

# LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

JULY 2, 2007

## I CALL TO ORDER

Mayor Pro-Tem Gary Bode called to order the July 2, 2007 regular session of the Lynden City Council at 7:00 P.M. at the Lynden City Hall Annex.

## ROLL CALL

Members present: Mayor Pro-Tem Gary Bode; Councilors Doug Adelstein, Dave Burns, Ron De Valois, and Tobey Gelder.

Members absent: Mayor Jack Louws; Councilors Gerald Kuiken and Nick Laninga with notice.

Staff present: Fire Chief Gary Baar, Administrative Assistant Rachel Byers, Planning Director Amy Harksell, Public Works Director Duane Huskey, Parks and Recreation Director Vern Meenderinck, and City Administrator Bill Verwolf. Also present was City Attorney Bob Carmichael.

## APPROVAL OF MINUTES

*Councilor De Valois moved and Councilor Gelder seconded that the minutes of the June 18, 2007 regular session be approved. The motion carried.*

## ITEMS FROM THE AUDIENCE

**Scheduled** - None

### **Unscheduled**

#### **YMCA Pool**

Mr. Doug Knudsen, 401 5<sup>th</sup> Street, Lynden, asked Council when the pool located at the YMCA will be reopened.

Public Works Director Duane Huskey informed Mr. Knudsen and Council that the leaks below the pool have been fixed and that the pool should reopen on Friday, July 6, 2007.

## II CONSENT AGENDA

### **Approval of Payroll**

Direct Deposits, Draws and Warrants No. 12413 through 12468 \$ 367,992.80

### **Set Public Hearing Date for East Lynden Annexation**

### **Award Re-Bid for Drayton Street – Project No. 2005-13**

*Councilor Adelstein moved and Councilor De Valois seconded that the items on the Consent Agenda be approved. The motion carried.*

## III PUBLIC HEARING

### **South Front Street Annexation**

For several years we have had an “island” of County within the City limits. Properties south of Front Street between 1019 Front Street and 1225 Front Street have a portion of their property outside of the City limits. Due to this situation we have run into minor issues when an individual

needed a building permit or wanted to burn. The dual boundary causes some confusion as property owners and the staff work through the permit process. Additionally, it has been discovered that the City has certain utility lines that are outside of the City limits. While there are a number of circumstances where this occurs, those utilities are generally within a public right-of-way, not on private property.

Revised Code of Washington 35A.14.295 provides the City with the authority to annex the property by resolution with a public hearing. Staff recommended that this area be annexed through this method. There are 11 parcels that would be affected by this action and all would have the ability to comment through the public hearing process.

Mayor Pro-Tem Bode opened the Public Hearing at 7:07 P.M.

Speaking in favor: Mrs. Lois Weme, 1201 Front Street, Lynden, informed Council that she is in favor of the annexation since she would like to build a cottage on the back of her property for herself then sell the house that she is currently living in. She stated that she is waiting for the Council's decision before moving forward with these plans. Mrs. Weme said that if she builds this cottage she will need to connect it to the City's sewer and water system and that the City only provides those services to properties within City limits.

Speaking against: Mr. Oral Keen, 1101 Front Street, Lynden, reminded Council of the list of people who signed a petition against the annexation. Mr. Keen asked what the annexation would do to their taxes, who would benefit from this annexation, and how Mrs. Weme would access the cottage she would like to build? He said that regardless of where he burns on his property he always gets a permit from the City.

Clyde Fisher, 1211 Front Street, Lynden, informed Council that he wasn't concerned about the back half of his property being in either the County or the City; his concern is if the properties are annexed they could be subdivided.

Councilor Burns asked Mrs. Weme how she would access her property. She said that she could use a shared driveway or come in using the Rosemary Way condo association's private road.

Mr. Keen asked if Mrs. Weme has secured permission to use the private road and she said yes. Mr. Keen said that he understood that driveways need to be 24 feet wide. Mayor Pro-Tem Bode said that there are very specific requirements for driveways.

Mrs. Patty McCoy, 1101 Front Street, Lynden, said that she signed the petition opposing the annexation and that she is concerned that if the properties are annexed, property owners will sell the back portions of their lots to developers who could then build cottages.

Planning Director Amy Harksell, in answer to the questions raised, stated that if the properties are annexed into the City, the taxes each homeowner pays will be decreased since the County taxes for roads and fire districts and the City does not. She said the annexation will provide a clear boundary line between the County and City, and will ensure that the City's utilities are within City limits. As to the concern of subdivisions, Planning Director Harksell stated that most of the lots are big enough to subdivide, as far as lot size, but that due to the City's driveway requirements there would be no way to access homes built on the back sections of the properties.

Council discussed the location of the sewer lines, access requirements should a property be subdivided, and the potential jurisdictional problems for emergency response personnel due to the properties being split between the County and the City.

***Councilor De Valois moved and Councilor Adelstein seconded that the Public Hearing be closed. The motion carried.***

The Public Hearing closed at 7:24 P.M.

***Councilor Gelder moved and Councilor De Valois seconded that staff be authorized to draft a Resolution of Intent for review at the August 6, 2007 Council meeting and that said Resolution set the next public hearing date for the August 20, 2007 Council meeting. The motion carried.***

Mayor Pro-Tem Bode thanked everyone for attending the hearing.

**South Historic Business District Master Plan**

In 1995, the City contracted with Tom Beckwith and associates to work on a master plan with the property owners south of Judson Alley and between 7<sup>th</sup> Street and Hannegan Road. The purpose of the plan was to illustrate the benefits of the road connection and consolidated stormwater for a local improvement district. After the completion of the plan and the initial public hearings, the support of the property owners, primarily single family residents, began to erode and the plan was put on hold.

Since then, the City acquired property within the sub-area and constructed a water reservoir as well as determined that the shop and water treatment plant would not be relocated. As property has developed and changed hands in the intervening years, interest has continued in the plan and in the benefits additional residential dwelling units could provide to the downtown area.

The Planning Commission worked once again with Tom Beckwith to update the plan to account for the new City ownership in the area as well as other development changes that have taken place. The Planning Commission held a number of public workshops and public hearings and has recommended this document to the City Council. Key elements of the plan include the transportation connections, through the sub-area, the hill climb down 4<sup>th</sup> Street to provide connectivity to the downtown, and a variety of housing opportunities which will provide a customer base for downtown businesses. It is important to note that the maps do not provide an exact location for each type of unit and development, but the overall plan provides the concepts and guidelines for future development. Additional work with Federal Emergency Management Association and Whatcom County River and Flood Department will also take place before development occurs.

Mayor Pro-Tem Bode opened the Public Hearing at 7:37 P.M.

Speaking in favor: None.

Speaking against: None.

***Councilor Adelstein moved and Councilor Burns seconded that the Public Hearing be closed. The motion carried.***

The Public Hearing closed at 7:38 P.M.

***Councilor De Valois moved and Councilor Gelder seconded that the South Historic Business District Sub-Area Plan be approved and that staff be authorized to prepare a resolution of adoption for future Council action. The motion carried.***

**IV UNFINISHED BUSINESS**

**Development Standards Variance 07-01 – Van Loo Short Plat**

Councilor De Valois stated that he will abstain from participating in this agenda item.

Mr. Everett Van Loo and his family have applied for a four lot short plat for the property at the east end of Birch Street. While short plats are an administrative action, the proposed improvements do not meet the requirements listed within the City's subdivision code and Engineering Design and Development Standards and will require a variance.

At the conclusion of the public hearing on June 18, 2007 the Council determined that they needed additional time to review the materials presented at the hearing and tabled the matter until this meeting.

***Councilor Adelstein moved and Councilor Gelder seconded that Development Standards Variance 07-01 – Van Loo Short Plat be approved subject to the property owners agreement as listed in the submittal dated June 18, 2007, and that the Mayor be authorized to sign the Findings of Fact. The motion carried 4-0 with Councilor De Valois abstaining***

## V NEW BUSINESS

### **Conditional Use Permit 07-01 – 8082 Guide Meridian**

Mr. Matt Lessard of Wilcox Construction submitted an application for a conditional use permit to allow some general retail uses in the building that has been constructed at 8082 Guide Meridian. The Planning Commission held a public hearing to accept public comment on June 14, 2007.

At that public hearing, Mr. Lessard and Mr. Barber noted that leasing the building, which was constructed earlier this year, had been slow and that they had several requests from clients that would fall under the “general retail” heading within the zoning code. No one spoke in opposition to the conditional use permit.

The project has met all the infrastructure and development requirements as the building was constructed and the proposed retail use will not impact the traffic generated by the site. Based on that information and the review of the criteria required for granting a conditional use permit, the Planning Commission recommends approval of the application as presented.

***Councilor Burns moved and Councilor De Valois seconded that Conditional Use Permit 07-01 for Lynden Retail Center at 8082 Guide Meridian be approved as recommended by the Planning Commission and that the Mayor be authorized to sign the Findings of Fact. The motion carried.***

### **West Lynden Business Park General Binding Site Plan and Development Contract**

In November 2006, the Council gave preliminary approval for the West Lynden Business Park General Binding Site Plan. This project brought all utilities to the site at the corner of Berthusen Road and Main Street and constructed the basic utility infrastructure within the business park. Future development within the site will expand those utility services.

As part of the general binding site plan requirements, Chapter 18.24 of the Lynden Municipal Code requires the approval of a development contract. This contract provides the staff with guidelines to approve the more specific site plans administratively and is based on the Findings of Fact that were previously approved by the City Council. This contract is also recorded to ensure that the requirements run with the land.

***Councilor Gelder moved and Councilor Burns seconded that the West Lynden Business Park binding site plan be approved and that the Mayor be authorized to sign the mylar and the development contract once all final punchlist items are completed. The motion carried.***

## IV EXECUTIVE SESSION - None

## V ADJOURNMENT

The July 2, 2007 regular session of the Lynden City Council adjourned at 8:09 P.M.

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Rachel Byers, Administrative Assistant

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Gary Bode, Mayor Pro-Tem