

# CITY OF LYNDEN

## CITY COUNCIL MINUTES OF REGULAR MEETING



August 2, 2021

### 1. CALL TO ORDER

Mayor Korthuis called to order the August 2, 2021, regular session of the Lynden City Council at 7:00 p.m., held at the City Annex.

### ROLL CALL

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

Members absent: Councilor Wohlrab absent.

Staff present: Finance Director Anthony Burrows, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, Police Chief Steve Taylor, and City Clerk Pam Brown.

### OATH OF OFFICE- None

### APPROVAL OF MINUTES

*Councilor De Valois moved and Councilor Strengholt seconded to approve the July 19, 2021, regular council minutes as presented. Motion approved on a 6-0 vote.*

### ITEMS FROM THE AUDIENCE

#### Scheduled- None

#### Unscheduled:

#### Angela McClendon, 849 Main Street, Lynden

Ms. McClendon spoke to council about the number of drivers speeding on Main Street. She also expressed concern with the lack of speed limit signage in the area of Main Street. She noted that the area is a 25 MPH residential zone. In the past week her neighbor's car (parked on the side of the road) was hit with such force that the car landed on its side. She also voiced concern for her children's safety and the possibility of someone being hit by a speeding driver.

#### Marsha V., 826 Main Street, Lynden

Marsha also voiced her concern with speeding on Main Street and spoke in support of Angela McClendon. She is interested in Lynden's form of local government in regard to the Mayor

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and council members representation and who should she contact if she has future concerns about that is happening in Lynden.

## 2. CONSENT AGENDA

### Payroll Liability to July 1 through July 15, 2021

#### EFT & Other Liabilities

##### Non-L&I Liabilities

Monthly EFT .....	\$380,172.04
Check Liability .....	\$10,082.58
Total Non-L&I Liabilities .....	\$390,254.62
Quarterly Liabilities .....	\$11508.34

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**Total EFT & Other Liabilities** **\$401,762.96**

### Payroll Liability to July 16 through July 31, 2021

#### EFT & Other Liabilities

##### Non-L&I Liabilities

Monthly EFT .....	\$374,714.27
Check Liability .....	\$12,401.12
Total Non-L&I Liabilities .....	\$496,115.39
Quarterly Liabilities .....	\$12,405.44

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**Total EFT & Other Liabilities** **\$508,520.83**

### Approval of Claims – August 3, 2021

Manual Warrants No.	=	through	=		\$0.00
EFT Payment Pre-Pays					\$276,386.28
				Sub Total Pre-Pays	\$276,386.28
Voucher Warrants No.	<u>22558</u>	through	<u>22593</u>		\$208,920.64
EFT Payments					\$0.000
				Sub Total	\$208,920.64
				Total Accts. Payable	<b>\$485,306.92</b>

### Ordinance No. 1630- Amendment to the 2021 Budget

As required by State regulations, the Finance Department is proposing an amendment to the 2021 Budget. Increased Protective Inspections have resulted in additional expenditures requiring an increase to the budget in Fund 119.

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This amendment reflects Council authorized transactions for the following:

Adopted Budget	Amended Budget	Variance
\$65,000	\$140,000	\$75,000

The Finance Committee reviewed this amendment in their July 19, 2021, meeting.

### Set the Public Hearing Date-Amendment to the Comprehensive Plan – Pepin Planning

On March 1, 2021, City Council adopted a Resolution of Intent (Resolution No. 1031) which outlines the path forward to lifting the moratorium on the Pepin Creek Sub-Area and implementing the infrastructure associated with the Pepin Lite Plan.

The 13 infrastructure projects identified in Pepin Lite include creek re-location but also considerable street improvement projects. Nine of the projects directly serve the development within the Pepin Creek Sub-Area. Another 4 projects are identified as providing benefit to existing neighborhoods or the general community.

Next steps include the establishment of a fair allocation of costs for the 9 projects specific to the sub-area. The mechanism that showed the most merit is the use of Transportation Impact Fees (TIF) administered in the form of a SEPA mitigation fee or adopted as a TIF overlay.

The amendment to portions of the City's Comprehensive Plan, including the Pepin Creek Subarea Plan and Transportation Element, reflects the infrastructure projects associated with the Pepin Lite plan. Amending the Comprehensive Plan as well as the development code (see accompanying Ordinance No. 1627) assures alignment among the City's documents and standards.

On June 10, 2021, the Planning Commission held a public hearing on the item. The Commission concluded the hearing and review with a recommendation to approve the Amendment. (Minutes of that meeting are also included in the council packet.) As this is a legislative item, a second public hearing will be held with the City Council. Tonight, the Council is asked to set the date of that hearing for August 16, 2021.

### Set the Public Hearing Date- Update Transportation Impact Fees

On March 1, 2021, the City Council adopted a Resolution of Intent (Resolution No. 1031) which outlines the path forward to lifting the moratorium on the Pepin Creek Sub-Area and implementing the infrastructure associated with the Pepin Lite Plan. The mechanism that showed the most merit is the use of Transportation Impact Fees (TIF) administered in the form of a SEPA mitigation fee or adopted as a TIF overlay.



City staff has engaged with our consultant Transpo to revise the City's TIF project list to include the 13 infrastructure projects identified in Pepin Lite include creek and reflect the associated funding sources. Transpo has also adjusted their City-wide trip analysis to reflect the growth that will occur in Pepin Creek as laid out in the Pepin Creek Subarea. This is the addition of approximately 1550 housing units over the next 15 years.

Revisions to the TIF will also remove what is known as the West Lynden discount. This has been a 50% discount in transportation and park impact fees for specific areas west of the Guide Meridian based on Council Resolution No. 709. It was established in 2005 with the understanding that outside funding sources would subsidize the remaining half of the impact fees. Outside support for roadway projects has since declined and the City has been unable to secure the expected funding.

The Community Development Committee discussed the removal of the discount at an April meeting and asked that staff draft Council action which would remove the fee beginning in January 2022.

To summarize, the upcoming ordinance will:

1. Implement a TIF Overlay on the Pepin Creek Sub-area which will enable the City to collect a fee of \$17,328 per trip specifically to fund projects within the Pepin Subarea. This is proposed to be effective immediately upon approval.
2. Increase the City-wide TIF from \$2,111 per trip to \$2,168 per trip. Effective Jan. 1, 2022.
3. Remove the west Lynden 50% discount of transportation and park impact fees. Effective Jan. 1, 2022.

Tonight, the Council is asked to set the date of August 16, 2021, to hear and approve these TIF updates.

### Set Date for Continuation of Public Hearing to Amend LMC Titles 16 & 19 -SEPA Thresholds and Minimum Density (Ordinance No. 1627)

On June 7, 2021, the City Council held a hearing to take comment and review proposed amendments to LMC 16 and 19. That amendment:

- Lowers the SEPA threshold so that short plats within the Pepin Creek Sub-Area are no longer exempt from SEPA review.
- Implements a minimum density requirement. This ensures that property is developed at an expected density and fees are collected at an expected rate so that infrastructure costs can be covered.
- Removes the text related to Senior Housing Overlay as this was not implemented and is unnecessary.

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- Specifically references the Pepin Creek Sub-Area Plan as part of SEPA substantive authority in LMC 16.05.160.

The Council tabled this decision for additional research into the minimum density issues and subsequently the Community Development Committee met on June 16 and July 21 with landowners and staff to discuss implications of the code and potential revisions. Staff worked with legal counsel to revise as requested. The resulting code now includes the following:

- Clarifies the definitions of net and gross density
- Includes a “farmstead exemption” which allows existing homes in the Pepin Subarea to remain on parcels of up to 5 acres in size without being counted toward the minimum density calculation.

Minimum density would be applied to new parcels only. Staff is bringing this item forward to note that the hearing associated with this amendment will be continued to the August 16th City Council meeting where it will be brought forward as Ordinance No. 1627. Draft code language is attached.

**Councilor Lenssen asked to pull the following two items from the consent agenda:**

- **Set the Public Hearing Date-Amendment to the Comprehensive Plan – Pepin Planning**
- **Set Date for Continuation of Public Hearing to Amend LMC Titles 16 & 19 -SEPA Thresholds and Minimum Density (Ordinance No. 1627)**

***Councilor De Valois moved and Councilor Bode seconded to approve the Consent Agenda as presented with the exception of the two items pulled by Councilor Lenssen. Motion approved on a 6-0 vote.***

After some council discussion about setting a date for a public hearing for the two items pulled from the Consent Agenda the following motions were made:

***Councilor De Valois moved and Councilor Bode seconded to set the Public Hearing of August 16, 2021, for an ordinance amending the City’s Comprehensive Plan to accommodate the Pepin Lite infrastructure plan and lift the development moratorium. Motion approved on a 6-0 vote***



***Councilor De Valois moved and Councilor Strengholt seconded to set the continuation of the Public Hearing on the amendment to LMC 16 & 19 (Ordinance No. 1627 to August 16, 2021. Motion approved on a 5-1 vote with Councilor Lenssen opposed.***

### 3. PUBLIC HEARING

The City Council is being asked to hear public comment and consider a development agreement which outlines the developer obligations and timeline for a mixed-use portion of the Skyview Townhome project. This multi-family project is located east of Northwood Road with the northern edge Badger Road frontage.

The agreement affects Lot A of the Skyview Lot Line Adjustment as shown in the agreement exhibits. This parcel has a zoning of Commercial Services Local (CSL). The City's CSL zoning permits mixed-use development that maintains a minimum of 60% commercial space on combined ground floor areas.

Although the City's code includes provision for this ratio of commercial to residential use to be accommodated in multiple buildings it does not include specifics as to the timing of this build out. This development agreement proposes that the residential portion of the mixed-use development may proceed prior to the establishment of a commercial use. A portion of Lot A will be reserved to accommodate the commercial component at a later date.

The residential portion to be constructed on the CSL parcel includes 15 townhomes which are accessed from the southern residential neighborhood (North Prairie Phase 7) and built to residential (RM-3) development standard. The future commercial development would be accessed from the Badger Road to the north. The agreement includes developer obligations including landscape buffer and pedestrian trail connections which must be constructed in association with the residential portion of the project.

Staff is supportive of the agreement because the uses are defined by separate access points, the residential portion will be built to RM-3 standards, pedestrian amenities will be built with the residential phase, and the market for commercial property along the Badger corridor is relatively weak. Staff's recommended condition of approval is to note that the cost of the City's legal review is passed along to the applicant prior to execution of the agreement.

Mayor Korthuis opened the Public Hearing at 7:18 p.m.

Ian VanRy, 1280 Salix Lane spoke in support of the Skyview Development Agreement.

Mayor Korthuis closed the Public Hearing at 7:21 p.m.

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***Councilor Lenssen moved and Councilor Strengholt seconded to approve the Skyview Development Agreement and authorize the Mayor's signature on the document on the condition that the applicant covers the City's legal review process. Motion approved on a 6-0 vote.***

### **4. UNFINISHED BUSINESS- None**

### **5. NEW BUSINESS - None**

### **6. OTHER BUSINESS**

#### Council Committee Updates

There were no council committee reports.

### **7. EXECUTIVE SESSION**

Council did not hold an executive session.

### **8. ADJOURNMENT**

The August 2, 2021, regular session of the Lynden City Council adjourned at 7:27 p.m.

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Pamela D. Brown, MMC  
City Clerk

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Scott Korthuis  
Mayor