

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	September 7, 2021	
Name of Agenda Item:	TRC Report Revision - Kamm Creek MPRD – Application 20-02	
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 type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required	
Attachments:		
Revised Findings of Fact for the Kamm Creek MPRD (changes tracked)		
Summary Statement:		
<p>On November 16, 2020 the City Council granted preliminary approval to the Kamm Creek MPRD application. On December 7, 2020 the City Council confirmed the findings of fact related to this approval. The Council may recall that the MPRD concept for the 20-acre property located on the west side of Northwood Road includes 40 lots.</p> <p>Design of infrastructure for the project has advanced since the preliminary approval. However, the property owner has raised a concern related to one staff comment on the Technical Review Committee’s (TRC) report. This relates to the presence of a mineral rights claim on the property dating back to 1962. The TRC report required that this claim be cleared from the property prior to commencement of construction. While State law provides a pathway for clearing claims that are more than 20 years old the process is time consuming and tedious. Properties throughout Whatcom County are frequently developed with a mineral right still in place.</p> <p>The property owner has asked that staff revise the TRC report to remove this requirement. The City’s legal counsel has agreed that the presence of a mineral right claim poses little risk to the City. As such, staff has agreed that the comment be revised to be advisory in nature. As TRC report conditions are part of the preliminary approval’s findings of fact, the revised findings of fact are being brought forward for City Council approval and the Mayor’s signature.</p>		
Recommended Action:		
Motion to approve the revised findings of fact, and authorize the Mayor’s signature on the document, which now <u>advises</u> the developer of Kamm Creek PRD of a 1962 mineral rights claim but no longer <u>requires</u> the claim to be cleared from the property prior to development.		