

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



January 4, 2021

### 1. CALL TO ORDER

Mayor Korthuis called to order the December 21, 2020 regular session of the Lynden City Council at 7:00 p.m. held through an online web-based meeting platform (Microsoft Teams).

### ROLL CALL

Members present: Mayor Scott Korthuis and Councilors, Gary Bode, Ron De Valois, Jerry Kuiken, Brent Lenssen, Nick Laninga, Kyle Strengholt and Mark Wohrab.

Members absent: None

Staff present: Fire Chief Mark Billmire, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, Public Works Director Steve Banham, City Clerk Pam Brown, and City Administrator Mike Martin.

**OATH OF OFFICE- None**

### APPROVAL OF MINUTES

***Councilor Kuiken moved and Councilor Strengholt seconded to approve December 21, 2020 regular council minutes as presented. Motion approved on a 7-0 vote.***

### ITEMS FROM THE AUDIENCE

**Scheduled- None**

**Unscheduled- None**

### 2. CONSENT AGENDA

***Payroll information is unavailable at this time because of the finance department's transition to a new payroll system (Caselle)***

# CITY OF LYNDEN

CITY COUNCIL  
MINUTES OF REGULAR MEETING



## Approval of Claims – December 31, 2020- Printed January 6, 2021

Manual Warrants No.	-	through	-		\$0.00
EFT Payment Pre-Pays					\$38,488.64
				Sub Total Pre-Pays	\$38,488.64
Voucher Warrants No.	<u>21126</u>	through	<u>21169</u>		\$216,352.84
EFT Payments					\$0.000
				Sub Total	\$216,352.84
				Total Accts. Payable	<b>\$254,841.48</b>

Resolution No. 1029- Real Estate Property Tax Levy Increase 2021

Appoint Mayor Korthuis to the 2021 Whatcom Council of Governments and appoint

Councilor Gary Bode to act as alternate

Appoint Mayor Korthuis to the 2021 Whatcom Transportation Authority Board of Directors

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

### 3. PUBLIC HEARING- NONE

### 4. UNFINISHED BUSINESS - None

### 5. NEW BUSINESS

Conditional Use Permit- Dillard Short Term Rental

The City of Lynden's zoning code provides residents, who meet specific performance criteria, the opportunity to use their homes as short-term vacation rentals. These are regulated per the City's code section on Bed and Breakfast Establishments (LMC 19.49.030). Prior to operation, the homeowner must be granted a Conditional Use Permit (CUP) because a short-term rental may have an impact on the surrounding properties.

The pending CUP application has been submitted by David and Kathleen Dillard; who's property is located at 422 Woodcreek Drive. The Dillard's already have a legal Accessory Dwelling Unit (ADU), located in the basement floor of their residence. This ADU has been used as a rental. With this CUP proposal they are seeking to make the short-term vacation rental a legal option for the space. Consistent with code, the property owner is intending to remain onsite when the property is being used as a short-term rental.



On December 10, 2020, the Planning Commission recommended approval of the Conditional Use Permit. They conditioned their recommendation on an annual review of the Conditional Use Permit. Staff also recommends approval but, after feedback from 2 neighbors along this street, staff additionally recommends that the Dillard's install a 6' privacy fence on the north property line between the homes (48 feet of fencing). This is due to parking pressures placed on the residence by the ADU rental which causes both the north and south driveways of the Dillard residence to act as parking areas and impacts the privacy of the adjacent neighbor to the north. Staff asserts that the parking demand will remain regardless of if the ADU is used for short- or long-term rental.

***Councilor Lenssen moved and Councilor Kuiken seconded to approve Conditional Use Permit 20-03, allowing a short-term rental at 422 Woodcreek Drive (with or without the condition to install 48 feet for privacy fencing on the north property line) and authorize the Mayor's signature on the Finding of Fact and Conclusions of Law. Motion approved on a 7-0 vote.***

Ordinance No. 1617- Rezone of Koda Property (Site Specific Rezone #20-03)

Koda Investments LLC, represented by Ray Kornelis and Roger Anderson, is seeking to rezone a 5.67-acre property from Multi-Family Residential (RM-4) to Multi-Family (RM-2). The subject property, accessed from the south end of BC Avenue, has unique characteristics that have led to the owner's decision to pursue a down zone (reduction in development density).

The primary reason is that the current zoning requires a minimum lot size of one acre. Wishing to maintain the existing home on a lot that is less than one acre, the property owner is pursuing a zoning category which allows for a smaller minimum lot size such as RM-3 or RM-2. This and other aspects of the request, such as property access, have been described in the Technical Review Committee (TRC) Report, included in the council packet.

While the applicant has expressed an openness to an RM-3 zoning the primary reason that RM-2 was pursued was because the smaller setbacks associated with RM-2 were a better fit for the housing types they have planned for the property. The request to downzone this area should be considered carefully in light of the City's growth management goals. However, staff recognizes that parking requirements and building height limits within the City's development code may also restrict the actual achievable density on this property. For these reasons, and others described in the TRC report, staff supports the property owners request to rezone to an RM-2 designation.

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



December 10, 2020 the Planning Commission held a public hearing on the rezone request. The conclusion of this hearing resulted in a recommendation to approve the rezone request from RM-4 to RM-2 zoning.

***Councilor Lenssen moved and Councilor Wohlrab seconded to approve Rezone Application 20-03 and the corresponding Ordinance No. 1617 which shifts the multifamily residential zoning of the subject property from a RM-4 designation to a RM-2 designation and to authorize the Mayor's signature on the document. Motion approved on a 7-0 vote.***

### 6. OTHER BUSINESS

Council Committee Updates- None

***Mayor Korthuis asked council members to begin thinking about who they would like to serve as Mayor Pro Tem for 2021. That item will be on the agenda for their consideration for the January 19, 2021 meeting.***

### 7. EXECUTIVE SESSION

Council did not hold an executive session.

### 8. ADJOURNMENT

The January 4, 2021 regular session of the Lynden City Council adjourned at 7:12 p.m.

---

Pamela D. Brown, MMC  
City Clerk

---

Scott Korthuis  
Mayor