Parks Director  
(360) 354 - 6717

## PARKS AND REC. DISTRICT COMBINATION COMMITTEE AGENDA

June 15, 2020

### 1. **ROLL CALL:**

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

Rec. District Commissioners: Ron Van Soest, Rick Lair, Harvey Pelleboer, T.J. Timmermans, and Bob Johnson

Staff Present: City Administrator Mike Martin; Parks Director Vern Meenderinck; and Park Admin. Assist. Nancy Norris

### 2. **ACTION ITEMS:**

#### A. **Approval of Parks Committee Minutes from May 18, 2020**

De Valois motioned to approve the minutes, and Laninga seconded the motion, Wohlrab concurred.

***Action: The Parks Committee Minutes from May 18, 2020 were approved.***

#### B. **Pickleball Courts League/usage/sign wordage etc. Bobby Welch**

Bobby Welch contacted the parks office with interest in starting a pickleball league. Mr. Welch who lives in Lynden plays in the Bellingham League. The Bellingham Parks are closed through August 31, the intent by the Bellingham club is to move their league to the newly built courts here in Lynden once they are open. Mr. Welch's concern is if that happens the Lynden pickleball citizen will not be able to use the courts that were built for the Lynden Community.

***Action: The Mayor will speak with the Rotary President and Board as to what the Rotary's Vision of use for all the new sports courts in the Rotary Park.***

#### C. **Benson Barn report and proposal- direction forward?**

A Pest inspection was done on the barn. The Barn is infested with beetles and ants it is recommended the barn be sprayed to kill off and remaining insects.

The structural engineer has assigned a 50% structural value to the existing timber. The engineer is proposing a glulam frame to be installed 12' o.c. under the existing roof structure to significantly reduce the loads on the existing roof to make it comply.

***Action: Parks Committee reviewed the report and would like to receive the preliminary cost estimate before deciding to move forward.***

#### D. **Tractor Club lease amendment**

The Tractor Club agreed for the City to take over the Club's water service with Berthusen Water Association. The City will supply the showgrounds with water at no cost to the Club.

***Action: Parks Committee approved this amendment to the Tractor Club's Lease and recommends full approval by Council.***

# CITY OF LYNDEN



## PARKS DEPARTMENT

Vern Meenderinck, Parks Director  
(360) 354 - 6717

### 3. INFORMATION ITEMS:

#### A. **Rec. District updates, discussion of future plans/projects etc.**

Bond monies have been received.

Re-affirm payments to the City in \$500,000 increments. The first \$500,000 will be split between the Benson Park Barn engineering, Dickenson Park Trail, and Glenning St. purchase.

The Rec. District agrees with the payout of \$500,000 increments.

#### B. **Berthusen Restroom report on progress- permit status**

The County has accepted the permit application. Currently we are waiting on the Shoreline permit, which is needed to go any further. The building is scheduled to arrive in October 2020.

#### C. **Berthusen Traffic Count**

With the noticeable increase of facility rentals and visitors using Berthusen Park. The Berthusen Advisory had asked for a traffic count. After collecting data for two-weeks, the traffic count showed there is approx. 200 vehicles per day entering the Park.

#### D. **Pump track plans**

Kevin Rus self-appointed pump track coordinator has posted a sign out by the dirt mounds. The sign shows the designed plan and fundraising goals and how to donate to this volunteer driven project. The dirt mounds are being well used; the volunteers hope to turn the mounds into more of a temporary dirt track.

#### E. **League games**

Leagues would be allowed to play games, starting in phase 3 (less than 50 people per field). It will be up to the league to monitor the social distancing. Currently there are no bases or goals out on the fields. People are using the fields for practice, and it seems like the teams/groups are figuring out how to practice social distancing per the guidelines.

### 4. ITEMS ADDED:

#### A. **Art Wall Crux**

Councilman Wohlrab will be contacting Crux Construction to ask if they are still willing to donate an art wall.

**Adjourned 5:50pm.**

#### NEXT MEETING DATES

**Parks Committee: July 20, 2020**

**Rec. District: July 8, 2020**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	July 6, 2020	
<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: 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>	Outlook Calendar	
<b>Summary Statement:</b>	See next page.	
<b>Recommended Action:</b>	None	

**July 7, 2020**  
Tuesday

8:30 AM - 9:30 AM Leadership Team Meeting -- City Hall 1st Floor Large Conference Room

5:00 PM - 6:30 PM Design Review Board -- Annex South East Conference Room

**July 8, 2020**  
Wednesday

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

4:15 PM - 6:00 PM Public Works Committee Meeting -- City Hall 2nd Floor Large Conference Room

7:00 PM - 9:00 PM Rec. District Meetings -- Annex South East Conference Room

**July 9, 2020**  
Thursday

4:00 PM - 5:00 PM Public Safety Committee Meeting -- Police Training Room

7:30 PM - 9:30 PM Planning Commission -- Annex Council Chamber

**July 10, 2020**  
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

**July 13, 2020**  
Monday

9:00 AM - 10:00 AM Check-In Vern/Mike -- Mike's Office

**July 14, 2020**

Tuesday

8:30 AM - 9:30 AM

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

**July 15, 2020**

Wednesday

All Day

Jury Trial -- Annex Council Chamber; Annex East Training Room; Annex South East Conference Room; Annex North East Conference Room

2:00 PM - 3:30 PM

Wellness/LEAF Committee Meeting -- City Hall 1st Floor Large Conference Room

7:00 PM - 8:30 PM

Board of Adjustment -- City Hall 2nd Floor Large Conference Room

**July 16, 2020**

Thursday

9:00 AM - 11:00 AM

Technical Review Committee Meeting -- City Hall 2nd Floor Large Conference Room

**July 17, 2020**

Friday

12:00 AM - 12:00 AM

Razz Fest

8:30 AM - 9:30 AM

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

**July 18, 2020**

Saturday

12:00 AM - 12:00 AM

Razz Fest

Please See Above

**July 20, 2020**

Monday

8:00 AM - 12:00 AM

CPT Ed -- Police Training Room

3:00 PM - 4:00 PM

Finance Committee Meeting -- City Hall 1st Floor Large Conference Room  
Visit [WWW.LYNDENWA.ORG](http://WWW.LYNDENWA.ORG) to view the agenda

**July 20, 2020 Continued**

Monday

**4:00 PM - 5:00 PM**

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

**7:00 PM - 9:00 PM**

**Council Meetings -- Annex Council Chamber**