

CITY OF LYNDEN
RESOLUTION 898

A resolution of approval of the Shoreline Master Program Update

WHEREAS, the City of Lynden is required to complete an update of the existing Shoreline Master Program (SMP) that is consistent with procedural and substantive requirements of the Shoreline Master Program Act (SMA) governed by RCW 90.58 and WAC 173-26; and

WHEREAS, the purpose of the Shoreline Management Act is to manage the shoreline to accommodate all reasonable and appropriate uses consistent with protecting against adverse effects to the public health, the land and its vegetation and wildlife.

WHEREAS, the City of Lynden Shoreline Master Program is a planning document that outlines the City's shoreline goals and establishes regulations for development to ensure that all land use, development, or other activity occurring within the designated shoreline jurisdiction is appropriate for that area.

WHEREAS, In August 2009, the Lynden City Council confirmed the selection of Whatcom Environmental Services to be the lead consultant for the City's Shoreline Master Program Update, and

WHEREAS, the City of Lynden published a legal notice for a public workshop regarding the proposed Shoreline Master Program Update in the Lynden Tribune on June 24, 2010 and mailed letters regarding the meeting to all property owners within the shoreline jurisdiction on June 17, 2010; and

WHEREAS, the City of Lynden published a legal notice of public hearing on the proposed Shoreline Master Program Update in the Lynden Tribune on October 9, 2013; and

WHEREAS, the Lynden Planning Commission held a public hearing on October 24, 2013, at the Lynden City Hall annex, 205 4th Street, Lynden, Washington, to accept public testimony on the proposed Shoreline Master Program Update, and that meeting was duly recorded; and

WHEREAS, the Lynden Planning Commission voted 6-0, to recommend to the City Council approval of the Shoreline Master Plan Update, and

WHEREAS, the proposal was reviewed under the State Environmental Policy Act and a Determination of Non-Significance was issued for the proposed Shoreline Master Program Update.

WHEREAS, the Lynden City Council published a legal notice of public hearing regarding the proposed Shoreline Master Program Update in the Lynden Tribune on February 12, 2014 and mailed postcards to all property owners within the shoreline jurisdiction on February 20, 2014; and

WHEREAS, the Lynden City Council held a public hearing on the proposed Update on March 3, 2014, at its regularly scheduled Council meeting;

Based on the foregoing proceedings and record thereof the City Council hereby enters the following findings:

1. The public has had the opportunity to be informed on the proposed Update through numerous public meetings, mailings and publication of legal notice of public hearings; and
2. The Update provides a document that outlines the City's shoreline goals and establishes regulations for development now and in the future; and
3. The Update promotes the public health, safety, and general welfare of the community; and
4. The Update achieves the goals and requirements of the Shoreline Management Act (RCW 90.58).

NOW THEREFORE, BE IT RESOLVED that the Lynden City Council hereby approves the Shoreline Master Program Update as completed and recommended by the Lynden Planning Commission.

APPROVED this 5 day of May 2014.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM


CITY ATTORNEY

Council adoption
"local"

LYNDEN CITY COUNCIL

MINUTES OF THE REGULAR SESSION

March 3, 2014

I CALL TO ORDER

Mayor Scott Korthuis called to order the March 3, 2014 regular session of the Lynden City Council at 7:00 P.M. at the Lynden City Hall Annex.

ROLL CALL

Members present: Mayor Scott Korthuis; Councilors Gary Bode, Ron DeValois, Jerry Kuiken, Brent Lenssen, Nick Laninga, Tobey Gelder, and Dave Burns.

Members absent: None

Staff present:

Fire Chief Gary Baar, Planning Director Amy Harksell, Police Chief Jack Foster, Public Works Director Steve Banham, City Administrator Mike Martin, and Confidential Administrative Assistant Pam Brown. Also present was City Attorney Bob Carmichael.

APPROVAL OF MINUTES

February 18, 2014 Regular Meeting

Councilor Gelder asked that the February 18, 2014 minutes be amended to correct "September 16, 2014" on page 3 of 5 to "September 16, 2013."

Councilor DeValois moved and Councilor Kuiken seconded that the minutes of February 18, 2014 regular meeting be approved with the noted correction. Motion carried.

ITEMS FROM THE AUDIENCE

Scheduled: None

Unscheduled: Gary Vis, Chamber of Commerce Director, thanked the staff of the City's Parks and Public Works departments for the excellent job they did during the recent snow storms. Mayor Korthuis agreed and also expressed his appreciation of a job well done.

II CONSENT AGENDA

Approval of Payroll- February 2014

Direct Deposits	\$395,389.24
Warrants Number <u>16194</u> through <u>16217</u>	<u>\$185,168.00</u>
Total Monthly Payroll	<u>\$ 580,557.24</u>

Councilor Bode moved and Councilor Kuiken seconded to approve the Consent Agenda. Motion carried.

III PUBLIC HEARING

Shoreline Master Program Update

The Planning Department has been working with the Planning Commission and the Washington State Department of Ecology regarding the Shoreline Management Plan Update.

The Planning Commission held a public hearing on October 24, 2013 and recommended approval of the Shoreline Master Plan Update to the City Council. The Community Development Committee has reviewed the Plan several times over the course of its development.

After the public hearing is closed, the City Council may take action to approve the new Shoreline Master Program. If approved the Plan will then be sent for final and formal review by the Department of Ecology (DOE) and will actually be added to the Washington Administrative Code. After DOE review the City Council will take final action to adopt the document and other ordinance revisions necessary to enact the Plan.

Planning Director Amy Harksell provided audience members with a couple of printed copies of the Plan.

Mayor Korthuis opened the Public Hearing for the Shoreline Master Program Update at 7:04 P.M.

Ron DeBoer, 1595 Kok Road, asked questions of Planning Director Amy Harksell related to development permits that had been previously submitted. He was advised to come into the Planning Department and discuss the time frames associated with those permits with the Planning Department staff.

There were no further public comments.

Councilor Burns moved and Councilor Gelder seconded to close the Public Hearing for the Shoreline Master Program Update. Motion carried.

Councilor Gelder moved and Councilor DeValois seconded to approve the 2013 Shoreline Master Program Update as recommended by the Planning Commission and Community Development Committee and authorize staff to submit the document to the WA State Department of Ecology. Motion carried.

IV . NEW BUSINESS

North Prairie PRD Contract

On May 6, 2013 the City Council granted developer Bob Libolt preliminary approval of his proposed planned residential contract. Based on the approval, staff developed the final development contract that details the special conditions, setback, and other circumstances of the project. Mr. Libolt has proceeded to install infrastructure in accordance with those conditions of approval and will be seeking final plat approval of the next phase of the project.

The contract has been reviewed and approved by the City's legal counsel as have the Conditions, Covenants and Restrictions for the development as required under Section 19.29.100 and 19.29.130 of the Lynden Municipal Code.

Councilor Gelder moved and Councilor Burns seconded to approve the Development Contract for North Prairie Phase 3 as recommended by the Planning Commission and authorize the Mayor to sign said contract. Motion carried.

Amendment to the West Lynden Binding Site Plan #14-01

The applicant Dick Vandenberg is requesting to amend the West Lynden Business Park Binding Site Plan contract to relocate Redwood Road to the east. The property is located within the Industrial Business Zone (IBZ) and is generally located at the corner of Berthusen Road and Main Street.

This property was developed in 2006 and it was anticipated that Redwood Road would continue to the south property line. At this time, the property owner has a buyer interested in purchasing all of the property south of Alderwood Drive without the road bisecting the

parcel. Because the location of the future extension of Redwood Road is noted in the recorded contract, the document must be amended to accommodate this request. The applicant is not requesting any other changes to the development contract.

On February 13, 2014 the Planning Commission held a hearing to accept public input on the proposed revision. Mr. Glen Tromp spoke concerning increased debris and flooding issues on his property since the infrastructure was built on this property. Also, Mr. Randy Kortus expressed his concern regarding large truck maneuverability in the area.

The Planning Commission considered the input from both Mr. Tromp and Mr. Kortus, and voted to recommend approval of the amended West Lynden Binding Site Plan to the City Council by a vote of 5-0, subject to the addition of a 6-foot chain link fence along the eastern portion of the proposed Redwood Road to help limit the amount of debris dispersing onto Mr. Tromp's farm.

Application materials, minutes and the Planning Commission resolution were provided in the Council packet for Council's review.

Councilor Gelder moved and Councilor Bode seconded to approve the amendment to the West Lynden Business Park Binding Site Plan #14-01 as recommended by the Planning Commission in Resolution # 14-01. Motion carried.

V EXECUTIVE SESSION

Council did not hold an Executive Session.

VI ADJOURNMENT

The March 3, 2014 regular session of the Lynden City Council adjourned at 7:30 P.M.


Mike Martin, City Administrator


Scott Korhuis, Mayor