

CITY OF LYNDEN



Mayor
Scott Korthuis

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

Regular City Council Meeting
Annex - 205 Fourth Street
Tuesday, July 05, 2022

Call to Order

Pledge of Allegiance

Roll Call

Oath of Office

Summary Reports and Presentations

Approval of Minutes

- [1.](#) Draft Council Minutes- Regular Meeting

Citizen Comment

Consent Agenda

- [2.](#) Approval of Payroll and Claims
- [3.](#) Ordinance No. 1645- Annexation of Benson Park Property-Correction Legal Description
- [4.](#) Set the Public Hearing- Ordinance No. 1649 Camping Prohibition and Parks Rules Update

Public Hearing

Unfinished Business

New Business

Other Business

- [5.](#) Draft Community Development Committee Minutes of June 16, 2022
- [6.](#) Calendar

Executive Session

Adjournment

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EXECUTIVE SUMMARY



Meeting Date:	July 5, 2022	
Name of Agenda Item:	Draft Council Minutes- Regular Meeting	
Section of Agenda:	Approval of Minutes	
Department:	Administration	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <input type="checkbox"/> Other: N/A	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Attachments:	Draft Council Minutes- Regular Meeting	
Summary Statement:	Draft Council Minutes- Regular Meeting	
Recommended Action:	For Council review.	

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CITY COUNCIL MINUTES OF REGULAR MEETING



June 20, 2022

1. CALL TO ORDER

Mayor Korthuis called to order the June 20, 2022 regular session of the Lynden City Council at 7:00 p.m. at the city's council chambers.

ROLL CALL

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

Members absent: Councilor Gary Bode absent with notice.

Staff present: Finance Director Antony Burrows, Fire Chief Mark Billmire, Parks Director Brent DeRuyter, Planning Director Heidi Gudde, Police Chief Steve Taylor, Public Works Director Steve Banham, City Clerk Pam Brown, City Administrator John Williams, and City Attorney Bob Carmichael.

OATH OF OFFICE- None

SUMMARY REPORTS AND PRESENTATIONS - None

APPROVAL OF MINUTES

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

CITIZEN COMMENT

Lifeshouse Foundation applied with the Department of Corrections to be listed as a resource for prison releases for two separate houses in Lynden. Each of these houses are located directly next to an elementary school. The addresses are 410 17th Street and 8457 Benson Street.

The Lifeshouse Foundation application seeks permission to provide transitional housing to three or more tenants using funds from the DOC's Earned Release Date (ERD) Housing Voucher Program.

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The following members of the public provided comment to city council:

Jennifer Bruschetto	Benson Road, Lynden	Opposed to Location
Stephanie Rogers	Westview Pl., Lynden	Opposed to Location
Miles Davis	Summit House, Lynden	Unopposed
Ben Jones	Sparrow Court, Bellingham	Unopposed
Matt McDonald	Currant St., Lynden	Unopposed
Jesse Clark	Bender Rd., Lynden	Opposed to Location
Nathan Libolt	17 th Street	Opposed to Location
Leslie Kraz	Westview Pl., Lynden	Opposed to Location
Leslie ??	??	Opposed to Location
Rachel Adams	Westview Pl., Lynden	Opposed to Location
Tessa Garcia	17 th St., Lynden	Opposed to Location
Jen Chestnut	Main St., Lynden	Opposed to Location
Carrie Rogers	17 th St., Lynden	Opposed to Location
Jared Mira	Village Drive	Opposed to Location
Tate Norris	Front St., Lynden	Opposed to Location
Katie James	17 th St., Lynden	Opposed to Location
Tom Boaz	Shea St., Lynden	Opposed to Location
Cynthia Ripke-Kutsagcitz	Guide Meridian, Lynden	Opposed to Location
No Name Given	??	Opposed to Location
Gladys Libolt	Parkview Dr., Lynden	Opposed to Location
Megan McKay	??	Opposed to Location
Lacey Libolt	17 th St., Lynden	Opposed to Location
Stephanie ?	Westview Pl., Lynden	Opposed to Location
Paul Ricci	Benson Rd., Lynden	Opposed to Location
Mark Urban	Bellingham	Opposed to Location
Josh Jorgensen	Pine St., Lynden	Opposed to Location
Senator Simon Sefzik	Ferndale	Opposed to Location
Kelly McKay	Drayton St., Lynden	Opposed to Location

Citizen comment portion of the meeting closed at 8:40 p.m.

2. CONSENT AGENDA

Payroll Liability to June 5 through June 18, 2022

EFT & Other Liabilities

Non-L&I Liabilities

Monthly EFT	\$349,706.09
Check Liability	\$959.15
Total Non-L&I Liabilities	\$350,665.24
Quarterly Liabilities	\$14,003.88

Total EFT & Other Liabilities \$364,669.12

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Approval of Claims – June 21, 2022

Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$0.00
				Sub Total Pre-Pays	\$0.00
Voucher Warrants No.	<u>24852</u>	through	<u>24967</u>		\$1,192,473.10
EFT Payments					<u>\$5,062.26</u>
				Sub Total	\$1,197,535.36
				Total Accts. Payable	\$1,197,535.36

New Permanent Employee Positions

Based on the City’s ever increasing operational demands, two new permanent positions have been requested. The Police Department has requested an additional position for a 19th officer to fill the need for another detective and the Human Resources Department has requested an additional position for an HR Specialist.

Both of these positions have been vetted and approved in their respective committees for submittal to the full Council and the Mayor. Both positions have received the approval of the Mayor and/or the Council with permission to be filled by July 1st, 2022 or thereafter.

The Finance Director conducted a mid-year review and conveyed to the Mayor and City Administrator that a budget amendment is not required at this time. Finance will use current underruns to fund these positions in the 2022 General Fund budget. If it becomes apparent later in the year that a budget amendment is needed it will be requested at that time. Both positions will be directly funded in the 2023 budget.

Lynden Recreation Center (Formerly YMCA) Pool Deck Resurfacing

The Whatcom County Health Department has identified needed repairs to the City recreation center pool deck for health and safety. There are excessive drainage issues creating standing water around the pool that can be corrected with resurfacing.

A community member has been active seeking funding and has secured a commitment from the Lynden Parks & Recreation District for \$10,000 towards the pool deck resurfacing which is estimated to cost about \$18,000. Under the terms of the lease that the City has with Forge Fitness this is an item of work that would be eligible for reimbursement by the City after they have the work performed and provide copies of the actual invoices.

After reimbursing Forge Fitness the City would bill the Parks and Recreation District for the \$10,000 that they committed. Forge Fitness is proposing to perform the work during their

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annual pool closure later this summer. The Public Works Committee reviewed this quote at their meeting on May 4, 2022, and concurred to recommend approval by City Council.

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

3. PUBLIC HEARING

Resolution No.1049- Public Hearing for Renewal of Lynden Transportation Benefit District (TBD)

The City of Lynden established the Lynden Transportation Benefit District (TBD) on July 16, 2012 by City Ordinance 1423 pursuant to Chapter 36.73 Revised Code of Washington. The City has used the collected TBD revenue to complete important street construction projects within Lynden, including improvements to the following streets:

- Line Road (Street and Pedestrian Improvements)
- 7th Street and Alley
- 5th Street and Alley
- Riverview Road
- 17th Street (including sidewalk improvements south of Front Street)
- Parkview Drive
- 17th Street (extension to Main Street)
- Foxtail Street (eliminated gap between Eastwood Way and Bradley Meadows Lane)
- Benson Road (sidewalk extension to North Park Street)

The Transportation Benefit District can be extended every ten years with a vote of the public to renew the sales and use tax as its source of revenue, per RCW Chapter 36.73 to finance transportation capital improvements. If the renewal is approved by the voters, the sales and use tax will continue to apply to persons who shop and thereby use the roads in the City and not just to City residents. The renewed sales and use tax are estimated to generate, based on retail growth over the next ten years an average annual revenue of \$750,000 which can only be used to fund transportation improvement projects.

Mayor Korthuis opened the public hearing at 8:53 p.m.

There were no comments.

Mayor Korthuis closed the public hearing at 8:53 p.m.

Councilor Lenssen moved, and Councilor Strengholt seconded that City Council approve Resolution No. 1049, providing for a ballot proposition to be submitted to the qualified electors of the district on November 8, 2022, to renew and continue to

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impose a two-tenths of one percent (.002) sales and use tax for the purpose of financing some or all of the costs of projects identified within the adopted

transportation plans for a period of ten years, and authorize the Mayor's signature. Motion passed with a 6-0 vote.

Ordinance No. 1645- Annexation of Benson Park Property

To facilitate the continued design and development of the Benson Road Park and implementation of the Pepin Creek Sub-Area Plan, the Council is being asked to approve the annexation of 36.35 acres of the Benson Road Park property that currently falls within unincorporated Whatcom County.

As the Council may recall, in 2011 the farmstead associated with this property was annexed into the City. And, in 2014 the City purchased both the farmstead and the farmland. As the City is legal owner of the property, it is contiguous to the existing City limits, and will be used for public purpose, the annexation action may utilize an exception provided in RCW 36.93.090 whereby the review and approval of the proposed annexation by the Whatcom County Boundary Review Board is not required.

Planning and Public Works staff have notified, and coordinated with, Whatcom County staff consistent with the guiding interlocal agreement on annexations. No special assessments or proportional share of infrastructure improvements are due to the County in association with this annexation. The proposed Ordinance 1645 comes forward as a final annexation action. ***Public Hearing requirement previously met.***

Councilor De Valois moved, and Councilor Laninga seconded to approve Ordinance No. 1645 annexing the city-owned Benson Road property and authorize the Mayor's signature on the documents. Motion passed with a 6-0 vote.

Ordinance No. 1646- Amending LMC 15.26- Third-Party Review Policy

The Building Division, at times, needs third-party support in the review of building permits either due to the complexity of the building project or due to an influx in building permit submittals.

This proposed ordinance establishes a City policy for the use of third-party review and collection of associated fees. This guidance would become part of LMC 15.26. Fees are not established through this ordinance but would currently rely on Resolution 991 (included with council packet submittal) and be updated periodically.

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Planning staff is working with the Finance Department to include the third-party review fees in a unified fee schedule that would adjust by an accepted cost index.

Mayor Korthuis opened the public hearing at 8:56 p.m.
There were no comments.
Mayor Korthuis closed the public hearing at 8:56 p.m.

Councilor Lenssen moved, and Councilor De Valois seconded to approve Ordinance No. 1646 amending LMC 15 to establish a standard for the third-party review of building permits and to authorize the Mayor's signature on the document. Motion passed with a 6-0 vote.

4. UNFINISHED BUSINESS - None

5. NEW BUSINESS

Award Bid for Grover Street Overlay (3rd to Lawrence) Project

Staff recently solicited bids for the Grover Street Overlay Project. The project provides for the structural asphalt overlay of approximately 1,400 linear feet of Grover St. from 3rd St. to Lawrence St. This contract includes grinding of the existing roadway, installation of traffic loops, and the replacement of pedestrian ramps and sidewalks to meet current accessibility standards.

Two bids were received on June 9, 2022. Reichhardt and Ebe Engineering prepared the attached Bid Tabulation and Recommendation to Award. The apparent low bid provide by JB Asphalt was review by staff and the City Attorney and has been determined to be an Irregular Bid. There are significant unbalanced unit prices on at least four critical bid items, including the three (3) traffic control items as shown on the attached Bid Tabulation. Section 1-02.13, Item 2b of the WSDOT Standard Specification allows the contracting agency to reject bids that are unbalanced and considered potentially detrimental.

The overall bid is more than 14% lower than the engineer's estimate and 25% below the other bidder. Staff is recommending rejection of the JB Asphalt bid due to this irregularity and award to the next low responsive bidder. At the Public Works Committee meeting on June 8, 2022, the committee concurred that the bid results could be forwarded directly to City Council after being informed of the results.

The Public Works Committee was advised of the bids and concurred to recommend award to Tiger Construction, the lowest responsive and responsible bidder, in the amount

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of \$882,367.50 (no applicable sales tax). This project will be funded with State Transportation Improvement Board (TIB) funds matched with Lynden Transportation

Benefit District (TBD) and County Economic development Investments (EDI) Program funds.

Councilor De Valois moved, and Councilor Kuiken seconded to award the contract for the Grover Street Overlay (3rd to Lawrence) Project to Tiger Construction, in the amount of \$882,367.50, and to authorize the Mayor to sign the contract. Motion passed with a 6-0 vote.

Resolution No. 1050- Interlocal Agreement regarding Planning, Annexation, and UGA Development

Whatcom County and the City of Lynden Planners have drafted an update to the existing interlocal agreement between the City and the County concerning Planning, Annexation and UGA Development. The goal of the agreement is to coordinate efforts regarding development or infrastructure improvements which may occur with the City's Urban Growth Areas (UGAs) prior to annexation. The agreement makes provisions for the coordination of development standards and cost sharing of public infrastructure, such as bridges, which may have been installed by the County but get annexed into the City within 10 years of their construction. The agreement also establishes policies on sales tax revenue sharing when significantly developed commercial and/or industrial land is annexed out of Whatcom County. Revisions to the document focus primarily on creating consistency between this and other adopted documents including the County-wide Planning Policies. Clarification to the process associated with sales tax revenue sharing was also added. Unlike other cities in Whatcom County, Lynden's UGA has traditionally been largely undeveloped agricultural land and as such, many of the provisions included in the agreement are rarely if ever utilized. Staff is requesting that Council review the revisions and approve if they see fit.

Councilor Lenssen moved, and Councilor Wohlrab seconded to approve Resolution No. 1050- Interlocal Agreement between the City of Lynden and Whatcom County concerning planning, annexation, and development within the Lynden UGA and to authorize the Mayor's signature on the resolution and agreement documents. Motion passed with a 6-0 vote.

6. OTHER BUSINESS

Councilor De Valois reporting for the Public Works Committee.

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- Discussion of planter strips
- Discussion on crosswalks near Darigold
- Transportation Benefit District (TBD) going before voters November 2022

Councilor Strengholt reporting for the Finance Committee.

- Discussion of overtime for Fire and Police departments
- Sales tax revenue remains healthy
- Two permanent employee positions
- Glenning Street purchase is completed

7. EXECUTIVE SESSION

Council adjourned into executive session at 9:04 p.m. to consider acquisition of a real estate purchase per RCW 42.30.110 (1)(b) with an expectation that no action would be taken and reconvening at 9:14 p.m.

8. ADJOURNMENT

The June 20, 2022, regular session of the Lynden City Council adjourned at 9:14 p.m.

Pamela D. Brown
City Clerk

Scott Korthuis
Mayor

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EXECUTIVE SUMMARY



Meeting Date:	July 5, 2022	
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	

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EXECUTIVE SUMMARY



Meeting Date:	July 5, 2022	
Name of Agenda Item:	Ord 1645 Benson Park Annexation - REVISED	
Section of Agenda:	Consent	
Department:	Planning Department	
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 checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
Revised Ordinance 1645		
Summary Statement:		
<p>On June 20 the City Council adopted Ordinance 1645 which annexed the city-owned Benson Park property into the City.</p> <p>Unfortunately, the legal description within the ordinance was inaccurate in that it did not include the statement “except the tract described as follows” – which refers to the homestead parcel which was previously annexed.</p> <p>The revised Ordinance 1645 comes forward as attached with the correct legal description included.</p>		
Recommended Action:		
Motion to approve the revised Ordinance 1645, which annexed the city-owned Benson Road property, with the corrected legal description and authorize the Mayor’s signature on the document.		

ORDINANCE NO. 1645

AN ORDINANCE OF THE CITY OF LYNDEN TO PROVIDE ANNEXATION TO THE CITY OF LYNDEN

WHEREAS, the City of Lynden, hereinafter called “City” or the “Proponent,” is proposing the annexation of approximately 36.35 acres (“Proposed Annexation Area” or “PAA”), into the City for the purpose of receiving urban services and for the fulfillment of the Pepin Creek Sub Area Plan; and

WHEREAS, the Proposed Annexation Area is within the City’s Urban Growth Boundary, identified in the Lynden Comprehensive Plan (i.e., the Urban Growth Area designated by Whatcom County), as required for annexation under RCW 35A.14.005; and

WHEREAS, RCW 35A.14.300 provides for the annexation of territory outside of City limits, whether contiguous or non-contiguous, for any municipal purpose by a majority vote of the City Council so long as such territory is owned by the City; and

WHEREAS, the City is the legal owner of the PAA, having purchased the PAA in 2014, acquiring ownership by a statutory warranty deed recorded November 17, 2014 under Auditor’s File No. 2141101345; and

WHEREAS, the PAA is contiguous to the City limits and therefore, pursuant to the exemption set out in RCW 36.93.090, review and approval of the proposed annexation by the Whatcom County Boundary Review Board is not required; and

WHEREAS, the Proponent’s plans make appropriate provisions for public health, safety and general welfare; and

WHEREAS, the proposed annexation will not have an adverse effect on the finances, debt structure, or contractual obligations and rights of other governmental units, except for a small reduction in the Whatcom County tax base; and

WHEREAS, the proposed annexation shall be taxed or assessed to pay its share of any indebtedness of the City of Lynden, Washington, contracted prior to or existing at the date of this annexation, and

WHEREAS, the PAA is being annexed for municipal purposes and the public interest will be served by this annexation as said annexation is necessary for the fulfillment of the Pepin Creek Sub Area Plan and will serve as a desirable location for future community facilities for which the City intends to plan, including without limitation, parks, walkways, and recreational facilities; and

WHEREAS, the City of Lynden will provide adequate police protection to the proposed annexation area on a twenty-four (24) hour basis and can more efficiently and effectively provide such service to the area than the Whatcom County Sheriff’s Office; and

WHEREAS, the proposed annexation is logically served by the City of Lynden and will therefore preserve logical service areas; and

WHEREAS, adequate governmental services and controls in the proposed annexation area can be most efficiently provided by the City of Lynden; and

WHEREAS, the above recitals are hereby adopted as findings of fact by the Lynden City Council in support of the proposed annexation; and

WHEREAS, on June 6, 2022, the City Council determined that the property could be zoned Public Use (PU), if annexed, and that it would be subject to all bond issues of the City of Lynden; and

NOW, THEREFORE, the Mayor and the City Council of the City of Lynden, does ordain as follows:

Section 1: The real property described as follows (hereafter “Property”), being all of the territory within the PAA, is hereby annexed to the City of Lynden, County of Whatcom, State of Washington:

Commonly Described As: 0 Benson Road, Lynden, Washington 98264

Assessor’s Tax Parcel No.: 400318 461331 0000

Legal Description:

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M., WHATCOM COUNTY, WASHINGTON. EXCEPT THAT TRACT DESCRIBED AS FOLLOWS:

THE NORTH 315 FEET OF THE SOUTH 470 FEET OF THE EAST 410 FEET THEREOF. EXCEPT BENSON ROAD.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

Section 2: The Property shall become a part of the City of Lynden and shall be subject to all laws, ordinances and resolutions of the City including any part of the comprehensive plan of said City hereinafter to be adopted with reference to Property and shall be therein designated Public Use (PU) zoning, as per City of Lynden Zoning Map for said area, for land purposes, until otherwise classified.

Section 3: IT IS FURTHER PROVIDED that the Property shall be taxed or assessed to pay its share of any indebtedness of the City of Lynden, Washington, contracted prior to or existing at the date of this annexation.

Section 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5: If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 6: This ordinance shall take effect and be in force from and after its passage by the City Council and approval by the Mayor, if approved, otherwise as provided by law and five (5) days after the date of publication.

AFFIRMATIVE VOTE ____ IN FAVOR, AND _____ AGAINST, AND SIGNED BY THE MAYOR THIS 5th DAY OF July 2022.

MAYOR, Scott Korthuis

ATTEST:

CITY CLERK Pamela D. Brown

APPROVED AS TO FORM:

CITY ATTORNEY Robert A. Carmichael

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EXECUTIVE SUMMARY

Meeting Date:	July 5, 2022	
Name of Agenda Item:	Set the Public Hearing – Ord 1649 Camping Prohibition and Parks Rules Update	
Section of Agenda:	Consent	
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 checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
Draft text amendment to be brought forward as Ordinance 1649		
Summary Statement:		
<p>The City is considering adopting an ordinance that would prohibit camping in public spaces and simultaneously amending LMC 12.24 related to park use.</p> <p>Legal counsel drafted the initial language to ensure compliance with State code and provide consistency with current case law. The attached text represents the proposed code language that has been created after circulating through Council committees. Staff intends to return these amendments to City Council at a public hearing on July 18th.</p>		
Recommended Action:		
Motion to set the public hearing for July 18, 2022 to consider Ordinance 1649 which amends LMC 12 to prohibit camping in public spaces and to amend code related to park use.		

ORDINANCE NO. 1649

AN ORDINANCE OF THE CITY OF LYNDEN, COUNTY OF WHATCOM, AMENDING CHAPTER 12.24 OF THE LYNDEN MUNICIPAL CODE TO PROHIBIT CERTAIN ACTIVITIES IN CITY PARKS AND OTHER SENSITIVE AREAS OWNED BY THE CITY

WHEREAS, the City of Lynden (“City”) has experienced an increase in certain behavior among visitors to city parks that is damaging to park infrastructure or disruptive to the enjoyment of such parks by the wider public, including camping and other violations of the City code; and

WHEREAS, the City now wishes to pass an ordinance addressing prohibited uses and activities in City parks and provided a process for enforcement; and

WHEREAS, the City desires to amend the Lynden Municipal Code to expressly establish park rules and enforcement procedures for any one that violates provisions of the City code, the Revised Code of Washington, or any park rules; and

WHEREAS, this ordinance is declared to be an exercise of the policy power of the City of Lynden, and its provisions shall be liberally construed for the preservation and protection of the natural environment, public peace, health, safety, welfare, and preserve parks and other open spaces for the its citizens and all future generations; and

WHEREAS, the foregoing recitals are material findings and declarations of the Lynden City Council;

NOW THEREFORE, the Mayor and the City Council of the City of Lynden does ordain as follows:

Section 1. Title 12.24, City Parks is hereby amended to include the revisions as follows:

Chapter 12.24 CITY PARKS

12.24.010 Purpose:

The establishment and maintenance of park property and facilities is intended to benefit current and future citizens of the City of Lynden by providing opportunities for active and passive recreation. Rules and regulations governing use of park properties and park facilities will help to ensure that park property and park facilities are used and maintained in a beneficial manner to the community. The foregoing park rules and regulations are intended to provide standards for the public use and enjoyment of these facilities and to provide for the public health, safety, welfare and protection in the use and enjoyment of these facilities.

12.24.020 Identification of Parks:

Parks are identified as any existing or future city parks. Parks shall be classified as Regional, Neighborhood, and Greenspace.

- A. Regional Parks: Regional Parks are designed to offer services and provide passive and active recreational opportunities to the entire Lynden community and beyond.
- B. Neighborhood Parks: Neighborhood Parks are designed to provide passive recreational opportunities for adjacent neighborhoods in the City.

Neighborhood Parks

- Centennial Park
- Glenning Park
- Greenfield Park
- Northwood Lynden Jim Park
- Patterson Park

- C. Greenspace: Greenspace is designed to emphasize natural ecosystems and open space aesthetics with minimal if any “developed” park services.

- Fairgrounds Wetlands
- Treatment Plant Floodplain
- Scenic Estates Conservancy
- Old Middle School Trail
- City Hall North Lawn

12.24.030 Hours of Operation:

Parks shall be open to the public from 6:00 a.m. to 10:00 p.m. Between the hours of 10:00 p.m. and 6:00 a.m. the parks shall be closed to the public unless persons are actively engaged in activity within a special-use area as described in Section [12.24.060](#).

No activities will be allowed during closed park hours that disturb the peace of the public or for any of the prohibited acts listed below.

Activities on park property or in park facilities that exceed normal hours of operation or deviate from the park rules may be authorized in association with a facilities use agreement or park use permit authorized by the City Administrator. Any person entering or remaining in a park when it is closed is subject to arrest and prosecution for criminal trespass.

Park closure hours shall be indicated by appropriate signage.

12.24.040 Prohibited Acts:

A. All activities that constitute civil or criminal violations under state, local or federal statutes shall be prohibited on park property or in park facilities.

B. It is unlawful for any person to do or permit any of the following acts within any City park:

1. Scatter, leave, throw, break or strew any litter, bottles, glass, paper, debris, garbage, refuse, or advertising matter in any park except in designated receptacles; provided, however, that it is further unlawful to deposit in such designated litter receptacles or elsewhere within a park any refuse, litter or other trash collected at the home, business or other dwelling of any person and intentionally brought to the park solely for the purpose of disposing of such refuse, litter or trash.
2. Damage, deface, mar, or destroy any park equipment or facility.
3. Cut, damage or destroy any park trees, shrubs, landscaping or plants, including grass.
4. Consume any beer, wine or intoxicating liquor in any park, or have possession of any container of beer, wine or intoxicating liquor in any park; provided, however, that consumption of alcoholic beverages in City parks is permitted if consumption is within a designated area in conjunction with a special event as authorized by the Parks Department.
5. Drive or park any vehicle or motorized bike, scooter, motorcycle, or ATV/UTV (as defined in Chapter [10.18](#)), on the grass in any park or any other place not specifically designated for vehicular traffic, or operate a vehicle, motorized bike, scooter, motorcycle or ATV/UTV negligently within any park or park facility, unless expressly authorized by a permit issued by the City. This provision does not apply to authorized personnel of the City.
6. Disturb or molest the peace of others using the park and park facilities.

7. Solicit, promote or engage in any private commercial enterprise without prior approval of the City Council.
8. Start or maintain a fire except in permanent park facilities provided for that purpose or in a barbeque, hibachi or other freestanding apparatus commonly used for outdoor food preparation purposes in an approved portion of the park.
9. Camp in any portion of any park unless specifically allowed by City Administrator pursuant to Section 12.40.070 or by City Council action for special events. "Camp" and "Camping" shall be as defined in LMC Chapter 12.40.
10. Bring, ride, leave, turn loose, or allow any animal to be within a park or park facility. Provided, however, that this prohibition shall not apply to a service animal which is defined as any animal which is trained or is being trained to aid a person who is blind, hearing impaired, or otherwise disabled and is used for that purpose and is properly trained to provide the required service, nor shall this prohibition apply to dogs properly restrained by a leash.
11. Erect, put or place any sign, pamphlets, flyers, or advertisement in a park or park facility, or engage in any commercial activity except as authorized by the City Council or Mayor pursuant to Section [12.24.065](#).
12. Engage or participate in any disorderly, lewd, obscene, drunken, or indecent conduct within any park or park facility.
13. Use or engage in any of the following activities: archery, discus, javelin, shot, golf, or aircraft, rockets, missile powered devices, or firearms. The Mayor may allow those activities in special-use areas as provided in Section [12.24.060](#).
14. Possess any glass containers within a City park.
15. Use abusive, threatening, profane or obscene language.
16. Engage in or encourage a fight or brawl.
17. Yell, shout, hoot, whistle, or sing so as to unreasonably disturb or interfere with the peace, comfort, repose, health or safety of park users or nearby residents.
18. Meet or gather in large groups or assemblies without first making reservations and obtaining a written permit from the Parks Department. A large group or assembly is that which would occupy one-tenth (1/10) or more of the user capacity of the park.
19. No person shall enter or remain in any park at any time during which there is in effect a notice of exclusion issued under Section [12.24.080](#) excluding that person from that park.

- 20. Tobacco use, including smoking, e-cigarettes and vaping devices, is prohibited pursuant to Chapter [8.56](#).
- 21. Discharge or sell any fireworks; fireworks are prohibited pursuant to Chapter [8.04](#).
- 22. Install, erect or otherwise construct displays, exhibitions or expositions on park property.

12.24.050 Animals - Conduct of Dogs and Fecal Matter:

A. General Park Areas, Fields, Walkways, and Play Areas

- 1. All animals, except for dogs, are prohibited in the City’s parks unless otherwise authorized in a Special-Use Area as described in LMC 12.24.060.
- 2. Any person with a dog in his or her ownership, possession, or under his or her control, in any park, shall be responsible for the conduct of the dog and shall not allow the dog to bite or otherwise molest or annoy other park visitors or dogs.
- 3. All dogs shall be confined on a leash and controlled by the owner and/or custodian at all times except as permitted in subsection B below.
- 4. Any person with a dog in his or her ownership, possession, or under his or her control in any park shall carry equipment for removing fecal matter and shall collect and place all fecal matter deposited by such dog in an appropriate receptacle.

B. Off-Leash Dog Areas

- 1. Notwithstanding subsection A above, a dog may be permitted off-leash in a park or portion thereof which is officially designated as an off-leash area. Any person with a dog in his or her ownership, possession, or under his or her control, in the off-leash area of any park, shall comply with the rules of conduct in subsection A above, except for the leash requirement, and any additional rules of conduct as proscribed by City ordinance or the City Parks Department.
- 2. Off-leash areas within the City are hereby designated as follows: [Identify park and describe portion thereof for which off leash dogs are allowed.]

12.24.060 Special-Use Areas:

- A. The Mayor is authorized to establish, alter, and discontinue special-use areas in parks. Special-use areas can include areas for horse or pony riding, swimming, fishing, BMX riding, skateboarding, concerts, bicycle riding, camping, motorcycle riding, tennis, gold, baseball, softball, or any activity that is otherwise prohibited in

this chapter. Before establishing, altering, or discontinuing a special use area, the Mayor shall determine the priority of need for such an area, and a determination shall be made as to whether the activity can be carried on without unreasonable interference or danger to other persons.

- B. City parks are open to the public from dawn until dusk, and are closed to the public from dusk until dawn, with only the following exceptions:
 - 1. Persons attending or participating in an event or game at a city park for which the parks department issued a permit or approved the scheduling thereof, may remain in that park for the duration of the event or game.
 - 2. Persons utilizing a city park facility in accordance with a valid reservation may remain in and around that facility until the conclusion of the reservation period.
- C. City park contains lighted tennis courts; the tennis courts may be used after dusk until the lights are turned off.
- D. When a city park is closed to the public, the trails through it shall remain open, but may only be used for the purpose of moving through the park. Loitering on or deviating from trails through a park when the park is closed is prohibited.
- E. The director of the parks department may post different hours at individual city parks and trails on a temporary basis, which shall supersede this section.

(Ord. No. 1593, § 1, 10-21-2019)

~~The Mayor may designate the following conditions for special-use areas.~~

- ~~1. Hours and days that the special-use is allowed which may be more or less restrictive than general park hours.~~
- ~~2. Specific activities that are allowed within the special-use area.~~

Parks	Special-Use Area	Allowable Activity
Bender Fields	Pump Track	360 nose pivot with a half cab fakie tailwhip
	Lighted sport courts	Sports between the hrs of x and x.
	Off-leash dog run	Unleashed dog exercise
Berthusen Park	Shooting Range	?
	Horse riding	Only on "X" trails during "X" time period...permit required or something?

Parks	Special-Use-Area	Allowable-Activity
	Antique tractor grounds	Camping on-site during special events with an approved

~~E.F.~~ The city shall mark the boundaries of the special use area and shall post signs that state the conditions for the special-use area. All warnings that are appropriate for the special-use area shall also be posted with the conditions.

~~F.G.~~ Special use areas shall be used only for those purposes for which they are established. All persons who use a special use area shall obey all conditions that are specified by the Mayor and are posted at the special-use area.

~~G.H.~~ Between the hours of 10:00pm and 6:00am the parks shall be closed to the public unless persons are actively engaged in an allowable activity within a special-use area.

12.24.065 Commercial Activity:

- A. The City Council or the Mayor may approve permits to be issued that authorize merchandise or services to be sold in a park and that authorize concessions to be operated in park. No person shall sell or attempt to sell merchandise or services or operate concessions in a park without a permit. Permits shall only be issued if the merchandise, services, and concessions are reasonable and are in the best interests of the city.
- B. All requests for permits from profit-making groups or organizations shall be reviewed by the City Council, and the requests shall be either approved or denied by the City Council. All requests for permits from non-profit groups or organizations shall be reviewed by the Parks and Recreation Director and the Parks and Recreation Director shall make recommendations to the Mayor or designee. The Mayor or designee shall either approve or deny the request. If an application for a permit is denied by the Mayor or designee, the applicant may appeal the decision to the City Council. The City Council shall hear the appeal at the next regularly scheduled City Council meeting if the appeal request is submitted by the applicant to the Mayor prior to the Thursday before the Council meeting.
- C. The City Council or the Mayor may place conditions on the permit and the city may revoke the permit if the conditions of the permit are violated. Persons who hold a valid permit shall adhere to all of the conditions stated on the permit. The City Council may deny permits to persons who have violated the conditions of a permit within the previous year.

12.24.070 Aiding and Abetting Violations:

Any person participating in a violation of any provision of this chapter, whether directly committing the act or omitting to do the thing constituting the offense or who aids or abets the same, and whether present or absent, and anyone who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit such offense, shall be guilty of the violation or offense.

12.24.080 Park Exclusion:

Insert Previously adopted rules here (Ordinance 1637), which was adopted in Nov 2021.

12.24.090 Trespass in parks:

It shall constitute a trespass in a city park if any person knowingly:

- A. Enters or remains in a park from which he or she has been excluded during the period covered by an exclusion notice pursuant to LMC [12.24.080](#);
- B. Enters, remains in, or is otherwise present within the premises of a park during hours which the park or portion of the park is not open to the public, unless the person is present within the park to participate in an activity either conducted by the parks and recreation department or conducted pursuant to the terms of a permit issued by the parks and recreation department; or
- C. Enters or remains in any area of a park which has been designated and posted by the City as a closed area, using such postings as “no admittance” or “closed to use” or “no trespassing.”

The provisions of this section do not apply to any duly authorized department of parks and recreation or other city employee in the performance of his or her duties, or other person authorized by law.

Any person trespassing on city park property shall be subject to arrest and prosecution for criminal trespass.

12.24.100 Other Prohibited Activities

A. Injuring Park property prohibited.

It is unlawful for any person to injure, destroy, remove, cut or deface any playground or camping apparatus, building, fence, trees, flowers, shrubbery, lights, flagpole, flag rope, or any other property in any park of the city.

B. Depositing waste materials prohibited when.

It is unlawful for any person to throw or deposit any empty cans, boxes, garbage, rubbish or other waste materials in any place in such park except in the containers provided therefor.

C. Depositing waste materials in streams and swimming pools prohibited.
It is unlawful for any person to throw or deposit any empty cans, boxes, brush, rubbish, garbage or other waste materials or substances in any running stream or swimming pool in any park of the city.

D. Acts injurious to watercourses prohibited when.
It is unlawful for any person to pollute, obstruct or change the course of any stream, or excavate in or near, or construct abutments on the banks of any stream, in such park, provided that necessary construction work on the abutments of the banks of any stream, on wing dams or excavations, and such other work as may be necessary may be done with the consent of the park board.

E. Excavations and removal of earth—Permit required.
It is unlawful for any person to take any sand or gravel out of any stream or bank thereof or to excavate or remove any dirt from such park without first securing a written permit therefor from the park board.

F. Water pipe or faucet—Injuring or leaving open prohibited.
It is unlawful for any person to injure, destroy or leave open any water pipe or water faucet in any park in the city.

G. Burning materials prohibited—Exception.
It is unlawful for any person to burn any rubbish, wood or other combustible substance in such park except in the stoves or fireplaces provided for such purposes.

H. Advertisements prohibited.
It is unlawful for any person to post, tack up, paint, set up or otherwise construct or expose to view any billboard, sign, placard or advertisement of any nature whatsoever in any place in such park, or within one block on either side of the entrances thereto.

I. Animals staked or at large prohibited.
It is unlawful for any person to stake or allow to run at large in such park any horse, cow, swine, goat, fowl, or any other animal.

J. Driving over park grounds prohibited.
It is unlawful for any person to drive with any vehicle, except those propelled by hand, over or upon any part of such park, except on the established highway.

K. Throw stones or discharge any firearms.

L. Drive carelessly.

M. Make indecent exposure of person.

N. Operate any gaming device.

O. Disturb any public meeting.

P. Climb on any building, facility, apparatus, or improved area not specifically designated for climbing purposes.

Q. Be on the roof of any building or facility except as authorized for construction, repair, operations, or maintenance purposes.

R. Disturb the peace of others by violent, disorderly, or offensive conduct, by making or causing to be made loud or unusual noises, or by using personally abusive, profane, lewd, vulgar, obscene, or offensive language.

S. Be guilty of any act contrary to the laws of the State.

T. Operate or ride upon any bicycle, skateboard, or other device on any tennis, basketball, pickleball, or similar sports court.

12.24.110 Unlawful acts prohibited.

It is unlawful for any person to do any other act in any such park which shall be unlawful and contrary to the ordinances of the city and the statutes of the state.

12.24.120 Enforcement authorized.

It shall be the duty of the chief of police to enforce the provisions of this chapter and he shall have authority to appoint such deputy or deputies as may be necessary to enforce the same.
(Ord. 195 § 2, 1922).

12.24.400130 Motor Vehicle Speed:

The designated speed for motor vehicles upon the roadways within developed park areas shall not exceed fifteen (15) miles per hour. Speed limit signs shall be posted along the roadways within a park.

12.24.110140 Discretion of Mayor:

Whenever this chapter makes reference to the exercise of reasonable discretion by the Mayor, the Mayor shall take into consideration and account the use and enjoyment of the parks for the maximum number of people and the general purpose set forth in Section 12.24.010.

12.24.120150 Posting of Park Rules:

- A. Park rules and regulations shall be conspicuously posted. Rules and regulations pertaining to trails and walking paths, and for off-leash dog areas, shall be posted in conspicuous locations such as entrances or intersections.
- B. Defacing or removing posted signs is prohibited.

12.24.130160 Violations - Penalty:

Any violation of any provision of this Chapter shall constitute a civil infraction and shall subject the violator to a monetary penalty as provided in LMC .. Each and every calendar day during any portion of which any violation of this chapter is committed, continued or permitted by any such person shall constitute a separate offense.

Section 2. Title 12, Streets, Sidewalks, and Public Places is hereby amended to include a new Chapter 12.40, Camping on Public Property, which reads as follows:

Chapter 12.40
CAMPING ON PUBLIC PROPERTY

12.40.010 Findings:

People camping on public property and on public rights-of-way create a public health and safety hazard due to the lack of proper electrical and/or sanitary facilities for these people. People without proper sanitary facilities have openly urinated, defecated, and littered on public property on the public rights-of-way. Use of public property for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended.

12.40.020 Purpose:

It is the purpose of this chapter to prevent harm to the health or safety of the public and to promote the public health, safety and general welfare by making public streets and other areas readily accessible to the public and to prevent use of public property for camping purposes or storage of personal property which interferes with the rights of others to use the areas for which they were intended.

12.40.030 Definitions:

The following definitions are applicable in this chapter unless the context otherwise requires:

“Available Overnight Shelter” means a public or private facility open to person(s) experiencing homelessness at no charge, with space available that day.

“Camp” or “camping” means (a) to use camp paraphernalia to facilitate temporary or permanent habitation; or (b) the construction or use of camp facilities.

“Camp facilities” includes without limitation, any of the following when used for temporary or permanent habitation: tents, huts, temporary shelters made of any material, or vehicles.

“Camp paraphernalia” includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or non-City designated cooking facilities and similar equipment.

“City” means the City of Lynden, Washington, the area within the official geographic boundaries thereof, and such territory outside the City over which the City has jurisdiction or control by virtue of any constitutional provision, statute, or ordinance.

“Park” means the same as defined in Section 12.

“Store” means to put aside, accumulate, or leave for later use or safekeeping.

“Street” means any highway, lane, road, street, right-of-way, boulevard, alley, and every way or place in the City of Lynden that is publicly owned or maintained for public vehicular travel.

“Trail” means any path, lane or walkway for public use, primarily for walking, bicycling, or other non-motor vehicle, and that is publicly owned in fee or by easement or maintained by the public.

“Vehicle” means the same as defined in RCW 46.04.670, which is hereby adopted as now enacted or hereafter amended.

12.40.040 Unlawful Camping:

A. At any time, it shall be unlawful for any person to camp, or to occupy camp facilities or use camp paraphernalia for purposes of habitation, in the following areas, except as otherwise provided by ordinance or as permitted pursuant to Section 12.070:

1. Any park;
2. Any street or trail; or
3. Any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved.

B. At any time, it shall be unlawful for any person to occupy a vehicle for the purpose of camping while that vehicle is parked in the following areas, except as otherwise provided by ordinance or as permitted pursuant to Section 12.070:

- 1. Any park;
- 2. Any street or trail; or
- 3. Any publicly owned or maintained parking lot or other publicly owned or maintained area, improved or unimproved.

12.40.050 Unlawful Storage of Personal Property in Public Places:

At any time, it shall be unlawful for any person to store personal property, including camp facilities (other than vehicles) and camp paraphernalia, in the following areas, except as otherwise provided by ordinance or as permitted pursuant to Section 12.070:

- A. Any park;
- B. Any street or trail; or
- C. Any publicly owned or maintained parking lot or publicly owned or maintained area, improved or unimproved.

12.40.060 Penalty for Violations:

Any person who violates any of the provisions of this chapter shall be deemed to have committed a misdemeanor.

12.40.070 Enforcement Suspended

The City shall not enforce the provisions of Section 12.040 or Section 12.050 against persons who lack the financial means to pay for adequate shelter unless the City first confirms there is an available overnight shelter space that can be utilized by the particular person(s).

12.40.080 Special Event Permit:

A. The Mayor, or his/her designee, is authorized to issue a Special Event Permit which may authorize persons to camp, occupy camp facilities, use camp paraphernalia, or store personal property in parks, streets, or any publicly owned parking lot or publicly owned area, improved or unimproved, in the City of Lynden in conjunction with special events.

B. Upon receipt of an application for any permit under this chapter, the Mayor, or his/her designee, shall send a copy of the application to the City departments of police, parks, public works, community development, and fire. Each of these departments shall inspect the application and each such department shall report to the Mayor, or his/her designee, within ten (10) working days after the filing of the application. Such reports shall mention any problems which the proposed activity is expected to pose for the public. It shall make any necessary recommendations for protecting the public peace, health, safety, life, property, and welfare in the event a permit is, or was, issued.

C. The Mayor, or his/her designee, is authorized to promulgate other rules and regulations regarding the implementation and enforcement of this chapter.

D. The Mayor, or his/her designee, may approve a permit as provided under this section when, from a consideration of the application, reports from other City departments, and from such other information as may otherwise be obtained, he or she finds that:

- 1. Adequate sanitary facilities are provided and accessible at or near the proposed camp site;
- 2. Adequate trash receptacles and trash collection are provided; and
- 3. The camping activity will not unreasonably disturb or interfere with the safety, peace, comfort and repose of private property owners.

E. No permit shall be issued for a period of time in excess of fourteen (14) calendar days in any one (1) calendar year.

F. The Mayor, or his/her designee, is authorized to revoke a permit that has been issued if he or she finds lack of compliance with any requirement of subsection D of this

section, or of any rule or regulation promulgated under subsection C of this section, or of any ordinance or statute.

G. Any person who is denied a permit, or had his/her permit revoked, may appeal the denial/revocation to a hearing examiner appointed by the Mayor, or his/her designee. Notice of appeal must be in writing, and filed with the City Clerk within seven (7) working days from the date of the denial.

12.40.090 Public Duty Created:

A. This chapter is intended to be for the benefit of the public as a whole. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons or individual who will or should be especially protected or benefited by the terms of this chapter.

B. Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this chapter by its officers, employees or agents.

Section 3. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. This Ordinance shall be in force and effect five (5) days from and after its passage, approval, and publication.

AFFIRMATIVE VOTE, _____ IN FAVOR, AND _____ AGAINST, AND SIGNED BY THE MAYOR THIS _____ DAY OF _____ 2022.

MAYOR, Scott Korthuis

ATTEST:

CITY CLERK Pamela D. Brown

APPROVED AS TO FORM:

CITY ATTORNEY Robert A. Carmichael

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 5, 2022	
Name of Agenda Item:	Community Development Committee Minutes of June 16, 2022	
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 Meeting Minutes of Community Development Committee		
Summary Statement:		
Draft CDC Minutes of June 16, 2022 attached for review.		
Recommended Action:		
Council review.		



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

COMMUNITY DEVELOPMENT COMMITTEE

MINUTES

4:00 PM June 16, 2022
2nd Floor Conference Room, City Hall

1. ROLL CALL

COUNCIL: Gary Bode, Brent Lenssen, Kyle Strengholt Mayor Scott Korthuis

STAFF: Dave Timmer, Heidi Gudde, Brent DeRuyter, Anthony Burrows

ATTENDEES: Gary Vis, Chamber of Commerce

2. APPROVAL OF 5/18/22 MINUTES

- a. Approved as presented.

3. DISCUSSION ITEMS

- a. Transitional Housing.

The group discussed proposed transitional housing proposals from the Department of Corrections to the Police Department. Lynden residents providing feedback to staff, Council, and the Police Department.

Strengholt suggested that the City draft an ordinance that would regulate the locations of transitional housing to avoid schools.

Council members discussed a written response from the Council as a whole.

- b. Added to Agenda - North Lynden Recreational Plans

Burrows from Finance Department introduces the concept of a sports facility to be located at Benson Road Park (Heusinkveld property) to include artificial turf fields.

Concepts have been contemplated for the last few years while Mike Martin was City Administrator. Finance Department gave Burrows the nod to put together an exploratory committee to review options however changes during the COVID pandemic stalled efforts.

Reviving the concept and moving forward this year with planning efforts, the group is using a multi-pronged approach to funding: private partners, grants, etc. Potential large sponsors were discussed.

Design concept distributed to the group that included a main stadium, two practice fields, parking, concessions and locker rooms. Burrows reported that those that have heard of the concept have been very supportive. He is wanting to give Council Committee a heads-up about this planning effort but will be giving a more formal presentation when more information is available.

Obstacles to the development is obviously cost. Burrows noted that the City would be maintaining the facility but hopes that the fields would support themselves financially. They are not expected to be a “money-maker”.

Lenssen asked about anticipated maintenance costs. Burrows estimates about 1.5 full time employees dedicated to the facility.

Bode asked how the park layout as it relates to street plans for the sub-area. Gudde confirmed that this had been discussed with the consultant. Possibilities exist to provide access to the west and north as well as the access shown to the east, aligned with Diamond Lane.

Burrows reported that expected costs could be 8.5 – 9 million.

Schools may benefit from the facility. LC athletic director already on the committee with Lynden athletic director showing interest as well. Positive feedback from many of the school districts.

Burrows noted that this facility is not planned to have track facilities as most of the schools have good track facilities. The addition of a baseball diamond is being explored.

Security of the site was discussed. Completely fenced with access only to those who are contracted to use.

Gudde inquired as to the tourism dollars that could be generated in association with events here. Burrows responded that there is a formula to estimate dollars earned in the community by such a facility.

Bode recommended that the roadways be coordinated with the Public Works Department. Feedback from the Committee was positive.

c. Ordinance regarding Camping Prohibition

Lenssen introduced the topic. Noted the memo from Carmichael’s office gave a good summary. Lenssen indicated that he preferred the Mercer Island version which disallows / makes illegal camping in park spaces if shelter space is available.

Trail use that technically occurs when parks are closed. Williams noted that the ordinance can make provisions for those that are actively using

the facilities for which is intended. That is, the trail is being used for walking, running, biking but not camping or preventing access.

Bode asked for next steps on this ordinance. Williams noted that there are a couple moving parts including the update to civil penalties.

Williams suggested the group choose a foundational document and fine tune the ordinance.

Strengholt asked how the ordinance was functioning for the City of Mercer Island. Williams noted that he could follow up with the municipalities to get feedback.

Vis asked if this applied to all City properties. This was confirmed.

DeRuyter noted that he liked the Mercer Island version because it consistently refers to the city as a whole rather than just parks.

Williams noted that the critical areas should also be specifically mentioned in any ordinance that the Council decides to use.

Conclusions: Committee would like to use the Mercer Island example as the foundation the City's ordinance. Staff to draft.

d. Update to Land Use and Building Projects

The group generally asked questions about the latest building projects going on in the City. Gudde provided updates and had previously provided the group with an email summary of on-going Commercial and Multi-family projects / permits.

Next Meeting Date: August 17, 2022

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	July 5, 2022	
Name of Agenda Item:	Calendar	
Section of Agenda:	Other Business	
Department:	Administration	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input type="checkbox"/> Public Safety <input type="checkbox"/> Public Works <input type="checkbox"/> Other: _____
	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
Summary Statement:		
Recommended Action:		

July 5, 2022

Tuesday

9:00 AM - 10:00 AM

Copy: Leadership Team Meeting -- Annex Council Chamber

5:00 PM - 6:30 PM

Design Review Board -- TBD

July 6, 2022

Wednesday

All Day

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

4:00 PM - 6:00 PM

Public Works Committee Meeting

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 253-948-9362,,547176899#](#) United States, Tacoma

Phone Conference ID: 547 176 899#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

July 7, 2022

Thursday

2:00 PM - 4:00 PM

Technical Review Committee Meeting -- TBD

July 8, 2022

Friday

All Day

PAYDAY
PAYDAY

July 8, 2022 Continued

Friday

All Day

PAYDAY
PAYDAY

July 12, 2022

Tuesday

9:00 AM - 10:00 AM

Copy: Leadership Team Meeting -- Annex Council Chamber

July 13, 2022

Wednesday

8:00 AM - 5:00 PM

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

7:00 PM - 9:00 PM

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

July 14, 2022

Thursday

7:00 PM - 9:00 PM

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

July 17, 2022

Sunday

All Day

7-17 thru 7-30 Pay Period

July 18, 2022

Monday

4:00 PM - 5:00 PM

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

7:00 PM - 9:00 PM

Copy: Council Meeting -- Annex Council Chamber

