



Mayor
Scott Korthuis

Council Members
Gary Bode
Ron De Valois
Gerald Kuiken
Nick H. Laninga
Brent Lenssen
Kyle Strengholt
Mark Wohlrab

City Council Agenda - Regular Meeting
City Hall Annex, 205 4th Street
June 03, 2019

Call to Order

Pledge of Allegiance

Roll Call

Oath of Office

Approval of Minutes

1. Draft Minutes- May 20, 2019

Items from the Audience
Scheduled

Unscheduled (20 Minutes)

Audience members may address the Council on any issue other than those scheduled for a public hearing or those on which the public hearing has been closed. Prior to commenting please state your name, address, and topic. Please keep comments under 4 minutes.

Consent Agenda

2. Approval of Payroll and Claims

Public Hearing

3. Public Hearing for Ordinance 1580- Amends Chapter 18 LMC
4. Public Hearing for Ordinance 1581-LMC Chapter 19
5. Public Hearing for Ordinance 1582- Adding section 19.22 to LMC

Unfinished Business

New Business

Other Business

6. DRAFT-CDC Minutes of 5-29-19
7. Public Safety Draft Minutes- May 2, 2019

[8.](#) Calendar

Executive Session

Adjournment

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	June 3, 2019	
Name of Agenda Item:	Draft Minutes- May 20, 2019	
Section of Agenda:	Approval of Minutes	
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 checked="" type="checkbox"/> Other: N/A
		Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
Attachments:	Draft Minutes- May 20, 2019	
Summary Statement:	See next page.	
Recommended Action:	For Council review.	

CITY OF LYNDEN



CITY COUNCIL MINUTES OF REGULAR MEETING

May 20, 2019

1. CALL TO ORDER

Mayor Korthuis called to order the May 20, 2019 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 and Councilors Gary Bode, Ron De Valois, Brent Lenssen, Kyle Strengholt, and Mark Wohlrab.

Members absent: Councilors Jerry Kuiken and Nick Laninga absent with notice.

Staff present: Finance Director Anthony Burrows, Parks Director Vern Meenderinck, Planning Director Heidi Gudde, Police Chief John Billester, Public Works Director Steve Banham, City Clerk Pam Brown, City Administrator Mike Martin and City Attorney Bob Carmichael.

OATH OF OFFICE - None

APPROVAL OF MINUTES

Councilor De Valois moved and Councilor Strengholt seconded that the minutes of May 6, 2019 be approved as presented. Motion approved on a 5-0 vote.

ITEMS FROM THE AUDIENCE

Scheduled: None

Nonscheduled:

Martie and Paul Busse, 417 Cascade Way, Lynden

Paul and Martie Busse addressed council for the second time about the utility trailers full of trash and the RVs that are parked in drive ways and on the street for more than the 72 hours that's allowed in the city code. They stated that not only had the situation not approved but that it had gotten worse. They provided photos of the problem residences for council to review. Chief Billester talked with Mr. & Mrs. Busse to gather more detailed information to assist them.

Gary Vis- Director of Lynden Chamber of Commerce, 518 Front Street, Lynden

Mr. Vis invited members of the Council to attend the Farmer's Day Parade scheduled for June 1st. The Parade will honor Whatcom Family Farmers and Jack Louws.

CITY OF LYNDEN



CITY COUNCIL MINUTES OF REGULAR MEETING

2. CONSENT AGENDA

Approval of Payroll Disbursed – May 1-15, 2019

Paychex EFT	\$273,094.83
City of Lynden EFT	\$66,290.79
Warrant Liability	\$57,065.03
	<hr/>
	\$396,450.65

Approval of Claims – May 21, 2019

Manual Warrants No. <u>72924</u>	through	<u>72930</u>	\$59.55
EFT Payment Pre-Pays			\$281,325.43
		Sub Total Pre-Pays	<hr/>
			\$281,384.98
Voucher Warrants No. <u>72931</u>	through	<u>72973</u>	\$539,414.58
EFT Payments			23,110.69
		Sub Total	\$562,525.27
		Total Accts. Payable	<hr/>
			\$843,910.25

Set Public Hearing Date for Ordinance No. 1580

Set Public Hearing Date for Ordinance No. 1581

Set Public Hearing Date for Ordinance No. 1582

Access Easement – Lynden School District- Glenning Street Playground Property

The City of Lynden is considering the purchase of the Glenning Street playground property from the Lynden School District. In anticipation of the purchase, the District is agreeing to grant the City the right to enter the property to perform environmental assessments per the attached easement.

Councilor Wohlrab moved and Councilor De Valois seconded to approve the Consent Agenda. Motion approved on 5-0 vote.

3. PUBLIC HEARING - None

4. UNFINISHED BUSINESS- None

CITY OF LYNDEN



CITY COUNCIL MINUTES OF REGULAR MEETING

5. NEW BUSINESS

Public Defender Contract Amendment

Individuals who appear in Municipal Court and who are unable to afford a private attorney are assigned a public defender. The attorney who performs that service in Lynden is Dan Parsons. Mr. Parsons has asked that Section VII of his current contract with the City (attachment 1) be modified to lower his malpractice insurance coverage, thus lowering his cost.

His current contract requires him to have \$1 million in malpractice insurance coverage for each occurrence and \$2 million in the aggregate. The amendment (attachment 2) being proposed here requires him to have \$500 thousand for both individual and aggregate malpractice insurance.

The City Administrator has researched the request and determined that the lower malpractice insurance is adequate for the misdemeanor offenses heard by the Lynden Municipal Court. There are no other changes to the contract. It expires December 31, 2020.

Councilor Strengholt moved and Councilor Bode seconded to approve the contract amendment. Motion approved on a 5-0 vote.

Resolution No. 1001- Approving City Use of State Revolving Fund Loan for Pepin Creek / Double Ditch Creek Alignment and Shoreline Stabilization

Staff is applying for a Department of Ecology State Revolving Fund Loan to finance the design of a stream bypass and stabilization measures for approximately .75 miles of shoreline along Pepin Creek, from Badger Road downstream to the confluence of Pepin and Fishtap Creeks in the City. The amount of the loan is \$2,902,593.00. It is a 20-year loan with an interest rate of 1.5%. The Department of Ecology requires a Resolution by the City Council authorizing the loan and a review of the loan agreement by the City Attorney. This was discussed at the March 6, 2019 Public Works Committee meeting.

Councilor Strengholt moved and Councilor Bode seconded to approve Resolution No. 1001, Authorizing City Use of a Department of Ecology State Revolving Fund Loan to design a portion of the Pepin Creek Shoreline and authorize the Mayor's signature on the resolution. Motion approved on a 5-0 vote.

Resolution N. 1002- Acceptance of Department of Transportation Aviation Division Grant for Lynden Municipal Airport

The City is applying for a Washington State Department of Transportation, Aviation Division (WSDOT) grant to re-seal and re-stripe the runway at the airport in the amount of \$150,000. A 5% match is required in the amount of \$7,500. Funds were allocated in the 2019 budget for this project. Construction would be performed in 2020. The Public Works Committee discussed this at their March 6, 2019 meeting when authorizing the hire of Precision Approach Engineering, who is preparing the application.

Councilor Strengholt moved and Councilor Bode seconded to approve Resolution No. 1002, Acceptance of Department of Transportation, Aviation Division Grant and authorize the Mayor's signature. Motion approved on a 5-0 vote.



6. OTHER BUSINESS

Council Committee Updates

Councilor De Valois reporting for the Parks Committee, involving the discussion of:

- Benson park plan
- Recreation District Bond measure
- Clarification from city attorney on dog leash issue
- Middle school trail wall is being constructed
- Concrete benches (3) is being donated by Lion's Club

Councilor Strengholt reporting for the Finance Committee, involving the discussion of:

- Overtime usage and trending downward
- Revenue and expenditures

7. EXECUTIVE SESSION

Council recessed into executive session at 7:20 p.m. to discuss a potential acquisition of real estate. It was anticipated that the executive session would last approximately 10 minutes total and that a decision would not be made.

The Council meeting reconvened at 7:30 p.m.

8. ADJOURNMENT

The May 20, 2019 regular session of the Lynden City Council adjourned at 7:30 p.m.

Pamela D. Brown, City Clerk

Scott Korthuis, Mayor

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	6/3/2019	Legal Review: <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
Department:	Finance	
Contact Name/Phone:	Anthony Burrows (360) 354-2829	
Council Committee Review:		
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	
<input checked="" type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	
Attachments:		
None		
Name of Agenda Item:		
Approval of Payroll and Claims		
Summary Statement:		
<p>RCW 42.24.180 sets forth the conditions for issuance of warrants or checks before Council approval. The auditing officer and the City officers designated to sign the warrants shall have an official duty for the faithful discharge of his or her duties.</p> <p>The City Council has adopted contracting, hiring, purchasing, and disbursing policies that implement effective internal controls; and shall provide for its review of the documentation supporting claims paid for its approval of all warrants issued in payment of claims and/or payroll at regularly scheduled public meetings within one month of issuance.</p> <p>The City Council shall require that if, upon review, it disapproves some claims and/or payroll, the auditing officer and the officer designated to sign the warrants or checks shall jointly cause the disapproved claims to be recognized as receivables and to pursue collection diligently until the amounts disapproved are collected or until the City Council is satisfied and approves the claims and/or payroll.</p> <p>The Finance Committee and/or full City Council may stipulate that certain kinds or amounts of claims and/or payroll should not be paid before the City Council has reviewed the supporting documents.</p>		
Recommended Action:		
Approve the payment of City Payroll and Claims.		

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	June 3, 2019	
Name of Agenda Item:	Set the Public Hearing for Ordinance 1580	
Section of Agenda:	Consent	
Department:	Planning Department	
Council Committee Review:	<input checked="" 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:		
Draft Ordinance 1580, Staff Memo summarizing revisions.		
Summary Statement:		
<p>Ordinance 1580 is one of three ordinances which propose to update the residential design standards for the City of Lynden. Planning staff has worked closely with the Design Review Board, the Planning Commission, and Building Official to develop Chapter 19.22 and make a corresponding amendment to Chapter 18.</p> <p>Ordinance 1580 specifically alters Chapter 18 to coordinate with the revisions in Chapter 19 and the addition of 19.22.</p> <p>Although 19.22 is a new chapter in the Lynden Municipal Code, many of the design standards currently exist but repetitiously appear in each zoning category. Aside from the consolidation of standards, the amendments touch on site design, architecture, accessory structures, landscaping and screening, and street trees. The code also clarifies the path to seeking relief from the design standards which allows alternate designs to be considered and approved by the Design Review Board. Full review documents were provided to Council in the May 20th meeting package. (A more detailed summary of the amendments is included in the attached staff memo.)</p> <p>On April 11 the Planning Commission held a public hearing and recommended approval of the attached code revision as represented by Ordinance 1580, 1581, and 1582.</p> <p>Staff is proposing that the new design standards take effect on October 1, 2019 to allow time to inform residential developers, designers, and builders of the proposed changes.</p>		
Recommended Action:		
Motion to approve Ordinance 1580 which amends Title 18 of the Lynden Municipal Code as part of the revisions to residential design standards and authorize the Mayor's signature on the document.		



PLANNING DEPARTMENT
Heidi Gudde, Planning Director
(360) 354 - 5532

Planning Department Memorandum

To: City Council
From: Heidi Gudde, Planning Director
Date: May 15, 2019
Re: Residential Design Standards

The residential design standards for the City of Lynden are proposed to be combined into one location within the Lynden Municipal Code. Currently, many standards repetitiously appear in each zoning category. Additionally, some standards are proposed to be revised to address aesthetic or maintenance concerns within the City of Lynden.

The effort to consolidate and revise residential standards stemmed from the Pepin Creek planning effort as standards were originally written specific to the Pepin Creek Sub-area. After a number of review sessions with the Planning Commission, the Community Development Committee, and the Design Review Board, the recommendation was made to create relatively simple standards which could be applied to all districts rather than be specific to the Pepin Creek Sub-area.

The Design Review Board is the approving body that will be working most closely with the standards as all attached housing types and detached accessory dwelling units (ADU's) are required to seek Design Review Board Approval. On April 2 the Design Review Board completed their review of the proposed standards and recommended approval of the design standards with alterations suggested in several areas.

At a public hearing on April 11, the Planning Commission reviewed the version recommended by the Design Review Board and, after several alterations of their own, recommended the draft which is now reflected in Ordinances 1580, 1581, and 1582. The points at which the Design Review Board and Planning Commission differed are included in the summary points below.

The standards are now proposed to be organized into categories – each with its own objective. These will appear in a new section of code - LMC 19.22. The categories are listed below with a summary of changes below each. To coordinate the reorganization of residential design standards the update will also include amendments to the landscape code (LMC 19.61), residential use restrictions (LMC 19.31) and the subdivision code (LMC 18.14).



PLANNING DEPARTMENT
Heidi Gudde, Planning Director
(360) 354 - 5532

19.22.010. Establishment and Purpose

- This new section identifies the general and specific objectives of the residential design standards.

19.22.020. Site Design – Setback, Yards, Building Orientation, and Pedestrian Connections

- The majority of standards appearing in this section already exist. Minor changes were made to accommodate measuring setbacks to the foundations rather than eaves, and a section was added addressing pedestrian connections.

19.22.030. Residential Architecture and Attached Garages

- Many of these standards already exist in the municipal code but are consolidated into 19.22.
- The amendment initially included the elimination of a minimum roof pitch but ultimately the Planning Commission recommended keeping the minimum roof pitch of 4:12 while acknowledging that alternate designs which may call for a more shallow or flat roof could seek the approval of the Design Review Board.
- The new standards add a requirement to include articulation to buildings, they address placement and scale of attached garages, new points regarding the architecture of front entries, and a clarification about the screening of back decks and patios.

19.22.040. Detached Garages and Accessory Structures

- This section includes tougher architectural standards on accessory structures which will require some cohesive design elements between the residence and the accessory structure. It also clarifies language related to the scale of shared garage structures.
- No revisions to the permitted size or height of detached structures is being proposed with this amendment.

19.22.050. Landscape, Fences, Screening, and Lighting

- This section is intended to address concerns related to the screening of mechanical equipment and the proper storage of garbage containers and vehicles and several other miscellaneous topics.

19.31.080. Residential Property Use Restrictions

- Some use restrictions appeared in other sections of code. The amendment moves these use restrictions to the more appropriate location of 19.31. The section is used heavily when responding to code violation complaints. Additionally, one clarification was added to this section to state that recreational vehicles shall not be covered by utility tarps.



PLANNING DEPARTMENT
Heidi Gudde, Planning Director
(360) 354 - 5532

19.61.080. Landscape Requirements

- Generally, there are very few landscape requirements specific to single family homes, but a few were located in other sections of code and have been relocated to 19.61.
- Additionally, some clarification related to front yard use and hedges in single-family areas are also included in this section.
- Multi-family landscape requirements currently exist in the 19.17 and are being relocated to the landscape section of the code, 19.61, to consolidate landscape requirements.

18.14.130. Street Trees and Planting Strips

- This is a proposed update to the street tree planting requirement. Cities frequently have street tree requirements of one tree for every 30 to 40 feet while the City of Lynden has required one tree for each lot with no maximum spacing more than 100 feet. As lot frontages become smaller this standard would be difficult to enforce with inconsistencies between neighborhoods with differing lots widths.
- The Design Review Board recommended a conservative revision to a maximum spacing of 75 feet between trees. The Planning Commission recommended the maximum spacing be 50 feet as staff had initially recommended.

Ordinance No. 1580

AN ORDINANCE OF THE CITY OF LYNDEN AMENDING TITLE 18 OF THE LYNDEN MUNICIPAL CODE

WHEREAS, the City is responsible for enacting regulations that protect the health, safety and general welfare of the citizens of Lynden; and

WHEREAS, the Growth Management Act requires that local governments planning under the Act must adopt regulations which implement adopted comprehensive plans; and

WHEREAS, the City of Lynden finds it necessary to amend these regulations from time to time ensure orderly review of zoning regulations within the City.

WHEREAS, certain amendments to Title 19, Residential Design Standards have necessitated the amendments to Title 18 to ensure consistency in the administration of the City’s subdivision and development process; and

WHEREAS, the City of Lynden initiated public review processes including Planning Commission Workshops and Public Hearings; and

WHEREAS, the Lynden Planning Commission held an open record public hearing regarding the proposed amendments on April 11, 2019, to accept public comments on the proposed regulations and recommended adoption to the City Council.

WHEREAS, on April 12, 2019, the City provided notification to the state pursuant to RCW 36.70A.106 regarding the proposed updates to Title 18 of the Lynden Municipal Code and requested expedited review thereof, and said request for expedited review having been subsequently granted; and

WHEREAS, the proposed regulations were introduced to the Lynden City Council on May 20, 2019, and a date for a public hearing was set; and

WHEREAS, on June 3, 2019, the Lynden City Council held a public hearing to accept public testimony on the proposed amendments and to consider the matters of record to that date; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

SECTION A Title 18, amended as follows:

18.14.130 - Street trees and planting strips.

A. Street trees shall be provided by the sub-divider in all subdivisions within the dedicated public utility easements adjacent to the street; preferably between the curb and the sidewalk.

1. In RS zones, there shall be a minimum of one tree per lot with a maximum of 50 feet between trees.
2. In RM zones one street tree is required for every 50 linear feet of street frontage. Distance may be averaged due to driveways and sight distance requirements.
3. Street trees shall be a minimum caliper of 1 1/2" at the time of installation, small trees used under powerlines shall be a minimum a caliper of 1".
4. Street trees shall be selected, installed, and maintained in accordance with the standard City of Lynden engineering specifications. Trees shall be placed on the property with consideration of potential driveway cuts and utility services.

B. Establishment of street trees and planting strips shall be per an approved site plan in conformance with design and bonding standards as set forth in LMC 19.61.

C. Maintenance of street trees and planting strips shall be the responsibility of the adjoining property owner and shall be done in accordance with the city's engineering design and development standards.

SECTION B Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION C Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION D Effective Date. This ordinance shall take effect on October 1, 2019. All development applications received after that date shall be reviewed under the provisions of this ordinance.

PASSED by the City Council this _____ day of _____, 2019. Signed by the Mayor on this _____ day of _____, 2019.

MAYOR, (SCOTT KORTHUIS)

ATTEST:

CITY CLERK, (PAMELA BROWN)

APPROVED TO AS FORM:

CITY ATTORNEY, (ROBERT CARMICHAEL)

CITY OF LYNDEN



EXECUTIVE SUMMARY

Meeting Date:	June 3, 2019	
Name of Agenda Item:	Public Hearing for Ordinance 1581	
Section of Agenda:	Public Hearing	
Department:	Planning Department	
Council Committee Review:	<input checked="" 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:		
Draft Ordinance 1581 including a proposed amendment to LMC 19.31 related to the storage of RVs on residential property.		
Summary Statement:		
<p>Ordinance 1581 is one of three ordinances which propose to update the residential design standards for the City of Lynden. Specifically, Ordinance 1581 repeals sections related to residential development standards and replaces with a more concise version of the same chapters. The action removes repetitive aesthetic design standards from each section and consolidates them into Chapter 19.22 which is proposed with the subsequent Ordinance 1582.</p> <p>Planning staff has worked closely with the Design Review Board, the Planning Commission, and Building Official to develop Chapter 19.22 and make a corresponding amendment to Chapter 18.</p> <p>On April 11 the Planning Commission held a public hearing and recommended approval of the attached code revision as represented by Ordinance 1580, 1581, and 1582.</p> <p>On May 29 the Community Development Committee met and recommended a modification to section 19.31.20(B) as it relates to RV storage. A redline version of this recommendation is attached.</p> <p>Staff is proposing that the new design standards take effect on October 1, 2019 to allow time to inform residential developers, designers, and builders of the proposed changes.</p>		
Recommended Action:		
Motion to approve Ordinance 1581 which amends Title 19 of the Lynden Municipal Code as part of the revisions to residential design standards.		

ORDINANCE NO. 1581

AN ORDINANCE OF THE CITY OF LYNDEN TO REPEAL AND REPLACE CERTAIN CHAPTERS WITHIN TITLE 19 OF THE LYNDEN MUNICIPAL CODE

WHEREAS, the City of Lynden has adopted regulations pertaining to land development in order to ensure consistent, timely and orderly review of zoning and development applications with the City of Lynden; and

WHEREAS, the City of Lynden finds it necessary to amend these regulations from time to time ensure that all development within the City complies with the adopted comprehensive plans, provides consistency and upholds the character of the neighborhood and or the surrounding neighborhoods, and

WHEREAS, the creation of LMC Chapter 19.22 (Ord 1582) consolidates and revises the residential design standards for the City of Lynden and combines such standards into one location within the Lynden Municipal Code.

WHEREAS, due to the consolidation of standards into one chapter, it is necessary to update and remove repetitive language from 19.15, 19.16, 19.17, 19.19, 19.31 and 19.61 of the zoning code.

WHEREAS, on April 10, 2019, the City issued a SEPA Determination of Non-Significance related to this Ordinance; and

WHEREAS, the Lynden Planning Commission held multiple work sessions to develop the revised zoning code draft; and

WHEREAS, the City of Lynden initiated public review processes including Planning Commission Workshops and Public Hearings; and

WHEREAS, the Lynden Planning Commission held an open record public hearing regarding the proposed amendments on April 11, 2019, to accept public comments on the proposed regulations and recommended adoption to the City Council.

WHEREAS, on April 12, 2019, the City provided notification to the state pursuant to RCW 36.70A.106 regarding the proposed updates to Title 18 of the Lynden Municipal Code and requested expedited review thereof, and said request for expedited review having been subsequently granted; and

WHEREAS, the proposed regulations were introduced to the Lynden City Council on May 20, 2019, and a date for a public hearing was set; and

WHEREAS, on June 3, 2019, the Lynden City Council held a public hearing to accept public testimony on the proposed amendments and to consider the matters of record to that date; and

NOW THEREFORE, the Lynden City Council does ordain as follows:

SECTION A. Chapters 19.15, 19.16, 19.17, 19.19, 19.31 and 19.61 of the Lynden Municipal Code are hereby repealed in their entirety.

SECTION B. New Chapters 19.15, 19.16, 19.17, 19.19, 19.31 and 19.61 of the Lynden Municipal Code are hereby adopted as follows:

**Chapter 19.15
RS SINGLE FAMILY BUILDING ZONES**

- 19.15.010 Established
- 19.15.020 Primary Permitted uses
- 19.15.030 Accessory Permitted uses
- 19.15.040 Secondary Permitted uses
- 19.15.050 Conditional Property uses
- 19.15.060 Height, Area, Setback and Bulk requirements

19.15.010 Purpose and Zones Established.

A. Three single family zones are established:

Zone	Minimum Lot Size	Maximum Density
RS-100	10,000 square feet	4 DU/acre
RS-84	8,400 square feet	4.5 DU/acre
RS-72	7,200 square feet	5 DU/acre

Existing lots may be developed with single family homes even though they do not meet the size requirements of single-family zones. Future land divisions must meet the area requirements specified in the zone; provided however, that Title 18, Subdivisions, provides for methods of subdivision resulting in lots of different sizes.

The goal of this title is to: protect the character and the social and economic stability of all parts of the community and to encourage the orderly and beneficial development of the community through appropriate growth management techniques; to assure proper urban form and open space separation of urban areas; to protect environmentally critical areas and allow flexibility in site and design standards while promoting infill projects compatible with existing single-family developments.

B. Use of Low Impact Development Techniques

When an application for single family development seeks to add additional residential density to a parcel or parcels as infill development, the pertinent approving body, the Planning Director, Planning Commission, or City Council, as applicable, is authorized to approve land divisions even though they may not meet the lot size requirements of single-family zones presented in this Title under the following conditions:

- A. Site planning incorporates LID components that minimize impervious surfaces and achieves a more restrictive percent maximum coverage than would the larger lot size;
- B. Site planning and design documents are completed by a licensed engineer in the State of Washington;
- C. The proposed development integrates with the character of the neighborhood;
- D. The requested waiver must be specified and justified in writing to the technical review committee and the approving body
- E. Written documentation of the decision on the waiver is recorded by the Director in City records

19.15.020 Primary Permitted Uses.

- A. The primary land uses permitted in the single-family zones are detached, site-built single-family dwellings and new manufactured homes as defined in Section 17.01.030 of the Lynden Municipal Code.
- B. Mobile homes as defined in LMC Section 17.01.030 LMC are prohibited.
- C. Personal Services are allowed in the Neighborhood Commercial Overlay in the Pepin Creek Subarea only. This is to allow for businesses such as barbershops, beauty salons, day spas, laundry facilities, dry-cleaning, or others that would serve the subarea.
- D. Sales of General Consumer Goods are allowed in the Neighborhood Commercial Overlay in the Pepin Creek Subarea only. This is to allow for retail sales of food, household goods, pet supplies, and other goods to residents in the subarea. The sales of goods geared toward a regional customer base, as determined by the Planning Director, are not allowed. Such regional uses include fuel sales, auto sales, large format stores, construction and landscaping materials, farm equipment. Outdoor storage associated with the sales of General Consumer Goods is also not allowed.
- E. Restaurants and Cafes are allowed in the Neighborhood Commercial Overlay in the Pepin Creek Subarea only.

F. Professional offices, Banks and Financial institutions in the Neighborhood Commercial Overlay in the Pepin Creek Subarea only.

19.15.030 Accessory Permitted Uses.

Accessory permitted uses in the Single-Family Zones are as follows:

- A. Private garages.
- B. Carports.
- C. Tool shed, satellite dish, outdoor patios and outdoor fireplaces.
- D. Private swimming pools, as provided in the International Building Code adopted pursuant to Chapter 15.02 of the Lynden Municipal Code and subject to LMC 19.37.090.
- E. Accessory dwelling unit (ADU) per LMC 19.20.

19.15.040 Secondary Permitted Uses.

Secondary permitted uses in the Single-Family Zones are as follows:

- A. Hobby shops, relating to the hobbies of the occupants of the home and not operated for production and sales purposes.
- B. Greenhouses operated by the occupants, provided the products will not be offered for retail sale on the premises.
- C. Home occupations. See Chapter 19.57.
- D. Gardening and fruit growing not for commercial sale.
- E. General farming, which does not include the commercial feeding of livestock, if the zoning lot is five (5) acres or more in size and meets the requirements outlined in Section 19.39 of this code.
- F. Family Day Care centers for up to eight individuals, not including the residents of the dwelling unit.
- G. Parks and Playgrounds.
- H. Adult Family Homes and Residential care facilities, up to six adults, when approved by the Washington State Department of Social and Health Services (DSHS).

19.15.050 Conditional Property Uses.

The following property uses may be permitted in single family zones by conditional use permit when recommended by the Planning Commission and approved by the City Council. The conditional use permit may authorize height variations for public buildings, utility sub-stations, schools and churches.

- A. Public buildings and utility sub-stations.

- B. Club facilities that are directly related to home development such as community swimming pools, privately owned athletic facilities and other similar improvements directly related to residential areas.
- C. Day care facilities for more than eight people with the maximum number of individuals to be determined as part of the conditional use permit process.
- D. House of Worship, provided that the lot coverage does not exceed thirty-five percent, the front yard be landscaped and all other parking and landscaping requirements are met.
- E. Schools.
- F. Bed & Breakfast Establishments and Short Term Rentals. (Refer to Section 19.49.030)

19.15.060 Height, Area, Setback, and Bulk Requirements.

The following table and text provides regulations for height, area, setback and bulk requirements:

Zone	Minimum Lot Size (sq. ft.)	Lot Coverage	Height		Yard Setbacks in Feet Additional setback information follows in text			
					Side Yard			
			Feet	Story	Front	Rear	Minimum	Total
RS-100	10,000	35%	32	2	20	30	7	22
RS-84	8,400	35%	32	2	15	30	7	22
RS-72	7,200	35%	32	2	15	30	7	17

Chapter 19.16

Residential Mixed Density Zone

- 19.16.010 Purpose and Intent
- 19.16.020 Permitted Uses
- 19.16.030 Accessory Permitted Uses
- 19.16.040 Secondary Permitted Uses
- 19.16.050 Conditional Property Uses

19.16.060 Development Standards – Density, Lot, Height, Setbacks
19.16.085 Subdivision Design Guidelines

19.16.010 - Purpose and intent.

The purpose of creating the residential mixed density zone (RMD) is to meet the stated goals of the comprehensive plan by allowing increased residential density to be integrated within single family neighborhoods within the community.

The intent in the creation of this zone is to allow a creative mixture of single-family and duplex housing styles and types. Development of this area should focus on maintaining the aesthetic quality of the city in general and the neighborhood in particular by providing for architectural diversity, adequate landscaping and open space and making low impact development (LID) the preferred and commonly used approach to site development.

19.16.020 - Permitted uses.

Permitted uses in the residential mixed density zone are as follows:

- A. Single Family Dwelling units, including detached site built single family dwellings and new manufactured homes. This includes types such as large lot single family and small lot single family units. Mobile homes as defined in Section 17.01.030 LMC are prohibited.
- B. Two Single Family Attached Dwelling units, which are ground related, fee simple-ownership units that are attached through shared walls or rooflines are allowed. This includes types such as townhomes, units with attached garages, and other innovative types.
- C. Duplex units. This includes two attached units on one parcel.

19.16.030 - Accessory permitted uses.

Accessory permitted uses are as follows:

- A. Private garages.
- B. Tool shed, satellite dish, outdoor patios and outdoor fireplaces.
- C. Private swimming pools, as provided in the International Building Code adopted pursuant to Chapter 15.02 of the Lynden Municipal Code and subject to LMC 19.37.090.
- D. Accessory dwelling unit (ADU) per LMC Chapter 19.20.

19.16.040 - Secondary permitted uses.

Secondary permitted uses are as follows:

- A. Hobby shops, relating to the hobbies of the occupants of the home and not operated for production and sales purposes.
- B. Greenhouses operated by the occupants, provided the products will not be offered for retail sale on the premises.
- C. Home occupations. See Chapter 19.57.
- D. Gardening and fruit growing not for commercial sale.
- E. General farming, which does not include the commercial feeding of livestock, if the zoning lot is five acres or more in size and meets the requirements outlined in Section 19.39 of this code.
- F. Family day care centers for up to eight individuals, not including the residents of the dwelling unit.
- G. Parks and playgrounds.
- H. Adult family homes and residential care facilities, up to six adults, when approved by the Washington State Department of Social and Health Services (DSHS).

19.16.050 - Conditional property uses.

The following property uses may be permitted in single family zones by conditional use permit when recommended by the planning commission and approved by the city council. The conditional use permit may authorize height variations for public buildings, utility sub-stations, schools and churches.

- A. Public buildings and utility sub-stations.
- B. Club facilities that are directly related to home development such as community swimming pools, privately owned athletic facilities and other similar improvements directly related to residential areas.
- C. Day care facilities for more than eight people with the maximum number of individuals to be determined as part of the conditional use permit process.
- D. Houses of Worship, provided that the lot coverage does not exceed thirty-five percent, the front yard be landscaped and all other parking and landscaping requirements are met.

- E. Schools.
- F. Bed and Breakfast establishments and Short Term Rentals. (Refer to Section 19.49.030)
- G. Manufactured home parks or subdivisions subject to the development objectives of the applicable sub-area plan.

19.16.060 - Development Standards - Density, Lot, Height, Setbacks

	Detached Units	Attached Units
Minimum Lot Size ^{a, b, c}	6,000 sf	4,000 sf each unit
Maximum Lot Coverage on lots less than 7,000 sf	40%	35%
Maximum Lot Coverage on lots 7,000 sf or greater	35%	35%
Maximum Height	32'	32'
Maximum Stories	2 stories	2 stories
Front Setback		
ROW to Porch	10'	10'
ROW to House	15'	15'
ROW to Garage	25'	25'
Side Setback ^d		
Minimum Side	7'	0' attached side, 7' detached side
Side Total	14'	7' each end, 14' total
Corner Lot	10'	10'
Rear Setback ^d		
Alley Easement to Garage Side	3'	3'
Garage Side to Property Line	5'	5'
Alley to Garage Door	21'	21'
Alley to House	20'	20'
To House	20'	20'

Table Notes:

- a. For the purpose of this section net land area means the gross acreage within a parcel minus all development requirements, designated critical areas and their buffers.
- b. Lots developed immediately adjoining a different single family residential zone shall not be less than 80% of the minimum lot size of that adjoining zone. For the purpose of this section properties that are separated from

another single family residential zone by a street are not immediately adjoining said zone.

- c. A minimum of 40% of the net land area within a development shall be divided into lots with a minimum size of 7200 square feet or larger.
- d. On corner lots one of the corners may be considered as a side yard, provided that the yard considered as a side yard shall not be less than 10 feet.

19.16.085 - Subdivision design guidelines.

All subdivisions must meet Chapter 18.14 of the Lynden Municipal Code, which provides minimum plat design requirements. In addition, subdivisions in the Pepin Creek Subarea must meet the Pepin Creek Subarea Residential Design Standards as adopted by the City Council. For developments outside of the Pepin Creek Subarea the following are specific design recommendations intended to improve the aesthetic design of the subdivision as a whole. The items below are not meant to be exhaustive and developers are encouraged to incorporate other creative design elements within the project.

- A. It is recommended that lot sizes and lot frontage widths are included and intermixed in the design of the subdivision to provide more street interest and potential for varying house designs.
- B. Curvilinear streets with connectivity are encouraged to provide a varied approach to the housing units.
- C. Low impact design (LID) design techniques are encouraged.

Chapter 19.17

RM MULTI FAMILY BUILDING ZONES

- 19.17.010 Established
- 19.17.020 Primary Permitted Uses
- 19.17.030 Accessory Permitted Uses
- 19.17.040 Secondary Permitted Uses
- 19.17.050 Conditional Property Uses
- 19.17.060 Height, Area, Setback, and Bulk Requirements
- 19.17.100 Design Review Board

19.17.010 Purpose and Zones Established.

The goal is to allow flexibility in site and design standards while promoting infill projects compatible with existing multi-family developments.

Six multi-family zones are established:

RM-1, Residential Multi-Family 1 zone; (up to 2 units/building)

RM-2, Residential Multi-Family 2 zone; (up to 4 units/building)

RM-3, Residential Multi-Family 3 zone; (up to 12 units/building)

RM-4, Residential Multi-Family 4 zone; (up to 50 units/building)

RM-PC, Residential Multi-Family Pepin Creek zone; (up to 4 units/building and sometimes up to 8 units/building)

SO, Senior Overlay zone; (up to 30 units/acre)

A. Use of Low Impact Development Techniques. When an application for multi-family development seeks to add additional residential density to a parcel or parcels as infill development, the pertinent approving body, the planning director, planning commission, or city council, is authorized to approve future land divisions even though they may not meet the lot size requirements of multi-family zones presented in this Title under the following conditions:

1. Site planning incorporates LID components that minimize impervious surfaces and achieves a more restrictive percent maximum coverage than would the larger lot size;
2. Site planning and design documents are completed by a licensed civil engineer in the State of Washington;
3. The proposed development integrates with the character of the neighborhood;
4. The requested waiver must be specified and justified in writing to the technical review committee and the approving body;
5. Written documentation of the decision on the waiver is recorded by the director in city records.

19.17.020 Primary Permitted Uses.

The primary land uses permitted in the multi-family zones are residential buildings as shown in the table below:

	ZONE			
	RM-1	RM-2	RM-3	RM-4
Single Family Dwelling Unit	P	P	P	P
Duplex Units	P	P	P	P
Three or Four units per building	N	P	P	P
More than four units per building	N	N	P	P
New manufactured homes as defined in Section 17.01.030 of the Lynden Municipal Code	P	P	P	P
Mobile homes as defined in Section 17.01.030 LMC	N	N	N	N

P = Permitted Use; N = Not Allowed

19.17.030 Accessory Permitted Uses.

Accessory permitted uses in the Multi - Family Zones are as follows:

- A. Private Garages.
- B. Carports.
- C. Tool shed, satellite dish, outdoor patios and outdoor fireplaces.
- D. Private swimming pools, as provided in the International Building Code adopted pursuant to Chapter 15.02 of the Lynden Municipal Code and subject to LMC 19.37.090.
- E. Accessory dwelling unit (ADU), per LMC 19.20.,
- F. Recreation areas for occupants.
- G. Mixed uses may be allowed in RM 4 if the use is for the benefit of the occupants only. Such uses include food service or dining room, nursing services, and laundry facilities.

19.17.040 Secondary Permitted Uses.

Secondary permitted uses in the Multi Family Zones are as follows:

- A. Hobby shops, relating to the hobbies of the occupants of the home and not operated for production and sales purposes.
- B. Greenhouses operated by the occupants, provided the products will not be offered for retail sale on the premises.

- C. Home occupations. See Chapter 19.57.
- D. Gardening and fruit growing not for commercial sale.
- E. General farming, which does not include the commercial feeding of livestock, if the zoning lot is five (5) acres or more in size and meets the requirements outlined in Section 19.39 of this code.
- F. Family Day Care centers for up to eight individuals, not including the residents of the dwelling unit.
- G. Parks and Playgrounds.
- H. Adult Family Homes and Residential care facilities, up to six adults, when approved by the Washington State Department of Social and Health Services (DSHS).

19.17.050 Conditional Property Uses.

The following property uses may be permitted in multi-family zones by conditional use permit when recommended by the Planning Commission and approved by the City Council.

- A. Public buildings and utility sub-stations.
- B. Club facilities that are directly related to home development such as community swimming pools, privately owned athletic facilities and other similar improvements directly related to residential areas.
- C. Day care facilities for more than eight people with the maximum number of individuals to be determined as part of the conditional use permit process.
- D. Nursing home and assisted living facilities as defined in RCW 74.39A.009.
- E. Bed and Breakfast Establishments and Short Term Rentals (See Section 19.49.030).
- F. House of Worship, provided that the lot coverage does not exceed thirty-five percent, the front yard is landscaped and all other parking and landscaping requirements are met.
- G. Schools.
- H. Community Service Facilities operated by a registered non-profit organization providing services to the community such as food banks, outpatient counseling services, and church related or outreach ministries. This use is subject to the following conditions in addition to the conditional use criteria established under Section 19.49.020.
 1. The use is limited to the RM-4 zones.

2. This use specifically excludes retail sales and any facilities offering in-patient treatment, inpatient counseling, or inpatient rehabilitation.
3. The maximum lot coverage for the proposed facility shall not exceed thirty percent.
4. All parking and landscaping requirements shall be met.

19.17.060 Height, Area, Setback and Bulk Requirements.

A. The following table provides regulations for height, area, setback and bulk requirements:

B. Zone	Min. Lot Size (sq. ft.)	Lot Coverage	Open Space Required	Height	Yard Setbacks in Feet			
					Side Yard			
				Feet	Front	Rear	Minimum	Total
RM-1	7,200	35%	7.5%	32	20	30	7	22
RM-2	7,200	40%	7.5%	32	20	30	7	22
RM-3	7,200	40%	7.5%	32	20	30	12	27
RM-4	1 Acre	45%	7.5%	32	20	30	15	32

B. The following table provides regulation regarding the maximum density allowable in each zone.

Zone	Square Feet Required for First Unit	Square Feet Required for Additional Units	Maximum Units/Bldg.
RM-1	6,000	2,000	2
RM-2	6,000	2,000	4

RM-3	6,000	2,500	12
RM-4	6,000	1,650 for units 2—24 1,400 for each additional unit	50

C. For the purposes of this chapter open space is as defined in Section 19.29.080(3) of the Lynden Municipal Code.

D. Lot coverage may be increased by one percent for each ten percent of the required off-street parking that is located beneath portions of the multiple-family dwelling units which are intended to be occupied by residents or used as hallways or meeting rooms.

19.17.100 Design Review Board

All multi-family developments will be subject to approval by the Design Review Board.

Chapter 19.19

MH - MANUFACTURED HOME ZONE

Sections:

- 19.19.010 Established.
- 19.19.030 Primary Permitted Uses.
- 19.19.040 Accessory Permitted Uses.
- 19.19.050 Secondary Permitted Uses.
- 19.19.060 Maximum Density.
- 19.19.070 Minimum Width of Individual Space.
- 19.19.080 Manufactured Home Construction Requirements
- 19.19.090 Height, Area, Setbacks, and Bulk Regulations
- 19.19.100 Manufactured Home Park -- Individual space boundary requirements.
- 19.19.110 Manufactured Home Park -- Automobile parking requirements.
- 19.19.120 Manufactured Home Park -- Development Standards
- 19.19.150 Manufactured Home Park -- Landscaping.

19.19.010 Established.

There is established the MH -- Manufactured Home Zone and the standards and regulations by which certain land uses may be permitted therein.

19.19.030 Primary permitted uses.

A. The primary uses permitted in the MH -- Manufactured Home Zone is manufactured homes, and manufactured home parks, as provided in this

chapter, subject to the minimum standards and conditions set forth in this chapter and within Chapter 18.22.

- B. Site built, detached single family dwelling units are also considered a permitted use within the MH zone, provided that the total number of site built houses does not exceed twenty percent of the total units within the manufactured home park or development.
- C. Mobile homes as defined in Section 17.01.030 LMC are prohibited.

19.19.040 Accessory permitted uses.

The accessory uses permitted in the MH Zone are as follows:

- B. Private garages.
- C. Carports.
- D. Tool shed, satellite dish, outdoor patios and outdoor fireplaces.
- E. A maintenance building containing equipment and tools for owners of manufactured homes that are necessary for the repair and preservation of a manufactured home.

19.19.050 Secondary permitted uses.

The secondary uses permitted in the MH Manufactured Home Zone are as follows:

- A. Community laundry facilities used by the residents of the park or development.
- B. Community buildings for the residents of the park or development. These buildings may contain offices, recreational facilities and meeting halls.
- C. Private swimming pools, as provided in Chapter 15.16 in the International Building Code adopted pursuant to Chapter 15.02 of the Lynden Municipal Code and subject to LMC 19.37.090.

19.19.060 Maximum density.

The maximum density of a manufactured home park or development in the MH Zone shall not exceed six units per gross acre.

19.19.070 Minimum width of individual space.

No manufactured home space in the MH Zone shall be less than forty-five feet in width.

19.19.080 Manufactured Home Construction Requirements

- A. Manufactured homes must meet or exceed all Federal and/or State requirements.

B. Manufactured homes placed within the City of Lynden must meet the definition of a manufactured home as defined in Section 17.01.030 of the Lynden Municipal Code.

19.19.090 Height, Area, Setback and Bulk Requirements.

A. The following provides regulations for height, area, setbacks & bulk requirements:

Minimum Lot Size (sq. ft.)	Lot Coverage	Height		Yard Setbacks in Feet			
				Side Yard			
		Feet	Story	Front	Rear	Minimum	Total
4,200	40%	25	2	20	20	7	17

19.19.100 Manufactured Home Park--Individual space boundary requirements.

The boundaries of each manufactured home space in a manufactured home park shall be clearly defined and marked by a fence, planting or other suitable means approved by the Planning Director, or by clearly visible, permanent markers at each corner of the space. For the purposes of this code, this boundary will be considered a property line.

19.19.110 Manufactured Home Park -- Automobile parking requirements

There shall be provided at least two automobile parking spaces for each manufactured home space, plus one additional automobile parking space for every five manufactured home spaces or any portion thereof for guests, visitors, service vehicles and additional automobiles of the tenants of the park.

19.19.120 Manufactured Home Park-- Development Standards.

See Chapter 18.22 of the Lynden Municipal Code.

19.19.150 Manufactured Home Park - Landscaping.

Privacy landscape buffers shall be required around the entire perimeter of the manufactured home park as required under Chapter 19.61 – Landscaping and Chapter 18.22-Manufactured Home Park and Subdivision Standards.

Chapter 19.31
Residential Property Use Restrictions

Sections:

- 19.31.010 Enforcement of Zoning Regulations
- 19.31.020 One-family dwelling unit regulations
- 19.31.030 Single family and Multi Family homes in commercial areas

19.31.010 Enforcement of Zoning Regulations.

The following regulations shall apply to all residential dwellings regardless of the zone in which they are located and to all property in residential zones of the city. Authority for the enforcement of these provisions is found in Chapter 17.13 of the Lynden Municipal Code. Violation of these provisions may be subject to civil penalties and fines as provided in that chapter.

19.31.020 Residential Property Regulations.

A. Outside storage.

1. Inoperable vehicles shall not be stored on the premises longer than thirty days (30) unless parked within an enclosed structure. Minor automotive repair on vehicles other than those registered to the occupant of the house is strictly prohibited. Automobile wrecking is also strictly prohibited.
2. No more than five, currently licensed and/or operable passenger vehicles may be stored outdoors on any residential lot. Inoperable vehicles may not be stored in the front yard (refer to Section 19.31.020(A)).
3. Lots greater than or equal to ten thousand square feet may store up to two recreational vehicles on the lot; provided however, they are not stored in the front yard and meet the requirements of Section 19.31.020 (B).4. A reasonable quantity of materials normally accessory to the primary residential use may be stored on the premises in areas other than required setback areas and open space. There shall be no outside storage of any other materials. Materials that attract rodents and other pests may not be stored on site unless properly enclosed.
5. As per Chapter 8.04 of the Lynden Municipal Code, regular garbage / recycle pick-up is required. Garbage and recycling containers must be stored securely so as to avoid dispersal of materials on the property or neighboring properties.
6. Mobile storage units or shipping containers are permitted for use during construction but must be removed within thirty days of final occupancy of the primary residence. No units greater than 8' x 10' are permitted in residential zones, other than during construction or for a period of up to 30 consecutive days within a six month period to facilitate the moving in or moving out of a residence. Units 8' x 10' or smaller may be placed on a lot for not more than six months during any two-year period and must be located in the rear yard.

B. Recreational Vehicles: Trailers or Motor Homes and Boats.

1. During summer months, one recreational vehicles may be kept on single family residential (RS) properties to allow for periodic use. Summer storage must be done according to the following standards:
 - a. Recreational vehicles must be kept in a designated paved or gravel parking area. This may include areas located in front yards. RV storage shall not reduce the ability of the property to maintain the minimum number of code required on-site parking spaces. Parking any vehicle on lawns or in landscaped areas is not permitted.
 - b. Recreational vehicles shall not be parked on City streets for longer than a 72 hour period. At no time may an RV create a dangerous visual barriers to drivers on City streets.
 - c. Applicable dates of summer months include one week prior to the Memorial Day holiday until one week after the Labor Day holiday.

 2. One RV trailer or one motor home and/or one boat may be stored on the premises only if such storage is not detrimental to surrounding properties. In determining whether such storage is detrimental to surrounding properties, the zoning official shall consider whether the storage:
 - a. Is properly screened from adjoining properties either by landscaping, fencing, or an approved storage facility.
 - b. Shall not be covered or screened by utility tarps;
 - c. Is on a lot greater than or equal to ten thousand square feet.
 - d. Has ingress and egress without crossing a neighbor's property.

 3. Trailers, trailer houses, campers, mobile homes, or motor homes shall not be used as living quarters at any time unless located in a duly authorized mobile home park or properly zoned area.
- C. Animals. No more than three of any species of common household pets, four months of age or older, shall be allowed per dwelling unit.

19.31.030 Single family and multi-family homes in commercial areas.

Commercial sales are prohibited in the setback areas when the property is used for living purposes. Off street parking for the residents shall meet or exceed the requirements in Chapter 19.51.

CHAPTER 19.61 LANDSCAPE REQUIREMENTS

Sections:

- 19.61.010 Purpose
- 19.61.020 Scope
- 19.61.030 Landscape Development Plan
- 19.61.040 Performance Bond
- 19.61.050 Landscape Maintenance
- 19.61.060 Plant Choice
- 19.61.070 Landscaping and Planting Strip Types for Side and Rear Yards
- 19.61.080 Residential Landscape Requirements.
- 19.61.090 Minimum Landscape Requirements for Required Landscaping
- 19.61.100 Requirements for Commercial and Industrial Parking Lots
- 19.61.110 Tree Removal
- 19.61.120 Boulevard or Parking Strips – May be required
- 19.61.130 Boulevard or Parking Strips – Development and Maintenance
- 19.61.140 Maintenance of existing vegetation
- 19.61.150 Definitions

19.61.010 Purpose.

The purpose and intent of this chapter is to provide landscape development and buffering requirements in order to maintain and protect property values, enhance the appearance of the development, protect the aesthetic assets of the community, reduce erosion and storm water run-off, and provide screening between incompatible land uses. The landscape requirements of this chapter are minimum standards; additional landscaping will be encouraged.

19.61.020 Scope.

This chapter shall apply to all RM zones, MH zones, CS zones, I zones, public facilities, and any residential developments where the development is larger than four lots. No building permit, shall be issued where landscaping is required until a landscaping plan has been submitted and approved by the City Planner or the Design Review Board where applicable. A landscaping plan is not required for a single family building permit.

19.61.030 Landscape Development Plan.

Landscape development plans shall indicate all areas to be preserved and planted including proposed fencing and landscape features. The landscaping plan shall also show locations of individual trees and shrubs; and include name, size, spacing and quantity of the plant materials and all proposed irrigation lines and structures. It is recommended that a landscape architect or a professional nurseryman prepare required plans.

19.61.040 Performance Bond.

No permanent occupancy permit shall be granted until landscaping required under this chapter is completed. However, a permanent occupancy permit may be granted if a performance guarantee bond in the amount of 150% of the anticipated cost of the unfinished landscaping is posted guaranteeing the installation of required landscaping is posted within 180 days. If landscaping is not so completed, the City may finish it, in accordance with the approved plan, using the bond to pay the completion costs. The bond may be posted by certified check payable to the city, assignment of a restricted savings account to the City, or posting an irrevocable letter of credit or a bond with the City.

19.61.050 Landscape Maintenance.

Plantings including trees and shrubs shall be maintained in a healthy growing condition. Dead plants or trees shall be replaced by the property owner. If it becomes necessary for the City to take action in removal and/or replacement of required landscaping, the property owner will be billed for all costs associated with the removal and/or replacement. The property owner is also responsible to keep the landscaped areas reasonably free of weeds and trash.

19.61.060 Plant Choices.

All species shall be native to the area or recognized as being easily adaptable to the climate. The City will require the applicant to conform to the City's Design and Development Standards including modifying the plant choice to:

- A. Eliminate undesirable species which may conflict with power lines or sewers because of their growth or invasive root systems.
- B. Provide a diversity of species.
- C. Provide plant materials that will fulfill the buffering or landscaping purposes of that planting on a year-round basis.
- D. Provide visual relief on long facades.
- E. Provide species that are resistant to drought conditions.

19.61.070 Landscaping and Planting Strip Types for Side and Rear Yards.

A. TYPE I. Ornamental Landscaping

This landscaping shall consist of a combination of trees, shrubs and other landscaping materials, including bark and/or decorative rock, or grass. The landscaping shall be designed to improve the appearance of the development, not necessarily to obscure it. A mixture of evergreen and deciduous plantings reaching a maximum height of thirty inches is recommended. This does not apply to non-sight obscuring trees.

B. TYPE II. Mixed Trees, Shrubs, Low Plantings

This planting strip shall consist of one row of trees spaced a maximum of ten feet on center. The remainder of the planting strip shall be planted with plantings that will result in an attractive ground cover within two years.

C. TYPE III. Sight Screening Evergreen Hedge

The purpose of this landscaping type is to provide a sight, sound and psychological barrier between zones with some degree of incompatibility. The spacing of evergreen plants shall be such that they form a dense hedge within three years. The minimum height, at the time of planting, shall be four feet, except where the hedge would interrupt the clear vision triangle.

D. TYPE IV. Low Plantings, Trees, and Fencing

Evergreen conifer trees shall be spaced a maximum of fifteen feet on center, backed by a seventy-two inch fence which forms an effective barrier to sight, except where the fence would interfere with the clear vision triangle (see Chapter 15.28). The fence shall be placed on the inside of the planting strip. The remainder of the landscape area shall be planted with plantings that will result in an attractive ground cover within three years.

E. TYPE V. Wall of Trees

The purpose of this landscape type is to provide a sight, sound and psychological barrier between zones with a high degree of incompatibility. This planting strip shall consist of two rows of trees staggered and spaced a maximum of ten feet on center, so as to form an effective visual barrier within five years. The minimum tree height, at the time of planting, shall be six feet, except where it would obscure the vision triangle.

F. TYPE VI. Boulevard or Parking Strip

Boulevard or parking strip plantings are encouraged. The strip should be planted with non-fruit bearing, deciduous trees a minimum of fifty feet on center. At the time of planting deciduous trees shall be at least three inches in diameter at four feet in height, and all necessary root barriers shall be installed.

19.61.080 Residential Landscape Requirements.

Objective – To enhance the aesthetics of communities through the installation of landscape and the screening undesirable elements. Also, to enhance safety and function of residential properties through appropriate maintenance of landscape plantings.

A. Detached Residential Single Family (RS) Landscape Requirements

1. Property owners may landscape adjacent to sidewalks on any city street provided that at no time the landscape encroaches into the path of the sidewalk which would impede pedestrian movement or create unsafe conditions. It is the property owner's responsibility to maintain the landscape in this manner.

2. Hedges. To facilitate visibility along streets and sidewalks, hedges which fully block visibility must not be planted within 3 feet of the sidewalk. View triangles, which protect sight distance, at street intersections may require additional height restrictions.
3. Street trees are required at the time of plat as outlined in Chapter 18.14. Additionally, the installation or replacement of street trees may be required to this standard when building permits are sought for additions, decks, remodeling, or the construction of accessory structures.
4. All plantings on city property are subject to removal by the property owner at the City's discretion and property owner's expense. In the case that the property owner does not remove the planting, the removal will be done by the City and the property owner will be billed.

B. Multi-Family Residential (RM) and Attached Single Family Landscape Requirements

All proposed multi-family and attached single-family development greater than two attached units in these zones shall comply with the following standards. Variances, in accordance with the process set forth in Chapter 17.17 LMC, may be authorized by the planning director where factors such as but not limited to, topography, other site constraints prevent strict compliance.

1. All public streets will be required to include street trees between the curb and sidewalk, unless a variance to the street section standard and design is granted.
2. Entry areas, access easements, and driveways shall be landscaped to create a feeling of identification and continuity of plant materials related to the plantings around the buildings and parking areas. The primary entrances to the multi-family development, defined for this section as the entrances from public roadways, shall have landscaped areas on either side of the entrance. This landscape area shall be a triangle beginning at a point where the back of the sidewalk and the driveway intersect and running a distance of twenty feet parallel with the street, and fifteen feet from the back of the sidewalk along the driveway, and diagonally connecting the two lines. These areas may be utilized as rain gardens.
3. Plant choices should include those plants that are native to the region, have minimal maintenance requirements and high survival rates. Large, more mature plant materials are encouraged to ensure that some immediate effect on the project's appearance will be

attained within two years of planting. The following sizes and spacing are suggested and/or required for plant materials at time of installation.

- a. Street trees shall have a minimum caliper size of two inches. Trees located along drives and in the street side of planting areas adjacent to parking areas or buildings shall have a minimum caliper size of one and one-half inches. Trees located elsewhere are to have a minimum caliper size of one inch and equivalent to a fifteen-gallon container size.
 - b. At the time of installation, shrubs must be a variety of sizes (one to five-gallon pots) and upright shrubs must have a minimum height and spread of eighteen to thirty-six inches. Spreading shrubs should have a minimum of twelve to eighteen inches (smaller shrub sizes may be approved where it is more appropriate within the particular landscape plan). Hedge material must have a minimum height of four feet at the time of planting.
 - c. Ground covers planted from flats shall have a maximum spacing of twelve inches on center or, when planted from one-gallon pots, a maximum spacing of twenty-four inches on center.
4. Earth berms and rain gardens are convenient devices for providing variation in the ground plane and for screening interior portions of the site. The bermed areas should be as long, as gradual and as graceful as space will allow. Maximum slopes for bermed areas should not exceed 4:1.
5. Building foundation plantings are required around all areas of the building except immediately adjacent to entries or garage doors. Sidewalks shall not be included within these areas. Installation of plant material is required and must be appropriate to the scale of the building. Area required is as follows:
- a. Buildings containing 2-4 units must provide a planting area a minimum of 4 feet in width. Required area of foundation planting may be averaged, but in no case may the width be less than 2 feet.

Buildings containing more than 4 units must provide a planting area a minimum of 6 feet in width. Required area of foundation planting may be averaged, but in no case may the width be less than 3 feet.

19.61.090 Minimum Landscape Standards for Required Landscaping.

- A. In order to reduce the incompatible characteristics of abutting properties with different land use classifications, minimum landscaping standards shall be applied to planting strips on the interior property lines of the most intense land use. In the case of a less intense land use being developed directly adjacent to an existing land use of higher intensity, the landscaping requirements may be established as a permit condition and may be placed on the interior property line of the less intense land use.
- B. For the purpose of this ordinance, the following is a listing of land uses in order of intensity from the highest to the lowest: ID, CSL, HBD, CSR, IBZ, TR, MH, RM-4, RM-3, RM-2, RM-1, RMD, RS-7,200, RS-8,400, RS-10,000.
1. All I zones adjacent to all CS zones: Type III planting strip, ten feet in width.
 2. All I zones adjacent to public, semi-public or PU areas: Type III planting strip, fifteen feet in width.
 3. All I zones adjacent to MH zones: Type III planting strip, ten feet in width.
 4. I zones adjacent to TR zones: Type III planting strip, fifteen feet in width.
 5. All I zones adjacent to RM housing: Type IV planting strip, ten feet in width. If IBZ, fencing is optional.
 6. All I zones adjacent to RS housing: Type V planting strip, fifteen feet in width.
 7. CS zone adjacent to all MH: Type III planting strip, ten feet in width.
 8. All CS zones adjacent to public or semi-public or PU areas: Type III planting strip, ten feet in width.
 9. All CS zones adjacent to RM housing: Type II planting strip, ten feet in width.
 10. All CS zones adjacent to RS housing: Type IV planting strip, fifteen feet in width.
 11. TR zone adjacent to RM zones: Type III planting strip, ten feet in width.
 12. TR zone adjacent to RS zones: Type IV planting strip ten feet in width.
 13. MH zone adjacent to RS housing: Type IV planting strip, ten feet in width.
 14. MH zone adjacent to RM housing: Type III planting strip, ten feet in width.
 15. RM housing adjacent to RS housing: Type IV planting strip, ten feet in width. Fencing is optional.
 16. PRD adjacent to all other zones: Type II planting strip five feet wide, except I and CS zones where it shall be ten feet in width.
 17. Public buildings and utility sub-stations within all RS and RM zones: Type I planting strip five feet wide.

19.61.100 Landscaping Requirements for Commercial and Industrial Parking Lots

Landscaping requirements for parking lots should incorporate LID techniques as feasible and meet the following:

- A. Parking lots fronting on a public street right-of-way shall have fifty square feet of "Type I" landscaping for every thirty-five hundred square feet of parking area. Additional landscaping is encouraged, provided that the planting shall not obstruct the vision triangle at street intersections and driveways.
- B. Additional plantings may be placed on street right-of-way behind the sidewalk line if the owner agrees to remove the landscaping, at the owner's expense, upon request of the City. The owner will maintain all landscaping placed in the right-of-way.
- C. No landscaping area shall be less than fifty square feet in area,
- D. No parking stall shall be located more than fifty feet from a landscaped area. The Planner may approve landscaping plans involving alternatives to this specification for individual properties if the proposed alternative would be more effective in meeting the purposes of this chapter.
- E. All landscaping must be located between parking stalls, at the end of parking columns, or between stalls and the property line. No landscaping which occurs between the parking lot and a building or recreation area shall be considered in satisfaction of these requirements.
- F. Parking lots containing less than twenty parking spaces need provide only perimeter screening to satisfy the landscaping area requirements.
- G. When a parking lot abuts residentially designated property along any interior property line, a "Type III" buffer, or a minimum five-foot wide "Type IV" buffer with plantings spaced to form a solid sight-obscuring screen within three years, shall be installed along the property line. An earthen berm may be substituted for the above landscaping requirements, provided that the berm acts as a substantial buffer or screen, is height and width appropriate to the area and is planted with grass or other appropriate ground cover. This requirement shall not apply when the abutting residentially designated property is six feet or more above or below the elevation of the immediately adjacent parking area.
- H. All landscaped areas shall be protected from vehicle damage by a six-inch protective curbing and, if necessary, wheel blocks.

19.61.110 Tree Removal or Planting.

- A. No person shall remove any tree(s) or shrub from any street, alleys, boulevard or parking strips of the City of Lynden without first having applied for and received a permit from the City to do so. The application for the

permit and the permit shall be on forms prescribed by the City and there will be no charge for such a permit.

- B. No person shall plant any tree(s), or shrubs on the streets, alleys, boulevard or parking strips of the City of Lynden without first having applied and received a permit from the City. There will be no charge for such a permit.

19.61.120 Boulevard or Parking Strip – May be required

Boulevard or parking strips are encouraged and may be required by the City as part of development permit approval. Planting requirements are listed above as Type VI planting strips. Where street trees are required, the trees fronting a building lot must be installed prior to final occupancy for that building constructed on the building lot. At the time of plat approval, a note shall be placed on the face of the plat indicating that it is the responsibility of the property owner to maintain all trees placed within the City right-of-way abutting their property.

19.61.130 Boulevard or Parking Strip – Development and Maintenance

- A. Street trees shall be planted in accordance with accepted commercial planting procedures and appropriate root barriers shall be installed at the time of planting.
- B. Street trees shall be chosen in accordance with the plantings recommended by Puget Sound Energy. Lists of recommended trees are available from the Planning Department.
- C. The Public Works Director will prune and maintain, or cause to be pruned and maintained, all of the trees along Lynden streets. The City will maintain the street trees on Front Street between First and 17th Streets. The remaining trees will be the responsibility of the adjacent property owner to maintain. If said trees are not maintained, the Public Works Director may cause those trees to be maintained at the expense of the adjoining property owner.
- D. All trees along City streets shall maintain a minimum clearance of thirteen feet, six inches between the ground and lowest branch. Street trees shall not be planted within the clear vision triangle.
- E. Adjacent property owners shall be liable for any persons injured or who otherwise suffers damage due to the failure of trimming and proper maintenance of trees by adjacent property owners. This shall include the replacement of sidewalks damaged by intruding roots.

19.61.140 Maintenance of existing trees

When a building or development is planned on a site that includes existing trees greater than twelve inches in diameter at five feet in height, every reasonable effort shall be undertaken to preserve those trees. Except however, that those trees that are diseased or that pose a threat to public safety may be removed. All landscape plans must show all existing trees, those trees to be removed and the placement of a number of trees equal to that number of trees to be removed.

19.61.150 Definitions.

As used in this chapter.

“Berm” means an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

“Buffer” means a combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

“Deciduous” means a plant with foliage that sheds annually.

“Conifer” means a plant with foliage that persists and remains green year-round, commonly known as evergreens.

“Ornamental tree” means a deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

“Screen” means a method of reducing the impact if noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

“Shade Tree” means usually a deciduous tree planted primarily for its high crown of foliage or overhead canopy; normally a deciduous and rarely an evergreen.

“Shrub” means a woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

“Tree” means a large, woody plant having one or several self-supporting stems or trunks and numerous branches. May be classified as deciduous or coniferous.

SECTION C. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION D. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION E. This ordinance shall take effect on October 1, 2019.

PASSED by the City Council this _____ day of _____, 2019.

Signed by the Mayor on this _____ day of _____, 2019.

MAYOR (Scott Korthuis)

ATTEST:

CITY CLERK (Pamela Brown)

APPROVED TO AS FORM:

CITY ATTORNEY (Robert Carmichael)

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	June 3, 2019	
Name of Agenda Item:	Public Hearing for Ordinance 1582	
Section of Agenda:	Public Hearing	
Department:	Planning Department	
Council Committee Review:	<input checked="" 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:		
Draft Ordinance 1582 including a recommended revision to 19.22.040 (page 8).		
Summary Statement:		
<p>Ordinance 1582 is one of three ordinances which propose to update the residential design standards for the City of Lynden. Specifically, it adopts a new section of code, Chapter 19.22. Planning staff has worked closely with the Design Review Board, the Planning Commission, and Building Official to develop Chapter 19.22 and make corresponding revisions to Chapter 18 and other sections of Chapter 19. Full review documents were provided to Council in the May 20th meeting package.</p> <p>Although 19.22 is a new chapter in the Lynden Municipal Code, many of the design standards currently exist but repetitiously appear in each zoning category. Aside from the consolidation of standards, the amendments touch on site design, architecture, accessory structures, landscaping and screening, and street trees. The code also clarifies the path to seeking relief from the design standards which allows alternate designs to be considered and approved by the Design Review Board.</p> <p>On April 11 the Planning Commission held a public hearing and recommended approval of the attached code revision as represented by Ordinance 1580, 1581, and 1582.</p> <p>On May 29 the Community Development Committee met and recommended a clarification related to the front yard setback of detached garages. This revision would appear in LMC 19.22.040. The draft language is attached.</p> <p>Staff is proposing that the new design standards take effect on October 1, 2019 to allow time to inform residential developers, designers, and builders of the proposed changes.</p>		
Recommended Action:		
Motion approve Ordinance 1582 as presented which amends Title 19 of the Lynden Municipal Code as part of the revisions to residential design standards and authorize the Mayor's signature on the document.		

ORDINANCE NO. 1582

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, REGARDING THE ADDITION OF CHAPTER 19.22, RESIDENTIAL DESIGN STANDARDS TO THE LYNDEN MUNICIPAL CODE.

WHEREAS, The City of Lynden is required to plan under RCW 37.70A, commonly referred to as the Growth Management Act, and

WHEREAS, The Growth Management Act mandates that cities make plans to accommodate a reasonable allocation of growth at urban levels of density, and

WHEREAS, the City of Lynden has determined that the purpose of residential design standards is to ensure that new developments meet and maintain a number of objectives that strive to promote orderly community growth and to protect and enhance property values for the community as a whole; and

WHEREAS, residential design standards help to enhance the aesthetics of communities through the installation of landscape and the screening of undesirable elements and to enhance safety through appropriate exterior lighting, addressing and fencing.

WHEREAS, residential design standards also seek to encourage low impact design techniques.

WHEREAS, appropriate provisions have been made within the zoning text to ensure that the impacts to the surrounding neighborhoods will be minimized; and

WHEREAS, the City issued a SEPA Determination of Non-Significance related to this Ordinance on April 10, 2019; and

WHEREAS, the Lynden Planning Commission held multiple work sessions (open to the public) to develop the residential design standards; and

WHEREAS, on April 11, 2019, following public notice, the Planning Commission conducted a public hearing regarding this proposed Ordinance and, after considering all comments and testimony received, forwarded a recommendation to the City Council to adopt the proposed new Chapter 19.22 into the Lynden Municipal Code; and

WHEREAS, on April 12, 2019, the City provided notification to the state pursuant to RCW 36.70A.106 regarding the proposed addition of Chapter 19.22 to the Lynden Municipal Code and requested expedited review thereof, and said request for expedited review having been subsequently granted; and

WHEREAS, the proposed regulations were introduced to the Lynden City Council on May 20, 2019, and a date for a public hearing was set; and

WHEREAS, on June 3, 2019, the Lynden City Council held a public hearing to accept public testimony on the proposed amendments and to consider the matters of record to that date; and

WHEREAS, the City Council approved the addition of the new Chapter 19.22 as recommended by the Planning Commission; and

WHEREAS, the City Council finds the proposed addition to the zoning code will uphold the goals of the Comprehensive Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, ORDAINS AS FOLLOWS:

SECTION A. A new chapter 19.22 of the Lynden Municipal Code is hereby adopted as follows:

Chapter 19.22
RESIDENTIAL DESIGN STANDARDS

- 19.22.010 Establishment, Relief, and Purpose
- 19.22.020 Site Design – Setbacks, Yards, Building Orientation, and Pedestrian Connections
- 19.22.030 Residential Architecture and Attached Garages
- 19.22.040 Detached Garages and Accessory Structures
- 19.22.050 Landscape, Fences, Screening, and Lighting

19.22.010 Establishment, Relief, and Purpose

A. Establishment and Relief. There is established therein residential design standards and regulation by which residential structures may be permitted and maintained.

- 1. Relief from the required standards must be sought through the variance process.
- 2. Variance requests which relate specifically to site design development standards described in Section 19.22.020 shall be submitted to the Board of Adjustment consistent with Section 19.47.
- 3. Variance requests which relate specifically to the residential design criteria described in Section 19.22.030 through 19.22.050.

B. Purpose.

1. The essential purpose of the residential design standards to ensure that new developments meet and maintain a number of objectives that strive to promote orderly community growth and protect and enhance property values for the community as a whole.
 - a. To soften and enhance the built environment using yards and green space, to incorporate inviting pedestrian scale elements into all residential construction, and to provide adequate parking areas.
 - b. To create high-quality communities that have variation of architectural style and durable materials.
 - c. To reduce the visual impact of the garage and accessory structures and emphasize the pedestrian environment.
 - d. To enhance the aesthetics of communities through the installation of landscape and the screening of undesirable elements. Also, to enhance safety and function of residential properties through appropriate exterior lighting, addressing, and fencing.
2. Residential design standards also seek to encourage low impact design (LID) techniques such as rain gardens, xeriscape, or pervious pavement to minimize adverse impacts on the natural environment.

19.22.020 Site Design – Setbacks, Yards, Building Orientation, and Pedestrian Connections

Objective – To soften and enhance the built environment using yards and green space, to incorporate inviting pedestrian scale elements into all residential construction, and to provide adequate parking areas.

A. Lot coverage

1. Lot coverage is limited by zoning category.
2. Lot coverage may be increased by one percent for each ten percent of the required off-street parking that is located beneath portions of the multiple-family dwelling units which are intended to be occupied by residents or used as hallways or meeting rooms.

B. Building Orientation

1. On corner lots, the primary pedestrian entrance to the building shall be from the designated front yard. However, the primary pedestrian entrance and address may be oriented to the designated side yard if both side yard setbacks are fifteen feet from property line to living area.
2. The side yard used for a driveway shall not be less than ten feet in width.

3. All dwellings shall be oriented on the lot, so that the primary pedestrian entrance is obvious from the street or access easement which serves as its primary point of access.

C. Setbacks. Minimum setbacks are outlined in each zoning category.

1. All setbacks are measured from the property line to the foundation.
2. Eaves and cantilever bay windows may encroach into the setback a maximum of two feet.
3. Structural permits with setbacks submitted prior to April 1, 2019 are considered conforming and not subject to LMC 19.35.030.
4. Additional fire protection may be required for structures located within 10 feet of each other.
5. It is the property owner's responsibility to have the property lines clearly marked for inspection.
6. On corner lots in the RS-72 zone, one of the corners may be considered as a side yard, provided that the yard considered as a side yard shall not be less than ten feet.
7. On corner lots in all other residential zones, the side yard setback adjacent to the street must be a minimum of fifteen feet.

D. Garage Setbacks from Property Lines

1. On any lot, the minimum distance between the garage door and the property line or access easement parallel to the garage door must be 25 feet.
2. In RS-84 and RS-100 zones an attached garage may be built as close as seven feet to the side property line provided the living area side setbacks total twenty-two feet from the building foundation to the property line.
3. In RS-72 and RMD zones an attached garage may be built as close as seven feet to the side property line provided the living area side setbacks total seventeen feet from the building foundation to the property line.

E. Pedestrian Connection

1. Sidewalk connections must be provided in all residential zones.
2. In all RM zones, primary sidewalks must be a minimum of 5 feet clear width without encroachment of vehicle overhang.

- 3. In RM zones sites must include pedestrian walkways which provide connection to common green spaces and public sidewalks. Cross walks provided as needed in parking areas and along streets.

19.22.030 Residential Architecture and Attached Garages

Objective – To create high-quality communities that have variation of architectural style and durable materials. To reduce the visual impact of the garage and accessory structures and emphasize the pedestrian environment.

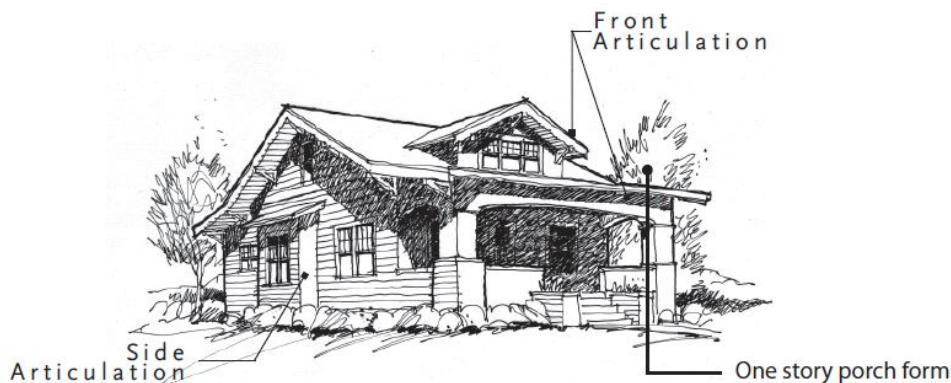
- A. Residential Structure
 - 1. All dwellings must be placed on a permanent foundation and the space between the foundation and the bottom of the home must be enclosed by concrete or approved concrete products.
 - 2. Eaves and gable ends must be a minimum of twelve inches. This is not applicable to re-roofing or additions to existing structures.

- B. Building Height.
 - 1. Building height is regulated by zoning category.
 - 2. On lots greater than ten thousand square feet in size, the height of a residential structure may be increased one foot for every two feet in increased setback distance beyond the minimum setback on both side yards and the front yard, to a maximum height increase of five feet, or total height of thirty-seven feet.

- C. Roofs
 - 1. Roofing materials shall be wood shingle or shake, composition, asphalt laminate, clay or architectural metal.
 - 2. Exposed fastener corrugated metal or corrugated fiberglass roofing is not permitted.
 - 3. Using a membrane roof or built up roofing (BUR) for the primary roofing material is not permitted.
 - 4. The primary roof line must have a minimum of a 4:12 pitch. This is not applicable to re-roofing or additions to existing structures.

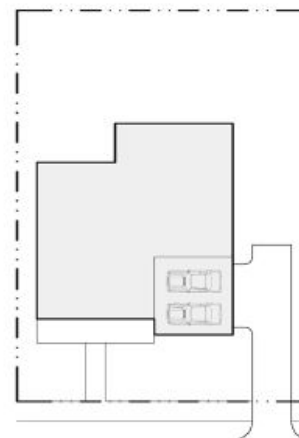
- D. Building Elevations and Finishes
 - 1. Residential Elevations

- a. The same architectural elevation shall be separated by a minimum of two other homes.
- b. An articulation is an architectural element such as a one-story porch or bay window. One such element shall be used on all sides of the building that face toward a public street, shared access easement, or common green. The articulation shall be offset a minimum of 12". A garage setback shall not count as an articulation.



- 2. Garage Elevations. To promote an attractive, pedestrian-friendly streetscape, attached garages accessed from the front, with garage doors oriented toward the street are subject to the following standards:
 - a. At the ground level, the garage façade shall not extend forward of the home’s living space by more than 12 feet.
 - b. The lineal frontage of the building elevation which can be occupied by garage doors is limited.
 - c. In RS zones, no more than 50 percent of the building elevation can be garage doors.
 - d. In RMD and RM zones, no more than 60 percent of the total first floor building elevation length can be garage doors.
- 3. Exterior Finishes
 - a. The exterior of the home must be finished with a minimum of two types of materials or variation in reveals.
 - b. Exposed fastener metal siding is prohibited on residential buildings.

- c. Exposed ends of stone and masonry façades are not permitted and must be finished with trim or end caps.
- d. All garage sides that are visible from streets or shared access easements shall provide architectural details and trim consistent with the design of the home. (graphic)
- e. In RS zones, attached garages or attached carports which provide a third covered or enclosed space must be offset a minimum of 2 feet from the first two covered or enclosed spaces.



Side Loaded Garage

E. Porches, Stoops, Decks, and Patios

1. Porches and stoops.

- a. Architecture of the primary pedestrian entrances must include cover from the elements. Eave overhang alone does not constitute cover.
- b. Steps used to access front porches or stoops must be complimentary to the primary structure through the use of coordination materials or architectural elements.
- c. Stairs with open risers are not permitted on front porches or stoops.

2. Decks and patios

- a. Uncovered wood decks and raised concrete patios not over twenty-four inches above grade at any point may be permitted within eighteen feet of the rear property line and five feet of the side property line.
- b. Roof structures covering decks or patios are permitted within the rear setback provided that the structure:
 - 1. Remains open on three sides;
 - 2. Does not come within eighteen feet of the rear property line;

- 3. Does not encroach more than 2 feet into the side yard setbacks of the underlying zone; and,
 - 4. The addition does not exceed the permitted lot coverage.
- c. Deck or patio privacy screening or fencing which is located more than 6 feet from the property line, may be up to eighty-four inches in height above the lowest grade. Privacy screening of a deck or patio which is located on a property line is subject to maximum fence height of 6 feet above grade.

19.22.040 Detached Garages and Accessory Structures

Objective – To reduce the visual impact of the garage and accessory structures and emphasize the pedestrian environment.

To be considered a "detached" structure, the minimum distance between two structures shall be six feet measured from foundation to foundation with no projections greater than twenty-four inches. Additional fire protection may be required for structures located within 10 feet of each other.

A. General Requirements

- 1. All accessory structures, whether defined in this title or not, shall conform to the requirements of the International Building Code. (Currently appears in MH bulk standards)
- 2. Architectural style of a detached garage, shop, or shed must match the style of the primary structure. However, agriculturally themed structures such the roofline of a traditional barn may be permitted. Also, this standard is not applicable to greenhouses or open-sided structures intended only to cover recreational vehicles.
- 3. All accessory structures, including carports, must utilize roofing material which is compatible with the primary structure.
- 4. Any structure intended to be established and remain for more than 72 hours and, as outlined in LMC 15.04.010, exceeds 120 square feet in area must obtain a building permit.

B. Accessory Structure Setbacks

- 1. Detached garages may be located a maximum of 12 feet forward of the first floor living space of the home but are subject to front setback required by the underlying zone. Storage sheds or other accessory structures not used as a garage are not permitted forward of the front façade of the home.

2. A detached accessory structure or garden shed located in a rear may not be built closer than six feet to the side or rear property line including property lines abutting alleys with a maximum eave of 24 inches.
3. Accessory structures on corner lots shall not be permitted nearer than fifteen feet to the side property line adjacent to the street.
4. Garages accessed from alleys with garage doors facing the alley must be setback a minimum of 21 feet in all RM zones and setback 25 feet in all RS zones.

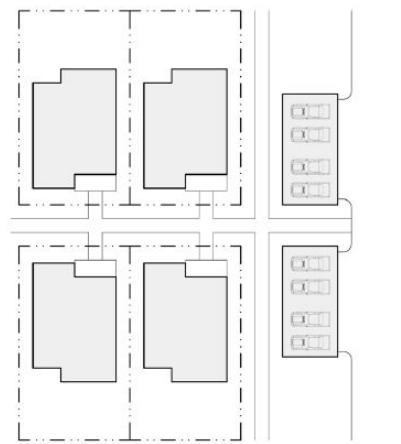
C. Accessory Structure Height

1. The maximum height for all accessory structures shall be twelve feet, except for detached garages, shops, and detached accessory dwelling units (ADU) as noted below.
2. The maximum height of any detached garage that is serving as the primary garage, a secondary garage, shop with an overhead door, or detached ADU shall be eighteen feet, provided however that
 - a. The setback shall be a minimum of six feet from the side and rear property line,
 - b. Structures serving as secondary garages or shops are set behind the rear line of the house,
 - c. The roof pitch and siding shall be consistent with the primary structure on the lot,
 - d. There is no living space within the building except as permitted with a legal accessory dwelling unit (ADU) and larger setbacks as outlined in Chapter 19.20, and
 - e. The height of the building does not exceed the height of the primary structure.

D. Accessory Structure Area

1. In MH zones, no detached garage shall exceed one thousand square feet of inside floor area or exceed square footage of the primary structure.

- 2. In RS zones, no detached garage or accessory building footprint shall exceed one thousand square feet or ten percent of the lot area, whichever is greater; provided however, that the floor area of the accessory building does not exceed the floor area of the primary residence or three thousand square feet, whichever is more restrictive
- 3. Shared attached garages and carports are permitted in RM zones and within the Pepin Creek Senior Overlay. Shared garages shall have a maximum of 4 parking stalls and not exceed 44 feet in width. (see graphic)



Shared Garage

- 4. Detached carports are permitted to accommodate no more than four vehicles and are limited to a maximum of 44 feet in width.

19.22.050 Landscape, Fences, Screening, and Lighting

Objective – To enhance the aesthetics of communities through the installation of landscape and the screening of undesirable elements. Also, to enhance safety and function of residential properties through appropriate exterior lighting, addressing, and fencing.

A. Landscape, Fences and Screening

- 1. Landscape. Refer to Chapter 19.61 for full description of Residential Landscape Requirements.
- 2. Fences.
 - a. Fences shall not be built closer than three feet to the property owner's side of the sidewalk for front yards and for street side yards on corner lots. If there is no curb and/or sidewalk, the fence shall be set back a minimum of three feet from the front property line and the street side property line on corner lots. When solid privacy fencing is installed, landscape material, such as groundcover, shrubs, or hedge material must be planted and maintained within this 3 foot setback.
 - b. Refer to Chapter 19.63 for full description of Residential Fence Standards.
- 3. Screening
 - a. In RS zones, trash and recycling containers shall be stored in side or rear yards or within enclosed garages.

- b. In RM zones, trash and recycling containers shall be stored in side or rear yards, or within enclosed garages, or in screened enclosures as approved by the Design Review Board during site plan review.
- c. Except for public utilities, mechanical equipment shall not be located in front yards.
- d. All mechanical equipment, including roof mounted, must be screened so as not be to visible from the street, shared access easement, and common green spaces. Screening can be accomplished by fencing, architectural screening, or evergreen landscape material. Equipment to be screened includes, but is not limited to, heating and air conditioning units, venting associated with commercial grade cooking facilities, and any mechanical equipment associated with pools or hot tubs.
- e. In RS zones, the base of exterior mechanical equipment must not exceed the height of the finished floor elevation.
- f. Recreational vehicles may only be stored on RS zoned properties consistent with LMC 19.15.030.

B. Street trees

- 1. Street trees are required at the time of plat as outlined in Chapter 18. Additionally, the installation or replacement of street trees may be required to this standard when building permits are sought for additions, decks, remodeling, or the construction of accessory structures.
- 2. Street trees must be from the City's approved street tree list.
- 3. Street trees located under utility lines must be species which will not conflict with overhead lines even when reaching maturity.
- 4. Street trees must be installed with root barrier protection as specified in the Engineering Design Standards.
- 5. Street trees shall be a minimum caliper of 1 1/2" at the time of installation except that small trees used under overhead lines shall be a minimum a caliper of 1". Refer to the City of Lynden Engineering Design Standards for a full description of street tree requirements.

C. Lighting

- 1. All front entry ways shall have an exterior light.

2. In multi-family housing projects exterior lighting must be installed with a timer or sensors so that it operates automatically regardless of occupancy.
 3. Light that is broadcast beyond the intended area and illuminates neighboring windows or beyond the lot boundary is not permitted.
- D. Addressing. To facilitate first responders in the event of an emergency, address numerals on all residential structures must be located near exterior lighting and in an area which is plainly visible when approached from the primary access point.
- E. Front and Side Yard Uses
1. Front yards shall be used for ornamental purposes only.
 - a. No storage sheds, portable storage tents, temporary canopies or other similar structures may be located within the front yard; provided however that portable canopies or tent structures may be used during events or yard sales but must be removed within seventy-two hours of the sale or other event.
 - b. Parking of vehicles or utility trailers on lawn or landscape areas of a front yard or a side yard adjacent to a public right-of-way is not permitted.
 2. Front yards may be used for low impact development (LID) infiltration best management practices (BMPs).
 3. Front yard setbacks may not be used for the storage of boats, campers, or any recreational vehicle. Refer to 19.31.020.
 4. To reduce the visual impact of parking areas in RM zones, including RMD, a minimum of 50 square feet of landscaped area per unit must be located between the façade of the structure and the nearest public right-of-way unless otherwise approved by the Design Review Board. This applies to both side and front yards.

SECTION B. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION C. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION D. Effective Date. This ordinance shall take effect on October 1, 2019. All development applications received after that date shall be reviewed under the provisions of this ordinance.

PASSED by the City Council this _____ day of _____, 2019.

Signed by the Mayor on this _____ day of _____, 2019.

MAYOR (Scott Korthuis)

ATTEST:

CITY CLERK (Pamela Brown)

APPROVED TO AS FORM:

CITY ATTORNEY (Robert Carmichael)

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	June 3, 2019	
Name of Agenda Item:	CDC Minutes of 5-29-19	
Section of Agenda:	Other	
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:		
Draft Community Development Committee Mt Minutes of May 29, 2019		
Summary Statement:		
Draft CDC Minutes of 5-29-19 attached for review.		
Note: Attached minutes have not yet been approved by the CDC.		
Recommended Action:		
Council Review		

CITY OF LYNDEN



PLANNING DEPARTMENT
Heidi Gudde – Planning Director
(360) 354 - 5532

COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES

4:00 PM May 29, 2019
1st Floor Conference Room, City Hall

1. ROLL CALL

Council Present: Mayor Scott Korthuis, Brent Lenssen, Kyle Strengtholt, Jerry Kuiken

Staff Present: Heidi Gudde

Public Present: Ron Hanson, Tim Keiper, Gary Vis, Kathy Stanford, Jesse Nelson, Dick VandenBerg, Jen Marion

2. ACTION ITEMS:

A. Minutes from the March 20, 2019 meeting approved as presented.

3. DISCUSSION ITEMS

A. 610 Front Street - Mural Building (Liquor Store) Renovation

- Introduction to the issues related to the redevelopment of 610 Front Street was given by Heidi Gudde. The proposed project would add two additional floors to the existing building located at 610 Front Street. The renovation / addition would add 5 apartments. One ADA compliant unit on the first floor and 4 apartments on floors 2 and 3. The new building owners, Ron Hanson and Tim Keiper were present to provide additional information.
- Two issues the property owner is seeking input from the Council include parking requirements and the protection of the existing mural with a no-build easement. The easement would also benefit the architecture of the building in that the upper floors could be built up to the property line and include windows. Alternately the building, for fire protection reasons, would include no windows or be setback a minimum of 5 feet.

Parking

- Code requires that new residential units that are created downtown provide one parking space per unit. Although this is a reduction of the requirement when building elsewhere in the City, it is still a challenge to this property as the building covers nearly all of the building lot.

- Three parking spaces and an ADA unit can be provided in the rear garage of the building. An additional three spaces are being sought elsewhere.
- Property owners are requesting that the City consider allowing downtown residents to park in City lots overnight.
- RH confirmed with the Lynden Police Department that the City does not currently have a prohibition on overnight parking and, although the signs may still be present, has lifted the 3 hour parking limit a couple of years ago.
- HG expressed concern regarding the City operating with few parking regulations. Specifically, the prohibition of overnight parking – as other, mostly larger, jurisdictions have had recent debates as to the ability of people to live in vehicles or RV's while parked on City streets or lots. The City of Lynden may want to consider clarifying parking regulations, including those related to downtown residents, to give the LPD the ability to enforce regulations if concerning activities arise.
- Building owners noted, and the Committee agreed, that the parking lots downtown are usually empty at night. Also, building owners expressed a willingness to accommodate special events and require tenants to park in lots farther away during these times.
- HG noted that code requires that spaces be located within 300 feet of the units. Committee discussion related to parking options nearby including the former Bank of America Building and other City parking lots.
- RH and TK related that while the new owner of the Bank of America Building was open to providing some parking in the immediate future he was not willing to commit to permanent parking agreement.
- Other options include the property owner seeking a variance for three of the required spaces.
- The Committee discussed downtown parking in general. Chapter 19.51.160 – Special Conditions for Off-street Parking In Downtown Lynden, references a fee that can be paid in lieu of providing parking spaces for commercial uses. This fee option is not available for residential uses. HG confirmed that after a cursory search, no record of the fee amount or the corresponding downtown parking improvement fund was found. Finance Director, Anthony Burrows noted in an email to HG that the fee should be added to the fee schedule proposed to accompany City budgets in the future.
- CDC noted that other property owners have expressed interest in creating downtown units – so this sort of parking issue will likely continue to surface.

- BL noted that the City may want to introduce a fee in lieu of parking option for residential units. The fund that the fees would go could, as code indicates, be used to improve downtown parking areas.
- The 7th street parking lot primarily used by employees of nearby businesses. DBA representative, Terri Treat, expressed interest in participating in parking solutions downtown including efforts to have employees park on off-street lots such as the proposed lot to be created at the former water treatment plant.

610 Front Street Parking Conclusions:

- The CDC expressed support for the creation of residential units in the downtown core. Noted that it was consistent with many of the City's goals related to infill as well as economic development.
- CDC thanked the property owners for supplying the proposed building elevations and appreciated the attention to detail.
- CDC concluded that the building owners should create a parking proposal which:
 1. Suggests a downtown resident parking program as a pilot project in that Council would review its impacts periodically.
 2. The program would allow downtown residents, those with parking stickers or mirror hangers, to park in downtown lots overnight.
 3. If this pilot program was later reviewed and found to be unsuccessful or detrimental to the downtown area then a second option would be requiring downtown residents to park in lots farther from Front Street, or to require property owners to go to the Board of Adjustment to seek a variance from the parking code on a case by case basis.
 4. The property owners should also attend the PW Committee meeting to discuss these suggestions with them.
 5. Property owners will work with Planning Staff to create the proposal and, for now, avoid a variance request.
- City actions may include:
 6. Revision to the parking code to allow payment in lieu of residential parking requirements.

7. The establishment of the payment amount and the creation of the downtown parking improvement fund.
8. Clarifying parking requirements, specifically overnight parking requirements in the downtown area.

610 Front Street Mural preservation – No build easement

- CDC discussed the establishment of the mural which is located on the west side of the building at 610 Front Street. The mural was donated by the Lynden Lyons Club.
- Noted that the City does not have a public art ordinance to give guidance in this situation.
- Building owners have expressed support in preserving the mural. Part of the preservation would include a 10 foot no-build easement next to the mural because zoning code, in this area, can be as small as zero feet – allowing buildings to share walls.
- CDC expressed support for the no build easement but with two concerns:
 1. That the easement only be granted contingent on the renovation moving forward.
 2. Determining the potential value of the easement as the City cannot gift public space to private land owners (in this case to provide them with more buildable area on their lot). CDC recognized that preserving the mural also has value to the public and that the City is undertaking improvements to the lot which makes the selling of the lot or the construction of a City building on the lot unlikely.
 3. Property owners to work with the Public Works Department in addressing these concerns and bringing a proposal to Council.

B. Special Events Discussion - Hops Down Front Street

- Concern related to the upcoming event, Hops Down Front Street, has brought this issue to the CDC agenda.
- Concerns relate to the following issues:
 1. Closing of Front Street – an important arterial street,

2. The nature of the event - is a drinking themed beer walk family friendly?
 3. Any potential liability associated with the event especially given the fact that business which typically do not serve alcohol would be serving during this event.
- Larger concerns related to special events include the fair distribution of special event opportunities to all businesses within the City. Code is relatively open-ended in that any business within the City could request the closure of any local street if the event included a charitable component.
 - Jesse Nelson of Overflow Taps clarified the following points:
 1. Hops Down Front Street event (beer walk) as an added element to the existing DBA event of Hot Thursday Nights.
 2. The beer walk does not require the closing of Front Street
 3. All proceeds to the beer walk will go to Backpack Buddies
 4. Overflow Taps is assisting Backpack Buddies in establishing the event but is not sponsoring the event.
 5. All serving of alcohol will occur within businesses – this is intentional in that it draws people into businesses that they may not normally frequent. No alcohol will be served on the sidewalk / street nor may participants carry alcohol (in open containers) with them.
 6. The State will be sending one or two staff from the liquor control board to monitor the event
 7. Limited hours of alcohol serving – after work hours and stopped by 8:30pm.
 8. JN noted they are selling tickets for the beer walk ahead of the event.
 9. Overflow Taps has put on a nearly identical event at Barkley Village a couple of times and has learned some valuable lessons in the process. JN feels confident that the event can be a positive contribution to the downtown area.
 10. Interest from at least 10 businesses so far with 4 or 5 paid already including the Lynden Museum.

11. Overflow Taps will be hosting a beer garden at their location as part of the overall DBA event.

Conclusions on Hops Down Front Street:

- Council members noted they would be concerned about an event which would serve alcohol on public sidewalks but supportive of the event pulls people into business establishments including the Museum.
- Concerned, in general, about the closing of Front Street. In this case the street was scheduled to be closed in association with the DBA's event Hot Thursday Nights which includes movies in the park, live music, food trucks, etc.
- Concerned about having enough insurance to adequately cover the liability so that the City is not at risk.
- Recommended that Overflow Staff work with Backpack Buddies to complete the necessary applications and insurance policies prior to the event. Staff and administration to review.

Special Events in General:

- Mayor noted that the City should consider an equitable treatment of all businesses regarding special events.
- Code related to special events should include specific criteria which would justify a street closure and indicate which street are eligible to close
- CDC suggested that the DBA create an annual calendar of special events which could be brought to the City Council for review early each year – this would be similar to how the Chamber brings forward a annual list of events each year.
- JN of Overflow Taps explained that special events are critical to the survival of their business. So much so that they hired special event coordinator, Angela Loomis, to handle events for them. He also expressed interest in creating a space that would better accommodate families and / or serve food. Currently Overflow Taps is a 21 and over establishment.
- CDC discussed events planned for the 4th of July. This “truck event” focused only on mid-day activities.
- Teri Treat stated the DBA would be willing put together a calendar of events that they sponsor – separately from the Chamber. And suggested limiting street closures of Front Street, for DBA events to only twice a year (this would be in addition to the Chamber events which also close Front Street).

Conclusions on Special Events in General:

- Criteria related special events and street closures to be addressed / clarified as a Council.

- Interdepartmental coordination will be required.

C. Residential Design Standards – Planning Commission Recommendation

- HG gave an update on the status of the ordinances related to residential design standards which was recommended by the Planning Commission and is pending adoption at the June 3rd public hearing in front of the City Council.
- Staff suggested that the new design standards take effect on October 1, 2019 to give builders and designers time to adjust. Staff to work on public education related to the change.

Accessory structures:

- BL noted that the front setback for detached garages seemed to be missing from the proposed standards. Secondary detached garages, however, must be located wholly within the backyard.
- HG related that the City has consistently not permitted any detached accessory structures in the front yards of home as per 19.15.080 which relates to front yard uses. However, front setbacks for garages are not clearly defined as 19.15.080 speaks specifically of storage sheds and similar structures but does not call out garages.
- CDC suggested that detached garages, like attached garages, may come forward of the home by 12 feet (but would still need to meet front setback standards).
- Staff to clarify an amendment to the code for the June 3rd Council meeting that would allow detached garaged to come forward of the front façade.

RV Storage:

- Committee discussed RV storage and, in light of recent complaints related to improper storage of RV's discussed the required standards. Suggested a summer time reprieve from storage requirements. Noted that the Fairgrounds store a large number of RV's but not during the summer.
- Revision to LMC 19.31 discussed. "Utility tarps" clarified generally as "blue tarps" but HG noted that RV covers (designed to cover RV's) would be permitted.

Roof Pitch:

- Potential elimination of a minimum roof pitch discussed. CDC ok with keeping the minimum pitch if a variance from the Design Review Board could be sought.

Screening of Mechanical Equipment:

- Implications discussed. Solar panels exempt from screening. Noted that best judgement will need to be used in this situation including the certificate of occupancies that get issued in the winter months when landscape screening could not be accomplished. KS noted that it may be best to require a fence panel in those cases to ensure that the screening is accomplished. Staff and Building Official to use best judgement.

Conclusions on Design Standards:

- Staff to draft revision to 19.31 would allow a summer reprieve (Memorial Day weekend to Labor Day weekend) for the residential storage of RV's. Council to discuss at the 6-3-19 meeting and potential adopt the revision.
- Staff to clarify the front setback of detached garages.

D. Revisit Pepin Creek Zoning Layout and Unit Range

- Item introduced by BL. New zoning layout provided to the CDC. Highlighted that unit range goal of 1700 – 2000 units originally set by Council is still not met (looking at the midrange number) after the adjustment to the zoning layout.
- Addition of RM-3 and reduction of RM-PC only bumped the density by 40 units in the midrange.
- Gary Vis expressed to the CDC his desire to see density located near to green spaces.
- KS stated that he could see more density such as RM-3 zoning south of the city-owned property and north of the airport property.
- HG recommended that the CDC revisit the unit count and zoning layout after we get results from the financial mitigation study later this summer. Zoning layout would be adopted with the sub-area plan. This is not scheduled to go to Council at least until end of August.

Conclusions on Pepin Zoning Layout:

- Staff to request from Berk the revised unit count of adding RM-3 between the airport safety zone and the park.
- BL to raise the issue of unit count in the Pepin Creek Sub-area with Council.

E. Enforcement Tools Discussion

- Flowcharts for enforcement provided. Staff continues to work on potential code modifications and the establishment of a process that would adequately address violation. These are tools that staff is very much in need of as much of the process is currently absent. For example, the form which would provide first steps on a voluntary compliance agreement and the steps that follow if compliance is not met. Carmichael Clark's office is assisting.
- Briefly touched on regarding as-builts and the bottleneck of getting them approved prior to certificate of occupancy.
- TCO's that don't get finished out and expire.
- RV storage discussed.
- This issue to go to the June 5 Public Works Committee meeting and will return again to the CDC before any code modifications are made.

F. Development Activity Report – 2019 First Quarter

- Not discussed in detail due to time constraints.
- Request from KS to see reports more frequently if possible.

Next Meeting Date: June 19, 2019

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	06/03/2019	
Name of Agenda Item:	Public Safety Draft Minutes- May 2, 2019	
Section of Agenda:	Other Business	
Department:	Police	
Council Committee Review:	<input type="checkbox"/> Community Development <input type="checkbox"/> Finance <input type="checkbox"/> Parks	<input checked="" 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:	Public Safety Draft Minutes- May 2, 2019	
Summary Statement:	Public Safety Draft Minutes- May 2, 2019 attached for review	
Recommended Action:	For Council review.	

CITY OF LYNDEN



POLICE DEPARTMENT
John M. Billester, Police Chief
(360) 354 - 2828

PUBLIC SAFETY COMMITTEE MEETING MINUTES

4:00 PM May 2, 2019
Police Department Training Room

COMMITTEE

1. ROLL CALL

Members present: Councilors Brent Lenssen (chair), Gary Bode
Other Council members present: Kyle Strengholt
Absent: Mayor Korhuis, Mark Wohlrab

Staff present: Chief John Billester, Chief Mark Billmire, Lieutenant Jeremy Bos,
City Administrator Mike Martin, Support Services Manager Holly Vega

2. ACTION ITEMS:

A. Approve minutes from April 11, 2019 meeting.

The approval of the April 11, 2019 minutes was tabled until the next meeting due to absent committee members.

3. INFORMATION ITEMS:

A. Update on interim Police Chief search

City Administrator Mike Martin advised they are still in the process of looking for candidates, and hope to have someone in the near future.

B. Update on Fire Assistant Chief position

Chief Billmire is still in the evaluation process to determine what the department needs are.

C. Golf carts – Any new information from PD?

No additional information to offer from the PD. Councilor Lenssen expressed he is not comfortable advancing with permitting golf carts at this time, and recommends to table the request for a year or two.

D. 2020 major budget initiatives from PD and FD

Chief Billester advised major budget items for the Police Department are exterior building maintenance, two vehicles (one detective and one patrol), and audio/visual equipment for evidence and surveillance purposes.

Chief Billmire noted two significant items for the Fire Department; a new fire station, which is currently scheduled for 2020 in the comprehensive plan, and the existing ladder truck, which has undergone extensive maintenance and continues to need additional repairs.

E. Stonegarden grant status – Total amounts and allowed expenditures

Chief Billester relayed the Stonegarden grants are still being applied for and received; however, equipment purchases have been cut back significantly.

F. Federal Court ruling regarding marking tires for parking enforcement

A recent federal court decision ruled chalking tires as unconstitutional. Chief Billester advised they will have to use other creative ways to enforce parking.

4. ITEMS ADDED:

Citizen Gerald Sebens, 8821 Northwood Rd, Lynden, requested the City review the speed limit on Northwood Road, suggesting it be lowered to 25 mph. Councilor Lenssen advised that Public Works can put out traffic counters to capture data including counts, time of day, and vehicle speed that will help evaluate the current traffic trends. The PD will request Public Works put traffic counters on Northwood Rd and Kamm Rd, and revisit in approximately 3 months.

FIRE DEPARTMENT

1. ACTION ITEMS: None

2. INFORMATION ITEMS:

A. April monthly report

Chief Billmire presented a monthly report for April, noting it was another busy month for station tours, fire prevention and inspection, and training hours. He also noted a call that was handled particularly well with Police, in which an officer first on scene applied a tourniquet to a subject who had shot himself in the leg.

B. Ladder truck update and repair report

The ladder truck was purchased in 2012 for \$194,000, and maintenance costs total \$135,000 to date. The ladder still exceeds the allowed amount of torque, although the manufacture, Pierce provided a letter stating it's okay.

C. Volunteer update and participation report

Volunteer hours in March and April decreased due to losing several volunteers to fulltime jobs, and 2 more are potentially leaving. Chief Billmire inquired if our current model is still working for us, as many volunteers leave soon after we've spent the resources training them. There are currently 13 new applicants in the recruitment process; however, only 25% usually make it to the final selection.

3. ITEMS ADDED: None

POLICE DEPARTMENT

1. ACTION ITEMS: None

2. INFORMATION ITEMS:

A. Update on letter regarding calling 911 for police assistance

Chief Billester provided a letter for review to be distributed in the City water bills. One minor revision was made, and it will be provided to Finance for mailing.

B. Lynden Watch update

Councilor Wohlrab wrote a letter in his absence, updating the status of Lynden Watch. Chief Billester also spoke at the Lion's Club about the program and many showed interest.

Councilor Lenssen noted the need to budget funds to support the Lynden Watch Program.

C. April monthly report

Lieutenant Bos presented a monthly report for April including a new format for crime statistics. Noteworthy incidents included 2 recent accidental discharge of firearms, one resulting in a citation for reckless endangerment.

3. ITEMS ADDED:

Officer Fiksdal started May 1, 2019.

Meeting adjourned 5:30 p.m.

Next Meeting Date: June 6, 2019 (Rescheduled June 13, 2019)

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	June 3, 2019	
Name of Agenda Item:	Calendar	
Section of Agenda:	Other Business	
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 checked="" type="checkbox"/> Other:N/A
Legal Review:	<input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required	
Attachments:		
	Outlook Calendar	
Summary Statement:		
	See next page.	
Recommended Action:		
	None.	

June 3, 2019

74

Monday

7:00 PM - 9:00 PM

Council Meeting -- Annex Council Chamber; Annex East Training Room; Annex North East Conference Room; Annex South East Conference Room

June 4, 2019

Tuesday

All Day

Remind to LT BBQ

8:30 AM - 9:30 AM

LT Meeting -- City Hall 1st Floor Large Conference Room

5:00 PM - 6:30 PM

Design Review Board Meeting -- Annex South East Conference Room

June 5, 2019

Wednesday

10:00 AM - 11:00 AM

Check-In -- Mike's Office

4:15 PM - 6:00 PM

Public Works Committee Meeting -- City Hall 2nd Floor Large Conference Room

June 6, 2019

Thursday

9:00 AM - 10:30 AM

Technical Review Committee -- City Hall 2nd Floor Large Conference Room

10:00 AM - 11:00 AM

Check-In John/Mike -- Mike's Office

June 7, 2019

Friday

8:30 AM - 9:30 AM

Check In-Mike/Anthony -- Mike's Office

June 10, 2019

75

Monday

9:00 AM - 10:00 AM

Check-In Vern/Mike -- Mike's Office

June 11, 2019

Tuesday

8:30 AM - 9:30 AM

LT Meeting -- City Hall 1st Floor Large Conference Room

June 12, 2019

Wednesday

9:00 AM - 5:00 PM

Court -- Annex Council Chamber; Annex East Training Room; Annex North East Conference Room; Annex South East Conference Room

9:00 AM - 10:00 AM

Check-In Mark/Mike -- Mike's Office

7:00 PM - 9:00 PM

Rec. District Meeting -- Annex South East Conference Room

June 13, 2019

Thursday

9:00 AM - 10:00 AM

All Staff- Fire -- Annex Council Chamber
Fire Department Hosting

9:00 AM - 10:00 AM

Check-In V/Mike -- Mike's Office

4:00 PM - 5:00 PM

Public Safety Committee Meeting -- Police Training Room

7:30 PM - 9:30 PM

Planning Commission Meeting -- Annex Council Chamber

June 14, 2019

Friday

10:00 AM - 11:00 AM

Check-In Steve/Mike -- Mike's Office

June 14, 2019 Continued

Friday

11:00 AM - 12:00 PM

Check-In Heidi/Mike -- Mike's Office

June 17, 2019

Monday

3:00 PM - 4:00 PM

Finance Committee Meeting -- City Hall 1st Floor Large Conference Room
Visit WWW.LYNDENWA.ORG to view the agenda

4:00 PM - 5:00 PM

Parks Committee -- City Hall 1st Floor Large Conference Room

7:00 PM - 9:00 PM

Copy: Council Meeting -- Annex Council Chamber; Annex East Training Room; Annex North East Conference Room; Annex South East Conference Room