

CITY OF LYNDEN



Mayor
Scott Korthuis

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

Regular City Council Meeting
Annex - 205 Fourth Street
August 15, 2022

Call to Order

Pledge of Allegiance

Roll Call

Oath of Office

Summary Reports and Presentations

Approval of Minutes

- [1.](#) Draft Council Minutes- August 1, 2022

Citizen Comment

Consent Agenda

- [2.](#) Approval of Payroll and Claims
- [3.](#) Interlocal Agreement.- WC Parks & Recreation-Community/Senior Center (2023-2024)
- [4.](#) Ordinance No. 1651-LMC Amendment Regarding Antiharassment/No Contact Orders
- [5.](#) Lynden Municipal Airport Advisory Board Appointment and Term Renewals
- [6.](#) Award Bid for Bender Road Water Main Replacement

Public Hearing

Unfinished Business

New Business

- [7.](#) Revocation of Lynden Automotive Conditional Use Permit 21-04

Other Business

- [8.](#) Draft Public Works Committee Meeting Minutes August 3, 2022
- [9.](#) Calendar

Executive Session

Adjournment

CITY OF LYNDEN

EXECUTIVE SUMMARY



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

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



August 1, 2022

1. CALL TO ORDER

Mayor Korthuis called to order the August 1, 2022 regular session of the Lynden City Council at 7:00 p.m. at the city's council chambers.

ROLL CALL

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

Members absent: Councilor Kuiken absent with notice.

Staff present: Fire Chief Mark Billmire, Parks Director Brent DeRuyter, Public Works Director Steve Banham, City Clerk Pam Brown, and City Attorney Bob Carmichael.

OATH OF OFFICE- None

SUMMARY REPORTS AND PRESENTATIONS

Mayor Korthuis announced that the Tractor Show is on this weekend and that they are celebrating their 50th anniversary this year.

APPROVAL OF MINUTES

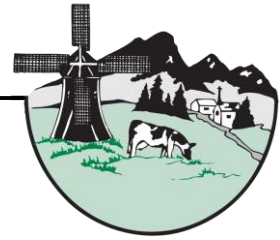
Councilor Bode moved, and Councilor Wohlrab seconded to approve the July 18, 2022, regular council meeting minutes as presented. Motion approved on 6-0 vote.

CITIZEN COMMENT

Lynden Chamber Director Gary Vis, 518 Front Street, Lynden spoke to council concerning UTV vehicles and if the city had plans to permit these vehicles.

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



2. CONSENT AGENDA

Payroll Liability to July 3 through July 16, 2022

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$589,301.45
Check Liability	\$1,30.88
Total Non-L&I Liabilities	\$590,332.23
Quarterly Liabilities	\$13,308.36
Total EFT & Other Liabilities	\$604,140.69

Payroll Liability to July 17 through July 30, 2022

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$278,746.08
Check Liability	\$221,593.17
Total Non-L&I Liabilities	\$500,339.25
Quarterly Liabilities	\$13517.07
Total EFT & Other Liabilities	\$513,856.32

Approval of Claims – August 2, 2022

Manual Warrants No.	=		through	=		\$0.00
EFT Payment Pre-Pays						\$0.00
					Sub Total Pre-Pays	\$0.00
Voucher Warrants No.	25168		through	25224		\$126,806.85
EFT Payments						\$0.00
					Sub Total	\$126,806.85
					Total Accts. Payable	\$126,806.85

Councilor De Valois moved, and Councilor Strengtholt seconded to approve the Consent Agenda. Motion passed with a 6-0 vote.

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



3. PUBLIC HEARING - None

4. UNFINISHED BUSINESS

The City is considering adopting an ordinance that would prohibit camping in public spaces and simultaneously amending LMC 12.24 related to park rules. Legal counsel drafted the initial language to ensure compliance with State code and provide consistency with current case law. The text was then reviewed in multiple council committees.

On July 5, 2022, the City Council set the public hearing to occur on July 18, 2022. Subsequently staff received feedback from Council and community members which has been reflected in the attached draft.

On July 18th, the City Council held a public hearing to collect comment. The ordinance was reviewed at the Parks Committee meeting. Minor revisions to the ordinance have been made per their comments. These changes primarily related to park hours of operation and to correct references to other sections of the municipal code. Council is now asked to consider making a final decision on the ordinance.

Councilor De Valois moved, and Councilor Strengholt seconded to adopt Ordinance No. 1649 amending LMC 12.24 and adding LMC 12.40 which regulates certain activities in City Parks and other sensitive areas owned by the City and also authorize the Mayor's signature on the document.

Councilor Wohlrab moved to amend Ordinance No. 1649 by striking out item number 14 in section 12.24.040, motion seconded by Councilor Lenssen. Motion approved 6-0.

Councilor De Valois moved, and Councilor Strengholt seconded to adopt Ordinance No. 1649 amending LMC 12.24 and striking item No. 14 of 12.24.040, adding LMC 12.40 which regulates certain activities in City Parks and other sensitive areas owned by the City and to also authorize the Mayor's signature on the document. Motion approved 6-0.

5. NEW BUSINESS - None

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



6. OTHER BUSINESS

Councilor De Valois reporting for the Parks Committee:

- Bench at Dickinson Park
- Turf for Benson Park and the astronomical costs
- SHKS meeting regarding the Barn
- Dickinson Park forest inventory update
- Double Ditch speeding issue, making entry pedestrian only
- Automated locks installation
- Berthusen Park sign awaiting WC approval
- Use of E-Bikes and safety concerns for those walking on park trails.

Council discussed E-Bike classifications and workable solutions for safeguarding riders and pedestrians that share use of park trails. Council also approved posting educational and speed limit signs on the trails. City Attorney Bob Carmichael asked Park's Department staff to submit proposed sign language for legal review before posting the signs.

7. EXECUTIVE SESSION

Council adjourned into executive session at 7:30 p.m. to for discussion and consideration of qualifications of an applicant for public employment per RCW 42.30.110 (1)(g) with an expectation of no council action when reconvening at 7:45 p.m.

8. ADJOURNMENT

The August 1, 2022, regular session of the Lynden City Council adjourned at 7:45 p.m.

Pamela D. Brown
City Clerk

Scott Korthuis
Mayor

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	August 15, 2022	
Name of Agenda Item:	Approval of Payroll and Claims	
Section of Agenda:	Consent	
Department:	Finance	
Council Committee Review:		Legal Review:
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	<input type="checkbox"/> Yes - Reviewed
<input checked="" type="checkbox"/> Finance	<input type="checkbox"/> Public Works	<input type="checkbox"/> No - Not Reviewed
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Review Not Required
Attachments:		
None		
Summary Statement:		
Approval of Payroll and Claims		
Recommended Action:		
Approval of Payroll and Claims		

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	August 15, 2022	
Name of Agenda Item:	Interlocal Cooperative Agrmt.- WC Parks & Recreation (Community/Senior Center)	
Section of Agenda:	Consent	
Department:	Administration	
Council Committee Review:	Legal Review:	
<input type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
Interlocal Cooperative Agreement between City of Lynden and Whatcom County Parks & Recreation		
Summary Statement:		
<p>This 2-year Interlocal Cooperative agreement between the City and Whatcom County Parks and Recreation Department provides funding assistance with on-site staffing to assist with the operation of the Lynden Community Center. The current agreement expires at the end of 2022.</p> <p>The Finance Committee reviewed the agreement at their meeting this afternoon and recommends forwarding the agreement to full council for review and approval.</p>		
Recommended Action:		
Motion to approve the Interlocal Cooperative Agreement between the City of Lynden and Whatcom County Parks & Recreation and authorize the Mayor's signature.		

**INTERLOCAL COOPERATIVE AGREEMENT
BETWEEN
CITY OF LYNDEN
AND
WHATCOM COUNTY PARKS & RECREATION**

THIS AGREEMENT is made and entered into by Whatcom County Parks & Recreation Department (County) and the City of Lynden, Washington (City or Provider) pursuant to the authority granted by chapter 39.34 RCW, INTERLOCAL COOPERATION ACT.

1. PURPOSE:

The County will provide funding to the City to assist with the provision of Senior Services at the Lynden Community Center. This funding is intended to provide on-site staffing to assist with the operation of the Lynden Community Center. Individual/s hired may be employed by the Lynden Council on Aging, a local not-for profit organization that is currently under contract with the City.

2. RESPONSIBILITIES:

WHATCOM COUNTY PARKS & RECREATION RESPONSIBILITIES
The County will provide funding in 2023 and 2024 for the City to contract with the Lynden Council on Aging for provision of staff assigned to the Lynden Community Center. This funding is intended to provide staffing and operational support for Senior Services at the Lynden Senior Center.

CITY OF LYNDEN RESPONSIBILITIES

The City contracts by separate agreement with the Lynden Council on Aging to operate and maintain the Lynden Senior Center and its programs at the Lynden Community Center. "Senior Center management", "Senior Center employees", or "Senior Center staff" referred to herein are employees of the Lynden Council on Aging. The City will utilize the funds provided for in this Agreement to contract with the Lynden Council on Aging to continue to provide Senior Services Monday through Friday of each week from 8:00 a.m. to 4:30 p.m. at the Lynden Community Center, except holidays. At a minimum, the City and/or the Lynden Council on Aging will be expected to provide the following services:

- A.** Daily On-Site Operations
- B.** Assistance to Senior Center management and staff in order to provide a variety of healthy lifestyle programs and activities of interest to older adults
- C.** Develop safety policies and monitor procedures
- D.** Employee and volunteer opportunities to support Senior Center operations.

E. Provide progress reports to the County

In addition the City will continue to provide support to the Senior Center including use of the city owned facility located at 401 Grover Street, Lynden, Washington, 98264 and/or continued funding to cover programming and utilities expenses at the facility.

3. TERM OF AGREEMENT:

The term of this Agreement shall be from January 1, 2023 through December 31, 2024.

4. AVAILABLE FUNDING AND MANNER OF FINANCING:

The County will provide a total of \$63,730 for the twelve (12) month period of January 1, 2023 through December 31, 2023, and \$63,730 for the twelve (12) month period of January 1, 2024 through December 31, 2024.

The City shall invoice the County by the last working day of each month during the term of this agreement for services rendered as outlined in Section 2. The County shall reimburse the City for twelve (12) equal payments in 2023 and twelve (12) equal payments in 2024.

5. ADMINISTRATION:

The following individuals are designated as representatives of the respective parties. The representatives shall be responsible for administration of this Agreement and for coordination and monitoring performance under this Agreement. In the event such representatives are changed, the party making the change shall notify the other party.

- A.** The City of Lynden representative shall be the City Administrator
- B.** Whatcom County's representative shall be Shannon Batdorf

- 6. Indemnification by Provider.** To the fullest extent permitted by law, the Provider agrees to indemnify, defend and hold the County and its departments, elected and appointed officials, employees, agents and volunteers, harmless from and against any and all claims, damages, losses and expenses, including but not limited to court costs, attorney's fees and alternative dispute resolution costs, for any personal injury, for any bodily injury, sickness, disease or death and for any damage to or destruction of any property (including the loss of use resulting therefrom) which 1) are caused in whole or in part by any act or omission, negligent or otherwise, of the Provider, its employees, agents or volunteers or Provider's subcontractors and their employees, agents or volunteers; or 2) are directly or indirectly arising out of, resulting from, or in connection with performance of this Agreement; or 3) are based upon the Provider's or its subcontractors' use of, presence upon or proximity to the property of the County. This indemnification obligation of the Provider shall not apply in the limited

circumstance where the claim, damage, loss or expense is caused by the sole negligence of the County. This indemnification obligation of the Provider shall not be limited in any way by the Washington State Industrial Insurance Act, RCW Title 51, or by application of any other workmen's compensation act, disability benefit act or other employee benefit act, and the Provider hereby expressly waives any immunity afforded by such acts. The foregoing indemnification obligations of the Provider are a material inducement to County to enter into this Agreement, are reflected in the Provider's compensation, and have been mutually negotiated by the parties.

Provider's initials acknowledging indemnity terms: _____

The County reserves the right, but not the obligation, to participate in the defense of any claim, damages, losses or expenses and such participation shall not constitute a waiver of Provider's indemnity obligations under this Agreement.

The Provider agrees all Provider's indemnity obligations shall survive the completion, expiration or termination of this Agreement.

7. In the event the Provider enters into subcontracts to the extent allowed under this Agreement, the Provider's subcontractors shall indemnify the County on a basis equal to or exceeding Provider's indemnity obligations to the County.

The City is required to provide proof of insurance for the following minimum coverage:

- A. General Liability coverage @ \$1,000,000 per occurrence
- B. Workers Compensation Coverage and listed amounts for bodily injury by accident, bodily injury by disease, policy limits.
- C. Directors and Officers coverage if applicable.
- D. Fraud coverage for employees.

The City waives all rights of Subrogation against the County. The City's insurance is primary and the County's insurance is non-contributory except as required under the terms of Indemnification. The City shall name Whatcom County and its officials, employees, agents, and volunteers as ADDITIONAL INSURED on their insurance policy.

The City, in a written contract with the designated contractor that provides senior services, shall require the designated contractor to indemnify, defend, and hold harmless the County to the same extent as required in this Agreement.

Additionally, the City shall require the designated contractor to carry the insurance of Commercial General Liability per occurrence of \$1,000,000.00 or greater and vehicle insurance of \$1,000,000.00 or greater per occurrence. The Designated contractor's insurance shall name the City and Whatcom County and its officials, employees, agents, and volunteers as ADDITIONAL INSURED on the designated contractor's insurance policy. The designated contractor shall provide proof of these insurance requirements by submitting a Certificate of Liability with Endorsements to the City. The contracting organization's insurance shall waive all rights of Subrogation against the County and its insurance shall be primary and the County's insurance shall be non-contributory.

8. TERMINATION:

This Agreement may be terminated by either party upon one-hundred and twenty (120) days written notice, mailed postage-prepaid by certified mail, return receipt requested, to the party's last known address for the purposes of giving notice under this paragraph. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

9. INDEPENDENCE OF PARTIES AND EMPLOYEES:

The CITY shall be deemed to be the sole operator of the Lynden Community Center. All employees and volunteers engaged with or serving in the operation of the Lynden Community Center shall not by this Agreement be construed to be employees, agents or volunteers serving the County.

10. NON-DISCRIMINATION IN EMPLOYMENT:

The County's policy is to provide equal opportunity in all terms, conditions and privileges of employment for all qualified applicants and employees without regard to race, color, creed, religion, national origin, sex, sexual orientation (including gender identity), age, marital status, disability, or veteran status. The Contractor shall comply with all laws prohibiting discrimination against any employee or applicant for employment on the grounds of race, color, creed, religion, national origin, sex, sexual orientation (including gender identity), age, marital status, disability, political affiliation, or veteran status, except where such constitutes a bona fide occupational qualification.

Furthermore, in those cases in which the Contractor is governed by such laws, the Contractor shall take affirmative action to insure that applicants are employed, and treated during employment, without regard to their race, color, creed, religion, national origin, sex, age, marital status, sexual orientation (including gender identity), disability, or veteran status, except

where such constitutes a bona fide occupational qualification. Such action shall include, but not be limited to: advertising, hiring, promotions, layoffs or terminations, rate of pay or other forms of compensation benefits, selection for training including apprenticeship, and participation in recreational and educational activities. In all solicitations or advertisements for employees placed by them or on their behalf, the Contractor shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

The foregoing provisions shall also be binding upon any subcontractor, provided that the foregoing provision shall not apply to contracts or subcontractors for standard commercial supplies or raw materials, or to sole proprietorships with no employees

11. NON-DISCRIMINATION IN CLIENT SERVICES:

The Contractor shall not discriminate on the grounds of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation (including gender identity), disability, or veteran status; or deny an individual or business any service or benefits under this Agreement unless otherwise allowed by applicable law; or subject an individual or business to segregation or separate treatment in any manner related to his/her/its receipt any service or services or other benefits provided under this Agreement unless otherwise allowed by applicable law; or deny an individual or business an opportunity to participate in any program provided by this Agreement unless otherwise allowed by applicable law.

12. NEW CONTRACTOR

Nothing herein shall prevent the City from entering into a contract with a different qualified contractor to perform the services described herein by the Lynden Council on Aging, or from performing said services itself.

13. CHANGES, MODIFICATIONS, AMENDMENTS AND WAIVERS:

This Agreement may be changed, modified, amended or waived only by written agreement executed by the parties hereto. Waiver or breach of any term or condition of the Agreement shall not be considered a waiver of any prior or subsequent breach.

14. SEVERABILITY:

In the event any term or condition of this Agreement or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications of this Agreement which can be given effect without the invalid term, condition, or application. To this end the terms and conditions of this Agreement are declared severable.

15. ENTIRE AGREEMENT:

This Agreement contains all the terms and conditions agreed upon by the parties. All items incorporated herein by reference are attached. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

APPROVED: **CITY OF LYNDEN**

By: Scott Korthuis, Mayor

On this ____ day of ____, 20__, before me personally appeared Scott Korthuis to me known to be the Mayor of the CITY OF LYNDEN and who executed the above instrument and acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of Washington

My Commission expires: _____

WHATCOM COUNTY

Satpal Sidhu, County Executive

STATE OF WASHINGTON) ss.
COUNTY OF WHATCOM)

On this ____ day of _____, 20__, before me personally appeared Satpal Sidhu to me known to be County Executive of WHATCOM COUNTY and who executed the above instrument and acknowledged to me the act of signing and sealing thereof.

Given under my hand and official seal this ____ day of _____, ____.

NOTARY PUBLIC in and for the State of Washington

Residing in _____

My Commission expires: _____

WHATCOM COUNTY PARKS & RECREATION DEPARTMENT

Michael McFarlane, Director

APPROVED AS TO FORM:

Deputy Prosecuting Attorney

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	August 15, 2022	
Name of Agenda Item:	LMC Amendment Regarding Antiharassment/No Contact Orders	
Section of Agenda:	Consent	
Department:	Police Department	
Council Committee Review:		Legal Review:
<input type="checkbox"/> Community Development	<input checked="" type="checkbox"/> Public Safety	<input checked="" type="checkbox"/> Yes - Reviewed
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	<input type="checkbox"/> No - Not Reviewed
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Review Not Required
Attachments:		
Draft Ordinance No. 1651		
Summary Statement:		
WA Legislature repealed sections of current RCW dealing with enforcement of protection orders. LMC needs amending to adopt those changes.		
Recommended Action:		
Council amends the LMC to adopt the latest version of the RCW so that we can continue to enforce violations of domestic violence protection orders.		

ORDINANCE NO.1651

AN ORDINANCE OF THE CITY OF LYNDEN, WASHINGTON, DECLARING AN EMERGENCY, AND AMENDING THE LYNDEN MUNICIPAL CODE IN ORDER TO ADOPT BY REFERENCE UPDATED SECTIONS OF THE REVISED CODE OF WASHINGTON REGARDING ANTIHARASSMENT ORDERS AND NO CONTACT ORDERS.

WHEREAS, the City of Lynden has established a municipal court pursuant to Chapter 3.50 RCW; and

WHEREAS, the Lynden Municipal Court has exclusive original criminal jurisdiction of all violations of City ordinances duly adopted by the City; and

WHEREAS, the City Council previously adopted by reference criminal statutes passed by the Washington State Legislature and codified in the Revised Code of Washington ("RCW"); and

WHEREAS, the Legislature adopted Engrossed Second Substitute House Bill 1320 (E2SHB 1320) during the 67th Legislative Session which repealed sections of Chapter 26.50 RCW ("Domestic Violence Prevention") which had previously been incorporated by reference into the Lynden Municipal Code; and

WHEREAS, the effective date of E2SHB was July 1, 2022; and

WHEREAS, the City Council must amend the Lynden Municipal Code to incorporate by reference the newly effective sections of the RCW regarding antiharassment orders and no contact orders to clearly establish the jurisdiction of the Lynden Municipal Court over alleged criminal violations of those statutes; and

WHEREAS, the Council finds that the uncertainty regarding the jurisdiction of the Lynden Municipal Court over these criminal offenses creates an emergency involving the immediate preservation of the public peace, health, or safety.

NOW, THEREFORE, THE CITY OF LYNDEN DOES ORDAIN:

Section 1: Findings of Fact. The City Council adopts the above "WHEREAS" recitals as findings of fact in support of this ordinance.

Section 2: Chapter 9.14 LMC ("Domestic Violence – Violations and Orders") is hereby amended as follows:

9.14.005 – Adoption by reference.

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW 10.14.170 Violation of an anti-harassment order: Any respondent age eighteen years or over who willfully disobeys any civil anti-harassment protection order issued pursuant to this chapter shall be guilty of a gross misdemeanor.

RCW 10.99.020 Definitions.

RCW 10.99.030 Law enforcement officers—Training, powers, duties—Domestic violence reports.

RCW 10.99.040 Restrictions upon and duties of court.

RCW 10.99.045 Appearances by defendant—No-contact order.

RCW 10.99.050 Victim contact—Restriction, prohibition—Violation, penalties—Written orders—Procedures.

RCW 10.99.055 Enforcement of orders.

RCW 10.99.070 Liability of peace officers.

RCW 26.09.300 Restraining orders—Notice—Refusal to Comply—Arrest—Penalty—Defense.

~~RCW 26.50.010 Definitions.~~

~~RCW 26.50.110 Violation of protection order—Penalties.~~

~~RCW 26.50.140 Peace officers—Immunity.~~

RCW 7.105.010 Definitions

RCW 7.105.450 Enforcement & Penalties- Other than antiharassment protection orders and extreme risk protection orders.

RCW 7.105.455 Enforcement & Penalties- Antiharassment protection orders

RCW 7.105.460 Enforcement & Penalties- Extreme risk protection orders—false petitions.

RCW 7.105.465 Enforcement & Penalties- Knowledge of order.

RCW 9.41.040 Unlawful possession of firearms—Ownership, possession by certain persons.

RCW 9A.40.010 Definitions.

RCW 9A.40.070 Custodial interference in the second degree.
 RCW 9A.40.080 Custodial interference—Assessment of costs—Defense—
 Consent defense, restricted.

Section 3. Effective Date. This Ordinance shall take effect immediately.

PASSED by the City Council this 15 day of August, 2022. Signed by the Mayor
 on this _____ day of August, 2022.

 SCOTT KORTHUIS, MAYOR

ATTEST:

 PAM BROWN, CITY CLERK

APPROVED AS TO FORM:

 ROBERT CARMICHAEL, CITY ATTORNEY

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	August 15, 2022	
Name of Agenda Item:	Lynden Municipal Airport Advisory Board Appointment and Term Renewals	
Section of Agenda:	Consent	
Department:	Public Works	
Council Committee Review:		Legal Review:
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	<input type="checkbox"/> Yes - Reviewed
<input type="checkbox"/> Finance	<input checked="" type="checkbox"/> Public Works	<input type="checkbox"/> No - Not Reviewed
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Review Not Required
Attachments:		
Bryant Paulsen – Candidate Bio		
Summary Statement:		
<p>The terms for Bob Weeks and Bill Stoelt, who serve on the Airport Advisory Board, expired December 31, 2021. They agreed at that time to serve another three-year term; however, Council Action was not obtained. Roger Humphreys, whose term expires December 31, 2022, has resigned from the Board. The board is recommending Bryant Paulsen as his replacement through 2022.</p> <p>According to Lynden Municipal Code Chapter 2.54.010, the board members shall be appointed by the Mayor with the approval of City Council, each to serve a three-year term. The Airport Board members operate in an advisory capacity to the Lynden City Council to make recommendations concerning the adoption of rules, regulations or policies for the management, operation and use of the airport, and the highways, roads, streets and territories adjacent to the airport.</p> <p>The Mayor and Public Works Committee reviewed Paulsen's Request for Appointment at their August 3rd meeting and concurred to forward Pausen's appointment and the retroactive appointments of Bob Weeks and Bill Stoelt to City Council for approval.</p>		
Recommended Action:		
That City Council confirm the Mayor's appointment of Bryant Paulsen to the Lynden Municipal Airport Advisory Board for the remainder of Roger Humphreys' term ending December 31, 2022, and the retroactive reappointment of Bob Weeks and Bill Stoelt the Lynden Municipal Airport Advisory Board for a three-year term, ending December 31, 2024.		

July 2022

Lynden Airport Advisory Board

Fact sheet for Board candidate Bryant Paulsen

Bryant is retired and resides in Lynden with his wife, Susan, at 1832 Alex Drive.

Education:

FAA Private Pilot certificate and Airframe & Powerplant, A&P, certificates.

FAA Airframe & Powerplant certificates, Idaho State University.

Bachelors of Science Degree in Business Administration, University of Phoenix.

Work-related experience:

In the past, Bryant worked for a Cessna dealership in Reno, NV.

Maintained a King Air E90 and a Cessna 401A for the State of Nevada, Department of Transportation.

Eighteen years' experience in the semiconductor capital equipment industry in field service and technical support engineering positions.

Twelve years' experience as a biomedical equipment engineering technician in Bay Area hospitals.

Five years as an owner/operator of a Snap-on Tools franchise in the Bay Area.

Aviation-related volunteering:

Bryant has been an active member of the Chuckanut Flying Club since October 2017.

He served as flying club president for 18 months during 2018 and 2019, and he has served as the Maintenance Officer from June 2018 to present.

In addition to his current and active flying club membership, Bryant is a Board member, too.

Washington Pilots Association, WPA, North Sound Chapter, NSC, active member, board member, website webmaster, monthly newsletter editor, and Facebook page administrator.

The WPA NSC is based out of the Bellingham International Airport.

Experimental Aircraft Association, EAA, Chapter 404 active member, board member, monthly newsletter editor, website webmaster, and Facebook page administrator.

EAA Chapter 404 meets at the Lynden Municipal Airport/Jansen Field.

An active and engaged Aircraft Owners and Pilots Association, AOPA, member.

An active and engaged FAA WINGS Pilot Proficiency Program participant with 186 courses completed to date.

Other info:

Bryant enjoys working on his two antique British sports cars – a 1953 MG TD and a 1967 Triumph TR4A IRS – in his spare time.

~ ~ End ~ ~

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	August 15, 2022	
Name of Agenda Item:	Award Bid for Bender Road Water Main Replacement	
Section of Agenda:	Consent	
Department:	Public Works	
Council Committee Review:		Legal Review:
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	<input type="checkbox"/> Yes - Reviewed
<input type="checkbox"/> Finance	<input checked="" type="checkbox"/> Public Works	<input type="checkbox"/> No - Not Reviewed
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Review Not Required
Attachments:		
1) Certified Bid Tabulation 2) R&E letter - Recommendation to Award		
Summary Statement:		
<p>Staff recently solicited bids for the Bender Road Water Main Replacement. The project replaces approximately 5,000 linear feet of water main along Bender Road, between Badger Road (SR 546) and Pangborn Road. Work to be performed under this contract shall include the replacement of the existing water main, and installation of new valves, services, and other appurtenances. Also included is the restoration of existing driveway entrances, landscaped areas, and fields. Eight bids were received on August 4, 2022. R&E prepared the attached Bid Tabulation.</p> <p>At the Public Works Committee meeting on August 8, 2022, the committee concurred that the bid results could be forwarded directly to City Council after being informed of the results. The Public Works Committee was advised of the bids and concurred to recommend award to Northern Contractors LLC, the lowest responsive and responsible bidder, in the amount of \$417,017.49, including Washington State Sales Tax. This project will be funded with water utility funds.</p>		
Recommended Action:		
<p>That City Council award the contract for Bender Road Water Main Replacement Project to Northern Contractors LLC, in the amount of \$417,017.49, including Washington State Sales Tax, and authorize the Mayor to sign the contract.</p>		



August 5, 2022

City of Lynden
300 4th Street
Lynden, WA 98264

Attn: Mark Sandal
Programs Manager

**RE: Bender Road Water Main Replacement – North of Badger Road
Recommendation to Award**

Dear Mr. Sandal,

We have reviewed all construction bid proposals for the above referenced project. Northern Contractors LLC provided the lowest bid at \$417,017.49.

Northern Contractors LLC did not acknowledge Addendum No. 1 on the "Bid Proposal Signature and Addendum Acknowledgement" form in the Bid Proposal Package. However, Northern Contractors LLC did use the correct "Revised Bid Proposal Form" incorporated into the Contract Documents via Addendum No. 1. Thus,

In accordance with the Special Provisions, Section 1-02.13, a proposal may be considered irregular and may be rejected if receipt of Addenda is not acknowledged (emphasis added). Considering that the correct "Revised Bid Proposal Form" was used, we recommend accepting the bid from Northern Contractors LLC.

The Certified Tabulation of Bids Received, Bidder's Checklist, and Debarment Check documents are attached for your information and review.

We recommend that you award the contract to Northern Contractors LLC subject to the following:

- Required project funds are available
- Considering the failure to acknowledge the Addenda as a minor irregularity

Sincerely,

A blue ink handwritten signature, likely of Nathan Zylstra, consisting of several loops and a long horizontal stroke.

Nathan Zylstra, P.E.
Reichhardt & Ebe Engineering, Inc.

R&E

Reichhardt & Ebe

ENGINEERING INC

423 Front Street

Lynden, WA 98264

Phone: (360) 354-3687

Called By: For:	City of Lynden BENDER RD. WATER MAIN REPLACEMENT - NORTH OF BADGER RD. 300 4th Street Lynden, WA 98264			Engineer's Estimate		1 Northern Contractors PO Box 307 Snohomish, WA 98290		2 Ultra Tank Services PO Box 30096 Bellingham, WA 98228		3 Stremler Gravel, Inc. PO Box 527 Lynden, WA 98264		4 Larry Brown Construction PO Box 29960 Bellingham, WA 98228		5 Tiger Construction PO Box 368 Everson, WA 98247		7 Premium Services 3212 Mt Baker Highway Bellingham, WA 98226		6 WSB Excavating 11921 99th Ave NE Arlington, WA 98223		8 Colacurcio Brothers, Inc. 3287 H Street Road Blaine, WA 98230		Average (Excluding Engineer's Estimate)	Standard Deviation (Excluding Engineer's Estimate)	
	CERTIFIED TABULATION OF BIDS RECEIVED Nathan Zylstra, P.E. August 5, 2022																							
By: Date:																								
Item No.	Item Description		Quantity	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount		
1	Mobilization	1	LS	\$	40,000.00	\$ 40,000.00	\$ 11,275.75	\$ 11,275.75	\$ 30,000.00	\$ 30,000.00	\$ 22,900.00	\$ 22,900.00	\$ 37,000.00	\$ 37,000.00	\$ 50,000.00	\$ 50,000.00	\$ 40,000.00	\$ 40,000.00	\$ 30,000.00	\$ 30,000.00	\$ 43,600.00	\$ 43,600.00	\$ 33,096.97	\$ 11,501.29
2	SPCC Plan	1	LS	\$	500.00	\$ 500.00	\$ 478.40	\$ 478.40	\$ 650.00	\$ 650.00	\$ 330.00	\$ 330.00	\$ 340.00	\$ 340.00	\$ 300.00	\$ 300.00	\$ 1,000.00	\$ 1,000.00	\$ 3,500.00	\$ 3,500.00	\$ 1,000.00	\$ 1,000.00	\$ 949.80	\$ 999.93
3	Project Temporary Traffic Control	1	LS	\$	7,500.00	\$ 7,500.00	\$ 2,875.00	\$ 2,875.00	\$ 12,200.00	\$ 12,200.00	\$ 12,100.00	\$ 12,100.00	\$ 23,300.00	\$ 23,300.00	\$ 18,000.00	\$ 18,000.00	\$ 10,000.00	\$ 10,000.00	\$ 3,000.00	\$ 3,000.00	\$ 50,000.00	\$ 50,000.00	\$ 16,434.38	\$ 14,224.52
4	Clearing and Grubbing	1	LS	\$	5,000.00	\$ 5,000.00	\$ 4,477.24	\$ 4,477.24	\$ 500.00	\$ 500.00	\$ 4,300.00	\$ 4,300.00	\$ 1,475.00	\$ 1,475.00	\$ 6,700.00	\$ 6,700.00	\$ 1,000.00	\$ 1,000.00	\$ 3,000.00	\$ 3,000.00	\$ 7,500.00	\$ 7,500.00	\$ 3,619.03	\$ 2,432.14
5	Removal of Structures and Obstructions	1	LS	\$	10,000.00	\$ 10,000.00	\$ 484.09	\$ 484.09	\$ 2,000.00	\$ 2,000.00	\$ 2,200.00	\$ 2,200.00	\$ 6,200.00	\$ 6,200.00	\$ 3,700.00	\$ 3,700.00	\$ 2,000.00	\$ 2,000.00	\$ 2,500.00	\$ 2,500.00	\$ 10,000.00	\$ 10,000.00	\$ 3,635.51	\$ 2,866.16
6	Sawcut ACP	1,175	LF-IN	\$	1.00	\$ 1,175.00	\$ 3.45	\$ 4,053.75	\$ 1.40	\$ 1,645.00	\$ 1.10	\$ 1,292.50	\$ 1.05	\$ 1,233.75	\$ 1.50	\$ 1,762.50	\$ 1.00	\$ 1,175.00	\$ 1.00	\$ 1,175.00	\$ 1.50	\$ 1,762.50	\$ 1.50	\$ 0.76
7	Sawcut PCC	100	LF-IN	\$	1.50	\$ 150.00	\$ 3.45	\$ 345.00	\$ 5.00	\$ 500.00	\$ 4.60	\$ 460.00	\$ 1.80	\$ 180.00	\$ 3.00	\$ 300.00	\$ 1.50	\$ 150.00	\$ 2.00	\$ 200.00	\$ 2.00	\$ 200.00	\$ 2.92	\$ 1.24
8	Removal and Disposal of Existing A.C. Water Main	1	LS	\$	5,000.00	\$ 5,000.00	\$ 3,327.24	\$ 3,327.24	\$ 16,800.00	\$ 16,800.00	\$ 17,300.00	\$ 17,300.00	\$ 16,000.00	\$ 16,000.00	\$ 20,000.00	\$ 20,000.00	\$ 8,000.00	\$ 8,000.00	\$ 5,000.00	\$ 5,000.00	\$ 15,000.00	\$ 15,000.00	\$ 12,678.41	\$ 5,880.74
9	Unsuitable Foundation Excavation Incl. Haul	100	CY	\$	40.00	\$ 4,000.00	\$ 30.16	\$ 3,016.00	\$ 35.00	\$ 3,500.00	\$ 34.00	\$ 3,400.00	\$ 27.30	\$ 2,730.00	\$ 75.00	\$ 7,500.00	\$ 25.00	\$ 2,500.00	\$ 25.00	\$ 2,500.00	\$ 25.00	\$ 2,500.00	\$ 34.56	\$ 15.74
10	Gravel Borrow Incl. Haul	130	TON	\$	40.00	\$ 5,200.00	\$ 29.24	\$ 3,801.20	\$ 27.00	\$ 3,510.00	\$ 8.80	\$ 1,144.00	\$ 37.90	\$ 4,927.00	\$ 17.00	\$ 2,210.00	\$ 40.00	\$ 5,200.00	\$ 20.00	\$ 2,600.00	\$ 22.00	\$ 2,860.00	\$ 25.24	\$ 9.83
11	Water	10	M GAL.	\$	100.00	\$ 1,000.00	\$ 1.15	\$ 11.50	\$ 125.00	\$ 1,250.00	\$ 234.00	\$ 2,340.00	\$ 30.00	\$ 300.00	\$ 160.00	\$ 1,600.00	\$ 35.00	\$ 350.00	\$ 10.00	\$ 100.00	\$ 35.00	\$ 350.00	\$ 78.77	\$ 78.90
12	Crushed Surfacing Top Course	20	TON	\$	100.00	\$ 2,000.00	\$ 32.62	\$ 652.40	\$ 70.00	\$ 1,400.00	\$ 130.00	\$ 2,600.00	\$ 80.85	\$ 1,617.00	\$ 91.00	\$ 1,820.00	\$ 60.00	\$ 1,200.00	\$ 35.00	\$ 700.00	\$ 66.00	\$ 1,320.00	\$ 70.68	\$ 29.35
13	Commercial HMA	20	TON	\$	300.00	\$ 6,000.00	\$ 287.50	\$ 5,750.00	\$ 345.00	\$ 6,900.00	\$ 390.00	\$ 7,800.00	\$ 446.00	\$ 8,920.00	\$ 425.00	\$ 8,500.00	\$ 500.00	\$ 10,000.00	\$ 200.00	\$ 4,000.00	\$ 470.00	\$ 9,400.00	\$ 382.94	\$ 94.27
14	PVC Pipe for Water Main 6 In. Diam.	5,035	LF	\$	40.00	\$ 201,400.00	\$ 45.15	\$ 227,330.25	\$ 42.00	\$ 211,470.00	\$ 37.25	\$ 187,553.75	\$ 43.95	\$ 221,288.25	\$ 30.00	\$ 151,050.00	\$ 49.00	\$ 246,715.00	\$ 65.00	\$ 327,275.00	\$ 36.50	\$ 183,777.50	\$ 43.61	\$ 9.80
15	Shoring or Extra Excavation Trench	28,350	SF	\$	1.00	\$ 28,350.00	\$ 0.04	\$ 1,134.00	\$ 0.04	\$ 1,134.00	\$ 0.10	\$ 2,835.00	\$ 0.01	\$ 283.50	\$ 0.10	\$ 2,835.00	\$ 0.01	\$ 283.50	\$ 0.25	\$ 7,087.50	\$ 0.02	\$ 567.00	\$ 0.07	\$ 0.08
16	Blowoff Assembly	1	EA	\$	3,500.00	\$ 3,500.00	\$ 4,109.69	\$ 4,109.69	\$ 2,420.00	\$ 2,420.00	\$ 2,400.00	\$ 2,400.00	\$ 2,880.00	\$ 2,880.00	\$ 2,100.00	\$ 2,100.00	\$ 1,800.00	\$ 1,800.00	\$ 3,500.00	\$ 3,500.00	\$ 3,000.00	\$ 3,000.00	\$ 2,776.21	\$ 710.77
17	Stovepipe Water Main	1	EA	\$	4,000.00	\$ 4,000.00	\$ 3,065.35	\$ 3,065.35	\$ 7,300.00	\$ 7,300.00	\$ 15,100.00	\$ 15,100.00	\$ 7,755.00	\$ 7,755.00	\$ 4,000.00	\$ 4,000.00	\$ 6,000.00	\$ 6,000.00	\$ 15,000.00	\$ 15,000.00	\$ 6,000.00	\$ 6,000.00	\$ 8,027.54	\$ 4,305.59
18	Pipe Zone Bedding	1,575	TON	\$	15.00	\$ 23,625.00	\$ 17.60	\$ 27,720.00	\$ 1.00	\$ 1,575.00	\$ 19.50	\$ 30,712.50	\$ 8.00	\$ 12,600.00	\$ 42.00	\$ 66,150.00	\$ 10.00	\$ 15,750.00	\$ 1.00	\$ 1,575.00	\$ 23.50	\$ 37,012.50	\$ 15.33	\$ 12.72
19	Temporary Water Service Connections	1	LS	\$	3,000.00	\$ 3,000.00	\$ 17,473.91	\$ 17,473.91	\$ 28,500.00	\$ 28,500.00	\$ 16,100.00	\$ 16,100.00	\$ 11,455.00	\$ 11,455.00	\$ 16,500.00	\$ 16,500.00	\$ 18,000.00	\$ 18,000.00	\$ 1,000.00	\$ 1,000.00	\$ 11,000.00	\$ 11,000.00	\$ 15,003.61	\$ 7,292.09
20	Gate Valve 6 In.	5	EA	\$	1,700.00	\$ 8,500.00	\$ 1,712.08	\$ 8,560.40	\$ 2,270.00	\$ 11,350.00	\$ 2,100.00	\$ 10,500.00	\$ 1,640.00	\$ 8,200.00	\$ 1,800.00	\$ 9,000.00	\$ 1,600.00	\$ 8,000.00	\$ 1,300.00	\$ 6,500.00	\$ 2,100.00	\$ 10,500.00	\$ 1,815.26	\$ 300.49
21	Service Connection 1 In. Diam.	10	EA	\$	1,800.00	\$ 18,000.00	\$ 972.80	\$ 9,728.00	\$ 1,100.00	\$ 11,000.00	\$ 1,400.00	\$ 14,000.00	\$ 1,115.00	\$ 11,150.00	\$ 1,400.00	\$ 14,000.00	\$ 1,000.00	\$ 10,000.00	\$ 2,000.00	\$ 20,000.00	\$ 1,200.00	\$ 12,000.00	\$ 1,273.48	\$ 313.38
22	Erosion Control and Water Pollution Prevention	1	LS	\$	5,000.00	\$ 5,000.00	\$ 2,645.00	\$ 2,645.00	\$ 8,500.00	\$ 8,500.00	\$ 2,100.00	\$ 2,100.00	\$ 470.00	\$ 470.00	\$ 4,000.00	\$ 4,000.00	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,500.00	\$ 2,500.00	\$ 2,901.88	\$ 2,338.80
23	Topsoil Type A	200	SY	\$	15.00	\$ 3,000.00	\$ 17.67	\$ 3,534.00	\$ 18.00	\$ 3,600.00	\$ 26.50	\$ 5,300.00	\$ 34.90	\$ 6,980.00	\$ 28.00	\$ 5,600.00	\$ 15.00	\$ 3,000.00	\$ 12.00	\$ 2,400.00	\$ 32.00	\$ 6,400.00	\$ 23.01	\$ 7.89
24	Topsoil Type B	1,450	SY	\$	15.00	\$ 21,750.00	\$ 5.04	\$ 7,308.00	\$ 2.00	\$ 2,900.00	\$ 5.70	\$ 8,265.00	\$ 4.45	\$ 6,452.50	\$ 6.00	\$ 8,700.00	\$ 5.00	\$ 7,250.00	\$ 9.00	\$ 13,050.00	\$ 25.00	\$ 36,250.00	\$ 7.77	\$ 6.76
25	Seeding and Fertilizing	0.28	AC	\$	10,000.00	\$ 2,800.00	\$ 5,692.93	\$ 1,594.02	\$ 4,800.00	\$ 1,344.00	\$ 9,200.00	\$ 2,576.00	\$ 9,675.00	\$ 2,709.00	\$ 10,000.00	\$ 2,800.00	\$ 1,000.00	\$ 280.00	\$ 3,600.00	\$ 1,008.00	\$ 6,000.00	\$ 1,680.00	\$ 6,245.99	\$ 2,990.73
26	Sod Installation	200	SY	\$	25.00	\$ 5,000.00	\$ 18.99	\$ 3,798.00	\$ 17.00	\$ 3,400.00	\$ 27.00	\$ 5,400.00	\$ 28.25	\$ 5,650.00	\$ 30.00	\$ 6,000.00	\$ 15.00	\$ 3,000.00	\$ 18.00	\$ 3,600.00	\$ 26.00	\$ 5,200.00	\$ 22.53	\$ 5.49
27	Bark or Wood Chip Mulch	10	SY	\$	25.00	\$ 250.00	\$ 54.63	\$ 546.30	\$ 65.00	\$ 650.00	\$ 15.00	\$ 150.00	\$ 15.75	\$ 157.50	\$ 17.00	\$ 170.00	\$ 60.00	\$ 600.00	\$ 60.00	\$ 600.00	\$ 100.00	\$ 1,000.00	\$ 48.42	\$ 28.31
28	Landscape Restoration	1	EST	\$	5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ -	
29	Cement Conc. Traffic Curb	10	LF	\$	50.00	\$ 500.00	\$ 86.25	\$ 862.50	\$ 112.00	\$ 1,120.00	\$ 229.00	\$ 2,290.00	\$ 122.00	\$ 1,220.00	\$ 135.00	\$ 1,350.00	\$ 60.00	\$ 600.00	\$ 50.00	\$ 500.00	\$ 160.00	\$ 1,600.00	\$ 119.28	\$ 54.09
30	Depressed Cement Conc. Curb	10	LF	\$	50.00	\$ 500.00	\$ 86.25	\$ 862.50	\$ 112.00	\$ 1,120.00	\$ 229.00	\$ 2,290.00	\$ 122.00	\$ 1,220.00	\$ 135.00	\$ 1,350.00	\$ 60.00	\$ 600.00	\$ 50.00	\$ 500.00	\$ 160.00	\$ 1,600.00	\$ 119.28	\$ 54.09
31	Wooden Fence	10	LF	\$	50.00	\$ 500.00	\$ 49.91	\$ 499.10	\$ 100.00	\$ 1,000.00	\$ 122.00	\$ 1,220.00	\$ 49.40	\$ 494.00	\$ 100.00	\$ 1,00								

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	August 15, 2022	
Name of Agenda Item:	Revocation of Lynden Automotive Conditional Use Permit 21-04	
Section of Agenda:	New Business	
Department:	Planning Department	
Council Committee Review:		Legal Review:
<input type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <input type="checkbox"/> Other: _____		<input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
Attachments:		
Planning Commission Resolution 22, 2022 Revocation of CUP Staff Report, PC Resolution 21-10 (recommending approval), Council December 6, 2021 Findings of Fact (approving), 2021 CUP Staff Report		
Summary Statement:		
<p>The City Council considered a Conditional Use Permit (CUP) application on December 6, 2021 for Lynden Automotive Specialists, located at 8894 Bender Road. The application sought to allow a full-service auto repair shop in the CSL zone (Bender Plaza) when only auto lube facilities are permitted outright. The Council approved the CUP but with very specific conditions. Because the location had already begun operating as a full-service auto repair shop in violation of permitted commercial uses, the approval designated a specific timeframe for compliance. Among other things, the applicant had 30 days to install a landscape screen and 3 months to submit a stormwater report.</p> <p>Since approval more than 7 months ago, no action has been taken by the business owner to fulfill these conditions related to screening or stormwater improvements despite written and phone communication with the applicant.</p> <p>Staff is now recommending that the City Council revoke the Conditional Use Permit and require that mechanic services be ended at this property (although lube services could continue). The business owner has failed to demonstrate that the use can be accommodated in this location. It has become apparent that the building and stormwater system, constructed for lube services, cannot adequately accommodate the use without significant renovations. Reports of illicit stormwater discharge and failure to comply with Council requirements have exacerbated this situation.</p> <p>The Planning Commission held a public hearing on July 27 regarding the revocation. They recommended that the Council consider giving the applicant an additional 30 days to comply with a modified list of conditions. These are detailed in PC Resolution 22-02.</p>		
Recommended Action:		
Motion to (approve / disapprove) the Planning Commission's recommendation and (extend and amend / revoke) Conditional Use Permit 21-04 and direct staff to draft a resolution detailing the Council's conclusion to be reviewed at the September 6 th Council meeting.		

ORIGINAL

CITY OF LYNDEN
PLANNING COMMISSION RESOLUTION #22-02

**A resolution of recommendation for the denial of
CUP #21-04, Lynden Automotive Revocation**

WHEREAS, Gerardo Morado hereinafter called the "Proponent," submitted a complete application to the City of Lynden, hereinafter called "the City," for a conditional use permit to allow an automobile repair shop in an existing commercial building within the CSL zone.

WHEREAS, the application was determined to be complete on October 1, 2021, and the notice of application was published in the Lynden Tribune on November 3, 2021; and

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

WHEREAS, the Lynden Planning Commission held a virtual public hearing on November 18, 2021, to accept public testimony on the proposed conditional use permit request, and that meeting was duly recorded;

WHEREAS, the City's Technical Review Committee has reviewed the request for the conditional use permit and has provided comments and recommendations to the Planning Commission in a report dated November 12, 2021,

WHEREAS, the Lynden Planning Commission has reviewed the conditional use permit request and has found that the application meets the criteria for granting a conditional use permit under Chapter 19.49.020 of the Lynden Municipal Code.

WHEREAS, the Lynden Planning Commission has reviewed the conditional use permit request and has found that the application also meets the criteria for granting a conditional use permit under Chapter 19.49.040 of the Lynden Municipal Code.

WHEREAS, On November 18, 2021, the Lynden Planning Commission recommended approval, to the Lynden City Council, of Conditional Use Permit #21-04, Lynden Automotive, subject to the Technical Review Report dated, *with the following clarifications*:

1. Submission of the stormwater report must be done within 3 months but may be granted a 1-month extension if the applicant demonstrates steps toward compliance.
2. The proposed landscape screen, specifically, is a Type 3 landscape buffer and installed within 30 days of Council decision.
3. The 10 vehicles, temporary parked while under repair, must have current license and registration.

4. The 10 stalls used for vehicles under repair must be located in the northwest corner of the site and not south of the subject business.
5. Removal of storage containers from the site shall be permanent.

WHEREAS, On December 6, 2021, the Lynden City Council approved the CUP application as recommended under Planning Commission Resolution #21-10.

WHEREAS, the applicant had 30 days to install a landscape screen and 3 months to submit a stormwater report, however, to date, no action has been taken to fulfill these conditions or others related to business operation despite written and phone communication with the applicant.

WHEREAS, on July 27, 2022, the Lynden Planning Commission held a public hearing to consider the revocation of the Conditional Use Permit as the required conditions of approval have not been met, and that meeting was duly recorded.

WHEREAS, The Lynden Planning Commission reviewed the conditions of the original CUP approval and the *revised* Technical Review Committee Report dated July 22, 2022.

NOW THEREFORE, BE IT RESOLVED by the Lynden Planning Commission to recommend denial of the Lynden Automotive CUP revocation by a vote of 4-0, to the Lynden City Council, unless the following conditions are met within 30-days of Council approval:

1. Comply with all items of the Staff report dated November 12, 2021.
2. The applicant has one (1) month to provide a stormwater report or memo prepared by a civil engineer, verifying outdoor automotive mechanical work, washing & cleaning activities in the existing parking lot is in compliance with stormwater elicited discharge requirements. Applicant may inquire at City Hall for archived plans to determine if the storm drains used in the outdoor mechanic work, washing & cleaning activities, drain to an existing oil water separator. Any discharge into the existing drainage system must be compliant with elicited discharge requirements. If it is determined that there is a compliant oil water separator on-site, this system shall be maintained and cleaned. If the existing drains are not connected to an approved system, the outdoor mechanic work, washing and cleaning activities shall cease and desist, until such time as a new compliant system is designed and installed.
3. The proposed landscape screen, specifically, is a Type 3 landscape buffer and installed within 30 days of Council decision.
4. Sixteen (16) long term vehicles under repair are allowed only within the marked sixteen (16) stalls adjacent to the new landscaped area.
5. All parking stalls along Bender Road, south of the existing buildings shall be maintained for employee parking and short-term parking (day use) only. No overnight parking permitted.

6. Removal of storage containers from the site shall be permanent.

PASSED by the Planning Commission of the City of Lynden, Whatcom County, by a vote of 4-0, at their regular meeting held on the 27th day of July 2022.



Tim Faber, Chair
Lynden Planning Commission



Heidi Gudde
Planning Director

CITY OF LYNDEN

PLANNING DEPARTMENT
360-354-5532



PLANNING COMMISSION MEETING MINUTES

7:00 PM July 27, 2022
Microsoft Teams Meeting

1. CALL TO ORDER

2. ROLL CALL

Present: Tim Faber, Blair Scott, Jim Kaemingk, Darren Johnson.

Absent with notice: Khush Brar, Hollie Lyons with notice and Bryan Korthuis without notice.

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

3. APPROVAL OF MINUTES

A. None

4. DECLARATION OF CONFLICT

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

5. PUBLIC HEARING - Quasi-Judicial Item

A. CUP #21-04 Lynden Automotive, 8894 Bender Road

Faber opened the public hearing.

Gudde addressed the Commission and stated CUP's are for uses that are not necessarily appropriate for the area but may be allowed subject to certain conditions and review.

Gudde stated On November 18, 2021, the Planning Commission held a public hearing to consider a Conditional Use Permit (CUP) for Lynden Automotive Specialists, located at 8894 Bender Road. The application sought the permit to allow a full-service auto repair shop in the CSL zone (Bender Plaza) in Lynden.

The Planning Commission recommended approval of the CUP but with very specific conditions. As the location had already begun operating as a full-service auto repair shop in violation of permitted commercial uses designated in LMC 19.23.010, the Commission designated a specific timeframe for compliance. The City Council subsequently considered the application on December 6, 2021 and concurred with the resolution of the Planning Commission.

Subsequently, the applicant had 30 days to install a landscape screen and 3 months to submit a stormwater report. No action has been taken to fulfill these conditions others related to business operation despite written and phone communication with the applicant.

As the conditions of the Conditional Use Permit have not been fulfilled the Planning Commission is being asked to consider a revocation of the permit. Staff is seeking a Commission recommendation and will then bring the item to the City Council for a final decision. Applicant and public testimony on the revocation can be provided at the

Planning Commission hearing and will become part of the record for the Council to consider. A revocation of the conditional use permit would require that the applicant discontinue the use of mechanic services at this location (although lube services can remain).

Gudde stated that Staff has also issued a recommendation to City Council. The motion is as follows: *Motion to recommend to the City Council that Conditional Use Permit #21-04 for Lynden Automotive be revoked and that mechanic services at this location be immediately discontinued.*

Gudde also added that a specific deadline for mechanic services should be noted.

Speaking in Favor:

Gerardo Morado, Owner, Lynden Automotive Specialist 8894 Bender Road, Lynden
Morado stated that he started working on the issue with the previous owners, the McEvoy's, however they started the process of selling the property to the new owner Parm (also present). Morado states that the McEvoy's did not inform Parm of the situation that was going on between the business and the city. Morado stated that he continued to try and address the issues on his own but ultimately what was agreed upon was that the landscape screening and other conditions was more on the owner than the person leasing the property. Morado stated that in talking with the McEvoy's they would take it thorough the process and I would help as it is for my business. The sale of the property took some time and when it was complete, we had lost what we were approved to do under the CUP.

A few months back, Morado and the new owner got on the same page and wanted to move forward but the CUP had already been revoked.

Scott asked, did you purchase the business after all of this started? No, I purchased the business in 2021. Were you the owner during the first hearing when all of these stipulations took effect? Correct, I was the owner of Lynden Automotive at that time, however, not the owner of the property. Scott stated, we are addressing the issues with the mechanic services at this location. Morado stated regardless, the burden would still fall to the property owner.

Morado stated that the property was leased to him as a mechanic shop not as an express lube shop. I am operating my lease as I originally intended to. When I got hit with the CUP requirement, it was unexpected. Prior to being in this location, the express lube also did mechanic work for multiple years and had no issues.

Kaemingk asked, when you were approached by the City regarding the CUP, did they ask you to do this or the property owners? Morado replied, me and McEvoy. When the property sold, the lease was also transferred to the new owners. Does the lease say that you can operate an automotive repair shop? Yes, and I signed a 5/6 year lease.

Kaemingk asked Morado if he has a plan? Yes, we absolutely do. Number 1 & 2 we are ready to move on as soon as we get this approved again. Morado's concern is with condition number 3 & 4 as he does a lot of work with dealerships from here to Bellingham. There are often cars without plates or expired tabs. Cars are also brought to the shop that have been broken down and stored in a garage for months or years. It's difficult to force them to put tabs on the vehicle just to bring it to a shop. 1, 2 & 5 no issues, but 3 & 4 need to be discussed.

Johnson asked, have you started addressing some of the conditions? Morado replied yes, we removed the storage container. Two months ago we went to court, thought we were ready to put in the landscaping and was told that we had to go through this process again because it had been revoked.

Scott asked, are you prepared to move forward with the landscaping now? Yes, Parm is prepared to install the landscaping. Parm and I are the ones going to court with the City Attorney. Gudde stated that Morado is mentioning court because the case started as a violation. If a violation is not addressed, it eventually goes to the City Prosecutor. Gudde has been in contact with the Prosecutor and his conditions on this matter are to follow the conditions of approval for the CUP. Until that is done, it will remain as a violation against the property.

Faber informed Morado that the CUP at this point has not been revoked. Tonight's meeting is what that process is for. The revocation requires the same process that put the CUP in place and only the City Council can revoke it, not Staff or the City Prosecutor.

Morado states that they would have done the landscaping a month ago, however, was told not to because of this upcoming process.

Scott stated that there are a lot more cars parked at the shop than he understood would be. Morado stated that a specific "number" of cars is new to him. He was not given a number. Faber stated that the decision letter indicates 10. From the lease, the whole northwest corner is our property. Morado stated that he cannot operate with just 10 vehicles, that does not work for him. We are an automotive repair shop. Other shops have a lot more than that.

Faber, how many employees do you have? Morado, 4. There are 10 parking stalls on the north side 4 on the northwest, two up against the building and 9 on the southwest. I did not lease that business as a lube shop. I am a mechanic, and I opened the business as one.

Faber stated, that's exactly why we put these conditions in place. This site was not designed as a mechanic / repair shop it was designed for a lube shop where vehicles came and went, they did not stick around for long periods of time. Repair shops are permitted in a different zone that allows the heavier use. This is a fairly small building for

such a big use. There are only 2 bays which forces additional repairs to happen outside which requires caution when allowing the use in the area/zone.

Faber, at this point, if the PC is confident that Morado and the new owner will be rectifying the concerns / conditions can we sent a new date for compliance? Gudde replied, yes.

Faber, you are the applicant on the original CUP, you are the one asking for the CUP. This should not be passed on to the owner. You should work with the owner, but the responsibility is with you. Morado stated that he would rather leave and take his business elsewhere and not deal with this but, ultimately if I leave and another business wants to do something other than an express lube, this process will have to be done. Faber said, not if it's an express lube. Morado stated that the previous tenant did mechanic work in this location for 15 years with no concerns. Why now? Faber stated because there was a complaint. Once the City receives a complaint, this process starts. Morado stated that he has a number of complaints. Is the City going to talk Martins Feed about the dust and smell? When I called the city regarding that issue, I was told they were grandfathered in? That's not fair. Faber, those are the rules.

Faber asked, how long would you need to comply with the conditions? Morado stated less than 30-days. Faber asked if the PC could change the number of vehicles allowed as part of their recommendation? Gudde replied, yes.

Gudde asked if compliance is not met by the new deadline, would the revocation be recommended or does the Commission want it to come back to them. Faber stated, if it is not met by the new deadline, it would be revoked. The PC does not need to see it again.

Morado stated, we are good to screen the 10 stalls in back, the 4 on NW corner up to the northwest corner of the building. That is what he thought he and Heidi had agreed on. That was the purpose of screening that area. The stalls in front, off of Bender Road can be employee parking and transitioning vehicles that come and go.

The Commission addressed the area map that was included in the CUP packet. Counted available stalls and discussed the possibility of increasing the long-term parking stalls from 10 to 16. Morado stated that if we can make this agreement, I will move cars around and make sure long-term vehicles are parked where the screen is and the short-term vehicles are parked in the other stalls.

Scott expressed concern regarding what the vehicle limits / restrictions after the first hearing vs. what Morado thinks. Faber stated that conditions 3 & 4, of the original CUP decision letter is fairly clear. If we agree to allow more vehicles, we will need to revise our original decision. The Commission reviewed the conditions.

Scott asked Morado to define long term? Morado stated, for a mechanic shop it could be up to 1 to 2 months depending on the type of work. Transmission, new engine, waiting for parts, waiting for customers to get funds etc.

Brief discussion regarding some of the existing cars on site. Scott said that some of them have been there long enough to lose air in the tires. Morado replied, there are two cars that need to go, but no one will tow them out as they are abandoned. He will work on that.

Morado stated that his only concern is that you give us an additional 30 days to comply, we work on the conditions and then get turned down at City Council. I would like to know now so I can start working on compliance or look for another location.

Faber asked Morado if there was anything else he would like to say before we close the public hearing. Faber wants to make sure that the Commission has heard everything Morado wants to relay to us.

Faber summarized: possible 30-day extension, provide screening where the long-term vehicles will be parked, increase long term parking stalls from 10 stalls to 16 stalls, parking spaces to the south of the building would be for employee parking and day use only, no overnight parking. Faber asked Morado if that would be an acceptable solution? Morado, replied yes, 100%.

Kaemingk asked Morado how many years left on your lease? Morado replied, 4 years. Kaemingk asked if the business is working well for him? Morado, yes, business is good with the exception of having the city on me and having to go to court every month. I am providing good service to the community, generating tax dollars, and it is good for this side of town. Our reviews are good.

Kaemingk asked, long term will the location be big enough for the business? Morado stated he leased another shop and another location with 5 bays. I am transitioning some over there, but this location is a good location for me. This is my community and this is where I live. I want to stay here.

Kaemingk would like to see the abandoned vehicles currently on site removed. Morado stated that he can pay \$300 per car and get them removed. You should probably do that for your business. The PC is trying to help you out and give you extra time, so help us out as well. Morado, we will definitely make progress to clean it up.

Keep in mind, the Planning Commission makes a recommendation to City Council. This item will go to the City Council in August for the final decision. The 30 days will begin once you receive a Council decision in August. Scott stated, you should start cleaning up the vehicles now so that Council will look favorably on you. Morado we will definitely start the clean-up.

Gudde stated that we have received complaints from the Department of Ecology regarding illicit discharge into the storm system. That is why we had condition number 1 and to date we have not received a stormwater report. It is highly unlikely that Morado will be able to

get one within 30-days. They have been notified of elicit discharge, however, we are still seeing engines being pressure washed.

Gudde stated, what we heard from council at the first meeting is that they want businesses to succeed. At the same time, they have been on notice for months and months with no compliance.

Kaemingk motioned to close the public hearing. Motion passed, 4-0.

Faber asked, is there an oil separator already in place since it was approved as a lube shop? We will need a report to determine that. Does the city have old plans that could determine that? There may be a system in place as this was originally constructed as a lube and oil business. A full report may not be necessary, however, we do need an engineer to review. Faber asked if anyone has been hired to investigate this issue? Gudde replied, not to her knowledge, we have not been contacted by anyone.

Scott expressed concern that there has been no effort to rectify the situation, rather just excuses. Are we just delaying the inevitable if he has no intention of adhering to the request? Kaemingk stated that it seems as if Morado originally thought the dispute was with the property owner. Maybe he did not understand. Gudde stated that Morado was not at the first meeting, however, he was well aware of the meeting but indicated that it was not necessary. He did not advocate at that time, so the Planning Commission made recommendations without his comments.

Johnson thinks that Morado will do the right thing after this meeting tonight. I do not think he thought he had people up here that want him to succeed.

Faber stated that he does not know the circumstances on why he did not attend the first meeting, however, it was unfortunate that he was not able to attend.

Faber stated that he would lean towards some sort of leniency. Does not think that he needs a stormwater report, just a civil engineer that can verify if oil etc. can go down the drain? Morado can also go to the city and see if there are any plans to review. He needs to find out the situation.

Kaemingk stated that hopefully the property owner will help him. If she loses the lease, she will no longer have him as a paying tenant.

No further comments from the Commission.

Scott motioned to recommend denial of the Lynden Automotive CUP revocation by a vote of 4-0, to the Lynden City Council, unless the following conditions are met within 30-days of Council approval:

- 1. Comply with all items of the Staff report dated November 12, 2021.**

2. The applicant has one (1) month to provide a stormwater report or memo prepared by a civil engineer, verifying outdoor automotive mechanical work, washing & cleaning activities in the existing parking lot is in compliance with stormwater elicited discharge requirements. Applicant may inquire at City Hall for archived plans to determine if the storm drains used in the outdoor mechanic work, washing & cleaning activities, drain to an existing oil water separator. Any discharge into the existing drainage system must be compliant with elicited discharge requirements. If it is determined that there is a compliant oil water separator on-site, this system shall be maintained and cleaned. If the existing drains are not connected to an approved system, the outdoor mechanic work, washing and cleaning activities shall cease and desist, until such time as a new compliant system is designed and installed.
3. The proposed landscape screen, specifically, is a Type 3 landscape buffer and installed within 30 days of Council decision.
4. Sixteen (16) long term vehicles under repair are allowed only within the marked sixteen (16) stalls adjacent to the new landscaped area.
5. All parking stalls along Bender Road, south of the existing buildings shall be maintained for employee parking and short-term parking (day use) only. No overnight parking permitted.
6. Removal of storage containers from the site shall be permanent.

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

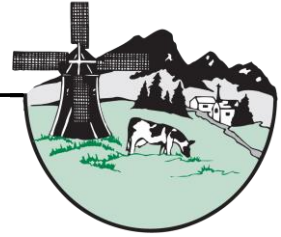
The Commission also discussed upcoming Planning Commission Meetings, the upcoming CPA's, Code Revisions and Pepin Creek.

6. ADJOURNMENT

Motion to adjourn by Scott / Second by Johnson. Meeting adjourned at 8:35 pm.

CITY OF LYNDEN

TECHNICAL REVIEW COMMITTEE Conditional Use Permit Application



July 22, 2022

CITY OF LYNDEN TECHNICAL REVIEW COMMITTEE

STAFF REPORT

Re: The revocation of Conditional Use Permit for Lynden Automotive Specialists LLC, for a Conditional Use Permit Application, Gerardo Morado (applicant).

Revocation of CUP #21-04 Lynden Automotive FINDINGS, CONCLUSIONS, AND RECOMMENDATION

I. APPLICATION SUMMARY AND RECOMMENDATIONS

Proposal: City action to revoke Conditional Use Permit 21-04 which allowed an automobile repair shop in an existing commercial building within the CSL zone under specific conditions.

Recommendation: As conditions of approval have not been met, staff recommends the revocation of the Conditional Use Permit.

II. PRELIMINARY INFORMATION

Applicant: Gerardo Morado

Property Owner: Mac's Stores Inc

Property Location: 8894 Bender Road, Lynden

Parcel Number: 4003160185540000

Legal Description: LOT A BENDER PLAZA SHORT PLAT, RECORDED UNDER AUDITOR'S FILE NO. 2060801211, RECORDS OF WHATCOM COUNTY, WASHINGTON.

<u>Notice Information:</u>	Application Submitted:	September 7, 2021
	Notice of Application:	November 3, 2021
	Notice of SEPA determination:	N/A
	Notice of Hearing:	November 3, 2021
	Comment Period Ending:	November 17, 2021
	Revocation Letter to Applicant	July 6, 2022
	Notice of Revocation Hearing	July 13, 2022

Lynden Automotive Revocation of Conditional Use Permit – TRC Report

Authorizing Codes, Policies, and Plans:

- LMC Chapter 17 Land Development
 - LMC Chapter 17.01.030 Definitions
 - LMC Chapter 17.09, Review and Approval Process
 - LMC Chapter 17.09.040, Planning Commission Review and Recommendation
- LMC Chapter 19 Zoning Code
 - LMC Chapter 19.23.020(11) Permitted Commercial Uses
 - LMC Chapter 19.35 Nonconforming Uses
 - LMC Chapter 19.49, Conditional Use Permits
 - LMC Chapter 19.49.020, Standards and Criteria for Granting a Conditional Use Permit
 - LMC Chapter 19.51 Off-street Parking
- International Building Code
- City of Lynden Manual for Engineering Design and Development Standards

III. PROJECT DESCRIPTION

The subject property is located at 8894 Bender Road, on the north parcel of Bender Plaza. The building being used as an auto repair shop was originally designed as a quick lube oil change shop. This type of business is not explicitly listed in the City's commercial code (LMC 19.23.020), but the use is considered permitted similarly to a fuel station where vehicles are in and out and the customer moves on. The business changed ownership since it was built and the current business is a full-service auto repair. As such, vehicles in various stages of repair are on the premise for considerable periods of time. A full-service auto repair shop requires a Conditional Use Permit in the CSL zone.

In early 2021 the City initiated a zoning violation process with the business. This was in response to complaints about the number of inoperable vehicles being parked around the property, miscellaneous debris being stored outside of the building, and concerns about what is being poured down the storm drainage system. A compliance option listed for the owner was to submit a Conditional Use Permit application for the business. The owner has not addressed the impacts that originally warranted the violation but submitted a CUP application prior to their scheduled court appearance. For reference, the memo to the City Prosecutor that explains the violation is attached.

Lynden Automotive Revocation of Conditional Use Permit – TRC Report

The business owner requested a Conditional Use Permit (CUP) to allow the continued use of the site for motor vehicle services (full service automotive repair). The property use was non-compliant as there was no CUP associated with the property.

The Planning Commission and the Council reviewed the CUP application at the end of 2021. The request was approved on December 6, 2021, with specific conditions including, but not limited to, the requirement to screen the site within 30 days, and submit an updated stormwater report, which demonstrated how illicit discharge would be prevented, within 90 days.

IV. PUBLIC NOTICE AND COMMENT

Notice of Public Hearing: Formal legal notice for this application was published in the Lynden Tribune on July 13, 2021.

Public Comment Received:

The applicant emailed Planning staff regarding the CUP revocation. This correspondence is attached. No written public comments were submitted in response to the notice for the revocation of the Conditional Use Permit.

V. ANALYSIS AND CONSISTENCY WITH REGULATIONS

The application is reviewed in accordance with the LMC 19.49.020 and the criteria listed for land use application review in LMC 17.09.040(C) "Planning Commission Review and Recommendation; Required Findings".

A. A CUP which authorizes specific uses can be revoked by the City Council, after receiving a recommendation of the Planning Commission. The Planning Commission shall issue its recommendation after a public hearing on the action to revoke the CUP. In the application and during the hearing process, it shall be clearly shown by the applicant that the proposed use is not detrimental to the surrounding area or a liability to adjacent uses. For the purpose of this review, the surrounding area, or neighborhood, means those parcels that are in close proximity to the subject parcel.

B. An application for a CUP may be made only for those uses specified under the conditional use section of the appropriate zoning district.

C. The Planning Commission and Council shall enter findings to support any recommendation or decision on the revocation of a CUP. Conditions attached to CUP approvals are meant to mitigate any adverse impacts, protect surrounding properties

Lynden Automotive Revocation of Conditional Use Permit – TRC Report

and to promote the general welfare of the public. Staff has provided responses to the following criteria in support of the revocation.

1. The proposed use in the proposed location will not be detrimental to surrounding uses legally existing or permitted outright within the zoning district.

Mechanic services at this location have resulted in the unsightly, and highly visible, storage of vehicles which await repair which is detrimental to the surrounding properties and community as a whole.

Vehicles awaiting repair are using parking stalls intended for customers.

Vehicle servicing and engine cleaning have resulted in illicit discharge into the shared stormwater system which jeopardizes the City's Stormwater Permit with the Department of Ecology, is detrimental to the shared stormwater system, and polluting at the point of discharge. The business owner has failed to provide a stormwater report or update the shared system so as to protect the system or the environment from oil, grease, and chemical discharge.

2. The proposed use, together with proposed mitigation, will not be detrimental to public health or safety and will be compatible with the surrounding area and land uses with respect to the following:

- a. Traffic and pedestrian circulation;

Circulation is impeded in the loss of plaza parking and the congestion of vehicles specific to this use of the northwest corner of Bender Plaza. It does not affect the circulation within the remainder of the plaza.

- b. Noise, smoke, fumes, glare or odors generated by the proposed use;

While some noise and fumes are expected with the operation of an auto lube center, the scale of the full mechanic services, the outdoor work including engine cleaning, and the detailing of vehicles has resulted in additional noise that has gone unmitigated.

- c. Building and site design; and

The building and the site was not designed with adequate shop space or vehicle storage space to provide full mechanic services. The business owner has not limited vehicles to only 10 and has not screened the site as required.

Lynden Automotive Revocation of Conditional Use Permit – TRC Report

d. The physical characteristics of the subject property.

Physical characteristic of the subject property are significantly marred by the storage of vehicles – some of which are obviously damaged, missing parts, or have broken windows. The business owner has not limited the number of vehicles to 10 or screened the site as required.

As the building was designed only as a lube center the business owner does not appear to have adequate space to perform vehicle repair indoors and both work and storage of trash and other items are occurring outdoors.

3. The proposed use is supported by adequate public facilities and services unless conditions can be established to mitigate adverse impacts to those facilities or services.

Inadequate stormwater system for the proposed use. No oil / water separation has been demonstrated. Two reports of illicit discharge have been filed with the Department of Ecology and been relayed to the City of Lynden for investigation. Oil sheen was found within the shared system. The business owner has failed to provide a stormwater report or update the shared system so as to protect the system or the environment from oil, grease, and chemical discharge.

4. The traffic generated by the proposed use will not cause the traffic circulation system in the vicinity to deteriorate below the adopted level of service.

The use does not cause the adjacent street to fall below the adopted level of service.

5. The proposed use complies with the performance standards, parking requirements, height, setback and lot coverage requirements, landscaping standards and other provisions of the Lynden Municipal Code.

The business owner has not complied with screening requirements associated with the Conditional Use Permit. Parking stalls, intended for customers, have been utilized by vehicles awaiting repair.

6. There are adequate buffering devices, as specified in the landscape standards, or other topographic characteristics, to protect the adjacent properties from adverse impacts of the proposed use.

The business owner has failed to install the required buffer.

Lynden Automotive Revocation of Conditional Use Permit – TRC Report

7. The proposed use will not destroy or substantially damage any natural, scenic or historic feature of major importance.

The operation is unsightly and damages the aesthetics of Bender Plaza and the streetscape but does not affect a feature of major importance.

8. The proposed use is generally consistent with the purposes and objectives of the city comprehensive plan and applicable sub-area plan.

Without mitigation, screening, and the limiting of the size of the operation, the proposed use is NOT consistent with the City's comprehensive plan as it creates impacts which are incompatible with the surrounding uses.

VI. TECHNICAL REVIEW COMMITTEE COMMENTS

Planning and Development Department

- Applicant has failed to meet the conditions outlined in the City Council's decision for this Conditional Use Permit.

Public Works Department

- *Stormwater Infrastructure:* A full stormwater review and report was not submitted as required. The report was to include Best Management Practices (BMPs) for the site that meet Dept of Ecology Standards. Upgrades may be required in order to meet BMPs.
- *Environmental Incidents:* Two incidents have been reported to the Department of Ecology related to illicit discharge into the stormwater system. One was a citizen who reported that the business "was inappropriately dumping dirty mop water containing various automotive fluid / oils out their back door on to the ground, and are currently working on a vehicle in their front lot and are allowing coolant to drain from the vehicle down into a storm drain." (ERTS Incident #713065). Other witnesses have reported engines and cars being cleaned in the parking lot with wash water allowed to drain into the storm system. City investigation into these reports confirm an oil sheen in the shared storm system.

Fire Department

Lynden Automotive Revocation of Conditional Use Permit – TRC Report

- This comment was not addressed with the Fire Department - Two chapters (23 & 57) from the IFC apply to an auto repair shop. Additional attention regarding parts cleaning dip tanks and flammable liquid storage and disposal should be addressed. The proposal should also address mitigation and extinguishment capabilities for these operations.

VII. RECOMMENDATION

Based on the above findings, Staff recommends the revocation of the Conditional Use Permit 21-04. The business owner must cease to offer full mechanic services and empty the property of vehicles awaiting service.

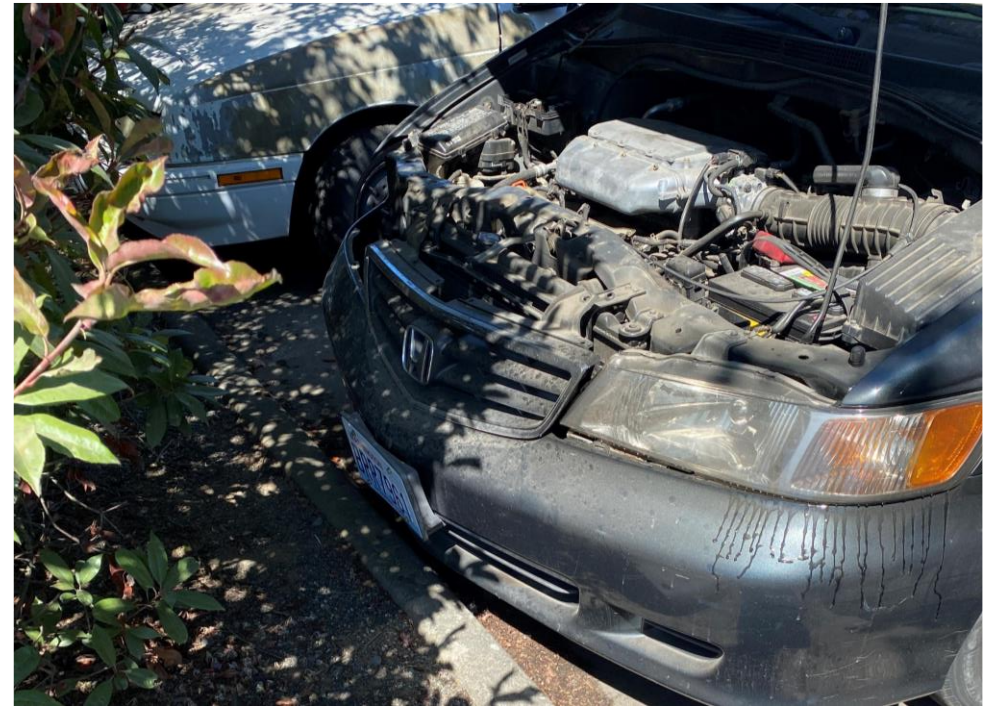
Lynden Automotive Site Conditions

July 2021



Lynden Automotive Site Conditions

July 2021



East Badger Road (WA 546)

East Badger Road

Bender Road

8894

8890

March 3, 2019

8874

8874

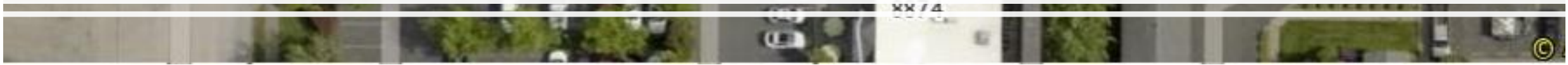


April 7, 2022





June 1, 2022



CITY OF LYNDEN

PLANNING DEPARTMENT

(360) 354 - 5532



February 16, 2022

Lynden Automotive Specialists, LLC.
Gerardo Morado
8894 Bender Road
Lynden, WA 98264

RE: CUP #21-04, Lynden Automotive Specialists – Conditions of Approval

Dear Gerardo,

On December 6, 2022, the Lynden City Council approved your Conditional Use Permit request to allow an automobile repair shop at 8894 Bender Road. As you are aware, that approval was subject to conditions that are tied to specific timelines. I am writing to remind you of the following requirements:

1. Subject to the Technical Review Committee Report dated November 12, 2021.
2. Submission of the stormwater report must be done within 3 months but may be granted a 1-month extension if the applicant demonstrates steps toward compliance.
3. The proposed landscape screen, specifically, is a Type 3 landscape buffer and installed within 30 days of Council decision.
4. The 10 vehicles, temporary parked while under repair, must have current license and registration.
5. The 10 stalls used for vehicles under repair must be located in the northwest corner of the site and not south of the subject business.
6. Removal of storage containers from the site shall be permanent

Please be advised that items 1-6 above are conditions of the City Council approval and must be met in order to continue with the property use as permitted.

At this time, the City is requesting that you to provide proof of compliance for items 3, 4, 5 and 6 as well as an update of item 2 regarding the required stormwater report. Please submit this information no later than February 25, 2022. Failure to comply will result in immediate revocation of your conditional use permit.

Thank you in advance for your prompt attention to this matter. If you have any questions, I can be reached at 360-354-5532.

Sincerely,

Heidi Gudde
Planning Director

cc: Property Owner: CM Ventures II Inc. 8894 Bender Road, Lynden

Heidi Gudde

From: G Morado <gmorado@gmail.com>
Sent: Wednesday, July 6, 2022 3:18 PM
To: Dave Timmer
Subject: Re: Notice of Hearing for the Revocation of CUP ##21-04 Lynden

I will tell you right now. The stipulation regarding all tabs current will not work. That is not a realistic expectation for an automotive shop and if you think it is then I suggest the same stipulation be put in place for all other service shops in lynden. Lots of customers drop off vehicles that have been needing work for months if not years why would they register and license them and keep them current when they do not run That is by far a unreasonable expectation.

Gerardo morado

On Wed, Jul 6, 2022, 2:33 PM Dave Timmer <TimmerD@lyndenwa.org> wrote:

Hello Gerardo and Parm –

The attached letter and Notice of Hearing regarding the Conditional Use Permit is being sent via mail today. I wanted to get it to you via email as well.

Regards,

DAVE TIMMER

City Planner, City of Lynden

360.354.5532

Our Vision: Cultivating Exceptional Service for Our Extraordinary Community

We Value: Communication – Teamwork – Community – Excellence – Integrity

CITY OF LYNDEN

PLANNING DEPARTMENT
(360) 354 - 5532



July 6, 2022

Lynden Automotive Specialists, LLC.
Gerardo Morado
8894 Bender Road
Lynden, WA 98264

RE: Revocation of CUP #21-04, Lynden Automotive Specialists

Dear Gerardo,

On December 6, 2021, the Lynden City Council approved your Conditional Use Permit request to allow an automobile repair shop at 8894 Bender Road. As you are aware, that approval was subject to conditions that were tied to specific timelines and subject to the Technical Review Committee Report dated November 12, 2021. The conditions are listed below:

1. Submission of the stormwater report must be done within 3 months but may be granted a 1-month extension if the applicant demonstrates steps toward compliance.
2. The proposed landscape screen, specifically, is a Type 3 landscape buffer and installed within 30 days of Council decision.
3. The 10 vehicles, temporary parked while under repair, must have current license and registration.
4. The 10 stalls used for vehicles under repair must be located in the northwest corner of the site and not south of the subject business.
5. Removal of storage containers from the site shall be permanent

A follow-up letter was sent on February 16, 2022, to remind you that the CUP would be revoked for failure to comply with the above conditions. **As the conditions have not been met, the City is scheduling a public hearing to revoke CUP #21-04.** The hearing is scheduled with the Lynden Planning Commission for 7pm on July 27 at the City Hall Annex building. I am including the Legal Notice for the hearing in this letter. This notice will be published in next week's Lynden Tribune. You are welcome to attend this meeting. If you are able to show compliance on the required conditions, there may be an avenue to extend the hearing date.

Upon revocation of the Conditional Use Permit, full automotive repair services will not be permitted at this location.

Sincerely,

Dave Timmer, on behalf of Heidi Gudde, Planning Director
City Planner

cc: Property Owner: CM Ventures II Inc. 8894 Bender Road, Lynden

CITY OF LYNDEN
LEGAL NOTICE OF
APPLICATION FOR
CONDITIONAL USE PERMIT REVOCATION
AND PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Lynden Planning Commission will be taking public input regarding the revocation of Conditional Use Permit #21-04 at the property described below:

LOT A BENDER PLAZA SHORT PLAT, RECORDED UNDER AUDITOR'S FILE NO. 2060801211, RECORDS OF WHATCOM COUNTY, WASHINGTON.

COMMONLY DESCRIBED AS: 8894 Bender Road, Lynden.

Public hearing to consider the revocation of Conditional Use Permit #21-04 which was granted to Lynden Automotive at 8894 Bender Road, Lynden. The Conditional Use Permit was originally granted to allow automotive repair services in an existing commercial building within the Commercial Services-Local zone. Failure to execute the conditions associated with the Conditional Use Permit has resulted in City action to revoke.

A public hearing with the Lynden Planning Commission has been tentatively scheduled for July 27, 2022. Any persons wishing to comment on the application, or the proposal may do so by submitting their written comments to Heidi Gudde, Planning Director, 300 4th Street, Lynden 98264, by July 27, 2022, or by attending the Public Hearing to be held at 7:00 p.m. that same evening, at Lynden City Hall Annex located at 205 4th Street in Lynden. Persons with questions regarding the project may contact the Planning Department at (360) 354-5532.

Published:
Lynden Tribune
July 13, 2022

CITY OF LYNDEN

PLANNING DEPARTMENT

Heidi Gudde, Planning Director
(360) 354 - 5532



Planning Department Memorandum

To: Greg Greenan, Prosecuting Attorney
CC: Bob Carmichael, City Attorney, Rick Johal, Code Enforcement Officer
From: Dave Timmer, City Planner
Date: July 26, 2021
Re: Zoning Code violation – 8894 Bender Rd (Lynden Automotive Specialists)

Greg,

Earlier this year, the Planning Department initiated a zone violation process with Lynden Automotive Specialists, LLC located in Bender Plaza at 8894 Bender Road. This is in the CSL zone and part of the Bender Plaza commercial center. The property is owned by McEvoy Brothers Petroleum, Inc and contains a typical Shell gas station (convenience store) and a building which previously was a typical quick lube service station.

The current business, Lynden Automotive Specialists, is a full-service auto repair shop. The permitted uses table in LMC 19.23.020 states “Automotive support services such as auto repair” requires a Conditional Use Permit in the CSL zone. Lynden Automotive Specialists does not have a Conditional Use Permit for their business in this location.

Below is a record of contact:

- January 28, 2021: Code Enforcement Officer records the presence of several vehicles being stored in the parking lot around the business. The vehicles were in various stages of disrepair (body damage, no license plates, expired tabs). The record also indicates an accumulation of miscellaneous debris on the property (garbage bags being stored in a makeshift trailer).
- March 19, 2021: The Planning Department issued an initial violation letter to the business regarding the stored vehicles on the property and operation of an auto repair business without a Conditional Use Permit (letter attached).
 - March 25, 2021: Property owner (one of the McEvoy brothers) called the Planning Department to discuss the situation. He did not indicate much interest in initiating the Conditional Use Permit process but stated they would work on removing the stored vehicles from the property.

CITY OF LYNDEN

PLANNING DEPARTMENT

Heidi Gudde, Planning Director
(360) 354 - 5532



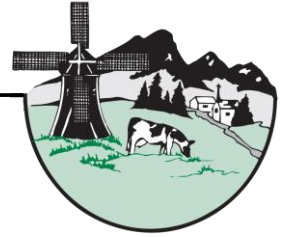
- June 17, 2021: Planning staff visually inspected the property to see if any progress had been made on the stored vehicles. No progress had been made, two storage containers had been added in the parking area behind the building, and drainage from the shop (possibly from detailing/car washing) was observed washing into the stormwater system into the drain behind the building. Construction as-builts of the stormwater system on the property indicate this drain not being connected to the property's oil/water separator system. Public Works staff then made contact with the business to inquire about the stormwater inputs. The conversation was not well received by the business owner.
- June 18, 2021: Planning issued a second follow-up letter (attached) addressed to the property owner and cc'd to the business stating that no progress has been made. It stated that after 30 days, a follow-up inspection would occur the week of July 19 and further action will be turned over to the City Prosecutor.
 - June 24, 2021: Staff received a call from the property owner (a different McEvoy brother than the first time). He was agitated and not pleased with the City's action. Claimed the business is not an Auto Repair Shop.
 - July 1, 2021: Staff spoke with the spouse of Mr Morado (business owner) about the letters. She was also not pleased with the City's action in this case. Claimed the City is racially targeting and harassing this business owner.
 - July 15, 2021: Staff received a voicemail from Jeff Leghorn, lawyer in Blaine, representing Lynden Automotive Specialists stating he would be responding to the letters for his client.
- July 26, 2021: Code Enforcement Officer performs follow-up of property condition since the 2nd violation letter. Zero progress has been made. Junk cars being stored on property (including the same ones identified in the January 28 initial report). Two storage containers in parking spots behind the building. Drainage from vehicle washing/detailing washing into stormwater drain. Garbage bags, vehicle parts, are being stored outside around the building.

Staff understands the business is doing well at this location. Unfortunately, the level of impact associated with this business exceeds the ability of the property to handle it. The CSL zone, where the business is located, requires a Conditional Use Permit (CUP) for this type of business. A CUP would attempt to address the impacts associated with this use. The CSR zone in the city allows this use without a CUP.

CITY OF LYNDEN

PLANNING DEPARTMENT

Heidi Gudde, Planning Director
(360) 354 - 5532



I have attached the supporting documentation. Please let me know if you have questions.

Sincerely,

A handwritten signature in red ink, appearing to read 'Dave Timmer', is placed over a light yellow rectangular background.

Dave Timmer

City Planner
City of Lynden

CITY OF LYNDEN
LYNDEN CITY COUNCIL

IN RE THE CONDITIONAL USE
PERMIT REQUEST OF Gerardo
Morado, Lynden Automotive
Specialists LLC, Petitioner

NO. 21-04

FINDINGS OF FACT AND
CONCLUSIONS OF LAW Lynden
Automotive Conditional Use Permit

Owners of the premises known as:

LOT A BENDER PLAZA SHORT PLAT, RECORDED UNDER AUDITOR'S
FILE NO. 2060801211, RECORDS OF WHATCOM COUNTY, WASHINGTON

COMMONLY DESCRIBED AS: 8894 Bender Road, Lynden

Having made application for a Conditional Use Permit to allow an automobile repair shop in an existing commercial building within the CSL zone.

The Lynden Planning Commission held a public hearing on November 18, 2021 and considered the consistency of the application under LMC 19.49.020 and has determined that the application meets the criteria for granting a conditional use permit according to the findings, conditions and recommendations of the Technical Review Committee Report dated November 12, 2021, subject to the following clarifications:

1. Submission of the stormwater report must be done within 3 months but may be granted a 1-month extension if the applicant demonstrates steps toward compliance.
2. The proposed landscape screen, specifically, is a Type 3 landscape buffer and installed within 30 days of Council decision.
3. The 10 vehicles, temporary parked while under repair, must have current license and registration.
4. The 10 stalls used for vehicles under repair must be located in the northwest corner of the site and not south of the subject business.
5. Removal of storage containers from the site shall be permanent.

Said request having come before the Lynden City Council on December 6, 2021, and the Lynden City Council having fully and duly considered the conditional use permit request, hereby makes the following:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1.01 Application. Gerardo Morado, Lynden Automotive Specialists, ("Applicant") filed a conditional use application which was accepted by the City as complete on September 7, 2021.

1.02 Location. The Property is located at 8894 Bender Road in Lynden, Whatcom Co., Washington as described above.

1.03 Ownership. Mac's Stores Inc.

1.04 Reason for Request. The request is for a Conditional Use Permit to allow an automobile repair shop in an existing commercial building within the CSL zone.

1.05 Compliance with Criteria for Granting a Conditional Use Permit. The application as presented during the public hearing complies with the criteria listed within Section 19.49.020 and Section 19.49.030 of the Lynden Municipal Code.

1.06 Compliance with Project Manual for Engineering Design and Development Standards. The application complies with the development standards and requirements set forth in the Project Manual for Engineering Design and Development Standards, as applicable.

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

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

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

1.10 Public Interest. The application is consistent with the City's comprehensive plan and the Growth Management Act. The public interest will be served by the approval of the application.

1.11 Critical Area Review. There were no critical areas found to be on the site.

1.12 SEPA Determination. SEPA was not required for this application.

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

II. CONDITIONS

The application is reviewed in accordance with the LMC 19.49.020 and the criteria listed for land use application review in LMC 17.09.040(C) "Planning Commission Review and Recommendation; Required Findings".

A. Certain uses may be allowed by a CUP granted by the City Council, after it receives a recommendation of the Planning Commission. The Planning Commission shall issue its recommendation after a public hearing on the CUP application. In the application and during the hearing process, it shall be clearly shown by the applicant that the proposed use is not detrimental to the surrounding area or a liability to adjacent uses. For the purpose of this review, the surrounding area, or neighborhood, means those parcels that are in close proximity to the subject parcel.

B. An application for a CUP may be made only for those uses specified under the conditional use section of the appropriate zoning district.

C. The Planning Commission and Council shall enter findings to support any recommendation or decision on a CUP application. Conditions may be attached to CUP approvals to mitigate any adverse impacts, protect surrounding properties and to promote the general welfare of the public. A CUP will be granted only if the proposed use complies with the standards and criteria listed below. The applicant shall bear the burden of proof in all CUP proceedings.

1. The proposed use in the proposed location will not be detrimental to surrounding uses legally existing or permitted outright within the zoning district.
2. The proposed use, together with proposed mitigation, will not be detrimental to public health or safety and will be compatible with the surrounding area and land uses with respect to the following:
 - a. Traffic and pedestrian circulation;
 - b. Noise, smoke, fumes, glare or odors generated by the proposed use;
 - c. Building and site design; and
 - d. The physical characteristics of the subject property.
3. The proposed use is supported by adequate public facilities and services unless conditions can be established to mitigate adverse impacts to those facilities or services.

4. The traffic generated by the proposed use will not cause the traffic circulation system in the vicinity to deteriorate below the adopted level of service.
5. The proposed use complies with the performance standards, parking requirements, height, setback and lot coverage requirements, landscaping standards and other provisions of the Lynden Municipal Code.
6. There are adequate buffering devices, as specified in the landscape standards, or other topographic characteristics, to protect the adjacent properties from adverse impacts of the proposed use.
7. The proposed use will not destroy or substantially damage any natural, scenic or historic feature of major importance.
8. The proposed use is generally consistent with the purposes and objectives of the city comprehensive plan and applicable sub-area plan.

Planning and Development Department

- *CUP Criteria:* Staff acknowledges that the applicant has provided responses to LMC Chapter 19.49 regarding standards and criteria for granting a Conditional Use Permit. The applicant's responses are attached to the submitted application.
 - Several of the criteria will need to be further addressed through required conditions if the CUP is to be approved. Condition recommendations are included below in Section VII.
 - Several times the applicant states they are maintaining the same use as the previous owner. It is possible the previous owner was operating a full-service auto shop without a CUP. If so, they were able to do so under the radar. The current use of the property - with numerous inoperable vehicles stored in the parking lot, the miscellaneous debris stored outside around the building, and documented wastewater entering the storm drain, it is no longer under the radar. At a minimum, the current use requires a CUP to mitigate these impacts.
- *Site Plan, Vehicle storage, Parking, and Landscape Buffer:* Applicant must submit a site plan, prior to final CUP approval, that addresses:
 - *Vehicle Storage:* There is not room for a designated vehicle storage area separate from the already existing parking spots. Applicant must identify which parking spaces will be used for auto storage while they are being worked on. No overnight vehicle storage shall occur forward (south) of the building.
 - *Parking Plan:* The site plan shall ensure that code parking requirements (LMC 19.51) are met for both Lynden Automotive (minus

any spots being used as vehicle storage areas) and the Shell Station and convenience store.

- A landscape buffer shall be approved to screen and improve the aesthetic appearance of the site. Vehicle storage area must be screened. The applicant has initially provided information which indicates that a row of Excelsa Cedar will be used as a hedge along Bender Road and Badger Road.
- *Miscellaneous Debris and Storage Containers:* Storage containers are not permitted on the property, except for during temporary construction projects. There shall be no outside storage of miscellaneous debris associated with the business (engine and/or vehicle parts, garbage, tires, tools, buckets, etc).

Public Works Department

- *Stormwater Infrastructure:* Utility As-builts indicate the rear storm drain flows to the eastern detention basin and does not include an oil/water separator or appropriate filtration for vehicle washing or wastewater associated with auto repair. A full stormwater review and report is required prior to full approval. The report must include BMPs for the site that meet Dept of Ecology Standards. Upgrades may be required.

Fire Department

- Two chapters (23 & 57) from the IFC apply to an auto repair shop. Additional attention regarding parts cleaning dip tanks and flammable liquid storage and disposal should be addressed. The proposal should also address mitigation and extinguishment capabilities for these operations.

Parks Department

- No comments on this application.

III. DECISION

Petitioner's application for a Conditional Use Permit to allow an automobile repair shop in an existing commercial building within the CSL zone on the property described herein is hereby **Approved**.

DATED: 12.6.21



Scott Korthuis
Mayor

CITY OF LYNDEN
PLANNING COMMISSION RESOLUTION #21-10

**A resolution of recommendation for the approval of
Conditional Use Permit 21-04, Lynden Automotive**

WHEREAS, Gerardo Morado hereinafter called the "Proponent," submitted a complete application to the City of Lynden, hereinafter called "the City," for a conditional use permit to allow an automobile repair shop in an existing commercial building within the CSL zone.

WHEREAS, the application was determined to be complete on October 1, 2021, and the notice of application was published in the Lynden Tribune on November 3, 2021; and

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

WHEREAS, the Lynden Planning Commission held a virtual public hearing on November 18, 2021, to accept public testimony on the proposed conditional use permit request, and that meeting was duly recorded;

WHEREAS, the City's Technical Review Committee has reviewed the request for the conditional use permit and has provided comments and recommendations to the Planning Commission in a report dated November 12, 2021,

WHEREAS, the Lynden Planning Commission has reviewed the conditional use permit request and has found that the application meets the criteria for granting a conditional use permit under Chapter 19.49.020 of the Lynden Municipal Code.

1. The proposed use in the proposed location will not be detrimental to surrounding uses legally existing or permitted outright within the zoning district.
2. The proposed use, together with proposed mitigation, will not be detrimental to public health or safety and will be compatible with the surrounding area and land uses with respect to the following:
 - a. Traffic and pedestrian circulation;
 - b. Noise, smoke, fumes, glare or odors generated by the proposed use;
 - c. Building and site design;
 - d. The physical characteristics of the subject property
3. The proposed use is supported by adequate public facilities and services unless conditions can be established to mitigate adverse impacts to those facilities or services.
4. The traffic generated by the proposed use will not cause the traffic circulation system in the vicinity to deteriorate below the adopted level of service.

5. The proposed use complies with the performance standards, parking requirements, height, setback and lot coverage requirements, landscaping standards and other provisions of the Lynden Municipal Code.
6. There are adequate buffering devices, as specified in the landscape standards, or other topographic characteristics, to protect the adjacent properties from adverse impacts of the proposed use.
7. The proposed use will not destroy or substantially damage any natural, scenic or historic feature of major importance.
8. The proposed use is generally consistent with the purposes and objectives of the city comprehensive plan and applicable sub-area plan.

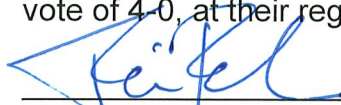
WHEREAS, the Lynden Planning Commission has reviewed the conditional use permit request and has found that the application also meets the criteria for granting a conditional use permit under Chapter 19.49.040 of the Lynden Municipal Code.

1. The development is consistent with the comprehensive plan and meets the applicable requirements and intent of this code.
2. The development makes adequate provisions for open space, drainage ways, streets and other public ways, transit stops, water supply, sanitary wastes, parks and recreation facilities, playgrounds, sites for schools and school grounds.
3. The development adequately mitigates impacts identified under Titles 16 through 19.
4. The development is beneficial to the public health, safety and welfare and is in the public interest.
5. The development does not lower the level of service of transportation and/or neighborhood park facilities below the minimum standards established within the comprehensive plan, and fully complies with Chapter 17.15 of the city code. If the development results in a level of service lower than those set forth in the comprehensive plan, the development may be approved if improvements or strategies to raise the level of service above the minimum standard are made concurrent with the development, and in conformance with all requirements in Chapter 17.15 of the city code. For the purpose of this section, "concurrent with the development" is defined as the required improvements or strategies in place at the time of occupancy, or a financial commitment is in place to complete the improvements or strategies within six years of approval of the development.
6. The area, location and features of land proposed for dedication are a direct result of the development proposal, are reasonably needed to mitigate the effects of the development and are proportional to the impacts created by the development.


NOW THEREFORE, BE IT RESOLVED by the Lynden Planning Commission to recommend approval by a vote of 4-0, to the Lynden City Council, of Conditional Use Permit #21-04, Lynden Automotive, subject to the Technical Review Report dated November 12, 2021, *with the following clarifications:*

1. Submission of the stormwater report must be done within 3 months but may be granted a 1-month extension if the applicant demonstrates steps toward compliance.
2. The proposed landscape screen, specifically, is a Type 3 landscape buffer and installed within 30 days of Council decision.
3. The 10 vehicles, temporary parked while under repair, must have current license and registration.
4. The 10 stalls used for vehicles under repair must be located in the northwest corner of the site and not south of the subject business.
5. Removal of storage containers from the site shall be permanent.

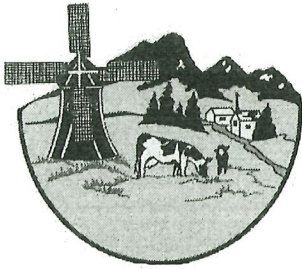
PASSED by the Planning Commission of the City of Lynden, Whatcom County, by a vote of 4-0, at their regular meeting held on the 18th day of November 2021.



Tim Faber, Chair
Lynden Planning Commission



Heidi Gudde
Planning Director



City of Lynden

RECEIVED

Conditional Use Permit Application

SEP 07 2021

City of Lynden
Planning Department**General Information:****Property Owner**

Name: GERARDO MORADO
Address: 8894 BENDER ROAD LYNDEN, WA 98264
Telephone Number: (360) 927-1360 Fax Number: _____
E-mail Address: gmorado@gmail.com

Applicant (Agent, Land Surveyor or Engineer)

Name: LYNDEN Automotive Specialists LLC
Address: 8894 Bender Road Lynden, WA 98264
Telephone Number: (360) 927-1360 Fax Number: _____
E-mail Address: gmorado@gmail.com

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

Property Information

Project Location (street address / block range): 8894 Bender Road
Legal Description (attach if necessary): Lot A Bender Playa SP.
Assessor's Parcel Number: _____ Zoning Designation: CSR
Parcel Square Footage: 54,101 Property Dimensions: _____
Applicable Sub-Area: _____ Building/Structure Size: _____
Height of Structure: existing Addition Size: _____

Please describe request in detail:☐ CUP Criteria must be attached

Facility to be used as an Auto Repair Shop.
Facility is intended to be used as full Service shop,
like previous business of 15 years. Auto Repair and more.

BY SIGNING THIS APPLICATION, I CERTIFY THAT ALL THE INFORMATION SUBMITTED IS TRUE AND CORRECT. I ALSO UNDERSTAND THAT NO FINAL APPROVAL WILL BE ISSUED UNTIL ALL FINAL REVIEW COSTS ARE PAID IN FULL.

SUBMITTED BY: [Signature] DATE: 9/1/2021
PROPERTY OWNER SIGNATURE: _____ DATE: _____
PROPERTY OWNER PRINTED NAME: Mike Morady DATE: 9/1/2021

CUP# _____

☐ PRE-APPLICATION MEETING DATE: _____ HEARING DATE: _____

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

☒ FEE'S (CONDITIONAL USE PERMIT \$400.00 BASE FEE OR FINAL REVIEW COST) DATE PAID: 9/3/2024 RECEIPT # _____

SEP 07 2021

CITY OF LYNDEN

City of Lynden
Planning DepartmentCONDITIONAL USE PERMIT
CRITERIA WORKSHEET

A Conditional Use Permit (CUP) will be granted only if the proposed use complies with the standards and criteria listed below. The applicant shall bear the burden of proof in all CUP proceedings.

Please describe the proposed use. Relevant information may include hours of operation, parking requirements, anticipated traffic to the site, and how the site will be developed and used. Attach additional information and plans as needed.

Automotive General Auto-Repair Facility.

9-5 M-F by App+ SAT. Closed Sunday and Holidays.

Parking will be hidden by creating a natural privacy hedge around back of building. Traffic has constant flow around shell.

Respond to each of the criteria below with the specifics of the proposed use in mind. (per LMC 19.49) Identify nearby streets and the uses surrounding the site.

1. The proposed use in the proposed location will not be detrimental to surrounding uses legally existing or permitted outright within the zoning district.

IT WILL NOT BE, will be contained to leased property.

2. The proposed use, together with proposed mitigation, will not be detrimental to public health or safety and will be compatible with the surrounding area and land uses with respect to the following:

- a. Traffic and pedestrian circulation;

The flow of traffic is fine, our vehicles are in no way blocking traffic or traffic flow.

- b. Noise, smoke, fumes, glare or odors generated by the proposed use;

Noise is consistent w/ existing approved CUP, for a Lube service center loudest equipment is stationary and same unit as last 15 years.

- c. Building and site design; and

No changes.

- d. The physical characteristics of the subject property.

No changes, all same as previous Tenant/Business.

CITY OF LYNDEN

CONDITIONAL USE PERMIT CRITERIA WORKSHEET CONTINUED



3. The proposed use is supported by adequate public facilities and services unless conditions can be established to mitigate adverse impacts to those facilities or services.

We do not require additional public facilities or services.

4. The traffic generated by the proposed use will not cause the traffic circulation system in the vicinity to deteriorate below the adopted level of service.

Our building is separate from shell and surrounding areas and will not block services to other business.

5. The proposed use complies with the performance standards, parking requirements, height, setback and lot coverage requirements, landscaping standards and other provisions of the Lynden Municipal Code.

We are working with Planning Dept. to create a privacy area for our North Parking Lot.

6. There are adequate buffering devices, as specified in the landscape standards, or other topographic characteristics, to protect the adjacent properties from adverse impacts of the proposed use.

Yes there is.

7. The proposed use will not destroy or substantially damage any natural, scenic or historic feature of major importance.

No changes to be made.

8. The proposed use is generally consistent with the purposes and objectives of the city comprehensive plan and applicable sub-area plan.

Yes it will be.

September 1, 2021

Dave Timmer

City of Lynden Planning Department

300 4th Street

Lynden, WA 98264

Dear Dave Timmer,

I have submitted the CUP as you requested, in your letter dated March 19th, 2021 you mentioned that a quick lube service center located previously in this building before was a permitted CSL.

We are Requesting the Conditional Use Permit for the following business Lynden Automotive Specialists LLC to allow for work in General Auto Repair. We are a Full Service shop above and beyond the Quick Lube oil change shop. The Building has two bays, 1 is intended as a quick lube, but the other is intended with the lift as a full service auto repair bay. This building has been used as a full service Auto Repair Shop for over 15 years previously to us leasing it in January of 2021.

Please consider our application for this Conditional Use Permit at our location 8894 Bender Road, Lynden, WA 98264.

I would like to request a copy of that permit application and paperwork associated with that approval.

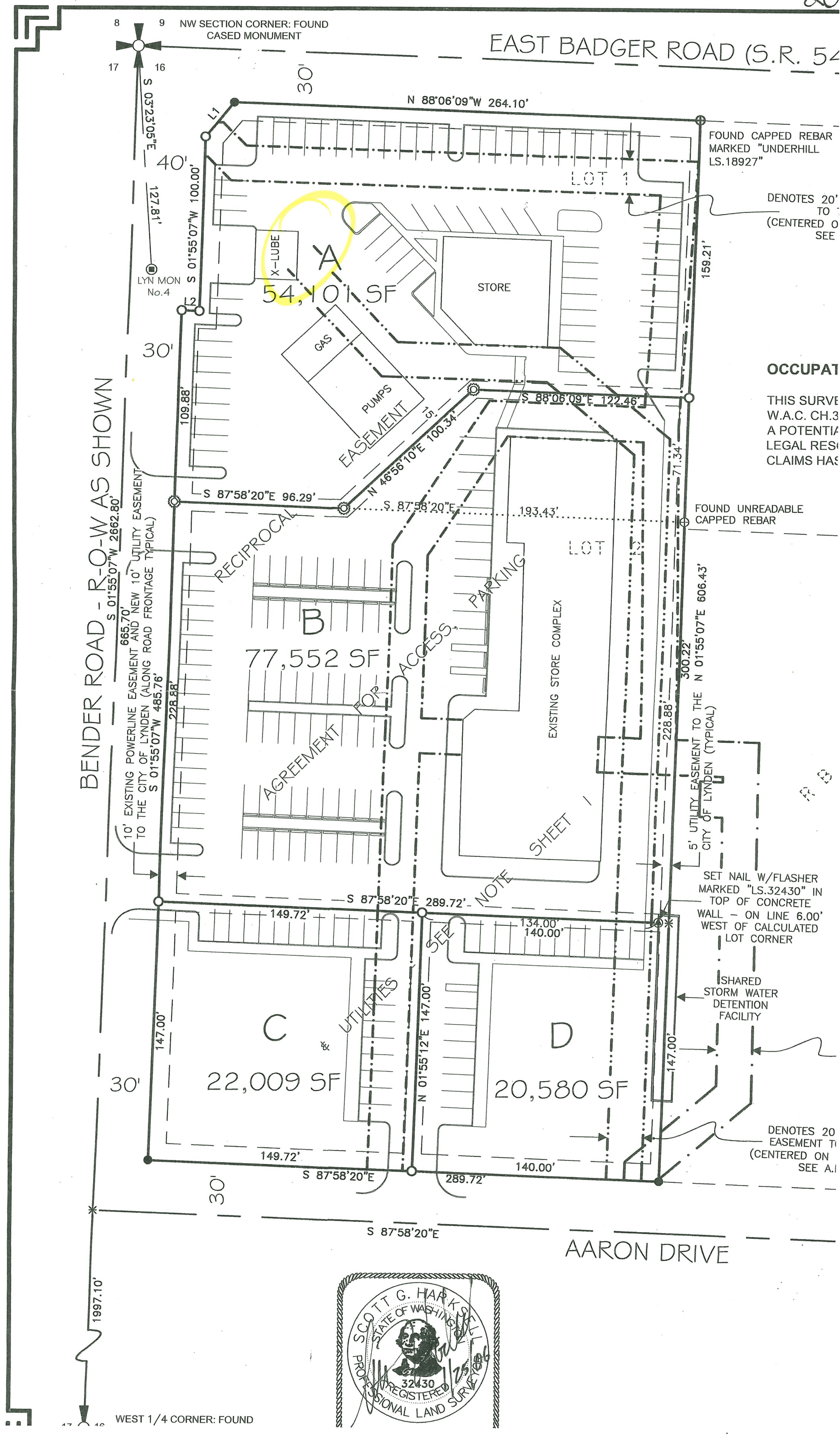
I would also like to know who I contact in order to strike that Court date on the 8th of September. If you could email me back or give me a call that would be great.

Gerardo Morado

Lynden Automotive Specialists LLC

gmorado@gmail.com

360 927 1360





150 Ft
Hedges
Center 2
Center
3 Ft Apart
3-4 FT
TALL
STARTERS
LABOR
+ PLANTS
"Emerald
Greens"
+ Rental
Equipment
Aug 8 / Dingo
\$3,150
to
\$3,500
+ TAX
Grow Approx
1 Ft per year
up. can keep
trimmed
easily under
8 ft.

SEP 07 2021

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	August 15, 2022	
Name of Agenda Item:	Public Works Committee Meeting Minutes August 3, 2022	
Section of Agenda:	Approval of Minutes	
Department:	Public Works	
Council Committee Review:		Legal Review:
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	<input type="checkbox"/> Yes - Reviewed
<input type="checkbox"/> Finance	<input checked="" type="checkbox"/> Public Works	<input type="checkbox"/> No - Not Reviewed
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Review Not Required
Attachments:		
August 3, 2022 Draft Public Works Committee Meeting Minutes		
Summary Statement:		
Draft minutes for the August 3, 2022 Public Works Committee meetings.		
Recommended Action:		
For Review		

CITY OF LYNDEN

PUBLIC WORKS DEPARTMENT
360-354-3446



PUBLIC WORKS COMMITTEE MINUTES

4:00 PM August 3, 2022
City Hall 2nd Floor Large Conference Room

CALL TO ORDER

Members Present: Mayor Scott Korthuis; Councilors Gary Bode and Ron De Valois

Members Absent: Jerry Kuiken

Staff Present: Public Works Director Steve Banham; Programs Manager Mark Sandal; and Office Manager Heather Sytsma

Public Present: Gary Vis, Teri Treat, Marty Gering

ACTION ITEMS

1. **Approve Minutes from July 6, 2022**

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

Action

The minutes from July 6, 2022, were approved.

2. **Request for 15-Minute Parking Signs at Dutch Village Mall (655 Front Street)**

Banham stated that staff has received requests from two businesses at the Dutch Village Mall for a 15-minute parking space near the entrance to the Mall. Banham noted that, per the Lynden Municipal Code 10.08.090 B, 15-minute parking restrictions are allowed. The Committee noted that there are several other spaces throughout downtown for in-and-out pick-up and drop off. De Valois asked how many parking spaces to consider. Bode and Banham both replied that one space should be adequate. Korthuis noted that all other short-term parking spaces are on the corner of a City block. After discussion, the Committee agreed that it makes sense to locate this one near the Mall entrance.

Action

The Public Works Committee concurred to recommend adding a 15-minute parking space in front of the Dutch Village mall.

3. **Request Mayor Appointment to Airport Advisory Board for City Council Approval and Retroactive Airport Board Term Renewals for Bob Weeks and Bill Stoelt**

Banham explained that Roger Humphreys is resigning, and the Airport Advisory Board has nominated Bryant Paulsen to serve on the Board for the remainder of Humphreys term, which expires December 2022.

Banham also noted that term renewals for Weeks and Stoelt were not brought to Council in December 2021. These will be presented to City Council later this month.

Action

The Public Works Committee concurred to support a) the appointment of Bryant Paulsen to the Airport Advisory Committee, and b) the renewal of Bill Stoelt and Bob Weeks' terms for three additional years, and recommended approval by City Council.

INFORMATION ITEMS

4. Joint City Council, Parks District Board, and School Board Meeting in September

Banham noted that there will be a joint meeting between the City Council, the Parks District Board, and the Lynden School Board at the Lynden School District Administrative Office (516 Main Street) on Thursday, September 22nd at 7:00 PM. This will be a regularly scheduled school board meeting; however, all three legislative bodies will need to be called to order to reflect the official nature of all groups in attendance. The agenda will include discussion regarding the Bradley Road roundabout project, among other things.

5. Development Standards Annual Update

Banham stated that the 2023 Development Standards revision schedule is included in the meeting packet. The updated Development Standards will be presented at the September Public Works Committee meeting for review. This is scheduled to be presented to the public and adopted January 1, 2023.

6. Downtown Parking – Downtown Business Association

Teri Treat, owner of the Inn at Lynden, a hotel that has 35 rooms and over 20 employees, would like to get involved in a more long-term solution to the downtown parking issue. She would also like to see more electric vehicle charging stations. She expressed concern about vehicle safety and about the extended-length trucks parking downtown.

Treat mentioned assisting with the purchase of property for parking, noting that the old Water Treatment Plant location would be an ideal space for employee parking due to its proximity to many downtown businesses. Sandal stated that staff has reviewed different plans and layouts for potential parking on this property.

Bode discussed business owners collaborating to purchase property, as this has been done in the past. Treat reminded the Committee that the hotel has an agreement with the City for guests to utilize City lots. She said that most of the hotel guests are arriving after 5 p.m. and leaving before 9 a.m., alleviating what could be additional parking issues downtown. Treat stated that Peoples Bank and church parking lots are nearby. If her employees had permission to use these, it could open over 25 spaces downtown. Her employees are supposed to park north of Grover Street or on 5th Street, but she knows that Avenue Bread employees are parking throughout downtown. As the building owner, she will continue to encourage them to park elsewhere and leave spaces for paying customers.

As an aside, Korthuis noted that the proposed hotel on Guide Meridian is required by new Washington State legislation to have electric vehicle spaces.

7. Prohibiting Electric Bike Use on Sidewalks

Banham explained that he has requested that the Public Safety Committee review the

section of code 12.24.110 addressing sidewalks, namely the use of bicycles, e-bikes, or other motorized transportation devices.

Regarding the use of these electric vehicles on trails, Bode suggested posting smaller-scale speed limit signs. He also recommended education for everyone regarding use of trails by pedestrians, bicycles, etc. Banham noted that trails are a Parks Department issue and a public safety issue, but sidewalks are under Public Works, so staff would want to make any modifications in conjunction with the Parks Department. Additionally, signage in the right-of-way would be Public Works' responsibility. Enforcement is a Public Safety responsibility.

8. WSDOT SR539 (Guide Meridian) Fish Passage Project Detour Route (Duffner Ditch Culvert Replacement)

Banham stated that replacement of the Duffner Ditch culvert is scheduled for Summer, 2023 (June through October). This culvert transports water from the large ditch on the east side of Guide Meridian south of Main Street to the west into Duffner Ditch. The proposed traffic control plan for installing the box culvert is to construct a single lane temporary southbound bypass along the west side of SR539 within project limits and to move northbound traffic onto the detour route to Birch Bay Lynden Road, Berthusen Road and Main Street. The road closure would be intermittent, as determined by the contractor's installation schedule for the culvert.

Bode asked if the City can contact the County expressing concern about the intersection of Berthusen Road and Birch Bay Lynden Road. Banham stated it is unlikely the County will do anything with this intersection.

Korthuis asked for an update on the Badger Road culvert replacement. Staff noted that culverts have been delivered and are scheduled to be installed and traffic reopened on Saturday. Sandal mentioned that there will be nighttime closures during the NWWA Fair, outside of Fair hours.

9. 2022 Grant Applications

Public Works Trust Fund (PWTF)

West Main Street and Roundabout at Berthusen

Pepin Upstream (Main Street to Westview Place) Pine Street Bridge and Channel

Transportation Improvement Board (TIB)

Main and 1st and Main and 3rd Street Intersections

Hannegan Road and 1st Street (City Limits to Grover Street Intersection) *[Note: Due to funding limits, this application will be postponed to the 2023 application cycle.]*

Department of Ecology (DOE)

10th Street and Judson Street Stormwater Low Impact Development

Pepin Downstream Stabilization (South of Main Street)

Wastewater Treatment Plant Expansion, Phase 1

Legislative (Federal/State Funding)

Bradley Road Complete Streets Improvement

Pepin Upstream (Main Street to Westview Place) Pine Street Bridge and Channel

10. Projects Update

Pepin Creek Main Street Bridge

Girders are scheduled to be delivered September 7th. Footings will start August 15th and the walls will start August 26th.

Grover Overlay

Paving is scheduled for August 8th and 9th with full road closures on those days.

West Front Street Improvements

Pole relocation is scheduled for mid-August and will be performed by Puget Sound Energy after they obtain easements.

West Front Street Culvert Replacement

Staff is working with Federal Highways to meet all their requirements and the implications for the timing of this construction.

Industrial Condensate Outfall

Sheet piling is in, and the contractor has started in-water work. A ribbon cutting will be scheduled.

South Park Waterline and Overlay

Advertising for bids on August 10th and 17th, with a bid opening on August 25th.

Benson Road Improvements

Whatcom Council of Governments Board approved the transfer of \$1,057,000 to the Benson Road Improvements project, for a total federal funding of \$1,857,000. The City returned \$160,000 to Federal Highways Agency for the West Main Street design work.

Forge Fitness Exterior Siding and Landscaping

The pool is being drained for annual work and for pool deck resurfacing.

11. Replacement of Community Center Emergency Generator

The existing generator is being replaced with a larger unit. Electrical work is being done by VECA since the City's electrician position is vacant.

NEW BUSINESS:

12. Residents' Request for Cedar Drive Project Update

Marty Gering, a resident of 215 Cedar Drive, introduced himself and stated he is attending the meeting to collect any project progress information to relay it to his neighbors. Banham stated he had conversation with Reichhardt and Ebe (R&E) about locating and getting good condition assessments on the two storm sewer pipes that cross Cedar Drive and go south.

Banham explained that the initial focus of 2022 was to the project was to evaluate the condition of the utilities under the road and to develop a full cost estimate for upgrading the street and utilities. Staff is considering a compact sewer pump station at the west end of Cedar Drive to improve separation between sewer and stormwater. The stormwater pipes need to be repaired and relocated.

Gering expressed concern about the condition of the drainage channel behind his house. Staff noted that this is not a City facility, per se, but is on private property, so staff will also need to discuss with the property owners the future role of the City. Banham assured Gering this is an active project and added that staff's intent is to obtain an accurate project estimate for the 2023 budget. The project is on the City's Six Year Transportation Improvement Plan; however, the cost has increased due to better definition of the storm and sewer work needed.

Gering mentioned that he has some maps of old pipes in the area that might be of help. Banham asked him to provide these to staff.

13. Request to bring Bender Road Watermain Bids Directly to August 15 City Council Meeting

Banham stated that the bid opening for this project is tomorrow (August 4th) and requested approval to take bids to City Council on August 15th for award upon Committee review of the bid tabulation.

Action

The Public Works Committee concurred that award for bid for the Bender Road Waterline project be presented directly to City Council upon Committee review of the bid tabulation.

14. Follow Up on Tanko Street Light Conversion Discussion

As requested by the Public Works Committee at their meeting on July 6th, Banham did further research on Puget Sound Energy (PSE)-owned streetlight ownership transfer performed by Tanko Streetlighting, Inc. He explained that several other cities are proceeding with a feasibility study, performed by Tanko. If Lynden chose to do this, it would cost approximately \$6,000. Banham stated that there are several details that caused him to hesitate on moving forward with this transfer at this time.

Action

The Public Works Committee concurred and recommended not proceeding with the Tanko Streetlighting conversion until further information is available from cities once they have gone through the entire process.

15. 112 B.C. Avenue Residence – Concern About Future Accidents

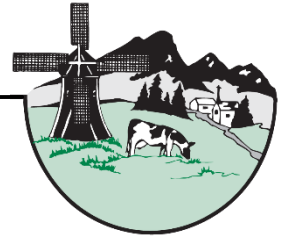
Bode asked if the City will be adding barriers at the intersection of Grover Street and B.C. Avenue where a driver operating under the influence failed to negotiate the corner and crashed into the living room of the house at 112 B.C. Avenue. Banham stated that the residents can plant trees on their property if they want. There are already planters at that corner, however, the car didn't hit those.

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

NEXT MEETING: September 7, 2022

CITY OF LYNDEN

EXECUTIVE SUMMARY



<u>Meeting Date:</u>	August 15, 2022	
<u>Name of Agenda Item:</u>	Calendar	
<u>Section of Agenda:</u>	Other Business	
<u>Department:</u>	Administration	
<u>Council Committee Review:</u>		
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	<u>Legal Review:</u> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	
<u>Attachments:</u>		
<u>Summary Statement:</u>		
<u>Recommended Action:</u>		

August 9, 2022

Tuesday

9:00 AM - 10:00 AM

Copy: Leadership Team Meeting -- Annex Council Chamber

August 10, 2022

Wednesday

8:00 AM - 5:00 PM

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

7:00 PM - 9:00 PM

Parks & Rec District Meeting -- Annex South East Conference Room

August 14, 2022

Sunday

All Day

8-14 thru 8-27 Pay Period

August 15, 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

August 16, 2022

Tuesday

9:00 AM - 11:00 AM

Copy: Small Cities Meeting -- City Hall 1st Floor Large Conference Room

August 18, 2022

Thursday

2:00 PM - 4:00 PM

Technical Review Committee -- tbd

August 19, 2022

Friday

All Day

PAYDAY
PAYDAY**August 23, 2022**

Tuesday

9:00 AM - 10:00 AM

Copy: Leadership Team Meeting -- Annex Council Chamber

August 24, 2022

Wednesday

All Day

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

August 25, 2022

Thursday

7:00 PM - 9:00 PM

Planning Commission -- Annex Council Chamber

August 28, 2022

Sunday

All Day

8-28 thru 9-10 Pay Period

September 1, 2022

Thursday

2:00 PM - 4:00 PM

Technical Review Committee Meeting -- TBD

September 2, 2022

Friday

All Day

PAYDAY
PAYDAY

September 5, 2022

Monday

All Day

Labor Day -- United States

September 6, 2022

Tuesday

9:00 AM - 10:00 AM

Copy: Leadership Team Meeting -- Annex Council Chamber

5:00 PM - 6:30 PM

Design Review Board -- TBD

7:00 PM - 9:00 PM

Copy: Council Meeting -- Annex Council Chamber

September 7, 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

Microsoft Teams meeting

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September 7, 2022 Continued

Wednesday

September 8, 2022

Thursday

7:00 PM - 9:00 PM

Planning Commission -- TBD: Virtual Meeting or Annex Council Chamber