

CITY OF LYNDEN



Mayor
Scott Korthuis

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

City Council - Regular Meeting
Annex - 205 Fourth Street
April 03, 2023

Call to Order

Pledge of Allegiance

Roll Call

Oath of Office

[1.](#) Oath of Office – Police Officer Lallas

Summary Reports and Presentations

Approval of Minutes

[2.](#) Draft Council Minutes – March 20, 2023

Citizen Comment

Consent Agenda

[3.](#) Approval of Payroll and Claims

[4.](#) Temporary Construction Easement and Right of Way Agreement

Public Hearing

[5.](#) Public Hearing - Stormwater Management Action Plan

Unfinished Business

New Business

[6.](#) Site Specific Rezone 23-01 – Moa Property

Other Business

[7.](#) Draft Parks Committee Minutes March 20, 2023,

[8.](#) Community Development Committee Minutes of 3-22-23

[9.](#) Calendar

Executive Session

Adjournment

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 3, 2023	
Name of Agenda Item:	Oath of Office – Police Officer Lallas	
Section of Agenda:		
Department:	Police	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks <input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____	Legal Review: <input type="checkbox"/> Yes - Reviewed <input checked="" type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
Attachments:	Oath	
Summary Statement:	On February 27, 2023 Officer Anna Lallas joined LPD. We would like to ask Mayor Korthuis to administer the oath of office, and introduce Officer Lallas to the Council	
Recommended Action:	Recommend that Mayor Korthuis swear in Officer Lallas	

CITY OF LYNDEN

POLICE DEPARTMENT
Office of the Chief of Police
(360) 354 - 2828



Police Officer Oath of Office

I, Anna Lallas, do solemnly swear to perform my duties as Police Officer for the City of Lynden to the best of my ability; to serve the citizens of the City of Lynden with compassion, courage and integrity; and to uphold the laws and constitutions of the United States of America, the State of Washington, and the City of Lynden; so help me God.

Police Officer Signature

February 27, 2023
Date

Mayor Signature

February 27, 2023
Date

Chief Steve Taylor

February 27, 2023
Date

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 3, 2023	
Name of Agenda Item:	Draft Council Minutes – March 20, 2023	
Section of Agenda:	Approval of Minutes	
Department:	Administration	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Other: N/A
		Legal Review:
		<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	Draft Council Minutes – March 20, 2023	
Summary Statement:	Draft Council Minutes for Council review and possible approval.	
Recommended Action:	Review and approve draft minutes.	

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



March 20, 2023

1. CALL TO ORDER

Mayor Korthuis called to order the March 20, 2023 regular session of the Lynden City Council at 7:00 p.m. which was held in the city's council chambers.

PLEDGE OF ALLEGIENCE

ROLL CALL

Members present: Councilors Gary Bode, Ron De Valois, Gerald Kuiken, Nick Laninga, Kyle Strengholt, and Mark Wohlrab.

Members absent: Councilor Lenssen, absent with notice.

Staff present: Fire Chief Mark Billmire, Parks Director Brent DeRuyter, Public Works Director Steve Banham, City Clerk Pam Brown, City Administrator John Williams, and City Attorney Luke Phifer.

OATH OF OFFICE – None

SUMMARY REPORTS AND PRESENTATIONS - None

APPROVAL OF MINUTES

Councilor Strengholt moved, and Councilor De Valois seconded to approve the March 6, 2023, regular meeting minutes. Motion approved on 6-0 vote.

CITIZEN COMMENT

Cynthia Ripke-Kutsagoitz, Guide Meridian, Lynden

Provided general comments on a variety of topics.

CITY OF LYNDEN



CITY COUNCIL
MINUTES OF REGULAR MEETING

2. CONSENT AGENDA

Payroll Liability to February 26 through March 11, 2023

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$399,229.64
Check Liability	\$0.00
Total Non-L&I Liabilities	\$399,229.64
Quarterly Liabilities	\$10,470.97
Total EFT & Other Liabilities	\$409,700.61

Approval of Claims – March 21, 2023

Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$0.00
Voucher Warrants No.	<u>26797</u>	through	<u>26863</u>		\$1,912,045.66
EFT Payments					<u>\$770,059.07</u>
				Sub Total	\$2,682,104.73
				Total Accts. Payable	\$2,682,104.73

Ordinance No. 23-1667, Amending Lynden Municipal Code 10.08.100, Parking and Loading
 At the March 8th Public Works Committee meeting staff received a request to allow on-street parking on Evergreen Street and Agronomy Way. Charlie’s Auto Body has a backlog of vehicles awaiting repair, and these vehicles are taking up space on their lot. This parking revision will allow employees to park on the street and keep the customer’s vehicles behind the fence and on the property of the repair shop.

At the meeting, the Public Works Committee reviewed this request and concurred to recommend that staff amend Section 10.08.100 of the Lynden Municipal Code to allow on-street parking on Evergreen Street and to submit the proposed amendment to City Council for approval.

Award Bid for Judson Street LID – 8th Street

Staff recently solicited bids for the Judson Street LID-8th Street Project. The project provides for the construction of approximately 360 feet of roadway along 8th Street, from Front Street south to Judson Street, and approximately 650 feet of adjacent alley, between 10th Street then

CITY OF LYNDEN



CITY COUNCIL MINUTES OF REGULAR MEETING

easterly to 7th Street. Work includes the construction of pervious concrete sidewalks, roadway sections, and alleys, curb, gutter, and other pedestrian improvements. Low impact development stormwater improvements will be constructed along the project. Sanitary sewer and water main improvements are also included as part of the work.

Six bids were received March 2, 2023. Reichardt and Ebe Engineering prepared the attached Bid Tabulation and a letter recommending award to the low bidder. The Public Works Committee at their March 8th meeting concurred to recommend award to DeKoster Excavating, Inc., the lowest responsive and responsible bidder, in the amount of \$905,104.54, including Washington State Sales Tax. The engineer's estimate was \$985,075.42. This project will be principally funded with a grant and low interest (1.2%) loan from the Washington State Department of Ecology. Additional funding will be provided by the Sewer, Water, and Transportation Benefit District (TBD) Funds.

2024 Budget Calendar

As required by RCW, there are several budget preparation deadlines as the City moves forward in preparing its year 2024 Budget. The 2024 Budget Calendar dates are presented for final review and approval of the full Council. Upon approval this calendar will be distributed as presentation dates to the satellite agencies, as well as to City departments. This calendar was reviewed earlier by the Finance Committee at their March 20th meeting and approved for review by the full Council.

2022 Transportation Benefit District (TBD) Annual Report

The Transportation Benefit District (TBD) 2022 annual report is being provided to comply with RCW 36.73.160(2) which states that the "district shall issue an annual report, indicating the status of transportation improvement costs, transportation improvement expenditures, revenues, and construction schedules, to the public and to newspapers of record in the district."

The report provides information on 2022 planned and actual revenues and expenditures. It also discusses major actions affecting the Lynden TBD including the planned expenditures for 2023. The Public Works Committee reviewed the 2022 TBD annual report at their meeting on March 8, 2023, and concurred to recommend forwarding the report to City Council for review. The Finance Committee reviewed prior to tonight's City Council meeting.

Motion made by Councilor De Valois seconded by Councilor Bode to approve the consent agenda as presented. Motion approved 6-0.

3. PUBLIC HEARING - None

4. UNFINISHED BUSINESS - None

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



5. NEW BUSINESS

Lynden Municipal Airport Advisory Board Term Appointment- Tom Martin

On February 21, 2023, Bob Weeks resigned from the Lynden Airport Advisory Board. Tom Martin has asked to join the Board and agreed to fill the remaining term of Mr. Weeks position, which expires December 31, 2025. 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. The Mayor and the Public Works Committee reviewed the proposed appointment of Martin at their March 8, 2023 meeting and concurred to forward the request to City Council for approval.

Motion made by Councilor Bode seconded by Councilor De Valois to confirm the Mayor's appointment of Tom Martin to the Lynden Municipal Airport Advisory Board for the term, ending December 31, 2025. Motion approved 6-0.

Mayor Korthuis read aloud a letter of appreciation for Mr. Bob Week's service to the community while serving on the Airport Board. A copy of that letter is made a part of the official council file.

Stormwater Management Action Plan

The City is required to develop a Stormwater Management Action Plan (SMAP) as a requirement of the City's Stormwater Permit with Ecology. The City was divided into different stormwater basins following established policy, and the basins were ranked based on needed improvements. The Central District Basin has been identified as an area with the most needed improvements. Within that basin the City identifies the work that has been done in the recent past and identified both short- and long-term future projects that would be accomplished to improve water quality. Within this basin are the three Judson Area Stormwater Low Impact Design projects that have had good success at receiving grants for construction. The City is required to have a public hearing to allow the public to provide comments on the Stormwater Management Action Plan. The Public Works Committee reviewed the draft Stormwater Management Action Plan at their meeting on March 8, 2023, and concurred to recommend that City Council set a Public Hearing Date of April 3, 2023.

CITY OF LYNDEN

CITY COUNCIL MINUTES OF REGULAR MEETING



Motion made by Councilor Bode seconded by Councilor De Valois to set a Public Hearing for April 3, 2023, to hear public comments on the City's Stormwater Management Action Plan. Motion approved 6-0.

6. OTHER BUSINESS

Councilor Wohlrab reporting for Public Safety Committee involving discussion of:

- Medic Unit #75 housed at the City of Lynden Fire Station
- Submittal of SAFER grant application
- Increase in number of police department calls
- Possibility of police department sergeant retiring at the end of April 2023

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

- A lighted crosswalk signal at Bernice Vossbeck Elementary school
- Possibility of housing/taxi way development on Benson Road across from existing airport
- Traffic control coordination
- Moving the downtown hanging baskets closer to the buildings and in more of a straight line

Councilor Kuiken reporting for the Finance Committee involving discussion of:

- Review of claims and payroll
- Review of overtime for police and fire
- Sales tax revenue is strong and expected to remain strong due to the number of large ongoing projects in the city
- City audit
- City funds are strong

Councilor De Valois reporting for Parks Committee involving discussion of:

- Assistant Fire Chief met with Parks Committee to discuss a possible "healthy village" concept to assist with educating children in matters of safety
- Benson Barn improvements
- Change for the title of occupancy
- Schoolyard Park volunteers
- Spray Park
- Trail to Depot and 8th Street

7. EXECUTIVE SESSION

Council recessed into executive session at 7:41 p.m. to discuss with legal counsel. representing the city, a matter related to potential litigation, under RCW 42.30.110(1)(i).

CITY OF LYNDEN



CITY COUNCIL MINUTES OF REGULAR MEETING

Council expected to return from executive session at 7:51 p.m. without a decision. Mayor come out at 7:51 and announced that the executive session would run another five minutes.

Council reconvened at 7:56 p.m.

8. ADJOURNMENT

The March 20, 2023, regular session of the Lynden City Council adjourned at 7:56 p.m.

Pamela D. Brown, City Clerk

Scott Korthuis, Mayor

DRAFT

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 3, 2023	
Name of Agenda Item:	Approval of Payroll and Claims	
Section of Agenda:	Consent	
Department:	Finance	
Council Committee Review:	<input type="checkbox"/> Community Development <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <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:	April 3, 2023	
Name of Agenda Item:	Temporary Construction Easement and Right of Way Agreement	
Section of Agenda:	Consent	
Department:	Parks	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Other: _____ _Council_____
		Legal Review:
		<input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
Attachments:	Temporary Construction Easement and Right of Way Easement Agreement	
Summary Statement:	<p>The City needed to obtain easements from Vander Griend Lumber for the construction of Jim Kaemingk Sr. trail extension between Depot and 8th St. In the attached agreement the city obtains the necessary temporary easement for the in-water work that will be done during this year's fish window and obtains the necessary permanent easement for the trail on the northwest portion of the parcel. The total cost for these easements is \$30,000.00 and will be paid out of the project funding.</p>	
Recommended Action:	<p>Staff recommends Council make a motion to authorize the Mayor to sign and execute the Temporary Construction Easement and Right of Way Easement Agreement.</p>	

AFTER RECORDING RETURN TO:

ROBERT A. CARMICHAEL
CARMICHAEL CLARK, PS
P. O. BOX 5226
BELLINGHAM, WASHINGTON 98227

DOCUMENT TITLE:
TEMPORARY CONSTRUCTION EASEMENT AND RIGHT OF WAY AGREEMENT

REFERENCE NUMBER OF RELATED DOCUMENT:

GRANTOR:
V.G. Lumber, a Washington limited liability company

GRANTEE:
City of Lynden, a Washington municipal corporation

ABBREVIATED LEGAL DESCRIPTION:
Lot B, Old Lynden Middle School L.L.A./Lot Consolidation

ASSESSOR'S TAX PARCEL NUMBER(S):
400320 199500 0000

Temporary Construction Easement and Right of Way Easement Agreement

This Temporary Construction Easement and Right of Way Agreement (“Agreement”) is made and entered into this ____ day of _____, 2023, by and between V.G. Lumber, LLC, a Washington limited liability company (“Grantor” or “V.G. Lumber”) and the City of Lynden, a Washington municipal corporation (“Grantee” or “City”). Grantor and Grantee may be referred to herein individually as “Party” and collectively as “Parties.”

RECITALS

WHEREAS, V.G. Lumber, LLC is the owner of the real property legally described in **Exhibit A** hereto and fully incorporated herein by reference (“Grantor’s Property”); and

WHEREAS, the City of Lynden (“City”) is engaged in the expansion of the Jim Kaemingk Sr. Trail to improve and extend the trail; and

WHEREAS, a temporary construction easement over a portion of the Grantor’s Property will facilitate the City’s work on a portion of the Jim Kaemingk Sr. Trail on an adjacent parcel owned by the City; and

WHEREAS, a perpetual right of way easement over a second portion of the Grantor’s Property is needed to construct and maintain a pedestrian pathway and associated improvements as a part of the Jim Kaemingk Sr. Trail expansion; and

WHEREAS, the above recitals are a materials part of this Agreement,

NOW THEREFORE, the Parties hereby agree as follows:

AGREEMENT

V.G. Lumber hereby grants and conveys to the City of Lynden the following:

- (1) A temporary construction easement over the portion of Grantor’s Property described in **Exhibit B** and depicted in **Exhibit C**, for a period of eighteen (18) months commencing from the date first written above (“Temporary Construction Easement”), and
- (2) A perpetual right of way easement over the portion of Grantor’s Property described in **Exhibit D** and depicted in **Exhibit E** (“Right of Way Easement”).

This Agreement shall be governed by the following terms and conditions:

- 1. **Purpose.** This grant shall provide the City with:
 - (1) A Temporary Construction Easement for access, construction, inspection, maintenance, repair, alteration, ingress, and egress over the portion of Grantor’s Property described in **Exhibit B** and depicted in **Exhibit C**, for the purposes of constructing and extending part of the Jim Kaemingk Sr. Trail and completing related mitigation (the “Project”); and
 - (2) A Right of Way Easement for access, construction, inspection, maintenance, repair, and alteration over the portion of Grantor’s Property described in **Exhibit D** and depicted in **Exhibit E**, for the purpose of installation and operation of a public pathway, open to the general public for pedestrian, cycling, and other recreational uses, as authorized by the City

and in accordance with City rules and regulations, and associated improvements as a part of the Jim Kaemingk Sr. Trail expansion (the "Trail").

Grantee hereby agrees that it shall not use the Grantor's Property in any manner that is a violation of local, state, or federal law. The Grantee or its designees shall be solely responsible for all aspects of the Project and the Trail.

2. **Payment.** The Temporary Construction easement described in Section 1(1) above and the Right of Way Easement described in Section 1(2) above are granted in exchange for a payment of \$30,000 from the City to V.G. Lumber.

TEMPORARY CONSTRUCTION EASEMENT PROVISIONS

The following terms apply to the Temporary Construction Easement only:

3. **Term of Temporary Construction Easement.** The Temporary Construction Easement shall commence on the date first written above and shall terminate eighteen (18) months thereafter.

4. **Temporary Chain Link Fence.** The City shall install a temporary chain link fence between the Temporary Construction Easement and V.G. Lumber's lumber yard to the east, with the design and location to be approved by V.G. Lumber. The temporary chain link fence will remain in place until the Project is complete, a permanent fence is installed by the City, or the Temporary Construction Easement expires. If the chain link fence does not, in Grantor's view, adequately prevent trespass from the Temporary Construction Easement onto V.G. Lumber's lumber yard, the City will be responsible for installing additional means to prevent trespass. The City shall be responsible for removal of the temporary chain link fence when the Project is complete.

5. **Security.** Once the temporary chain link fence is installed, the City's contractor(s) will ensure that any gates providing access to Grantor's Property are locked each night.

6. **Costs of Improvements to the Easement Area.** The City shall be solely responsible for all costs of improvement, maintenance, and repair within the Temporary Construction Easement while it remains in effect.

7. **Restoration.** Upon completion of the Project, the City shall repair damage caused within the Temporary Construction Easement as a result of performing the Project work and will leave the Grantor's Property in a clean and tidy condition as nearly as reasonably feasible to the condition in which it existed on the commencement of construction of the Temporary Construction Easement.

8. **Insurance.** Grantee shall procure and maintain in force, without cost or expense to Grantor, throughout the term of or as long as Grantee remains in possession of the Temporary Construction Easement, a broad form comprehensive general liability policy of insurance covering bodily injury and property damage, with respect to the use and occupancy of the easement area with liability limits of not less than five million dollars (\$5,000,000.00) per occurrence and ten million dollars (\$10,000,000.00) aggregate. Grantor shall be named as an additional insured on all such policies, which policies shall in addition provide that they may not be canceled or modified for any reason without fifteen (15) days prior written notice to Grantor. Grantee shall provide Grantor with a certificate or certificates of such insurance within ten (10) days of the execution of this Temporary Construction Easement, and prior to beginning any work in the Temporary Construction Easement.

RIGHT OF WAY EASEMENT PROVISIONS

The following terms apply to the Right of Way Easement only:

9. **Open to the General Public.** Use of the Right of Way Easement shall be open to the general public for pedestrian, cycling, and other recreational uses, as authorized by the City and in accordance with City rules and regulations.

10. **Costs of Improvements to the Right of Way Easement.** The City shall be responsible for the design, construction, maintenance, and repair of the pedestrian pathway and associated improvements to be installed in the Right of Way Easement, which shall be at no cost or expense to the Grantor.

11. **Improvements.** The improvements associated with the Right of Way Easement may include, but are not limited to, railing(s), bench(es), trashcan(s), landscaping, lighting, retaining wall(s), and any necessary utilities, and a fence to delineate the borders of the trail and to prevent trespass from the trail onto V.G. Lumber’s lumber yard.

12. **Permits.** The Grantee shall be required to obtain all necessary approvals and permits from such governmental agencies with jurisdiction for the construction and installation of the public pathway and any associated improvements within the Right of Way Easement.

13. **Divestiture.** Any divestiture of Grantee’s rights in the Right of Way Easement shall occur only in the following manner:

(a) The Grantee shall notify the Grantor in writing of its intent to divest itself of its rights under this Agreement at least ninety (90) days prior to holding a public hearing on the divesting of the Grantee’s rights in the Right of Way Easement.

(b) The Grantee may in its sole discretion hold a public hearing with regard to the divesting of Grantee’s rights in the Right of Way Easement.

(c) The divesting of the Grantee’s rights in the Right of Way Easement may only occur upon the approval of the City Council.

(d) The divesting of the Grantee’s rights in the Right of Way Easement shall be without cost, fee, or obligation to the Grantor under any circumstance.

14. **Run with the Land.** The Right of Way Easement and all conveyances, rights, and obligations related to the Right of Way Easement shall be deemed to touch and concern the land, shall run with the land, and shall be binding on all parties having or acquiring any right, title, or interest in the land described herein or any part thereof.

GENERAL PROVISIONS

The following general provisions apply to both the Temporary Construction Easement and the Right of Way Easement:

15. **Hold Harmless.** Grantor and Grantee shall indemnify and hold each other harmless from any and all damages and litigation expenses resulting from any claims or causes of action for injury to persons or property arising from any acts or omissions of either party, their employees, or authorized agents, to the extent and in the same proportion as employees or authorized agents are determined to be at fault.

16. **Assignment.** Grantee shall not assign, convey or transfer the Temporary Construction Easement, Right of Way Easement, or any interest herein, without prior written consent of Grantor.

17. **Notice.** Any notice, declaration, demand, or communication to be given by a Party to this Agreement to the other shall be in writing and transmitted to the other Party by personal service or certified U.S. mail, return receipt requested, postage fully prepaid, addressed as follows:

To Grantor:
V.G. Lumber, L.L.C.
8461 Depot Road
Lynden, WA 98264

To Grantee:
City of Lynden
Attn: Steve Banham
300 4th Street
Lynden, WA 98264

18. **Complete Agreement/Modification.** This Agreement and all terms and conditions herein represent a complete agreement between the Parties. There are no other representations, warranties, covenants, agreements, collateral agreements, or other conditions affecting this agreement other than those set forth herein. Modification of the Agreement, or of any of the terms and conditions herein, shall be binding upon the Parties only if they are in writing and fully executed by the Parties.

19. **Applicable Law/Construction/Venue.** This Agreement shall be governed and interpreted in accordance with the laws of the State of Washington. In the event any portion of this Agreement conflicts with the provisions of any law or statute governing the subject matter hereof, such law or statute shall be controlling only to the extent of such conflict. The venue of any action brought to interpret or enforce any provision of the Agreement shall be laid in Whatcom County, Washington.

20. **Severability.** In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

21. **Counterparts.** This Agreement may consist of two or more separately ratified counterparts, each of which shall constitute a duplicate original of this grant and all which together will constitute a single grant.

signatures on following page

GRANTOR:

V.G. LUMBER, L.L.C.

8461 Depot Road

Lynden, WA 98264

GRANTEE:

CITY OF LYNDEN

300 4th Street

Lynden, WA 98264

By: *Harry Vanden Griend*
Its: *owner*

FOR MAYOR'S
SIGNATURE



STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

On this 24th day of march, 2023, before me a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Gary VanderGriend, the Owner of V.G. LUMBER, L.L.C., a Washington limited liability company, who acknowledged said instrument to be the free and voluntary act and deed of said company for the uses and purposes therein mentioned and stated on oath that they were authorized to execute this instrument on behalf of said company.

WITNESS my hand and official seal hereto affixed the day and year first written above.

Latanya Bancroft
Notary Public in and for the State of Washington

Residing at:

My commission expires: 10/25/2026

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

On this ___ day of _____, 2023, before me a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, the _____ of the CITY OF LYNDEN, a Washington municipal corporation, who acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned and stated on oath that he/she was authorized to execute this instrument on behalf of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first written above.

Notary Public in and for the State of Washington
Residing at:
My commission expires: _____

CITY OF LYNDEN



EXECUTIVE SUMMARY – City Council

Meeting Date:	April 3, 2023	
Name of Agenda Item:	Public Hearing - Stormwater Management Action Plan	
Section of Agenda:	Public Hearing	
Department:	Public Works	
<u>Council Committee Review:</u>	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	<u>Legal Review:</u>	
	<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:		
Stormwater Management Action Plan (SMAP)		
Summary Statement:		
<p>The City is required to develop a Stormwater Management Action Plan as a requirement of the City's Stormwater National Pollution Discharge Elimination System (NPDES) Permit with the State Department of Ecology. The area of the City was divided into discrete stormwater basins following establish policy, and the basins were ranked based on criteria including opportunity for improvement.</p> <p>The Central District Basin has been identified as an area with the most needed improvements. Within that basin the City identifies the work that has been done in the recent past and identified both short- and long-term future projects that would be accomplished to improve water quality. There are three Judson Area Stormwater Low Impact Design projects (8th, 9th, 10th and Judson Streets) that have either received or are likely to receive grant funding for construction in this basin.</p> <p>In response to feedback from the public and from staff, additions, deletions and/or clarifications have been incorporated into the Stormwater Management Action Plan.</p> <p>The Public Works Committee reviewed the draft Stormwater Management Action Plan at their meeting on March 8, 2023, and City Council set this Public Hearing at their March 20, 2023 meeting.</p>		
Recommended Action:		
That City Council approve and authorize the Mayor's signature on the City's Stormwater Management Action Plan.		

CITY OF LYNDEN

STORMWATER MANAGEMENT ACTION PLAN

CENTRAL BUSINESS DISTRICT

SUB-BASIN # 9



CITY OF LYNDEN
300 4TH STREET
LYNDEN, WASHINGTON 98264
PHONE (360) 354-3446
MARCH 29, 2023

REVIEWED AND ACCEPTED

A handwritten signature in blue ink, appearing to read "J. R. Zeman".

Director of Public Works

Prepared by: Welch Ecological Services, LLC

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1 INTRODUCTION

The City of Lynden (City) has developed a Stormwater Management Program (SWMP) to meet the terms and conditions of its Western Washington Phase II Municipal Stormwater Permit (Permit) under the National Pollutant Discharge Elimination System (NPDES). This permit is required because the City of Lynden has been designated by the Environmental Protection Agency and the Washington State Department of Ecology as one of thousands of municipalities in the United States requiring a special stormwater permit. These permits were deemed necessary because stormwater runoff from streets, parking lots, construction sites, industrial properties, and residential areas is now recognized as one of the leading sources of pollution to our streams, lakes, wetlands, the Nooksack River, and Puget Sound.

As part of this stormwater permit, stormwater planning elements are required (per permit section S5.C.1.d). This report documents the development of a Stormwater Management Action Plan or SMAP. A Stormwater Management Action Plan requires a planning approach that emphasizes protection of designated uses and improvements to receiving water quality and habitat under both existing and anticipated future developed conditions. The focus of a SMAP is to address impacts from the cumulative development in a watershed rather than on single site or subdivision impacts. The plan will prioritize projects and activities to reduce harmful effects of stormwater runoff to waters of the State.

The goal of a SMAP is to help answer these two important questions:

- 1) How can we most strategically address existing stormwater problems?
- 2) How can we meet our future population and density targets while also protecting and improving conditions in receiving waters?

1.1 BACKGROUND ON THE STORMWATER MANAGEMENT ACTION PLAN PROCESS

The first step in the development of a Stormwater Management Action Plan was to conduct a Receiving Water Conditions Assessment (S5.C.1.d.i) to characterize the sub-basins within the City limits and to understand the relative influence that stormwater quality improvement efforts could affect. The goal was to determine across the City sub-basins those that would gain the most benefit from stormwater management efforts.

The outcome of the Receiving Water Conditions Assessment was a watershed inventory that included a description of the relative conditions of the receiving waters and the contributing areas. Within the City of Lynden's jurisdiction, 15 main and 3 minor stormwater sub-basins were delineated (Figure 1) and characterized. Acreage of each sub-basin within the city limits was calculated and compared to the sub-basin total area. Land use by sub-basin was calculated based on the assessor's parcel database. Road density was also calculated by sub-basin. These characteristics were compared across sub-basins along with other qualitative parameters to complete the first round of the receiving waters assessment / watershed inventory step of the SMAP. More specifics on each of these sub-basins can be found in the Watershed

Characterization Report (Receiving Water Assessment/ Watershed Inventory) submitted to Ecology in March 2022 with the 2021 annual report.

The second step in developing a SMAP was to undertake a receiving waters prioritization process. The goal of this step was to prioritize the City's sub-basins by developing a method using existing data sources to arrive at a ranked list of those sub-basins that would gain the most benefit from stormwater management efforts.

The stormwater management influence was assessed which included collecting existing data and comparing attributes for each of the sub-basins. The City developed a sub-basin prioritization method. More specifics on this process can be found in the Receiving Water Prioritization report (S5.C.1.d.ii) which was completed in June 2022.

Ranking was based on a combination of factors including:

- % of sub-basin under City jurisdiction
- Road density - % area in roads and right of ways (as a surrogate for impervious surfaces)
- Land use
- # of known outfalls
- # of capital improvement projects underway or planned
- Known deficiencies (high, moderate, low) based on R&E deficiency map 2015 and updated with knowledge of recent development and completed capital project (as a surrogate for age of infrastructure), and
- Development pressure (high, moderate, low) assigned in coordination with planning department sub area plans and the Comprehensive Land Use Plan.

Through this process the City selected the Central Business District (CBD) sub-basin 9 as the top ranking sub-basin (Figure 2). This sub-basin encompasses the designated downtown Historic Business District (HBD) and surrounding drainage areas. Sub-basin 9 drains directly to the Nooksack River and almost the entire sub-basin is within the City's jurisdiction. It was also chosen because stormwater runoff from this area is not likely to improve without intervention from the City. The built-out nature of the sub-basin means that improving the receiving water quality from this sub-basin through stormwater retrofits is the focus. Protection of the resource through land acquisition is limited. Other municipal projects are underway in the same area and provide the opportunity to accomplish more with combined street and stormwater projects.

This report documents the development of the SMAP for the Central Business District sub-basin 9 (S5.C.1.d.iii). Two sources were used for guidance in this assessment: Building Cities in the Rain – Watershed Prioritization (Commerce, 2016) and DOE Stormwater Management Action Planning Guidance (DOE, 2019).

Figure 1: Lynden Stormwater Management Sub-basins

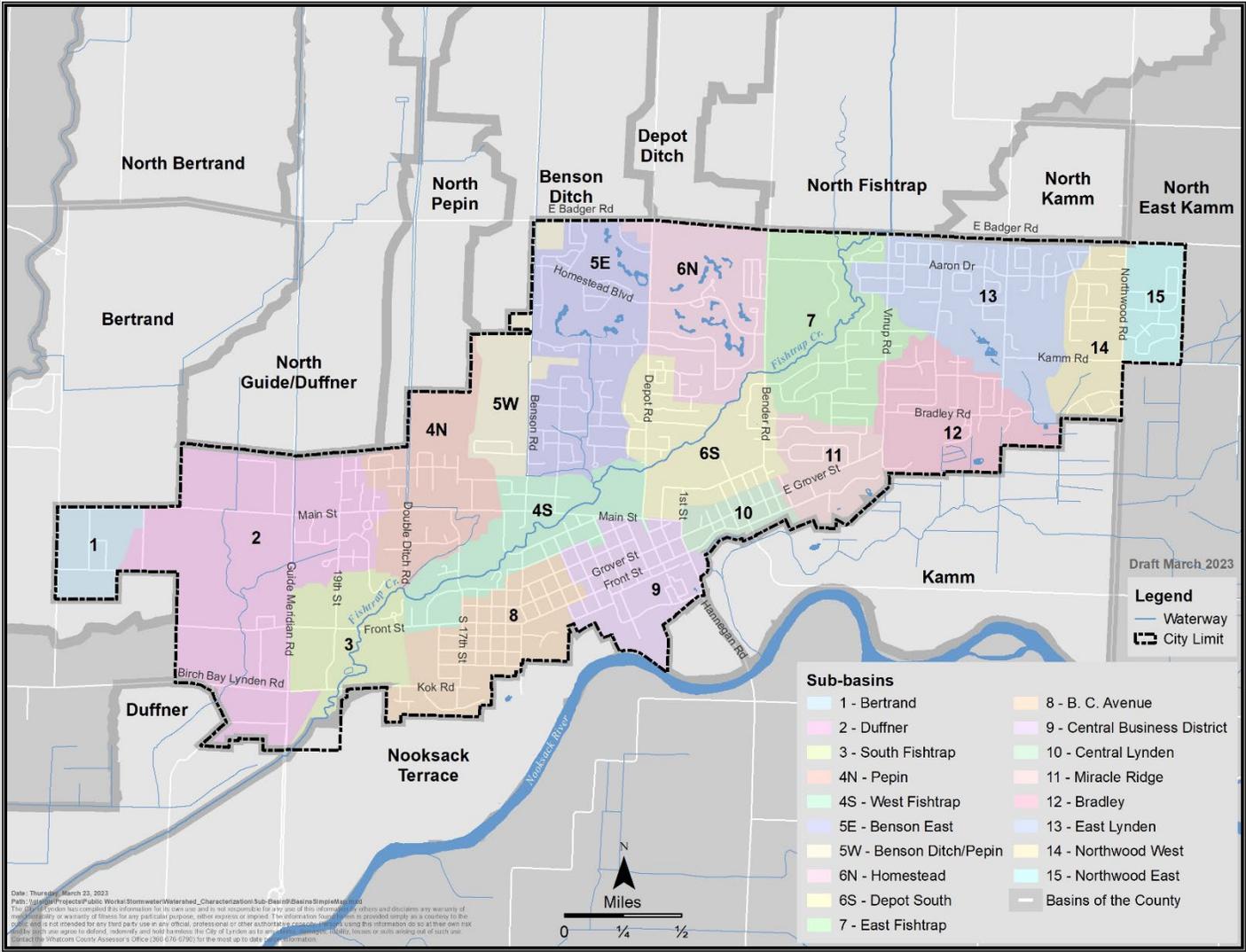
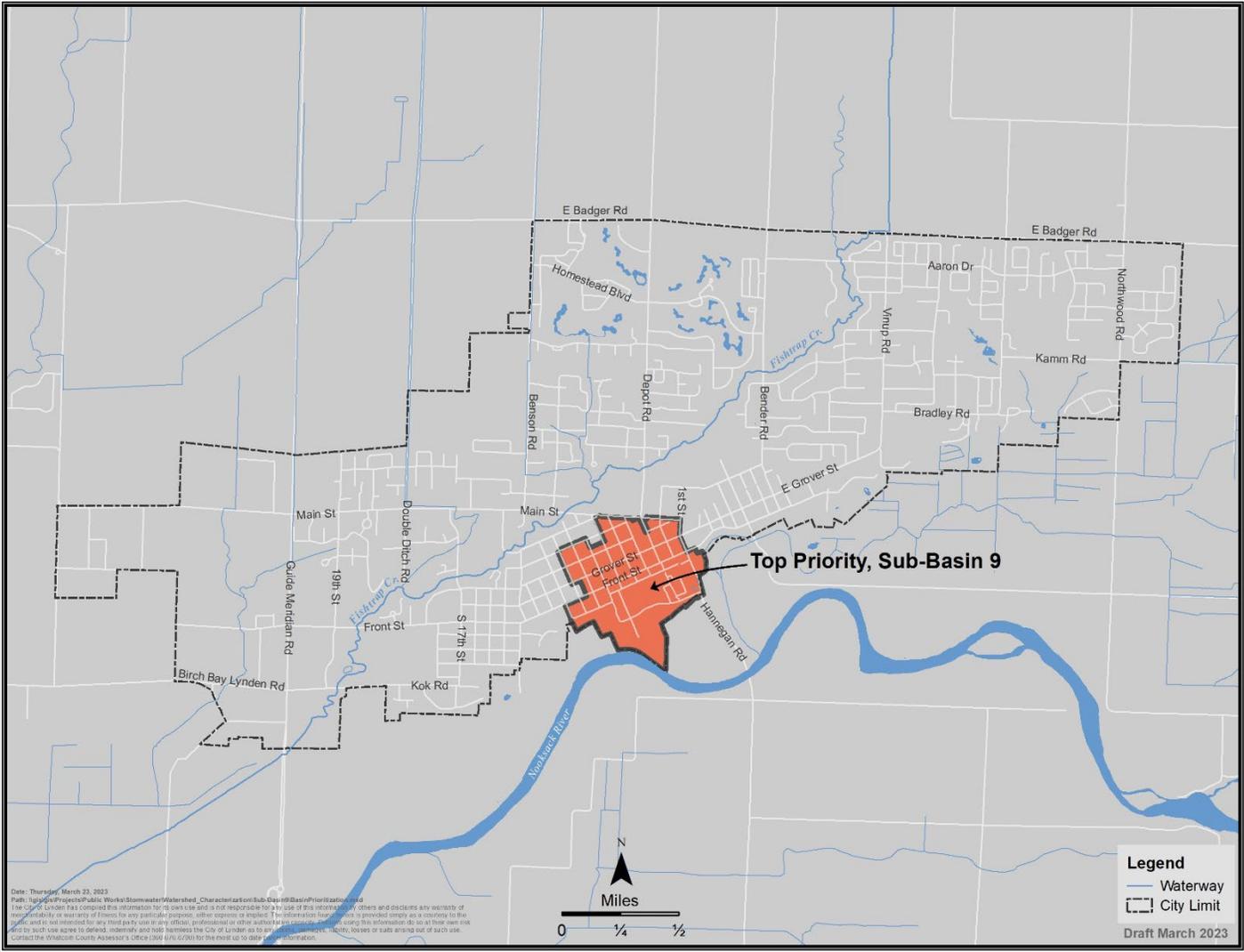


Figure 2: Lynden Stormwater Management Basin Prioritization



2 BACKGROUND ON THE CENTRAL BUSINESS DISTRICT SUB-BASIN

The Central Business District sub-basin drains 162 acres and is almost entirely within the city limits (99.7 %). This sub-basin is the zone where the City's economic activity originated. It encompasses the designated Historic Business District (HBD) and surrounding drainage areas. The historic business district is a section of downtown Lynden lined with commercial and retail businesses located along Front Street. The boundaries of the HBD are considered to be the alley between Grover St. and Front St. to the north, Judson Alley to the south to 7th St to the west, and the vicinity of 3rd St. to the east. The total area of the HBD is approximately 12.4 acres.

The Central Business District sub-basin is intended to be an active mix of professional offices and residences, personal services and small retail establishments serving the employees and residents of the area. Emphasis on the City's cultural history is anchored by the Pioneer Museum on the east and the Windmill Inn on the west. Storefronts and streetscapes encourage pedestrian activity.

Land use in the CBD is mixed (Table 1 and Figure 3). Commercial and road infrastructure (Figure 4) are the most common usage. Single and multiple family residential properties occupy a quarter of the land base and parks and undeveloped lands also play a role.

Table 1: Land Use in the Central Business District Sub-basin

CBD (Central Business District) Sub-basin No. 9*		
Consolidated Land Use Category +	Acres	% of Sub-basin Area
Agriculture and undeveloped	2	1%
Commercial	36	22%
Industrial	13	8%
Parks and undeveloped	27	16%
Residential Multi	20	12%
Residential Single	19	12%
Roads	45	29%
Grand Total	162	100%

* Central Business District was designated as sub-basin 9, referred to as the HBD sub-basin in the Watershed Characterization Report

+ Land use designations are parcel based and calculated by summing different land use types into the categories presented in the Whatcom Co Assessor's parcel database

Figure 3: Land Use in the Central Business District Sub-basin

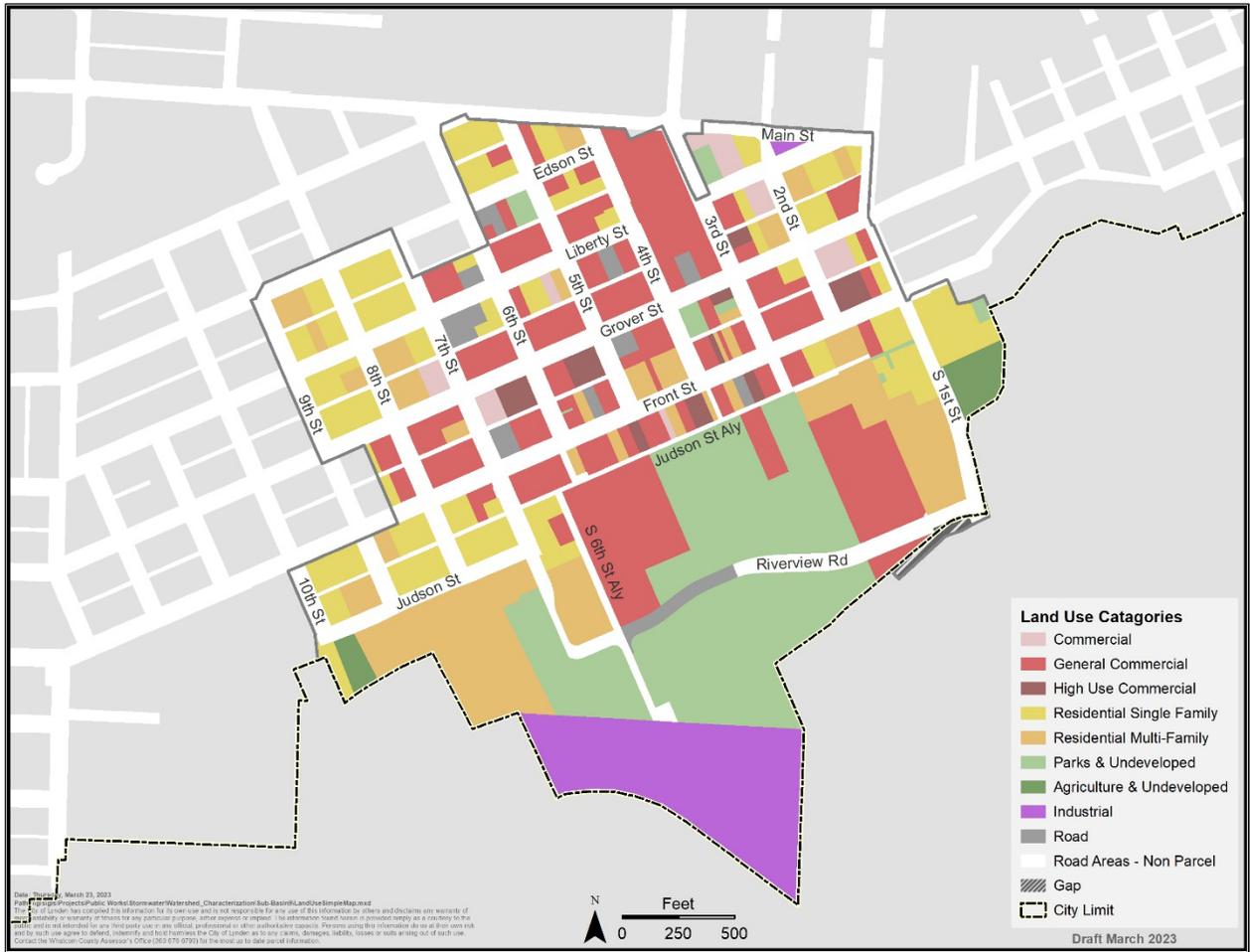
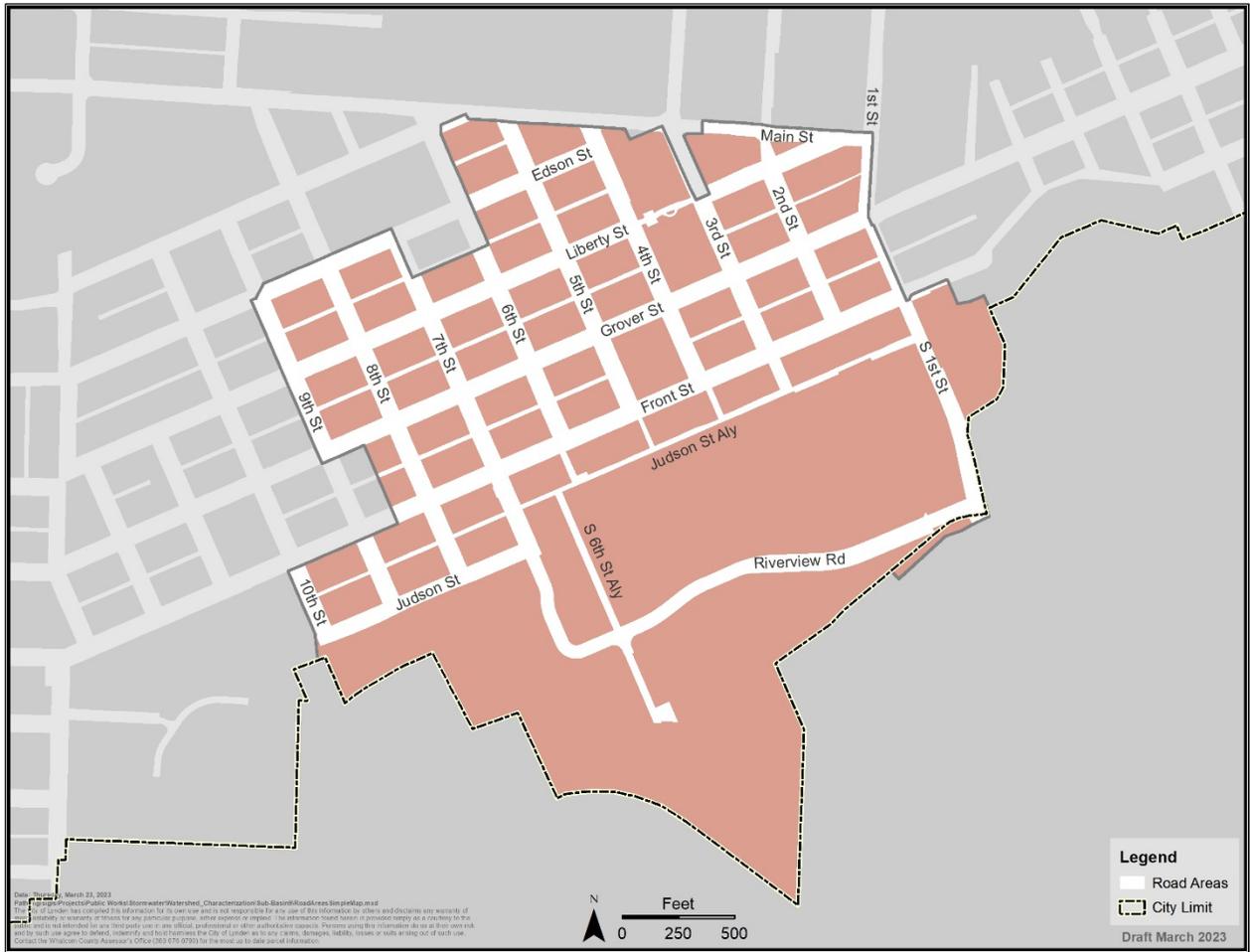


Figure 4: Roads in the Central Business District Sub-basin



3 STORMWATER RETROFITS IN THE CBD (S5.C.1.D.III.A)

The City has been focused on implementing stormwater retrofits and improvements in the CBD sub-basin for many years. The need for improvements to deal with the aging infrastructure and the lack of space due to the built-out nature of the area required a many phased approach. Nine projects have been completed in the CBD since 2007 (Table 2 and Figure 5) and many others are in motion.

Table 2: Completed Stormwater Retrofit and Improvement Projects

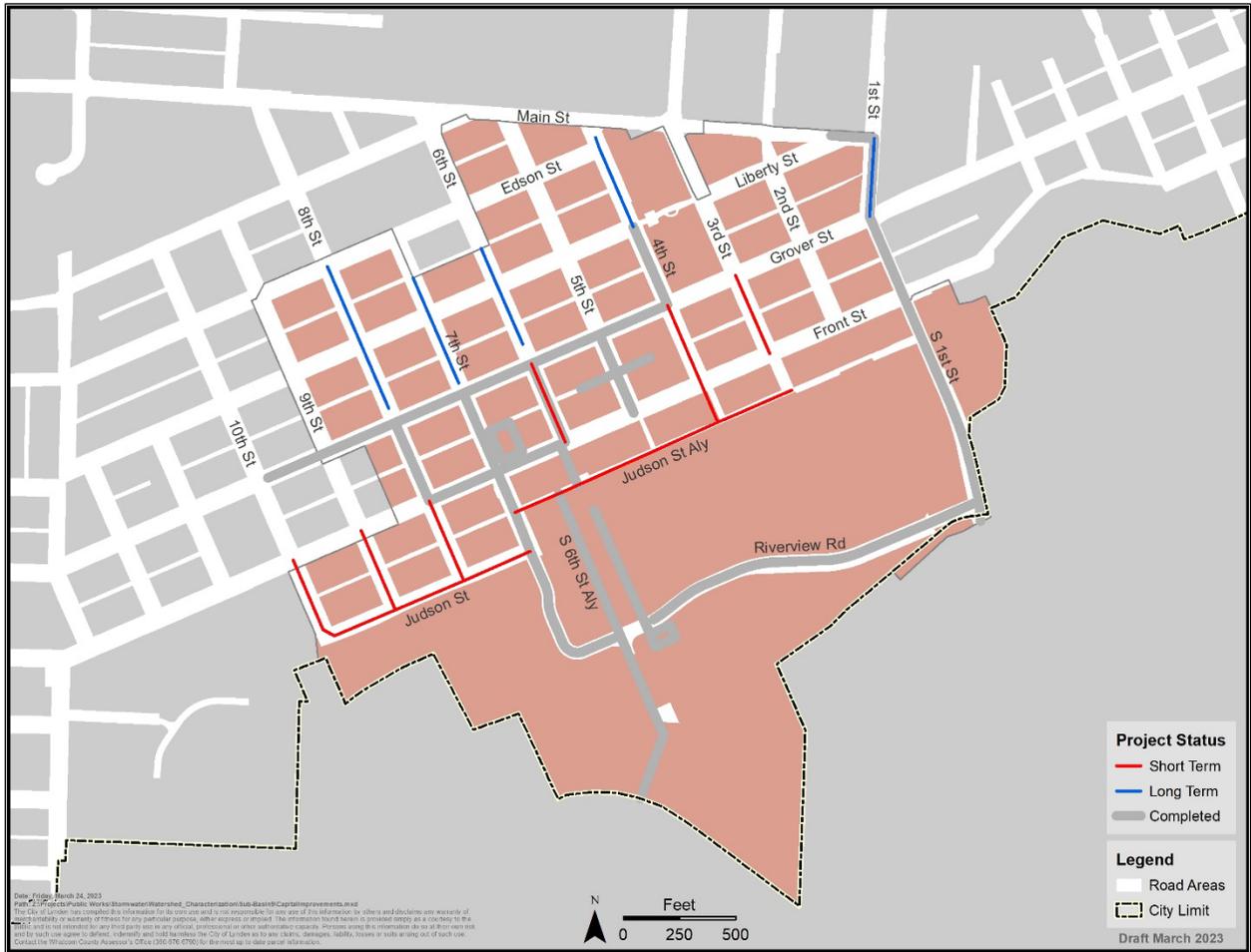
Stormwater Management Action Plan Number	Project Name and Short Description	Timeline notes
SW-CBD-1	2005 Arterial Reconstruction Grover	2007- 2008
SW-CBD-2	Library Offsite stormwater improvements	2007-2008
SW-CBD-3	2009 Arterial Improvement	2009
SW-CBD-4	The HBD Treatment Facility associated with Phase 1 of the City's WaterTreatment Plant project	2012
SW-CBD-5	5 th Street Revitalization – 5 th street between Front and Grover + 4/5 th alley and parking lot	2015
SW-CBD-6	Riverview Road Gap Elimination	2016 -2017
SW-CBD-7	7 th Street Rehabilitation Improved two blocks of 7 th Street between Grover Street and Judson Street and a public parking lot.	2021
SW-CBD-8**	Judson Area Low Impact Development - Preliminary Design (DOE Stormwater Grant)	2021
SW-CBD-9***	Whatcom County Lynden Levee and Channel Realignment repair work; wetland mitigation floodgate installation	2021 - 2022

* Stormwater capital improvement project identifier SWO-3/-4

** Stormwater capital improvement project identifier SWO-10a

*** In coordination with Whatcom County

Figure 5: Status of Stormwater Improvement Projects in the Central Business District Sub-basin



3.1 COMPLETED STORMWATER PROJECT DESCRIPTIONS

SW-CBD-1 - 3 - Street Rehabilitation and Stormwater Improvements

Three projects were designed and completed in the CBD from 2007-2009. These included rehabilitation of arterial streets in concert with updated stormwater conveyance and stormwater infiltration facilities as retrofits. Road work and stormwater features were improved along 5th Street and 1st Street. Additional offsite stormwater improvements to 4th Street, Grover and 6th Street were made during the library update project.

SW-CBD-4 - The HBD Stormwater Treatment Facility

Many stormwater improvements were made in conjunction with Phase 1 of the City’s Water Treatment Plant project in 2012 (Appendix A: Exhibit 1). With future development pressures in mind, the City developed a stormwater bioretention facility that was built to handle all of the inputs from the historic business district.

The Water Treatment Plant Replacement project was a phased project designed to replace the City's existing water treatment plant. It included the construction of a frontage road across the south side of the proposed treatment plant (Riverview Road) and a stormwater runoff facility. In conjunction with the above mentioned improvements, the City has taken steps to promote growth and development within the Historic Business District (HBD). The City's constructed stormwater treatment facility in association with the new treatment plant to accommodate stormwater runoff from the HBD is located south of the completed 6th Street roadway. This facility pre-dated the City's permit and is not required under the permit to be inspected annually. While it is still functional short and long-range maintenance planning is a top priority to keep this facility as an asset in water treatment of the HBD runoff.

SW-CBD-5&7 – Street Rehabilitation and Stormwater improvements

These two street projects were completed from 2015-2021 and contained stormwater elements. The 5th Street project improved roadways and stormwater facilities between Front Street and Grover and included partial improvement to the alleys. The 7th Street project involved work between Judson and Grover Streets, including roadway and sidewalks. Additional improvements included installing a storm drain system and improving the water main. Upgrades to the 7th Street parking lot were also included with this project. For the 7th street revitalization, runoff Treatment was not required, however, given the City's commitment to protecting the environment, runoff treatment was implemented into the project to go above and beyond Ecology's Stormwater Manual's (SWMMWW) minimum requirements. The Reichhardt & Ebe Engineering Memo (2021) stated the following:

The Geotechnical Report, indicated that the site soils are suitable for stormwater infiltration. An Infiltration Trench with a sand filter was selected for treatment. The existing stormwater conveyance system along 7th Street was divided into two separate subbasins: The area south of Front Street draining into the existing stormwater conveyance system along Riverview Road, and the area north of Front Street draining into the existing stormwater conveyance system along Front Street; both the Riverview Road and the Front Street conveyance systems drain to the same outfall along the Nooksack River near the City's Wastewater Treatment Plant. The existing City owned parking lot was rebuilt alongside the 7th Street Improvements which provided ample room for an infiltration trench. Due to limited space south of Front Street and limited topography it was decided only to incorporate treatment for the runoff from the areas north of Front Street and to place the treatment facility under the parking lot.

SW-CBD-6 – Riverview Road Gap Elimination

A new roadway was designed and built to eliminate the gap in Riverview Rd. that existed from approximately 600 feet east of S. 6th St. to approximately 100 feet west of S. 1st. St./Hannegan Rd (Reichhardt & Ebe Engineering, 2016). Appendix A: Exhibit 2 displays this road improvement section and associated stormwater runoff from the project that is managed with a stormwater filtration system. The stormwater filtration system provides the treatment necessary to meet the requirements set by the Washington State Department of Ecology (DOE). Detention is not required as the project site drains to an entirely manmade conveyance system that extends to an exempt receiving water. Stormwater pipes for future private drainage north of the

project site are provided as part of the project. The intent of these pipes is to provide the property owners adjacent to the project site a way under the newly constructed roadway. Since the completion of the Riverview Road project, no stormwater will be discharged from these pipes. These pipes will not be connected to the City owned stormwater system.

SW-CBD-8 – Judson Street Low Impact Development Demonstration

The Judson Street Low Impact Development demonstration project will improve water quality in the Nooksack River through the design of stormwater low impact development (LID) best management practices at Judson Street. The City has secured grant funding from the Department of Ecology to design and build this LID demonstration project in the Central Business District. This multi-phased project will retrofit five square blocks in downtown Lynden with improved stormwater infrastructure in concert with a roadway maintenance project. This project will improve water quality in the Nooksack River through design of stormwater low impact development (LID) best management practices at Judson Street in the City of Lynden. The preliminary design has been completed for all phases and includes enhanced treatment for total suspended solids, dissolved copper, and dissolved zinc. The next phases of this project are discussed in Section 7.0 and include construction that will provide treatment and infiltration for runoff from 2.17 acres of residential development. The third phase of this project includes construction that will provide runoff treatment and infiltration for runoff from 1.71 acres of residential development.

SW-CBD-9 – Whatcom County Channel Realignment Project

This project was carried out by Whatcom County with City involvement. It included realigning a channel that runs adjacent to the Lynden Wastewater Treatment Plant and enhancing habitat in the newly created channel. It was constructed in conjunction with a levee improvement project by the US Army Corps of Engineers (USACE). The USACE project included replacing two existing culverts that penetrate the levee with a new culvert and fish-friendly flood gate and restoring the levee crest and erosion protection. Both projects were constructed in tandem between June to September 2021. Riparian planting at both project sites and mitigation sites was completed in March 2022.

Summary of Completed Projects

While this section describes the capital improvement efforts that the City has already completed, Section 7 of this report provides information on stormwater management actions, projects, and retrofits for both the short-term and long-term horizons.

4 LAND MANAGEMENT/ DEVELOPMENT STRATEGIES (S5.C.1.D.III.B)

Planning Development Strategies

The Central Business District sub-basin falls within the City's planning Central Lynden Subarea. The CBD ranked top priority for developing a SMAP for many reasons with redevelopment, limited space and aging infrastructure factoring in, as well as the fact that the City has jurisdiction of almost the entire basin. For the most part, the Central Lynden Subarea is well built out. The CBD is expected to continue to see some redevelopment, including additional residential where feasible.

Long-range plans will include looking at zoning and build-out projections. The commercial zoned portion of the subarea is functioning as a mixed-use overlay. A recent [Ordinance 1657](#) addresses some changes that will allow more residential units in this commercial zoned area referred to as Small Scale Mixed Use in portions of the Central Lynden Subarea. This change may result in the ability to redevelop or develop new units in this location and probably more likely in the long-term as ownership turns over. The South Historic portion of the sub-basin is currently seeing a significant development.

Comprehensive Development Plan

The City is gearing up for a Comprehensive Plan update by 2026. The efforts will get underway in 2023. Stormwater management issues will be fully integrated into the update. As part of this update, discussion about supporting appropriately designed infill projects and efforts to increase housing density within established residential zones will be addressed.

5 TARGETED OR ENHANCED IMPLEMENTATION ACTIONS (S5.C.1.D.III.C)

The City has identified enhanced operational practices to target stormwater management needs and implement actions through many elements of the stormwater program. These are summarized below:

- ***Illicit Discharge Detection and Elimination (IDDE) field screening program***
For the Central Business District, the IDDE efforts will include more frequent stormwater facility inspections and catchbasin cleaning as required. Focus will also be concentrated on maintaining the stormwater facility located south and east of Riverview Road and 6th Street.
- ***Pollution Source Control Program***
Potential pollutant generating businesses in the CBD will be targeted in the Source Control Inspection Program. However, many of the businesses in the sub-basin are not potential pollutant generators per the Ecology Permit Appendix 8, but they do have a dumpsters outside their back door. These will be targeted through our Dumpster Management Program so that they don't get overlooked.
- ***O&M Inspections or Enhanced Maintenance Program***
Increased sweeping of the Central Business District will be scheduled per the City's Enhanced Maintenance Plan which is under finalization at this time. The City was awarded new grant funds to complete the maintenance plan and purchase a second sweeper. The new sweeper truck is expected in 2024 and will allow for the short-term and long-term action of an increased sweeping program.
- ***Public Education and Outreach Programs***
The Judson Street LID Demonstration project will include educational signage.

6 COORDINATION WITH LONG-RANGE PLANNING EFFORTS (S5.C.1.D.III.D)

The primary goal of the City's Coordinated Long- Range Plan was to summarize water quality and watershed protection policies, strategies, codes, and other measures that protect and improve local receiving water through planning efforts and report on how planning efforts (Comprehensive Plan, Growth Management, Shoreline Master Plan, Transportation plans etc.) addressed water quality improvements. The planning report was submitted to Ecology in December 2022 and provided specific answers to the Department of Ecology's Stormwater Annual Report questions 6 through 14 per (S5.C.1.b.i(a) and (b)).

7 STORMWATER MANAGEMENT ACTIONS - SHORT-TERM AND LONG-TERM (S5.C.1.D.III.E)

This section sets out the plan for current and future stormwater management work in the Central Business District. The City strives to combine stormwater upgrades with every street improvement projects. Building on past efforts and successes this plan focuses on areas within the CBD that have yet to be addressed. The City has been awarded grant funding for many of the short-term projects and will use time in the short-term to identify methods of funding the long-term plans. For the purposes of this planning process the terms are defined in the following sections.

7.1 SHORT-TERM ACTIONS

The City has 6 projects funded and underway in the short-term. Table 3 shows the short-term stormwater management action efforts with implementation schedule and budget. Figure 5 shows the progression of stormwater improvements by color coding the completed projects and the short and long-term projects.

Table 3: Short-Term Stormwater Projects (0-6 years)

Stormwater Management Action Plan Number	Description	Implementation Schedule and Timeline notes	Budget (\$ in Thousands)		
			Local	State	Total
SW-CBD-10	Historic Business District (HBD) Stormwater Treatment Facility Inspection and Maintenance Plan	Within 2 yrs	30		30
SW - CBD -11 (SWO-10b* and STIP #10)	Judson LID Area -8th Street & Alley	Within 1 yrs	50	120	170
SW – CBD -12 (SWO-10c* and STIP #11a**)	Judson LID Area -9th Street & Alley	Within 2 yrs	202	859	1,06
SW-CBD-13 (SWO-10d* and STIP #11b**)	Judson LID Area -10th & Judson Front St. to Judson and E/W Alley to 10th	Within 5 yrs	50	120	170
SW-CBD-14 (STIP #22**)	Judson Street Alley – widen and reconstruct	2026-2028 construction slated	TBD ⁺		
SW-CBD-15 (STIP #17**)	3 rd Street Reconstruction	2026-2028 construction slated	20		20

* Stormwater capital improvement project identifier
 **Six-year transportation improvement plan project identifier
 + To be determined

SW-CBD-10- Historic Business District Stormwater Facility Inspection and Maintenance Plan

The stormwater treatment facility was built in 2012 prior to the City's Phase II permit was issued. This facility is functioning but requires maintenance to meet current stormwater regulations. Although not required by the permit to conduct maintenance on this facility because it pre-dated the Permit issuance to the City, the City has identified this facility for stormwater management action efforts to conduct inspection and maintenance.

SW-CBD-11- 14 - Judson Area LID Demonstration Project – Construction Phases

The City has been awarded grant funds to continue this project from the completed design to construction. This project is slated to improve drainage and water quality to the Nooksack River through design of Low Impact Development (LID) facilities along Judson Street in the City of Lynden. This project will include approximately 5 square blocks between Front Street and Judson Street, from 7th to 10th Streets. The project is intended to apply LID Best Management Practices (BMPs) focused on using soils and vegetation to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, or transpiration. Enhanced BMPs will also be employed to address road runoff pollutants.

During the design phase, soils, safety and space availability, and lifecycle maintenance was weighed in the selection of appropriate BMP solutions. Community cooperation associated with retrofitting LID techniques into an existing neighborhood will be considered. Because the City has received requests from the public to provide street upgrades, an outreach effort will be made as part of this project to communicate the benefits of LID and associated street improvement. The City will evaluate the cost of BMP lifecycle maintenance and will also identify stewardship opportunities with the neighborhood and community. This project will include an educational component with informational signage and tours.

SW-CBD-15– 3rd Street Reconstruction

Third Street will be reconstructed from Glover north to Main Street. This is a transportation STIP project and will include stormwater improvement elements.

7.2 REOCCURRING OPERATIONAL BEST MANAGEMENT ACTIONS

The City has identified several operational best management practices that will be conducted citywide to improve water quality. These BMPs will occur at an increased frequency in the Central Business District and implementation will be scheduled to begin in the short-term and continue for the long-term. Table 4 summarizes these practices.

Table 4: Reoccurring Operational Best Management Practices

Stormwater Management Action Plan Number	Project Name and Short Description	Timeline notes
SW -CBD -16	Comprehensive Plan update	To be initiated in 2023 for update in 2026 and will lay out long-term projects - Rezoning etc.
SW-CBD- 17	Low Impact Development Demonstration project maintenance and tours	To start once project is completed then on-going
SW-CBD- 18	WTP and HBD stormwater facility inspection and maintenance	On-going
SW-CBD- 19	Increased Sweeping frequency	On-going
SW-CBD- 20	Targeted Source Control efforts	On-going
SW-CBD- 21	Dumpster maintenance outreach and education	On-going

7.3 LONG-TERM ACTIONS

The City has been looking at improving stormwater management in this sub-basin for a long time and continues to be dedicated to adding more management actions in the long-term. Table 5 identifies the long-term actions and Figure 5 shows them geographically. All of the long-term capital projects includes street reconstruction in concert with stormwater retrofits. These long-term actions are currently slated for partial local funding and the City will be finding additional ways to finance these efforts through grant funding.

Table 5: Long-Term Stormwater Projects (7-20 years)

Stormwater Management Action Plan Number	Description	Implementation Schedule and Timeline notes
SW-CBD- 22 (STIP #19**)	6 th Street Reconstruction	TBD* construction slated
SW-CBD- 23	1 st and 4 th Street Reconstruction North of Grover to Main	TBD 1 st Phase
SW-CBD-24	6 th , 7 th , and 8 th Street Reconstruction North of Grover	TBD 2 nd Phase

* To be determined

8 ADAPTIVE MANAGEMENT FEEDBACK PROCESS (S5.C.1.D.III.F)

As the short-term facility improvement and operational best management practices roll out, the City will constantly be reassessing the need for adaption and alternative options. The Six-year Transportation Plan is updated annually and projects will be modified or added as deemed necessary. The Comprehensive Stormwater Plan capital improvement projects are also reviewed annually and are submitted to Ecology per Appendix 2 of the Phase II permit. In addition, the City's Comprehensive Plan per the Growth Management Act is up for an update in 2026 and any changes in land use, rezoning etc. will be incorporated into the Stormwater Management Action Plan and adaptation will be made as appropriate. The City also encourages the public to provide comment on the SMAP through its stormwater website.

9 REFERENCES

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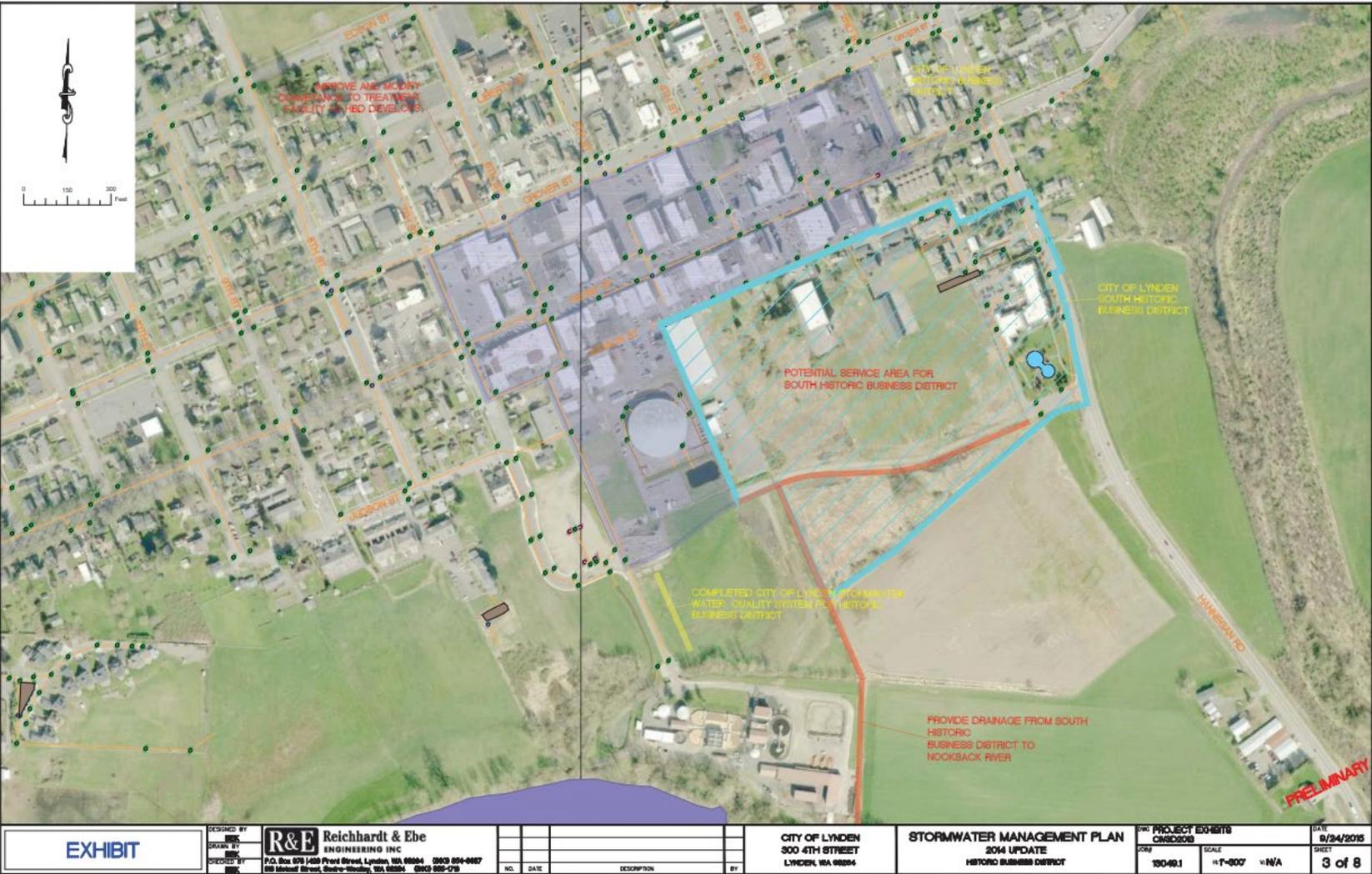
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Washington State Department of Ecology. August 2019. *Western Washington Phase II Municipal Stormwater Permit*.

APPENDIX A

Exhibit 1: Historic Business District Sub-basin Stormwater Drainage to Facility



EXHIBIT

DESIGNED BY: **R&E**
 DRAWN BY: **R&E**
 CHECKED BY: **R&E**

R&E Reichhardt & Ebe
 ENGINEERING INC
 P.O. Box 878 | 400 First Street, Lynden, WA 99249 | 360-824-0007
 800 Market Street, Snohomish, WA 98296 | 360-890-0780

NO.	DATE	DESCRIPTION	BY

CITY OF LYNDEN
 300 4TH STREET
 LYNDEN, WA 99249

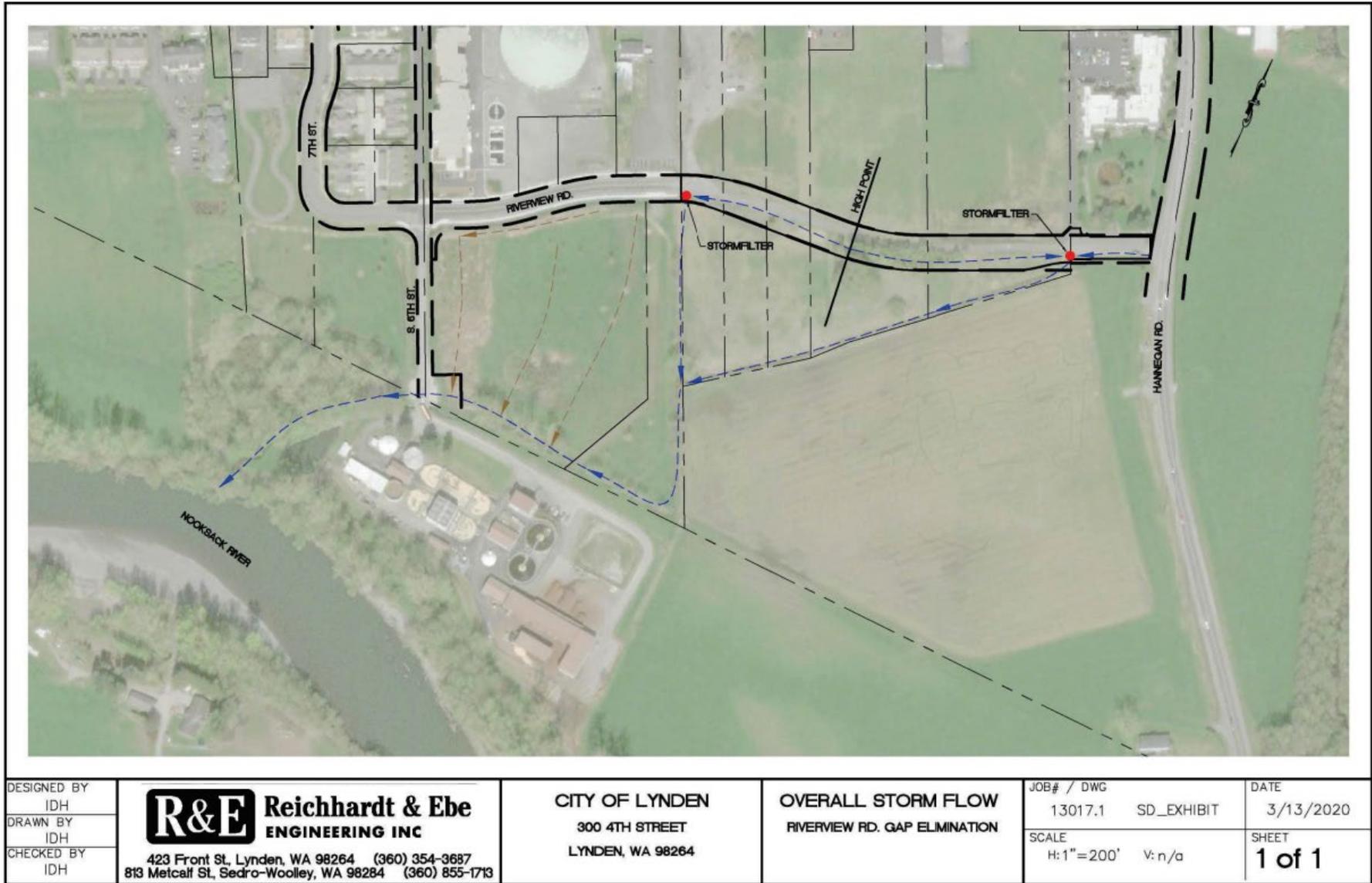
STORMWATER MANAGEMENT PLAN
 2014 UPDATE
 HISTORIC BUSINESS DISTRICT

PROJECT EXHIBITS
 CHSD2018

DATE: 9/24/2016
 SHEET: 3 of 8

SCALE: 1"=100'

Exhibit 2: River Road Gap Elimination Stormwater Infrastructure



CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 3, 2023	
Name of Agenda Item:	Site Specific Rezone 23-01 – Moa Property	
Section of Agenda:	New Business	
Department:	Planning	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks <input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	Planning Commission Resolution and meeting minutes of March 9, 2023, Tech Review Committee Report dated Feb 22, 2023, Written Public Comment, Rezone Application	
Summary Statement:	<p>Rezone application 23-01 is coming before the City Council seeking a shift in residential zoning category from a single-family RS-100 zone to a multi-family RM-1 zone.</p> <p>The subject property, located at the east end of Grover Street, is less than one acre in size at approximately 30,300 square feet. The land and existing home were subdivided in 2021 from one lot into three single-family lots and addressed as 1181, 1183, and 1185 E. Grover Street. After division, one new home and associated accessory dwelling unit (ADU) was constructed on the site. Although the owners executed and recorded an ADU covenant stating they would be living on the property they are now not interested in meeting this development requirement and are instead seeking to utilize each lot of the three-lot plat for rentals. The RM-1 zoning, if approved, would allow the two existing homes to be legally converted into duplexes with the potential for a third duplex on the remaining vacant lot – a total of 6 multi-family units.</p> <p>The Planning Commission held a public hearing on March 9th to consider the application and accept public testimony. The Commission concluded that the request did not meet the criteria to rezone and the resulting decision was a recommendation to deny. The Technical Review Committee provided a detailed report which considered the tangible aspects of a potential rezone but also the process by which a rezone was sought, which was essentially, after the fact. Due to these circumstances specific to this application, staff offered conclusions but abstained from offering a specific recommendation to approve or deny. If approved a corresponding ordinance, with any Council conditions will be brought forward at a subsequent meeting.</p>	
Recommended Action:	<p>Motion to deny rezone application 23-01 or, Motion to approve rezone application 23-01 on the condition that a development agreement is brought forward which will obligate the applicant to the conditions described in the Technical Review Report including metering, utility, and design standards.</p>	

CITY OF LYNDEN
PLANNING COMMISSION RESOLUTION #23-01

A resolution of recommendation for denial of Rezone #23-01, Klinton and Narissa Moa to the Lynden City Council.

WHEREAS, Klinton and Narissa Moa, hereinafter called the “Proponent,” submitted a complete application to the City of Lynden, hereinafter called the “City,” for a Rezone requesting to change the zoning designation from Residential Single Family (RS-100) to Multi-Family Residential (RM-1) at 1181, 1183 and 1185 E Grover Street, Lynden, Washington; and

WHEREAS, the Proponents have provided the City with an affidavit of posting for the notice of application and public hearing in three locations near the subject property, and the receipts for the certified mailing of said notice to all property owners within three hundred feet of the subject property; and

WHEREAS, As per LMC 17.19.030 (B), site specific rezones that result in a density of five or more residential units per acre or the rezone of residential land to commercial or industrial zoning require that a sign be installed which includes the following information: a map illustrating the area to be rezoned, the project number, brief description of the proposal, agents phone number, and the contact number for the Planning Department; and

WHEREAS, the application was determined to be complete on January 23, 2023, and the notice of application was published in the Lynden Tribune on February 8, 2023; and

WHEREAS, the subject parcel totals approximately 30,376 square feet and has property zoned residential single family (RS-100) to the north and east, and west and Residential Multi-Family (RM-3) to the south across East Grover Street; and

WHEREAS, the Lynden Planning Commission held a public hearing on March 9, 2023, and accepted public testimony on the proposed Rezone, and that meeting was duly recorded; and

WHEREAS, the City's Technical Review Committee has reviewed the request for the Rezone and has provided findings, conditions, and recommendations to the Planning Commission in a report dated February 22, 2023.

WHEREAS, rezones shall be reviewed in light of the City's Comprehensive planning goals. To grant this request, the Planning Commission and City Council must find that the application satisfies the criteria listed within **Section 17.19.050** of the Lynden Municipal Code.

- a. The current zoning was either approved in error or that a significant change in circumstances since approval of the current zoning warrants reclassification of the subject property as proposed; **No. The Commission found no significant change in circumstance or error in zoning. Property surrounding the subject property remains RS-100 and a market demand for single family parcels remains.**
- b. The proposed rezone is consistent with the City’s comprehensive plan and applicable sub-area plan(s); **No. Since at least 1978, the Comprehensive Plan has identified this parcel as single family. The Commission agreed that the Comprehensive Plan has been reviewed several times and this parcel has not been considered for a shift in density or zoning.**
- c. The project proposal is consistent with the City’s development codes and regulations for the zoning proposed for the project. **Yes, the property is configured in such a way that existing uses could be made compliant and future uses constructed consistent with codes and regulations.**
- d. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area. **Yes. Although the adjacent uses are single-family residences, there is multi-family zoning across the street.**
- e. The proposed rezone will promote the health, safety, and general welfare of the community; **No. The Commission expressed safety concerns regarding the parcels location on the curve of East Grover Street. There was originally 1 single family home exiting on this site, now there could be a potential for 6 units in a dangerous location.**

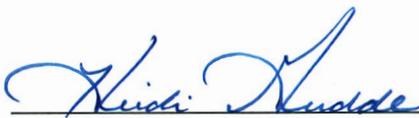
WHEREAS, further review of the criteria listed within Section **17.09.040 (C)** of the Lynden Municipal Code was not required as the Planning Commission found that the application did not meet the criteria listed under LMC 17.19.050.

NOW THEREFORE, BE IT RESOLVED by the Lynden Planning Commission to recommend denial by a vote of 4-0, to the Lynden City Council of Rezone #23-01, Clinton and Narissa Moa.

PASSED by the Planning Commission of the City of Lynden, Whatcom County, at their meeting held the 9th day of March 2023.



 Tim Faber, Chairperson,
 Lynden Planning Commission



 Heidi Gudde, AICP
 Planning Director

CITY OF LYNDEN

PLANNING DEPARTMENT
360-354-5532



PLANNING COMMISSION MEETING MINUTES

7:00 PM March 9, 2023
City Hall Annex

1. CALL TO ORDER

2. ROLL CALL

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

Absent: Khush Brar with notice

Staff Present: Gudde, Planning Director and Samec, Planner

3. APPROVAL OF MINUTES

A. December 15, 2022, Kaemingk / Scott / 2nd 5-0

4. DECLARATION OF CONFLICT

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

5. PUBLIC HEARING

A. RZ #23-01, Klinton and Marissa Moa, 1181, 1183 and 1185 E Grover Street, Lynden

Gudde addressed the Commission and gave a brief overview of the proposed application.

The Moa's are requesting to change the zoning of three parcels that they own from Single Family Residential to Multi-Family Residential. It would specifically change the zoning of the subject parcels from Residential Single Family (RS-100) to Multi-Family Residential (RM-1).

The subject property was acquired by the applicant, Mr. Moa, as a single lot with an existing home. At the time Moa inquired as to a potential rezone of the property to a multi-family zoning such as RM-3. Staff expressed concerns about a rezone at this location. Primarily because such action would only affect one lot (less than an acre in size) which was surrounded by large lot single-family residential use on three sides. A zoning of RM-3 could allow as many as 13 units.

The location, on the curve of East Grover Street, is also a relatively dangerous intersection to introduce significantly more traffic and staff could not offer a recommendation for a shift of this nature. Subsequently, Moa did not pursue a rezone but instead processed a short plat which divided the property into three single family lots. This short plat was finalized in early 2021.

Moa has since constructed a new single-family home with an ADU. Staff also believes that Moa has improved the existing house to include a basement accessory dwelling unit (ADU).

Construction of single-family homes with accessory dwelling units is permitted, however, per LMC 19.20.020(J) the primary residence or the ADU must be owner occupied. A perpetual covenant against the property must be recorded which specifies this requirement. Although Moa was aware of the requirement, he retained ownership of both the existing and newly constructed home and made efforts to rent out both the primary homes and the ADU's as four separate units. This is in violation of the city code and the covenant he and his wife signed.

Rental housing is a need in every city, but its primary beneficiary is the investor. In contrast, the City of Lynden's ADU standards with an owner-occupying requirement has been developed with home ownership in mind. It is intended to provide opportunities for affordability as homeowners supplement their income by renting one unit or encouraging multi-generational living as frequently young buyers are priced out of the market or older family members need assistance. The owner-occupied requirement encourages a homeownership development model rather than a landlord development model.

The application being considered at this time requests a zone of RM-1 which limits the structures to duplexes and is relatively low density. The primary difference between the existing zoning of RS-100 and the requested zoning of RM-1 is that if rezoned, each of the existing structures and a potential future structure on Lot B could operate as duplexes and be rented to six different entities, under current ownership. If the property is not rezoned, Mr. Moa must treat the property as any other single-family residence. That is, he could sell the lots, or he could rent each lot, along with its ADU, to three users, and not six different users.

Lyons asked, when the parcel was subdivided what was the City's understanding? Staff replied, the parcel was divided into 3 lots under single family zoning. Single family homes could be built. ADU's are permitted with an owner-occupied requirement.

Faber opened the Public Hearing

In opposition

Two letters of opposition were received: Opposition letters are included in the PC packet.

- February 21, 2023, Mary Gillies, 1173 E Grover Street.
- February 23 ,2023, John and Marie Gillies, 208 S Garden Drive, Lynden

Klinton Moa, 5124 Ranchos Road, Bellingham

Moa addressed the Commission. Moa acquired the house in April 2020 located at 1179 E Grover Street. The original home was being operated as an illegal duplex under previous ownership. Moa stated that once he purchased the property, he did nothing but apply for an ADU covenant to make it a legal two-unit building. Moa stated that he originally requested a rezone of the entire parcel to RM-4 so that he could construct units for his family members who will need care in the future. Moa stated that selling these units is not an option. Originally when I wanted to rezone, Staff was very opposed to the idea because of safety concerns with traffic at the corner.

Moa stated that he then had a meeting with a Council member who told him, you have over 30,000 square feet of property, you could subdivide the property into three 10,000 square foot lots and build homes with ADU's. The City just changed their ADU covenant rules, and you do not need to do any rezoning, and with some creative loopholes could get the units you want for your family members. You could just do a quit -claim to add them to the title.

Moa stated that's when I decided to short plat the property and started construction of the units. Last December when this become a problem, I was only advertising the ADU units. I already have a family member who lives in the main house.

Moa stated that he is requesting the rezone as a clerical fix. The construction and infrastructure improvements have already been done. I have everything sized and set up correctly for additional units. There is ample onsite parking for each unit. All this does is enable me to rent out each unit separately (6 tenants instead of 3 tenants), recoup my cost until family members need care. I am trying to provide for the future.

Scott asked, you indicated that your purpose to build the ADU's was to provide care for your family, but now, you want to rent out all of the units? Moa replied, currently my family does not need fulltime care, however, in the meantime I would like to rezone to RM-1 to rent as duplexes to recoup the cost until family needs care.

Kaemingk asked, does the applicant have plans to build on the vacant lot? Moa replied, yes, will build a duplex so we can do the same thing on that lot as well. There is no negative impact since all of my units are built like custom homes with the amenities of a single family home, close to school and a more affordable housing situation.

Lyons asked, what are the plans if the rezone is not approved. Moa stated, we will build on the vacant lot and rent out each home and the ADU's will not be utilized.

Moa said that currently both ADU's are vacant. Faber asked, who lives in the main house? Moa's brother lives in one and another tenant lives in the other.

Could Moa rent the units to someone and then the renter sub-lease the ADU? Staff replied, no, the owner must reside in one of the units.

Moa brought up current legislation that he says was just passed regarding House Bill 1110 on Monday through the House of Representatives. If this Bill passes with Senate on March 17th, this decision will be taken out of the City's hands. It requires all Cities with a population of at least 6000 to allow duplexes on all single-family lots. This sort of scenario is coming down the pipe to take care of zoning issues.

Faber asked Moa to expand on his conversation with a Councilmember regarding doing a quit-claim to add a family member as an owner. Moa stated that there are a lot of loopholes to the ADU covenant legality wise. If I wanted to quit-claim 50% ownership to a family member and put them as the legal resident I can. There is nothing legally that you can do to stop that. Faber, isn't that still an option for you then?

Faber addressed Moa and stated, you need to see what kind of situation you are putting the City in with trying to rezone after the homes have been built, in an area where the property has always been single family. Now, after the fact, they are all going to become rentals. It puts the City in a bind to approve something like this. Moa replied, that is the same as saying that the neighbors cannot rent their homes out. Who's to say what homes become rentals.

Kaemingk stated that this puts the City in a tough spot. Spot rezoning is not something we want to do. A rezone is a big deal. The State may solve this issue for us.

Moa, when considering, please consider the community view as a whole. Our goal is to make the community better and help with the housing crisis.

Narissa Moa, 5124 Ranchos Road, Bellingham

N. Moa stated that my whole family lives in Lynden, that is why we chose Lynden. We love this town. We are not people from Bellingham wanting to come to Lynden to build big apartment buildings. Our heart is in Lynden. I don't want to see anymore farmland taken from Lynden. We love the small-town feel.

We do not want to get the Council member we spoke with in trouble because we work with him professionally. N Moa said that we have never done ADU's before, we apologize, and we ask for grace. We know what we did and in hindsight we don't feel good about it.

N. Moa also stated that of 150 letters sent to neighbors only 2 neighbors are here tonight, the two that have opposed us from the beginning because we sub-divided the property. One of the neighbors we have a police case with and one just does not like us even after reaching out to make amends.

N. Moa stated that she hopes the Commission hears hearts and knows where we are at?

Tom Miles 1177 E Grover Street

I don't know anything about active police cases. Miles purchased his home in June 2021. Friend who works for the Moa's stated they are planning on building duplexes. When the construction started it seemed quite close to my house so I went to the Planning Department and was told no duplexes, however, ADU's would be okay as long as they lived in the house.

Miles noted several civil concerns as well as concerns with building setbacks significant property damage, wandering kids, parking and the Moa's general theme of their attitude. Saying that Miles was opposed since day one is not accurate. There have been interesting rental situations to say the least. The Moa's asking for grace is not true. When they put the mailboxes up, they did so identifying all three boxes having A & B units. This was three or four months ago. Whether they own or rent is not my concern, I just want to know what is going on around me.

Miles indicated that a quick search on Whatcom Land Title shows that the Moa's have several properties in Whatcom County, this is not their only avenue to be able to house family members. The Moa's originally asked to build duplexes, were told no by the City, decided to build ADU's that are not owner occupied. They have not been honest from the beginning.

Cliff Fast, 8511 Vinup Road

Started Barber Shop in 1967. Got chewed out for walking to a neighbor's house through the Moa's property and was accused of snooping. Fast indicated that he has had glaucoma for over 40 years and was walking this way carefully and not to snoop.

Fast stated, that Moa applied for an ADU permit to start and now is looking to rent out everything. If you give Moa this approval, you as a City are allowing spot zoning which is very difficult. Fast states that Moa's renters have not been good to him and have caused property damage. Renters have backed into his fence a number of times leaving Fast to repair it.

Moa stated yes, I own quite a few properties and business investments. How many I own in Whatcom County does not have any bearing on this. I am providing this opportunity for my family. These lots are large lots. I have ample parking.

With regards to Fasts comments, I don't want to be disrespectful, but there is more to the story then what he is saying. If a renter backs into a fence or does not keep track of their kid, that is not my issue.

N. Moa stated that Mr. Fast cannot come onto my property at any time. If he has bad eyesight and fell it could be a liability for us.

Personal and business are very separate for us. Alger property is for business. Lynden property is what we are choosing for family.

Lyons, for clarity you are a builder and not completely naive about the process. Is it true that you originally applied for duplexes. Moa yes, I originally submitted for a rezone to build multi-family, which was denied.

Gudde stated there was no denial. For clarification, as part of an application process a pre-application meeting is required, that is what Moa is talking about. Staff did meet with Klinton Moa to discuss his desire to rezone to RM-4. Staff did indicate concerns with support for RM-4 density. There was no rezone application submitted. A short plat was later applied for and was approved.

Scott motioned to close the public hearing. Seconded by Lyons and the motion passed, 5-0.

Criteria for Approval:

Applicant has responded to the following questions and statements with written justifications for the proposed rezone. Care should be taken to consider potential impacts to the surrounding properties and the City as a whole and mitigate as needed. See meeting packet for detailed responses.

To grant this request, the Planning Commission and City Council must find that the application satisfies each of the criteria listed within Section **17.19.050** of the Lynden Municipal Code.

- A. The current zoning was either approved in error or that a significant change in circumstances since approval of the current zoning warrants reclassification of the subject property as proposed. **No. There is still a market for single family lots. The Commission sees no error.**
- B. The proposed site-specific rezone is consistent with the city's comprehensive plan and applicable subarea plan(s); **Since 1978 the Comp Plan has identified this parcel as single family. We have looked at many comp plan / rezones and have never looked at this parcel as one that needs to be rezoned.**
- C. The project proposal is consistent with the city's development codes and regulations for the zoning proposed for the project. **As presented, yes.**
- D. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area; **Yes, there are apartments close by as well as across the street.**

- E. The proposed site-specific rezone will promote the health, safety and general welfare of the community. **No. The Commission expressed safety concerns regarding the parcels location on East Grover Street. There was originally 1 single family home exiting the site, now there could be a potential for 6 units in a dangerous location.**

Further review of the criteria listed within Section **17.09.040 (C)** of the Lynden Municipal Code is not required as the Planning Commission found that the application did not meet the criteria listed under LMC 17.19.050.

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

No further comments from the Commission.

Kaemingk stated that rezones are not easy to approve. This application has not met the criteria required for approval.

Kaemingk motioned to recommend denial to the Lynden City Council of Rezone #23-01 for Klinton and Narissa Moa, as the request does not meet the criteria of LMC 17.09.050 A, B and E. Seconded by Scott, and the motion passed 5-0.

This recommendation will move forward to the City Council on April 3rd. No additional comments will be taken.

Faber thanked all who participated in the hearing.

Other items: Coming up is the update to the comprehensive plan which is due June 30, 2025. There will be several meetings involving the Commission as well as public participation.

There is a lot happening at the State level. The city is closely watching what is happening in Olympia. The City’s Lobbyist is working on several key items.

B. ADJOURNMENT

Motion to adjourn by Scott / Second by Johnson. Meeting adjourned at 8:28 pm.



February 22, 2023

CITY OF LYNDEN TECHNICAL REVIEW COMMITTEE STAFF REPORT

Re: The application of Klinton and Narissa Moa for a Rezone of three Lynden parcels.

RZ #23-01 Moa Rezone

I. APPLICATION SUMMARY AND RECOMMENDATIONS

Proposal: A Rezone application requesting to change the zoning of three parcels owned by Klinton and Narissa Moa from Single Family Residential to Multi-Family Residential. It would specifically change the zoning of the subject parcels from Residential Single Family (RS-100) to Multi-Family Residential (RM-1).

Recommendation: This application is unique in that it virtually equates to an after-the-fact rezone request. Staff recognizes that the tangible impacts of the application are relatively minor however, the principles of abiding by the City’s code, setting a precedence, following a transparent rezoning process ahead of development, and delivering to the surrounding property owners the expected housing type should be weighed by the City Council when making the final decision. Staff has provided a summary of the project’s history and analysis of the criteria for approval but, in this instance, has abstained from offering a specific recommendation. Staff has recommended conditions if the application is approved by Council.

II. PRELIMINARY INFORMATION

Applicant: Klinton and Narissa Moa

Property Owner: Klinton and Narissa Moa

Property Location: 1181, 1183 and 1185 E Grover Street, Lynden

Parcel Number: Lot A 400316-251063

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Lot B 400316-256053
Lot C 400316-248050

Legal Description: Lots A, B and C of the Moa Short Plat, as recorded under Auditors File Number 2021-0200084. Situate in Whatcom County Washington.

Notice Information: Application Submitted: January 12, 2023
Notice of Application: February 8, 2023
Notice of SEPA determination: February 8, 2023
Notice of Hearing: February 8, 2023
Comment Period Ending: February 22, 2023

SEPA Review: Lynden SEPA #23-01. Determination of Non-Significance (DNS) issued February 3, 2023

Authorizing Codes, Policies, and Plans:

- RCW 36.70A Growth Management
 - RCW 36.70A.130 Comprehensive Plans
- LMC Chapter 19 Zoning
 - LMC 19.09 Maps and District Boundaries
 - LMC 19.17 Multi-Family Zoning
 - LMC 19.22 Residential Design Standards
- LMC Chapter 17.09.030 – Legislative Decisions
 - LMC 17.19 – Site Specific Rezones

III. PROJECT DESCRIPTION

A Rezone application requesting to change the zoning of three parcels owned by Klinton and Narissa Moa from Single Family Residential to Multi-Family Residential. It would specifically change the zoning of the subject parcels from Residential Single Family (RS-100) to Multi-Family Residential (RM-1).

The subject property was acquired by the applicant, Mr. Moa, as a single lot with an existing home. At the time Moa inquired as to a potential rezone of the property to a multi-family zoning such as RM-3. Staff expressed concerns about a rezone at this location. Primarily because such action would only affect one lot (less than an acre in size) which was surrounding by large lot single-family residential use on three sides. A zoning of RM-3 could allow as many as 13 units. The location, on the curve of East

Moa Rezone – TRC Report

Grover Street, is also a relatively dangerous intersection to introduce significantly more traffic and staff could not offer a recommendation for a shift of this nature.

Subsequently, Moa did not pursue a rezone but instead processed a short plat which divided the property into three single family lots. This short plat was finalized in early 2021. Moa has since constructed a new single-family home with an ADU. Staff also believes that Moa has improved the existing house to include a basement accessory dwelling unit (ADU).

Construction of single-family homes with accessory dwelling units is permitted, however, per LMC 19.20.020(J) the primary residence or the ADU must be owner occupied. A perpetual covenant against the property must be recorded which specifies this requirement. Although Moa was aware of the requirement, he retained ownership of both the existing and newly constructed home and made efforts to rent out both the primary homes and the ADU's as four separate units. This is in violation of the city code and the covenant he and his wife signed.

Rental housing is a need in every city, but its primary beneficiary is the investor. In contrast, the City of Lynden's ADU standards with an owner-occupying requirement has been developed with home ownership in mind. It is intended to provide opportunities for affordability as homeowners supplement their income by renting one unit or encouraging multi-generational living as frequently young buyers are priced out of the market or older family members need assistance. The owner-occupied requirement encourages a homeownership development model rather than a landlord development model.

The application being considered at this time requests a zone of RM-1 which limits the structures to duplexes and is relatively low density. The primary difference between the existing zoning of RS-100 and the requested zoning of RM-1 is that if rezoned, each of the existing structures and a potential future structure on Lot B could operate as duplexes and be rented to six different entities, under current ownership. If the property is not rezoned, Mr. Moa must treat the property as any other single-family residence. That is, he could sell the lots, or he could rent each lot, along with its ADU, to three users, and not six different users.

IV. PUBLIC NOTICE AND COMMENT

Notice of Application: Formal legal notice for this application was published in the Lynden Tribune on February 8, 2023

Notice of SEPA determination: Formal notice of the SEPA Determination (DNS) was published in the Lynden Tribune on February 8, 2023. The comment period for the SEPA determination expired on February 22, 2023.

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Public Comment Received:

City staff has discussed this proposal with two nearby property owners who expressed concern about an after-the-fact rezone, the precedent that such an action would set, but they also recognized that there would be little to no change overall ‘unit’ count as compared to the RS-100 and RM-1 zoning categories.

V. ANALYSIS AND CONSISTENCY WITH REGULATIONS

Criteria for Approval: The applicant has responded to this comment with written justifications for the proposed rezone. Care should be taken to consider potential impacts to the surrounding properties and the City as a whole and mitigate as needed. Written justification is include in the meeting packet.

REZONE: To grant this request, the Planning Commission and City Council **must** find that the application satisfies each of the criteria listed within Section 17.09.050 of the Lynden Municipal Code:

- a. The current zoning was either approved in error or that a significant change in circumstances since approval of the current zoning warrants reclassification of the subject property as proposed; and
- b. The proposed site-specific rezone is consistent with the City’s comprehensive plan and applicable sub-area plan(s); and
- c. The project proposal is consistent with the City’s development codes and regulations for the zoning proposed for the project.
- d. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area; and
- e. The proposed site-specific rezone will promote the health, safety, and general welfare of the community.

Staff review of Rezone Criteria is as follows:

- a. Staff does not agree that the current zoning was approved in error or that there has been a significant change in circumstances since approval of the current zoning that would warrant reclassification of the subject property as proposed. The City has consistently recognized this section of the City as single-single family zoning and market demand for single-family lots

Moa Rezone – TRC Report

remains. That said, the change in traffic volume along East Grover has significantly increased and, as multi-family housing types are more frequently located along transportation corridors, this could be noted as a change in the area, but it is debatable as to if this is a “significant change”.

- b. The proposed site-specific rezone may be consistent with the City’s comprehensive plan in that the rezone request is relatively low density however, the Comprehensive Plan also sets the goal of establishing 75% detached housing as compared to 25% multi-family (attached) housing product. Over the last year the permits issued for residential use has been 58% attached or ADU units. If the City is committed to maintaining overall ratios of detached to attached housing product then additional rezones to multi-family zoning should be avoided.
- c. The proposed rezone project proposal could potentially be consistent with the City’s development codes and regulations for the zoning proposed for the project with some modifications. Minimum lot sizes and setbacks can be achieved. However, the design standards for duplexes require that each unit have its own set of utility meters while ADUs are metered with the primary home. As the current structures were built as ADUs they do not currently have their own meters. Revisions to the utility metering would be required in order to meet the City’s design standards. If the rezone is supported by Council, staff recommends that existing structures be held to engineering design standards and metered individually. This could be enforced through the implementation of a development agreement.
- d. The proposed site-specific rezone is relatively indistinguishable from the surrounding uses as the form of the existing structures replicates that of single-family homes. Owner occupation may enhance the investment into the community, but this is antidotal. If the rezone is supported by Council, staff recommends that the development of vacant Lot B be held to a similar form through the implementation of a development agreement.
- e. Overall, the site-specific rezone, if granted, will likely neither promote or depress the health, safety, and general welfare of the community except that it promotes a landlord / investment property model rather than a home ownership model within the community.

VI. TECHNICAL REVIEW COMMITTEE COMMENTS

Planning Department Comments

- 1. *Proposed Uses:* Applicant has been advised that multi-family use will be subject to the provision of LMC 19.17 which include, but are not limited to, permitted uses, setbacks, lot coverage and height limits.
- 2. *Development Agreement:* If the City Council approves the rezone request, staff recommends that the execution of a development agreement be placed as a condition of approval. This agreement should be written to obligate the current owner and / or future property owners to construct Lot B in a way that is consistent with the scale and appearance of a single-family home and could outline expectations regarding water meter and sewer service requirements. Additionally, the costs association with the execution of a development agreement including legal review should be borne by the applicant.
- 3. *Design Review:* As per LMC 19.25, multi-family construction is subject to Design Review Board approval. If approved, an application filed to review layout, landscape, lighting, and architecture for future construction on Lot B would be required. This application would also consider the street frontage of the entire short plat.
- 4. *Parking:* Applicant is required to comply with LMC 19.51 regarding off-site parking. As of January 1, 2023, multi-family use is as follows: 2 per dwelling unit up to 2 bedrooms. 1 space per bedroom for units with more than 2 bedrooms, plus any required handicapped stalls. Be advised, if the rezone is approved, Lot A, B & C will be held to this requirement.
- 5. *Foundation Landscaping:* LMC Chapter 19.61 requires that buildings containing 2-4 units must provide a planting area a minimum of 4 feet in width. Required area of foundation planting may be averaged, but in no case may the width be less than 2 feet. Please be advised, if the rezone is approved, Lot A, B & C will be held to this requirement.
- 6. *Accessory Dwelling Units (ADU):* ADU's are permitted in multi-family zones only on lots which are restricted, by lot area, to a single-family residence. ADUs are not permitted on any parcel within the Moa Short Plat and therefore any existing ADUs must be converted to duplex standards which primarily affects parking, landscape design, and utility metering.

Moa Rezone – TRC Report

Public Works Department Comments

- 7. *Public Improvements:* The applicant has been advised that all public improvements must be constructed as required in the Lynden Municipal Code.
- 8. *Utility Meters:* As per Chapter 6.3 (a) of the Engineering Design and Development Standards, a duplex configuration is required to have a meter for each unit. Revisions to the utilities at this site may be necessary if a rezone is approved.
- 9. *Sewer:* Future building permits will need to determine the adequacy of sewer service for Lot B.
- 10. *Utility Easements:* Be advised, private easements will be required for any new and existing water and sewer services that cross adjacent lots. Private easements must be recorded separately and must be referenced on the face of the short plat.
- 11. *Development Standards:* The applicant has been advised that future development must be designed and constructed in compliance with the Department of Ecology’s Best Management Practices and the standards approved in the Manual for Engineering Design and Development Standards.
- 12. *Stormwater Management:* The applicant has been advised at the time of development, a stormwater management plan prepared by a professional engineer will be required for this development and must be approved by the City of Lynden prior to approval of construction plans. An erosion control plan must be included in the drainage plan and construction plans as necessary.

Fire and Life Safety Comments

- 13. *Fire Standards:* Future Development will require full compliance with the Fire Code.
- 14. *Hydrants:* Minimum spacing requirements for fire hydrants change from a 500-foot requirement to a 300-foot requirement with a multi-family zoning. It appears as if there is adequate hydrant coverage for each parcel.
- 15. *Addressing:* Address signs must be clearly posted. New addresses must be posted prior to issuance of the certificate of occupancy.

Moa Rezone – TRC Report

Parks and Recreation Comments

The Parks Department has no comments on this application.

VII. RECOMMENDATION

Staff recognizes that the tangible impacts of the application are relatively minor however, the principles of abiding by the City’s code, setting a precedence, following a transparent rezoning process ahead of development, and delivering to the surrounding property owners the expected housing type should be weighed by the City Council when making the final decision.

Staff, in this instance, is abstaining from offering a specific recommendation on the rezone request. However, if the City Council approves the rezone request to RM-1 staff recommends the execution of a development agreement be placed as a condition of rezone approval. This agreement should be written to:

1. Obligate the current owner and / or future property owners to construct Lot B in a way that is consistent with the scale and appearance of a single-family home – a review conducted by the Design Review Board;
2. Outline expectations regarding water meter and sewer service requirements as determined by the Public Works Department;
3. Specify that the costs associated with the execution of a development agreement including legal review should be borne by the applicant; and
4. Delay the official effective date of the rezone, and prohibit the property owner from renting the ADUs as separate units until the obligations detailed in the development agreement are completed.

CITY OF LYNDEN

REZONE APPLICATION



City of Lynden use only:	
RZ # <u>23-01</u>	Staff Initials: <u>KM</u>

Applicant Information

Name: Klinton and Narissa Moa
 Address: 5124 Ranchos Rd Bellingham, WA 98226
 Telephone Number: 360.393.7345 E-mail Address: kmoa@pci-nw.com

Application is hereby made for a rezone as follows:

Type of Rezone Requested:

Current Zoning Designation: RS-100

Proposed Zoning Designation: RM-1

Attach narrative explaining the reason for the request / zoning change

Property Information

Address: 1181, 1183, 1185 E Grover St Lynden, WA 98264

Legal Description: (Attach Additional Sheets if Necessary)

- LOT C MOA SHORT PLAT AS REC AF 2021-0200084
- LOT B MOA SHORT PLAT AS REC AF 2021-0200084
- LOT A MOA SHORT PLAT AS REC AF 2021-0200084

Property Size: _____ x _____

Total Square Footage: 30492 Total Acreage: .7

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.

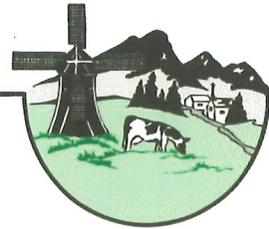
Submitted By: Klinton Moa Date: 1/9/2023

Property owner signature: [Signature] Date: 1/9/2023

Property owner printed name Klinton Moa Date: 1/9/2023

CITY OF LYNDEN

CRITICAL AREAS CHECKLIST



Section: 16 Township: T40N Range: R03E Parcel Number: 400316251063, 40031624805, 400316256053

Site Address: 1181, 1183, 1185 E Grover St Lynden, WA 98264

Proposed Uses: Residential Multifamily RM-1

Please answer the following questions concerning Critical Area indicators *located on or within 200-feet of the project area:*

- a. Are you aware of any environmental documentation that has been prepared related to critical areas that includes the subject area? (If yes, please attach a list of document titles).
 Yes No Unknown
- b. Are there any surface waters (including year-round and seasonal streams, lakes, ponds, swamps)?
 Yes No Unknown
- c. Is there vegetation that is associated with wetlands?
 Yes No Unknown
- d. Have any wetlands been identified?
 Yes No Unknown
- e. Are there areas where the ground is consistently inundated or saturated with water?
 Yes No Unknown
- f. Are there any State or Federally listed sensitive, endangered, or threatened species and habitats?
 Yes No Unknown
- g. Are there slopes of 15% or greater?
 Yes No Unknown
- h. Is the project located within a Flood Hazard Zone?
 Yes No Unknown
- i. Do you know of any landslide hazard areas?
 Yes No Unknown

I grant permission to the field inspector to enter the building site to determine the presence or absence of critical areas.

I understand that if the information on this form is later determined to be incorrect, the project or activity may be subject to conditions or denial as necessary to meet the requirements of Chapter 16.16 of the Lynden Critical Areas Ordinance.


Applicant's Signature

11/9/2023
Date

To whom it may concern,

This letter is in regard to the properties at 1181 E. Grover -legally described as LOT C MOA SHORT PLAT AS REC AF 2021-0200084, 1183 E Grover, legally described as LOT B MOA SHORT PLAT AS REC AF 2021-0200084, and 1185 E. Grover, legally described as LOT A MOA SHORT PLAT AS REC AF 2021-0200084 regarding the rezoning of said parcels and to address the bullet points in the application process.

Background: These properties were purchased on April 1, 2020 with the main house (1185) already being used as a separate downstairs and upstairs units. The children were caring for their sick mother in the upstairs while they lived downstairs. We saw this as a great investment for our future (it was subdividable, and we both knew it was a great option down the road when our parents need the same care). We then subdivided and built 1181 with an ADU. Our brother was going through a divorce and seemed like the house was a perfect fit for him and his kids. We did not know that family could not occupy the house under the ADU rules, and my wife stays there often to help with his kids while he is out of town on work.

Reason: We are seeking the purposed zoning so that we can legally rent out the main house and the ADU's.

Effect: Doing so will benefit the community in many ways. The community is in a housing shortage and a housing price increase. Allowing this property to be zoned to RM-1 will give the community a lower, duplex rent price with a single-family residence atmosphere with large, privately fenced yards. They are in close proximity of the high school and provide more quality rentals for young families. The neighbors will have zero impact as the units are already built. The parking/occupancy load would be the exact same whether the two houses were owner in main/tenants in ADU or tenant in main/tenant in ADU. With limiting to 2 cars per unit, there is ample existing parking without street parking.

Additionally, these units are an asset to the community and they are already constructed. It does not change the character of the neighborhood in any way, as across the street is high density housing. If anything, this blends the two contrasts in the neighborhood. Therefore, I believe this is **consistent with the City's comprehensive plan** of providing more housing but keeping the integrity of the neighborhood.

When considering, please consider the communities view as a whole. Our goal is to make the community better and be helping with the housing crisis.

Sincerely,

Klinton and Narissa Moa

Applicant’s response dated 01.16.2023

LMC 17.19.050 Criteria for Approval of Site-Specific Rezone

>Site-specific rezone requests must satisfy the requirements established for development proposals in LMC 17.09.040C. In addition, no application for a site-specific rezone shall be approved unless the applicant demonstrates that each of the following criteria is satisfied:

A. The current zoning was either approved in error or that a significant change in circumstances since approval of the current zoning warrants reclassification of the subject property as proposed;

The city is currently in housing crisis, the market conditions have increased so dramatically that it has priced out many young, starting out families from obtaining homeownership. The change in circumstances warrants reclassification of the subject parcels as proposed.

B. The proposed site-specific rezone is consistent with the City's comprehensive plan and applicable sub-area plan(s);

The proposed rezone is consistent with the city's comprehensive plan by providing long term residential housing.

C. The project proposal is consistent with the City's development codes and regulations for the zoning proposed for the project.

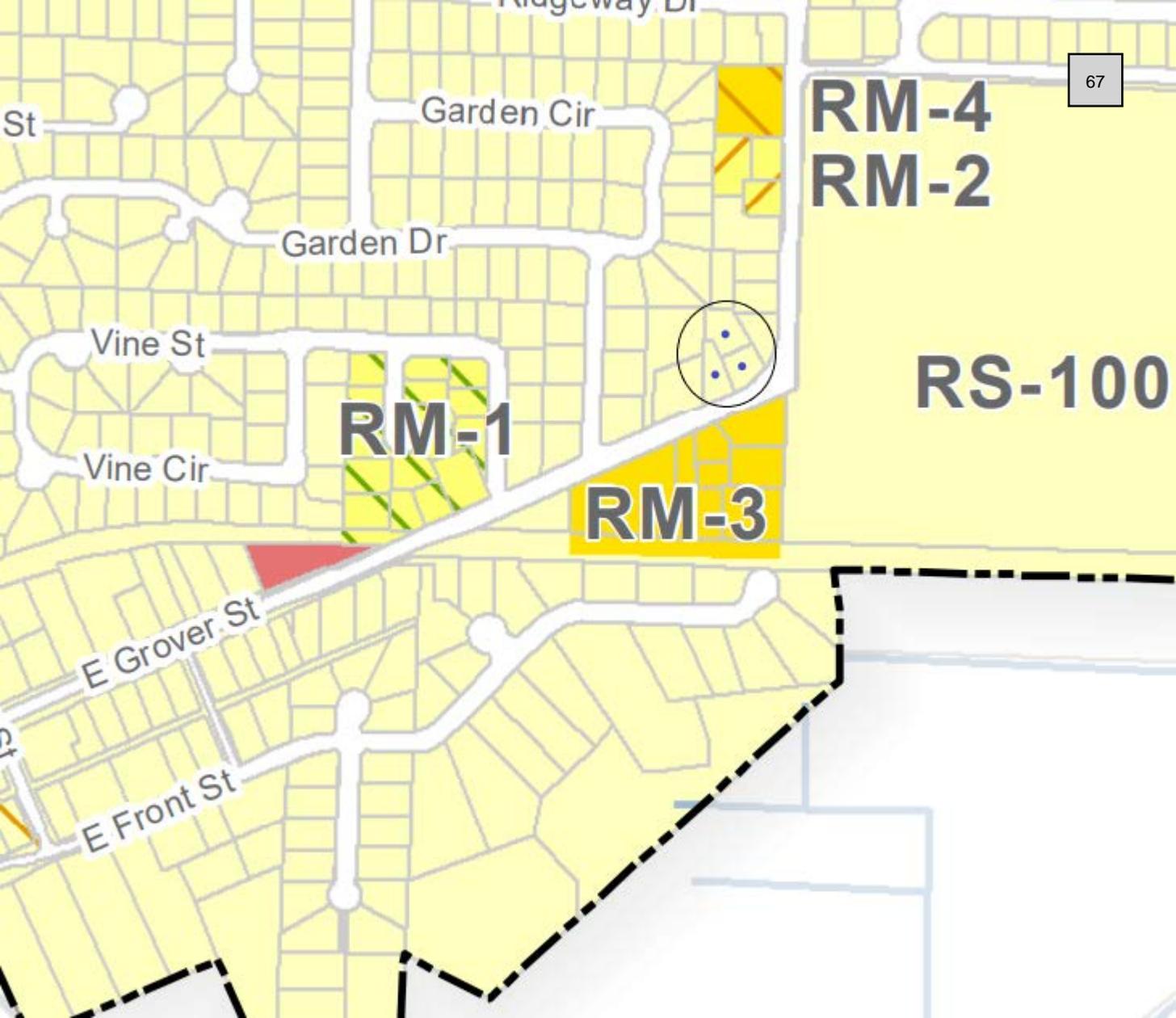
The subject parcels are consistent with the city's development codes and regulations for rezone. All the infrastructure is already in and complete. All three lots have fire hydrant coverage within 300 feet. Power and cable line extensions have been completed and installed. Each new lot has a 1" water service that can be split into 2 meters. There is a 6" sewer stub for each lot. All three parcels meet minimum lot square footage for a rezone from RS-100 to RM-1. Current homes on lots 1185 and 1181 both have homes with ADU's, and the remaining lot 1183 will be constructed to meet current codes and zoning.

D. The proposed site-specific rezone is compatible with existing uses and zoning in the surrounding area;

The proposed rezone is compatible with existing homes because 2 of the three lots are currently constructed as residential homes with ADU's. The occupancy loading and onsite parking will not change. Current zoning is RS-100 allowing ADU's and the proposed rezone is Residential Multifamily RM-1 which allows for a duplex on each lot.

E. The proposed site-specific rezone will promote the health, safety, and general welfare of the community.

The proposed rezone will promote health and safety and general welfare of the community by providing more residential housing with the feel of single-family living with fully fenced yards and custom home finishes but at an affordable cost. The units will provide housing for young families within close proximity of the high school. By rezoning the subject parcels, it is allowing all units to be rented opposed to only the ADU's. It will allow young families that cannot obtain home ownership to have a better quality of life within walking distance of public schools.



67

RM-4
RM-2

RS-100

RM-1

RM-3

E Grover St

E Front St

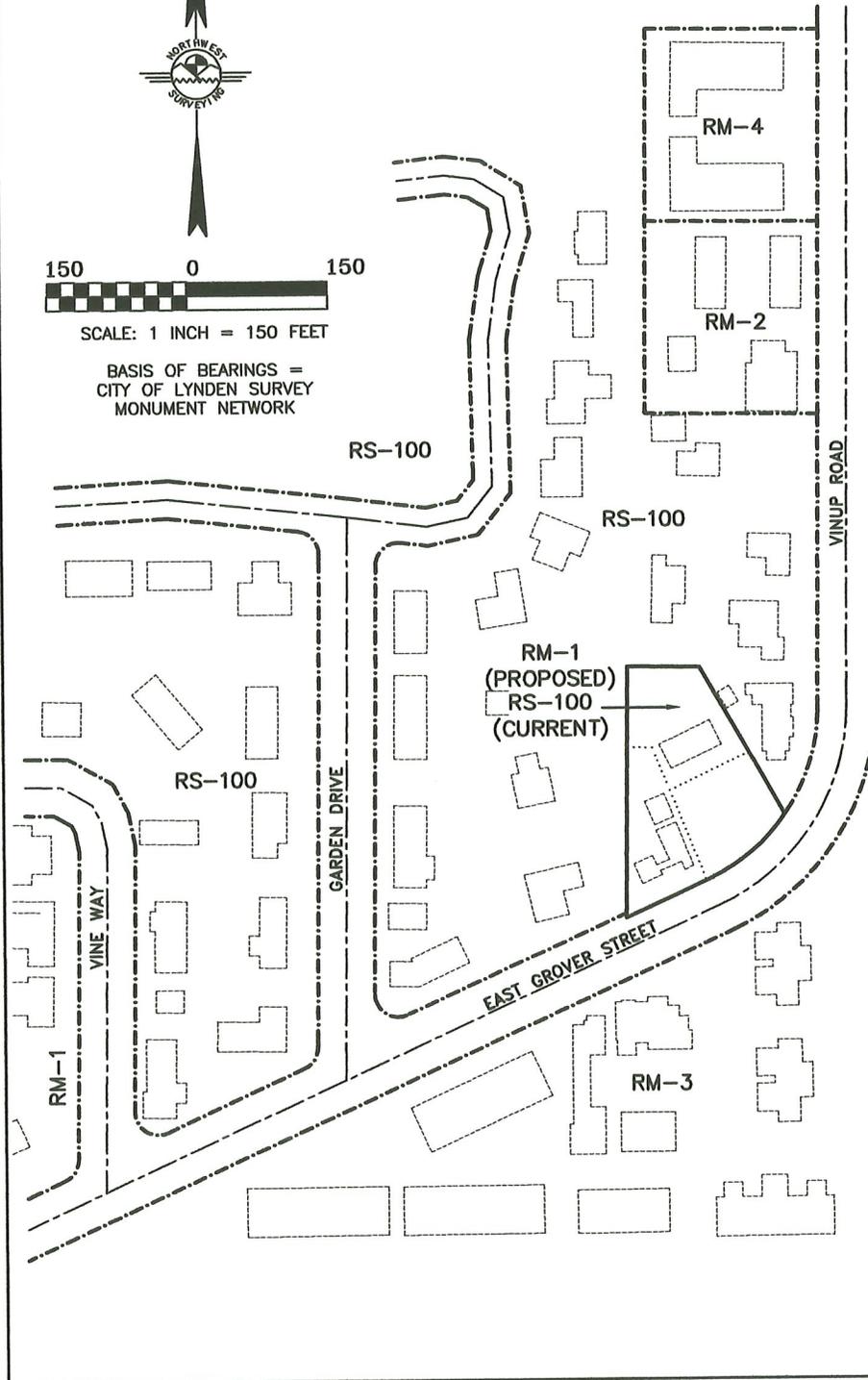
MOA REZONE APPLICATION MAP

PTN: SE 1/4 OF SW QUARTER OF SECTION 16,
TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.,
WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON



SCALE: 1 INCH = 150 FEET

BASIS OF BEARINGS =
CITY OF LYNDEN SURVEY
MONUMENT NETWORK



MOA SHORT PLAT
PTN: SE 1/4 OF SW QUARTER OF SECTION 16,
TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.,
WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON

LAND DESCRIPTION:

LOT 3, SECOND LONE MAPLE SHORT PLAT, ACCORDING TO THE MAP THEREOF, RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE No. 1970801218, RECORDS OF WHATCOM COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

SUBJECT TO AND/OR TOGETHER WITH ALL EASEMENTS, COVENANTS, RESTRICTIONS AND/OR AGREEMENTS OF RECORD, OR OTHERWISE.

DECLARATION:

KNOW ALL MEN BY THESE PRESENTS, THAT WE, THE UNDERSIGNED OWNERS HEREBY DECLARE THIS PLAT ENTITLED "MOA SHORT PLAT" IS MADE WITH OUR FREE CONSENT AND IN ACCORDANCE WITH OUR WISHES AND DO HEREBY GRANT AND RESERVE ANY EASEMENTS SHOWN HEREON FOR THE USES INDICATED HEREON.

THIS 13th DAY OF January 2021.

[Signature]
KLINTON MOA
LAND OWNER

[Signature]
NARRISSA MOA
LAND OWNER

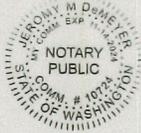
ACKNOWLEDGMENT

STATE OF WASHINGTON }
COUNTY OF WHATCOM }

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE KLINTON MOA AND NARRISSA MOA ARE THE PERSONS WHO APPEARED BEFORE ME, AND SAID PERSONS ACKNOWLEDGED THAT THEY SIGNED THIS INSTRUMENT, ON OATH STATED THAT THEY ARE AUTHORIZED TO EXECUTE THE INSTRUMENT AND ACKNOWLEDGED IT TO BE THE FREE AND VOLUNTARY ACT OF SUCH PARTIES FOR THE USES AND PURPOSES MENTIONED IN THE INSTRUMENT.

THIS 13th DAY OF JANUARY 2021.

[Signature]
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON.
RESIDING AT FOENANCE WASHINGTON
MY COMMISSION EXPIRES 11-19-2024



SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS SHORT PLAT WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON AN ACTUAL SURVEY MADE IN COMPLIANCE WITH STATE LAWS.

[Signature] DATE 01-12-21
JEROMY M. DEMEYER, P.L.S. CERTIFICATE No. 50982
NORTHWEST SURVEYING & GPS INC, 407 5TH STREET, LYNDEN, WA 98264

CITY OF LYNDEN APPROVAL:

I HEREBY CERTIFY THAT I HAVE EXAMINED THIS SHORT PLAT FOR CONFORMANCE WITH APPLICABLE STATE STATUTES AND CITY SUBDIVISION AND ZONING ORDINANCES AND HEREBY APPROVE THE SAME.

THIS 26th DAY OF January 2021.

[Signature]
HEIDI GUDDÉ, AICP PLANNING DIRECTOR

AUDITOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS SHORT PLAT WAS FILED FOR RECORD IN THE OFFICE OF WHATCOM COUNTY, WASHINGTON, THIS 15th DAY OF February 2021 AT 10:55 AM P.M. IN BOOK 1 OF PLATS, PAGE 1, AT THE REQUEST

OF NORTHWEST SURVEYING & GPS, INC. AND IS RECORDED UNDER AUDITOR'S FILE NUMBER 2021-0200084.

[Signature]
DIANA BRADICK
AUDITOR OF WHATCOM COUNTY

[Signature]
BY [Signature]
DEPUTY AUDITOR

PUBLIC WORKS DEPARTMENT APPROVAL:

EXAMINED AND APPROVED BY THE LYNDEN PUBLIC WORKS DEPARTMENT AS TO THE LAYOUT OF ROADS AND RIGHT-OF-WAY AND ACCEPTANCE OF THE DEDICATION AND/OR EASEMENTS ON BEHALF OF THE CITY OF LYNDEN IN ACCORDANCE WITH THE CITY OF LYNDEN DEVELOPMENT STANDARDS.

THIS 22nd DAY OF JANUARY 2021.

[Signature]
STEVE BANHAM, P.E., PUBLIC WORKS DIRECTOR

FINANCE DIRECTOR APPROVAL:

I, ANTHONY BURROWS, FINANCE DIRECTOR OF THE CITY OF LYNDEN, WASHINGTON, DO HEREBY CERTIFY THAT I AM THE OFFICER IN CHARGE OF COLLECTIONS OF SPECIAL ASSESSMENTS LEVIED BY THE CITY OF LYNDEN ON ALL LAND ENBRACED IN THIS PLAT AND THAT ALL CITY ASSESSMENTS FOR WHICH THE PROPERTY ENBRACED IN THIS PLAT MAY BE LIABLE AT THIS DATE AND THAT ALL SPECIAL CITY OF LYNDEN ASSESSMENTS ASSESSED AGAINST THE PROPERTY IN THIS PLAT, HAVE BEEN PAID.

[Signature] DATE [Signature]
ANTHONY BURROWS, FINANCE DIRECTOR

NO PROTEST AGREEMENT:

THE OWNERS OF THIS SHORT PLAT, THEIR HEIRS, EXECUTORS, ADMINISTRATORS, ASSIGNS OR SUCCESSORS IN INTEREST, AGREE TO PARTICIPATE IN ANY FUTURE LOCAL IMPROVEMENT DISTRICT AND/OR DEVELOPERS EXTENSION FOR WATER, SEWER, STORM DRAINAGE DETENTION AND QUALITY FACILITIES, STREET, CURB, CUTTER, SIDEWALK AND STREET LIGHTING IMPROVEMENTS THAT MAY TAKE PLACE ON EAST GROVER STREET ABUTTING AND/OR BENEFITTING THESE LANDS.

THIS COVENANT AND AGREEMENT SHALL BE CONSIDERED AND CONSTRUED TO BE A COVENANT RUNNING WITH THE LAND.

OCCUPATIONAL INDICATORS AND EXISTING FENCE LINE NOTE:

THIS SURVEY HAS DEPICTED EXISTING FENCE LINES AND/OR IMPROVEMENTS IN ACCORDANCE WITH W.A.C. CH. 332.130. THESE OCCUPATIONAL INDICATORS MAY INDICATE A POTENTIAL FOR CLAIMS OF UNWRITTEN TITLE OWNERSHIP. THE LEGAL RESOLUTION OF OWNERSHIP BASED UPON UNWRITTEN TITLE CLAIMS HAS NOT BEEN RESOLVED BY THIS SURVEY.

JOINT ROAD MAINTENANCE AGREEMENT:

ALL COSTS OF MAINTAINING, REPAIRING, IMPROVING OR OTHERWISE CONNECTED WITH THE ACCESS AND UTILITY EASEMENT ESTABLISHED BY THIS SHORT PLAT AS SHOWN HEREON SHALL BE BORNE BY THE OWNERS OF LOTS A AND B WITHIN THIS SHORT PLAT BASED ON LENGTH OF USE. SAID COSTS SHALL THEREFORE BECOME AN ENFORCEABLE LIEN AGAINST ANY LOT WHOSE OWNERS REFUSE OR FAIL TO PARTICIPATE IN THE MAINTENANCE, REPAIRS OR IMPROVEMENTS MADE BY AGREEMENT OF THE OTHER OWNERS. THIS PROVISION SHALL BE CONSTRUED AS A COVENANT RUNNING WITH THE LAND.

PLAT NOTES:

1. A 5' UTILITY EASEMENT IN FAVOR OF THE CITY OF LYNDEN LIES AROUND THE INTERIOR PERIMETER OF ALL NEWLY CREATED LOTS WITHIN THIS SHORT PLAT, ESTABLISHED BY THIS SHORT PLAT AS SHOWN ON SHEET 2 OF 2.
2. A 10' UTILITY EASEMENT IN FAVOR OF THE CITY OF LYNDEN ADJACENT TO GROVER STREET ACROSS LOTS B AND C WITHIN THIS SHORT PLAT, ESTABLISHED BY THIS SHORT PLAT AS SHOWN ON SHEET 2 OF 2.
3. NO NEW OR EXPANDED USE OF EXISTING ACCESS POINTS WILL BE PERMITTED EXCEPT AS FOLLOWS: EXISTING DRIVEWAY CUT MAY BE RELOCATED TO WITHIN 10 FEET OF THE WESTERN LOT LINE. A NEW DRIVEWAY CUT MAY BE CREATED 10 FEET FROM THE EASTERN LOT LINE. NO VEHICULAR ACCESS POINTS PERMITTED BETWEEN THESE POINT. NO OPEN CUTTING OF EAST GROVER/VINUP PERMITTED IN THE CREATION OR RELOCATION OF DRIVEWAY POINTS.

IMPERVIOUS SURFACE CALCULATIONS:

LOT NUMBER	LOT A	LOT B	LOT C
TOTAL AREA	11,300 SF	9,801 SF	9,575 SF
EXISTING IMPERVIOUS SURFACE AREA	2,072 SF	244 SF	2,182 SF
EXISTING PERVIOUS SURFACE AREA	9,228 SF	9,557 SF	7,413 SF



	NORTHWEST SURVEYING & GPS, INC. Jeromy M. DeMeyer, L.S. No. 50982 Brett W. De Vries, L.S. No. 49276 407 5TH STREET, LYNDEN WASHINGTON, 98264 PH. (360) 334-1950 NWSURVEY.COM		
	DRAWN BY: HEATHER	DATE: 01/12/2021	JOB NO.: 20-115
REVIEWED BY: JEROMY	DIR: MOA SP CRD: 164003.CRD	SHEET: 1 OF 2	

MOA SHORT PLAT
 PTN: SE 1/4 OF SW QUARTER
 OF SECTION 16,
 TOWNSHIP 40 NORTH, RANGE 3
 EAST OF W.M.,
 WITHIN THE CITY OF LYNDEN,
 WHATCOM COUNTY, WASHINGTON

SURVEYOR'S NOTES:

- "O" DENOTES 5/8 INCH REBAR WITH 1 INCH PLASTIC CAP MARKED "NWS & GPS 49276 & 50982" SET BY THIS SURVEY.
 - "*" DENOTES CAPPED REBAR MARKED "L.S.9361" FOUND BY THIS SURVEY.
 - "*K" DENOTES CALCULATED POINT ONLY.
 - THIS SURVEY WAS PERFORMED BY STANDARD FIELD TRAVERSE USING A GEOMAX ZOOMED TOTAL STATION WITH A CARLSON SURVEYOR 2 COLLECTOR/FIELD COMPUTER IN MAY OF 2020. ACCURACY EXCEEDS 1:10000.
 - THIS SURVEY TIED INTO STREET MONUMENTATION AND LOT CORNERS AS SHOWN AND RELIED UPON THE CITY OF LYNDEN SURVEY MONUMENT NETWORK FOR BASIS OF BEARINGS.
 - THIS SURVEY WAS COMPLETED WITH THE BENEFIT OF A SUBMISSION GUARANTEE FROM WHATCOM LAND TITLE, W-188946, DATED JULY 15, 2020.
- ////// DENOTES VEHICULAR ACCESS PROHIBITION AREA

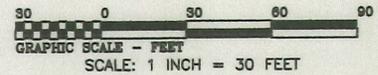
OCCUPATION NOTES:

- Ⓐ FENCE CORNER LIES 0.6' NORTH OF LOT LINE.
- Ⓑ EAST END FENCE LIES 0.5' SOUTH OF LOT LINE. SOUTH EDGE WEST END BLOCK WALL LIES 0.6' SOUTH OF LOT LINE.
- Ⓒ SOUTH EDGE EAST END BLOCK WALL LIES 1.4' SOUTH OF LOT LINE.
- Ⓓ FENCE CORNER LIES 0.5' EAST OF LOT LINE.
- Ⓔ FENCE CORNER LIES 0.1' EAST OF LOT LINE.

GROSS PLAT AREA	30,377 SF
RESERVE TRACTS	0 SF
CRITICAL AREA	0 SF
RIGHT-OF-WAYS	0 SF

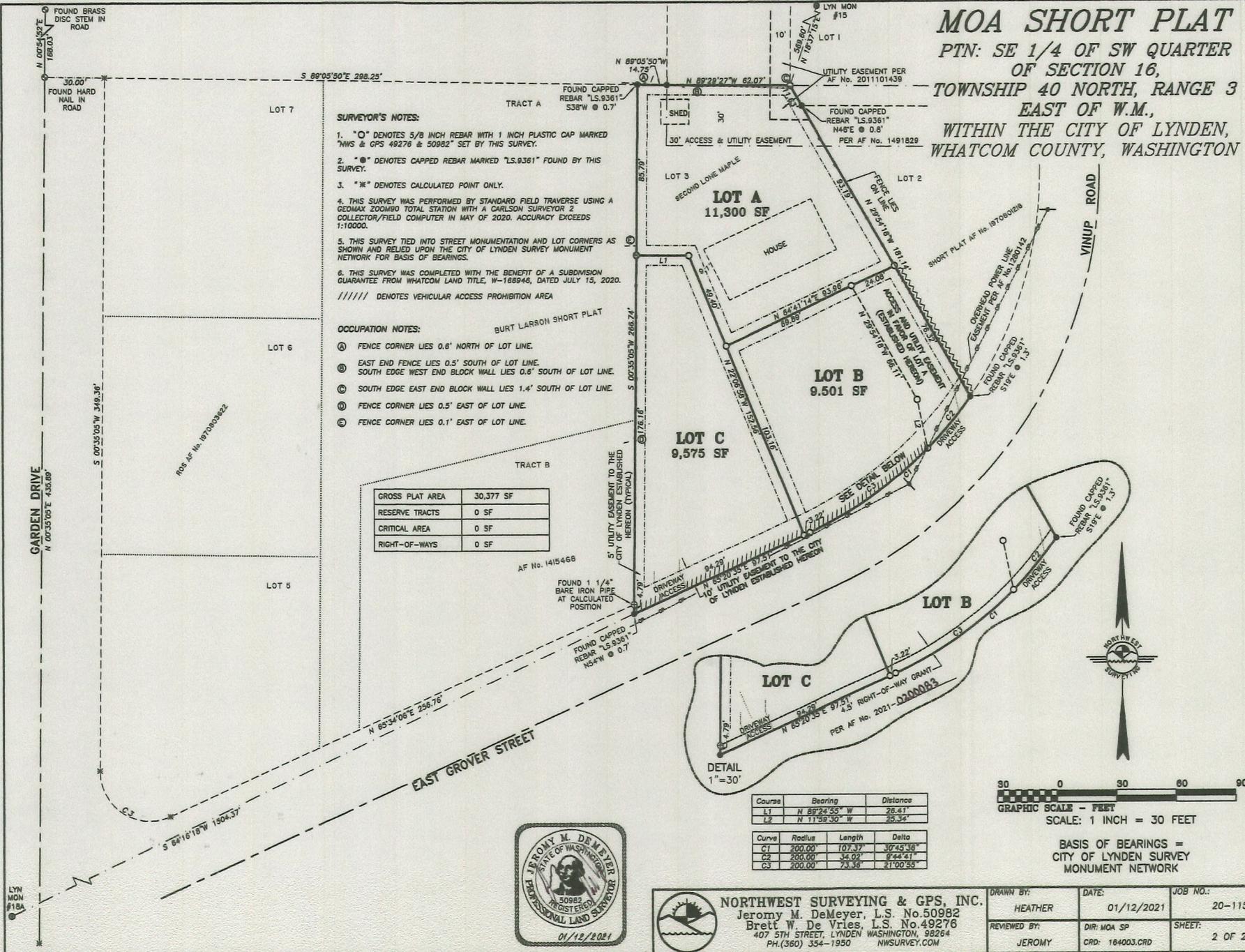


NORTHWEST SURVEYING & GPS, INC.
 Jeromy M. DeMeyer, L.S. No. 50982
 Brett W. De Vries, L.S. No. 49276
 407 5TH STREET, LYNDEN WASHINGTON, 98264
 PH. (360) 354-1950 NWSURVEY.COM



BASIS OF BEARINGS =
 CITY OF LYNDEN SURVEY
 MONUMENT NETWORK

DRAWN BY:	DATE:	JOB NO.:
HEATHER	01/12/2021	20-115
REVIEWED BY:	DIR:	SHEET:
JEROMY	MOA SP	2 OF 2
	CRD: 184003.CRD	



Whatcom County, WA
Total:\$108.50 Pgs=6
ROW
Request of: NORTHWEST SURVEY

2021-0200083
02/01/2021 10:55 AM



Filed for Record at Request of:
CARMICHAEL CLARK, PS
P.O. Box 5226
Bellingham, Washington 98227
(360) 647-1500



DOCUMENT TITLE:
RIGHT-OF-WAY GRANT

REFERENCE NUMBER OF RELATED DOCUMENT:
Whatcom County Auditor's File No. 1970801218

GRANTOR:
KLINTON MOA AND NARISSA MOA

GRANTEE:
CITY OF LYNDEN

ABBREVIATED LEGAL DESCRIPTION:
LOT 3, SECOND LONE MAPLE SHORT PLAT, ACCORDING TO THE MAP THEREOF, RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 1970801218, RECORDS OF WHATCOM COUNTY, WASHINGTON.

Full legal description at page 4 hereto

ASSESSOR'S TAX PARCEL NUMBER:
400316 254056 0000

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that SCOTT KORTHUIS is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the MAYOR of the CITY OF LYNDEN, a Washington Municipal Corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 28th day of January, 2021.



Jean M. Taylor
NOTARY PUBLIC in and for the State of Washington
Residing at Lynden
My appointment expires: 6/27/2023

EXHIBIT "A"

LAND DESCRIPTION

LOT 3, SECOND LONE MAPLE SHORT PLAT, ACCORDING TO THE MAP THEREOF, RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE NO. 1970801218, RECORDS OF WHATCOM COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

SUBJECT TO AND/OR TOGETHER WITH ALL EASEMENTS, COVENANTS, RESTRICTIONS AND/OR AGREEMENTS OF RECORD, OR OTHERWISE.

EXHIBIT "B"

DESCRIPTION OF RIGHT-OF-WAY GRANT

THE SOUTH 4.50 FEET OF LOT 3, SECOND LONE MAPLE SHORT PLAT, ACCORDING TO THE MAP THEREOF, RECORDED UNDER WHATCOM COUNTY AUDITOR'S FILE No. 1970801218, RECORDS OF WHATCOM COUNTY, WASHINGTON.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

SUBJECT TO AND/OR TOGETHER WITH ALL EASEMENTS, COVENANTS, RESTRICTIONS AND/OR AGREEMENTS OF RECORD, OR OTHERWISE.

EXHIBIT "C"

DEPICTING RIGHT-OF-WAY GRANT
PORTION OF THE SE 1/4, SW 1/4, SECTION 16,
TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M.,
WITHIN THE CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON

N 00°35'05"E 266.74'

SECOND LONE MAPLE

SHORT PLAT

LOT 3
30,377 SF

Curve	Radius	Length	Delta
C1	200.00'	107.37'	30°45'36"

AF No. 1970801218

N 29°54'18"W
181.14'

4.50'

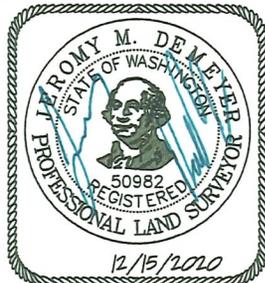
25.5'

VINUP ROAD

NORTH LINE OF THE SOUTH 4.50' ...
N 65°20'35"E 97.51'

AREA OF RIGHT-OF-WAY GRANT

4.79'



SCALE: 1 INCH = 30 FEET

BASIS OF BEARINGS =
CITY OF LYNDEN SURVEY
MONUMENT NETWORK



After recording return document to:

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

DOCUMENT TITLE:

Covenant for Accessory Dwelling Unit (ADU)

GRANTOR(S):

Name(s) of Property Owners:

Klinton Moea
Nurissa Moea

GRANTEE:

City of Lynden

ABBREVIATED LEGAL DESCRIPTION:

LOT C MOA SHORT PLAT AS REC AF 2021-0200084
Full legal description available at page(s) _____ hereto.

ASSESSOR'S TAX PARCEL NUMBER(S):

4003162480500000

COVENANT FOR ACCESSORY DWELLING UNIT (ADU)

WHEREAS, Klinton Moea and Nurissa Moea are the owners of the property described herein ("Owners"), and

WHEREAS, Owners now desire to incorporate an accessory dwelling unit ("ADU") within or detached from the primary residence located at 1191 E. Grover Str. Lynden, WA 98264 ("Property"); and

WHEREAS, the Property is zoned RS-100; and

WHEREAS, ADU's are permitted in all residential zones including Planned Residential Developments provided that only one ADU is allowed per lot as an accessory use to a single-family home. ADU's are permitted in multi-family zones only on lots which are restricted, by lot area, to a single-family residence.

WHEREAS, ADU's can be attached as a separate unit within the existing home or an addition to the home, or detached as a separate structure on the lot.

WHEREAS, Only one ADU is permitted per detached single-family residence. ADU's are not permitted as part of any other housing type. Accessory Dwelling Units are exempt from the density limitations of the underlying zone.

WHEREAS, An attached ADU is limited to a maximum of 1,000 square feet and 2 bedrooms. A detached ADU is limited to a maximum of 800 square feet and 1 bedroom.

WHEREAS, A detached ADU, or ADU addition, must be of the same construction type as the primary structure. The exterior finish, material, trim, and roof pitch for the ADU must be similar in type and size of the primary structure.

WHEREAS, Only one entrance for both the primary structure and ADU combined shall be visible from the primary street. A detached ADU shall not be forward to the primary unit in relation to the front yard.

WHEREAS, One parking space per ADU bedroom, in addition to those required for the single-family residence, is required for the ADU's. All parking spaces for the primary structure and the ADU must be located on site.

WHEREAS, If necessary based on building location, landscaping shall be installed to provide privacy and screening of the adjacent properties. A landscape plan must be approved by the Planning Director.

WHEREAS, All utilities servicing the site may require upgrades based on the project size. Any utilities installed on site must meet the requirements of the City of Lynden Manual for Engineering Design and Development Standards.

WHEREAS, The primary residence or the ADU must be owner-occupied. A perpetual covenant against the property, approved by the Planning Department must be signed by

the owner and recorded with the Whatcom County Assessor's Office which specifies this requirement.

WHEREAS, The ADU may not be subdivided or otherwise segregated in ownership from the principal dwelling unit.

NOW, THEREFORE, this covenant is hereby agreed between the parties hereto as follows:

- 1. The City Lynden has reviewed the plans for an accessory dwelling unit located on the property described above and has found the plans to meet all conditions of Section 19.20.020, of the Lynden Municipal Code, and will issue building permit number 2021387 for the construction of said ADU.

Approved this 8th day of November, 2022.

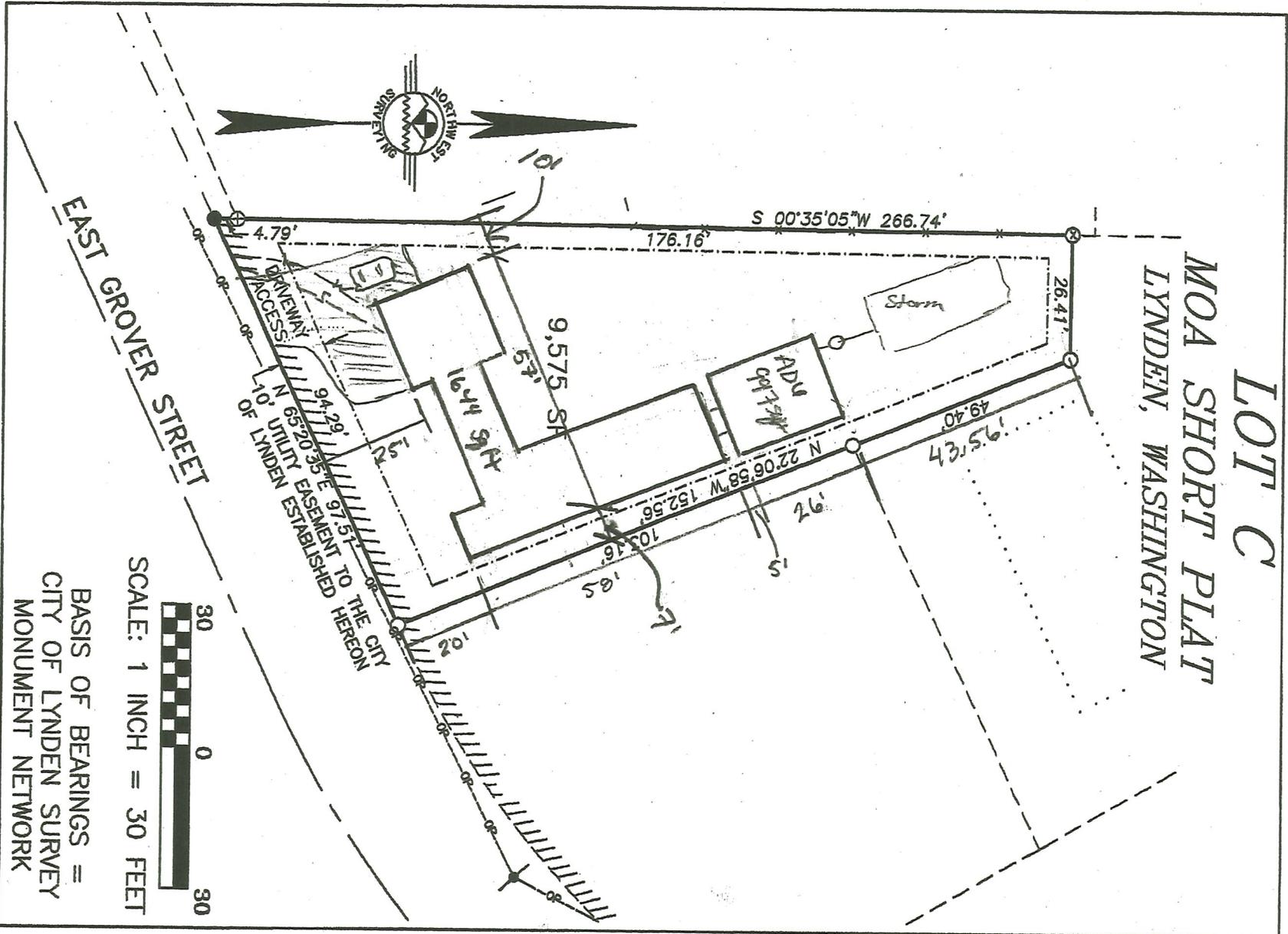


Planning Director, City of Lynden

- 2. Owners, for themselves, their heirs, executors, administrators, assigns or successors in interest covenant and agree that the residence and/or accessory dwelling unit located on the property described herein will be owner occupied either in the primary residence or the ADU, and that the ADU shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit on the Property. This covenant shall be construed as a covenant running with the land.

LOT C

MOA SHORT PLAT LYNDEN, WASHINGTON



EAST GROVER STREET

SCALE: 1 INCH = 30 FEET

BASIS OF BEARINGS =
CITY OF LYNDEN SURVEY
MONUMENT NETWORK

Mary Gillies
1173 E. Grover St
Lynden, WA 98264

February 21, 2023

Heidi Gudde
300 4th street
Lynden, WA 98264

Greetings Heidi,

I have a few comments regarding the Moa Short Plat. I am a direct neighbor residing at 1173 E Grover St.

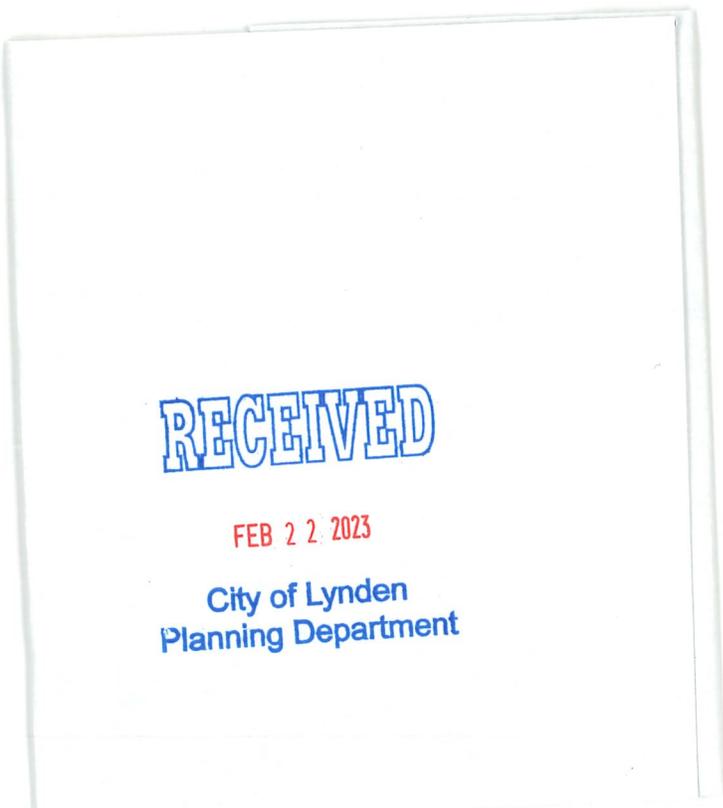
I am aware that the house on Lot A is already being rented as 2 units, and has been for quite some time. I have seen several posts on social media of the Moas listing the units on Lot A for rent and recently the new unit behind the primary residence on Lot C is listed for rent. It is also to my knowledge that Klinton and Narissa Moa are not living in the primary residence on Lot C. Now they are requesting a re-zone because the use of the property does not comply with the City's ADU requirements

Is non-compliance now rewarded in the city of Lynden? Allowing the Moas to re-zone after they have failed to comply with ADU requirements portrays the wrong image to builders and developers who follow the rules.

I do not support the re-zone. The Moas should be required to sell the property if they choose not to follow the ADU requirements for Lot A and Lot C, and they should not be permitted to re-zone, after-the-fact, and build additional multi-family units on the remaining lot.

Sincerely,

Mary Gillies
Mary Gillies



John A and Marie Gillies

208 South Garden Drive, Lynden, WA 98264

February 20, 2023

Ms. Heidi Gudde, Planning Director
300 4th Street
Lynden WA 98264

RE: Comments regarding the Moa Short Plat, Auditors File No. 2021-0200084

Dear Ms. Gudde,

I received a mail notice last week concerning the subject short plat located in the vicinity of 1181 E Grover Street requesting rezone from RS-100 to RM1 . I have resided at 208 S Garden Drive since August 1978. My understanding of the situation is that Klinton and Narissa Moa purchased the subject property from Mr. Geleynse a few years ago and that the property consisted of a single lot with one single -family residence, zoned Residential (RS-100). After the purchase, the Moas short-platted the property into three lots zoned RS-100. Subsequent to the short plat, the Moas applied for a permit in accordance with Chapter 19.20 of the Lynden Municipal Code to construct a single family residence with an accessory dwelling unit on Lot C. Section 19.20.020 para J. of the city code states the following:

- *the primary residence or the ADU must be owner occupied. A perpetual covenant against the property, approved by the planning department must be signed by the owner and recorded with the Whatcom County Assessor's Office which specifies this requirement.*

My understanding is that the required covenant was signed by the property owners and approved by the city planning staff. It is also my understanding that the owners do not live in either the primary residence or the accessory unit on Lot C. It is also my understanding that the original Geleynse residence, now lot A, had an accessory unit in the basement for Mr. Geleynse's daughter, but now both of these units are offered for rent.

Because the Moas are not complying with the accessory dwelling unit requirements for the new construction, they now are requesting a rezone to RM1 (multi-family) and not just for Lots A and C but also for Lot B which currently has no dwelling unit and is zoned RS-100. In effect, the Moes are requesting a reward for completing a project which resulted in non-compliance with existing regulations in the RS-100 zone. They want to be forgiven for their transgressions with no real consequences and up-zoned to RM1, a substantial economic benefit. This forementioned scenario sends the wrong message to the development community that abides by rules. It basically says, "seeking forgiveness is easier than asking permission."

I suggest a few remedies to this situation:

1. Require that the Moes either live in the residence that they constructed (as they said they would) or that they be required to sell the residence to a party that will abide by the accessory dwelling unit requirements.

RECEIVED

FEB 23 2023

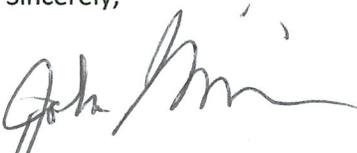
City of Lynden
Planning Department

- 2. Do not approve the rezone of the existing vacant lot B. All surrounding contiguous lots north of E Grover St and east of Vinup Rd are zoned single family residence. The incursion into this zone, instigated by non-compliance, should be discouraged. I recommend that the vacant lot B remain in the RS-100 zone. The location of the driveway entrance for this lot is at the apex of the Grover Street, Vinup Road corner. Sight distance is definitely limited and it becomes more of an issue with multiple families using this entry point.

If the Moes desired that the Geleyense property be rezoned to RM1 they should have by-passed the short-plat process and worked up a multi-family project plan for the entire original lot and presented it to the city for review and approval. This after-the-fact "repair by approval" of a situation that should not have occurred must be discouraged by the planning Department and City Council.

City staff informed me and I have also read about, the State's desire to see more flexible requirements by local jurisdictions for single-family residential lot density increase. I agree with this as it helps to reduce sprawl and it serves as a means to accommodate our ever increasing population. But please don't use these new state mandates as cover to approve and augment non-compliance. The Moes disregarded clearly stated, existing regulations. The city should not tolerate such behavior.

Sincerely,



John Gillies

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 3, 2023,	
Name of Agenda Item:	Draft Parks Committee Minutes March 20, 2023,	
Section of Agenda:	Other Business	
Department:	Parks	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input checked="" type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:		
ES-Draft Parks Committee Minutes March 20, 2023		
Summary Statement:		
See Next page		
Recommended Action:		
For Council Review		



**JOINT MEETING-- PARKS COMMITTEE/PARK AND REC. DISTRICT
MEETING MINUTES**

March 20, 2023

1. ROLL CALL:

Members Present: Mayor Korthuis, Councilors; Ron DeValois, Nick Laninga

Staff Present: City Administrator; John Williams, Parks Director Brent DeRuyter; a Parks Admin. Assistant Nancy Norris; Park Maintenance Supervisor Tim Holleman; and Asst. Fire Chief Kristi Watson

Introduction of Parks and Recreation District Members Present Rec,

District Commissioners: Bob Johnson, TJ Timmerman; and Rec. District Advisor Vern Meenderinck

2. ACTION ITEMS:

A. Approval of Parks Committee Minutes- February 21, 2023,

Laninga motioned to approve the February 21, 2023, minutes DeValois approved the motion.

Action: The Parks Committee Minutes from February 21, 2023, were approved.

B. Approval of Modifications to Resolution 1034,

With the new online reservation program, modifications needed to be made to the ballfield reservation fees and game fees.

The Parks Committee reviewed the recommended fee changes and motioned to approve the fee modifications.

Action: Laninga motioned to approve the Fee Modifications to Resolution 1034, DeValois agreed the motion stands approved.

3. INFORMATION ITEMS:

A. SHKS Information on the Benson Barn Project

Staff has met and is making comments/recommendations moving forward.

A change in the occupancy title is being made for design and future use.

The barn will be a seasonal non- heated reservable facility April-September. During the Winter months the barn will be used for storage. The south wall, doors, windows, and lighting will be updated and repaired. Restrooms will be a separate facility. A gravel parking lot will surround the south and west side of the Barn as needed.

Rec. District Commissioners suggested planting grass in the open space while this property is being developed so people can use the property as various stages as it is being developed.

CITY OF LYNDEN

PARKS DEPARTMENT



B. Updates on Parks and Trails projects

Benson Park

Draft of Master Plan revisions are still being revised from SCJ Alliance with more phasing and pricing elements.

Bridge “pre-drilling” and windmill renovation are continuing.

Schoolyard

Fence and Backstop Removal complete and most items off site.

New amenities for possible donation are in the design process.

Staff and possible volunteers have been contacted and will move forward once an irrigation plan and initial costs are received.

Meetings with Sumas about a potential Spray Park seemed promising.

Berthusen Park

Gate site installation is nearly complete. Gateway Service hopes to have the gate operational by March 31, 2023.

Request for a West Entrance sign from the Tractor Club. The Tractor Club requested a separate address from the park address for the park Ag land property off Badger Rd. After speaking with the County Planner and City Planner it was recommended not to break up the Berthusen Park property with multiple addresses and recommends this entrance be known as the “Berthusen Park West Entrance” off Badger Rd.

Trails

Progress is steady in preparation for the Depot to 8th St section and communication is consistent with PW as permitting goes through.

C. Budget/Project Updates

Extensive water line situation at Bender Concession Stand

D. Civic Plus

Meeting with Forte about payment portal has occurred and documents are going through review. Nancy will begin training March 28, 2023, with a launch date of May 23, 2023.

E. New Staff Update

Continuing the interview process for the hiring of one new seasonal employee, three are returning. The first set of interviews will take place March 21, 2023 with the hope to have a full time seasonal employee work April – September.

F. Railroad Trail Meetings

Discussions with County Members are occurring. The next meeting is scheduled for March 21, 2023, with the Mayors of Lynden, Sumas, Everson and Nooksack. Then on March 24, 2023, these Mayors will meet with the Nooksack Loop Trail Committee.

G. Park Signage Design Underway with Signs Plus

Signage designs for both City Park and Schoolyard Park have been requested from Signs

CITY OF LYNDEN

PARKS DEPARTMENT



Plus. Signs Plus were given examples of other Lynden city signage to reference and asked to use the similar theme/pattern or look in the Park signs design.

4. **ITEMS ADDED:**

A. **Safety Village at Benson Park**

Asst. Fire Chief Kristie Watson shared the vision of developing an mini interactive safety village at Benson Park. The purpose of this Safety Village will be to educate the community members of fire safety, bike safety etc...

B. **Vandalism at Parks**

The Parks Committee questioned how the camera and restroom automatic locks are working and if the vandalism has been detoured. Parks Maintenance Supervisor Holleman mentioned that the vandalism has been minimal during the winter, some have been caught with little restitution or consequences primarily because of the enforcement of laws forbidding enforcement. Foul language continues to be a problem with the younger teens who have given unsupervised freedom to go to the Park pump track, basketball courts etc...

Meeting Adjourned: 5:32pm.

NEXT MEETING-Monday, April 17, 2023

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 3, 2023	
Name of Agenda Item:	Community Development Committee Minutes of 3-22-23	
Section of Agenda:	Other	
Department:	Planning Department	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks <input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	Draft CDC Minutes of 3-22-23	
Summary Statement:	Draft CDC minutes attached for review.	
Recommended Action:	Council review.	

CITY OF LYNDEN

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



COMMUNITY DEVELOPMENT COMMITTEE

MINUTES

4:00 PM March 22, 2023
2nd Floor Conference Room, City Hall

1. ROLL CALL

Council Members: Kyle Strengholt, Brent Lenssen, Gary Bode, Scott Korthuis
Staff: John Williams, Heidi Gudde

2. APPROVAL OF MINUTES

Community Development Committee Meeting Minutes of 2/22/23 approved as presented.

3. DISCUSSION ITEMS

- a. **Unscheduled - State Legislative Update.** Williams gave an update to the group on legislative bills. Several bills related to housing are circulating. City staff and our lobbyist are watching, quite closely, the “Missing Middle” Housing Bill which is HB 1110. There are also two ADU bills that are quite similar that are drafted to require cities to allow more ADUs with more flexible standards. This may include multiple ADUs per lot, reduced parking requirements, and cancel all owner-occupancy requirements. Currently the missing middle housing bill is drafted to be applicable to only cities with populations of at least 25,000 however the ADU legislation will likely apply to Lynden with deadlines to update coming in 2025 – around the time of the Comp Plan update.
- a. **Six-Year Plan and Planning Dept Initiatives.** Discussed staffing changes with the Planning Department including the addition of part time building inspector and administrative assistant. The group discussed code compliance and the adjustments made to staff to accommodate the extended leave of our current code officer. Other upcoming projects and budget implications include permit tracking software, which has application to more departments than just Planning, and consultant assistance with the update to the Comprehensive Plan.
- b. **Development Update Report by H. Gudde.** The group discussed ongoing construction projects within the City focusing primarily on commercial, industrial and large residential projects including Alliance Freeze Dry and the site of the future Cobblestone Hotel. Gudde provided updates on

these projects which are likely to see more activity as we enter the construction season.

c. Agenda Items in the Future

- Comprehensive Plan. Gudde described some of the state requirements for the pending Comp Plan update. The City will be coordinating with the County and other Whatcom municipalities to evaluate housing needs including the need for emergency housing. This ties into the latest ordinance on transitional housing. The group discussed the number of transitional housing units / beds already in the city offered through non-profits or religious groups.
- Agenda items for the next CDC. Lenssen asked that the agenda include status on code amendments and potential updates. Gudde noted that staff is currently working on language to describe patio screening, an adjustment to the new mixed-use centers, and a significant update on the civil penalties code that is currently in the hands of Carmichael Clark's office.

4. INFORMATIONAL ITEMS

- a. Proposed New Business Fliers. Gudde distributed fliers that have been created by Korene Samec. The intent of the fliers is to reach out to new business as they register for licenses within the city. They provide city contact information as well as guidance relevant topics like permits and signs, for the general business license, and for home-based businesses, the city expectations when running a business in a residential neighborhood. The Committee made some suggestions which will be used to edit the flier before they are put into circulation.

Next Meeting: April 19, 2023

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	April 3, 2023	
Name of Agenda Item:	Calendar	
Section of Agenda:	Other Business	
Department:	Administration	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input checked="" type="checkbox"/> Other: N/A
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:	Calendar	
Summary Statement:	Calendar	
Recommended Action:	Not an action item, information only.	

April 3, 2023
Monday

7:00 PM - 9:00 PM

Copy: City Council Meeting -- Annex Council Chamber

April 4, 2023
Tuesday

9:00 AM - 10:00 AM

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

April 5, 2023
Wednesday

4:00 PM - 6:00 PM

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

April 6, 2023
Thursday

2:00 PM - 4:00 PM

TRC -- City Hall 2nd Floor Large Conference Room

April 10, 2023
Monday

7:00 PM - 9:00 PM

Park & Trail Advisory Committee -- Annex South East Conference Room
Park & Trail Advisory Committee meets the 2Nd Monday in: January, April, July, August, and October

April 11, 2023
Tuesday

9:00 AM - 10:00 AM

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

April 12, 2023
Wednesday

8:30 AM - 5:00 PM

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

April 12, 2023 Continued

Wednesday

7:00 PM - 9:00 PM

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

April 13, 2023

Thursday

7:00 PM - 10:00 PM

Planning Commission -- Annex Council Chamber

April 17, 2023

Monday

4:00 PM - 5:00 PM

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

7:00 PM - 9:00 PM

Copy: City Council Meeting -- Annex Council Chamber