

# CITY OF LYNDEN

## PLANNING DEPARTMENT

Heidi Gudde – Planning Director

(360) 354-5532



### **Community Development Committee Meeting Agenda**

City Hall - 300 Fourth Street

4:00 PM March 20, 2024

#### **Roll Call**

#### **Approval of Minutes**

- [1.](#) Community Development Committee Mtg Minutes of February 21, 2024

#### **Discussion Items**

- [2.](#) Special Events Code Amendment – LMC 5.30
- [3.](#) Downtown Parking
- [4.](#) Zoning Text Amendment Application 24-01 re ADU Regulations

**Next Meeting:** April 17, 2024

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b><u>Meeting Date:</u></b>	March 20, 2024
<b><u>Name of Agenda Item:</u></b>	CDC Meeting Minutes of 2/21/24
<b><u>Section of Agenda:</u></b>	Approval of Minutes
<b><u>Department:</u></b>	Community Development Department
<b><u>Attachments:</u></b>	
CDC Meeting Minutes of 2/20/24	
<b><u>Summary Statement:</u></b>	
CDC Meeting Minutes attached for committee review.	
<b><u>Recommended Action:</u></b>	
Review and correct as needed.	

# CITY OF LYNDEN

## COMMUNITY DEVELOPMENT DEPARTMENT

Heidi Gudde, Director  
(360) 354 - 5532



## COMMUNITY DEVELOPMENT COMMITTEE

### MINUTES

4:00 PM February 20, 2024  
2<sup>nd</sup> Floor Conference Room, City Hall

#### 1. ROLL CALL

- a. Council Members: Gary Bode, Brent Lenssen, Kyle Strengtholt, Mayor Scott Korthuis
- b. Staff Members: Heidi Gudde, Dave Timmer

#### 2. APPROVAL OF MINUTES

- a. Community Development Committee Meeting Minutes of 1/10/24 approved as presented.

#### 3. DISCUSSION ITEMS

- a. **Downtown Parking.** (No written materials on the issue were distributed.) Lenssen introduced the topic as pressure is rising to address the parking concerns in the Historic Business District. He and Bode believe that the nature of businesses in this area has changed as more service-oriented businesses are located here - with slower turnover times - rather than retail where trip turnover is much faster. Also, because a visitor to town may park on Front Street and stroll through the HBD on foot – parking spaces remain occupied for longer periods of time. Retailers and some Council members are concerned that business will be lost as convenient parking for shoppers becomes more difficult to find.

The Committee discussed how much of the parking issue should be addressed by the city versus the businesses as parking is a function of business. Strengtholt asked if the issue could be funded by a Local Improvement District (LID). Korthuis noted that LIDs are generally expensive to administer which adds to the overall cost of the project. Korthuis suggested that the value of each property be used to determine cost distribution for a new parking lot downtown.

Bode mentioned areas near downtown that could be developed into parking lots and the committee discussed costs as compared to the cost of the city-built parking lot at Bender Park off of Aaron Drive.

Enforcement ability discussed was also discussed. Chalking tires vs. using a license plate reader was debated. What staff can / would write warnings or ticket vehicles parked longer than the allotted time. Gudde also noted that the City would need to establish a means of processing parking tickets. Mayor Scott suggested that enforcement be focused on Front Street and the code be modified if needed to have a 3-hour limit on the street but an alternate standard in the parking lots.

Strengtholt recognized that the service industries like Elements and R&E filled spots when downtown was largely vacant – and their contribution to the downtown area should not be overlooked.

The Committee agreed that enforcement should be focused on Front Street rather than in the off-street parking lots. Initial strategies, they agreed, should include a letter to businesses letting them know that employees are encouraged to park in locations other than Front Street and that without cooperation the City may need to begin enforcement action.

Timmer mentioned that Teri Treat, from the Inn at Lynden, has been talking with him about potential alternatives and emphasized that it would be good to have a resource / map to show Front Street employees where they could park during the day without taking space on Front Street.

### **Conclusions:**

1. Investigate a license plate reader – Mayor Scott to talk to John W. about this when he returns to the office.
2. Property values as a means of cost distribution for the construction of a new parking lot near the HBD – Mayor Scott to review.
3. Com Dev staff to review what section of code would need to be revised to identify a 3-hour parking limit on Front Street and potentially distinguish this from parking limits set for the off-street lots.
4. Com Dev to draft a letter from the City asking that businesses to have their employees park elsewhere. Draft for the March CDC meeting.
5. Com Dev to check in with Teri Treat and how the city can support efforts to encourage employees / long-term parkers to park elsewhere. Timmer suggested the city may be able to make maps that show other parking options for staff.

- b. **Recap of Joint School Board and Park and Recs Meeting.** The Committee discussed the potential impacts of a new school being built in

the Pepin Creek Subarea and if construction would negatively impact the TIF that was expected to be collected.

Gudde explained that the TIF collected would be based on the PM peak hour trips that are generated by the school. They would not be exempt from TIF or other impact fees.

Lenssen recalled from the meeting that a new middle school was slated to require approximately 20 acres. Gudde noted that the cost comparison of residential use to a middle school – using 20 acres – could be estimated. She concluded that the Pepin Subarea is likely not as viable as other locations in west Lynden because of the additional TIF levied on the Pepin Subarea. The committee speculated about other locations on the west end of Lynden that might be feasible.

**c. Text Amendment – LMC 5 Special Events Permits.**

Timmer briefed the Committee on the application form that was drafted for special events. Bode asked about the insurance requirement for special events.

Korthuis asked about the potential for the Chamber to carry a rider on the insurance as a service to the community.

Discussed the fairgrounds and potential exemptions after having two police-involved incidents there last weekend. Lenssen asked how communication can be improved between the City and NW Washington Fair and the group discussed options.

**Conclusions:** Committee interested in understanding what insurance options the typical homeowner would have when needing insurance for events like a block party.

Mayor Scott to talk to NW Washington Fair staff about the need to communicate with the city about their schedule. Special events code to return to CDC in March.

**d. Text Amendment to LMC 19.33 – Sign Code Revisions**

Gudde introduced that topic with some changes that had been made as a result of the last CDC discussion. Korene Samec and legal counsel had created new language on the regulation of electronic reader board signs in order to limit their brightness and the frequency at which their displays change. Also drafted was revised wording on sign lighting that would allow for neon or neon-like lighting components.

Gudde reported back to the group about signs that are frequently asked for but not allowed – saying that some signs are submitted too large but

that reductions in size are rarely an issue. The bigger issue are signs that are used regularly but are not permitted. This includes the use of sandwich board (A-frame) signs throughout the city and window signs which completely fill the pane. The current code allows sandwich board signs to be used only in the HBD and then only within 15 feet of the main entrance of the establishment that it is advertising.

Gudde provided photo images of signs like these throughout the city.

Lenssen and Strengtholt expressed support for enforcement of the sign code that allows sandwich board signs only in pedestrian areas and not along public streets. The committee noted that providing pedestrian passage is important. Bode expressed support for businesses that may rely on the sandwich board signs as an important factor in attracting business.

The group discussed how many sandwich board signs should / could be allowed along one frontage as well as signs that are clearly off-premise.

#### **Conclusions:**

1. Sandwich signs – Expand the use of these types of signs to include other commercial areas but only in pedestrian areas (internal to shopping centers and not along public streets).
  - As currently written in the code, signs must be located within 36" of the building. Increase the distance that a sign can be located from the curb to 24 inches in areas where parking is not permitted (sidewalk bulb-outs).
  - Add that sandwich board signs must continue to be placed in proximity to the main entrance of the business being advertised but increase this distance from 15' to 25'.
2. The group recommended that staff get feedback from the Planning Commission on this and other sign issues. Code amendment is currently slated to go before the Planning Commission on April 25.

#### **4. INFORMATIONAL ITEMS**

##### **a. Text Amendment 24-01 – LMC 19.20 ADU Code per HB 1337.**

Staff review has concluded with a recommendation to approve the text amendment with the condition that the covenant for owner-occupancy is required until January 1, 2026. The recommendation also includes a start to collecting 50% of TIF (the State's maximum) on ADUs.

The committee understood the reasoning behind the amendment and the staff recommendations. Committee discussed the start of a TIF for ADUs as the beginning of 2025 rather than 2026 to ramp up for impacts. Council members may raise this issue when the item comes before them later this spring.

**b. Self Help Homes through Whatcom Skagit Housing.**

Bode gave a summary of information that he has collected recently on this program. Dept of Agriculture funds are used to create home programs in rural areas (cities with a population of less than 35,000). Sweat equity is used to complete a group of homes. This has been done in neighborhoods throughout the County.

**c. WTA Lynden Station.**

Scott Korthuis introduced the proposal that Whatcom Transit Authority has been working on with RMC Architects and City staff. The proposal would convert the underused Park and Ride station to supportive housing – likely geared toward families. The proposal will go out to bid. WTA seeks bid from non-profits specializing in housing and associated services. Phase 1 of the project includes 60 units including 28 three-bedroom town homes, 15 two-bedroom units, and 17 one-bedroom units. Phase 2 is comprised of 56 additional units and would require 2 levels of structured parking in order to meet current parking requirements.

**Next Meeting Date: March 20, 2024**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY – Community Development Committee



<b>CDC Meeting Date:</b>	March 20, 2024	
<b>Name of Agenda Item:</b>	Special Events Code Amendment – LMC 5.30	
<b>Section of Agenda:</b>	Discussion	
<b>Next Steps Proposed by Staff:</b>		<b>Legal Review:</b>
<input type="checkbox"/> Staff revisions	<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Completed
<input type="checkbox"/> Return to CDC	<input type="checkbox"/> Other Committees	<input type="checkbox"/> Recommended
<input checked="" type="checkbox"/> Schedule for full Council	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Not Required
<b>Attachments:</b>		
<ul style="list-style-type: none"> <li>Draft of proposed redlines to LMC 5.30 (following Dec 2023 CDC meeting)</li> <li>Clean version of proposed update to LMC 5.30</li> <li>Draft Special Event Application</li> </ul>		
<b>Summary Statement:</b>		
<p>At the March CDC meeting, the committee reviewed the draft Special Events application that would be used in conjunction with the revised code on special events. The committee discussed the need for neighborhood events to secure insurance. The group also revisited the potential need for event centers like the NW Washington Fairgrounds to secure a special even permit from the city. The most recent draft of the code does not require that event centers get permits as these facilities are self-contained and designed for events – thereby having little impact on the surrounding neighborhoods. However, the discussion included the need for police support at recent events and the desire for the City, specifically the police, to be aware of what events are planned at the Fairgrounds.</p> <p>Since the last meeting the Mayor has had communication with the NW Washington Fairgrounds director and explored insurance options for residents / organizations hosting events. Updates will be available at the meeting. No edits were made to the last version of the proposed amendment to LMC 5.30 (attached).</p>		
<b>Recommended Action:</b>		
Schedule the public hearing to review the proposed LMC 5.30 updates before City Council.		



## Chapter 5.30 PARADES AND SPECIAL EVENTS

### Sections:

#### **5.30.010 Definitions.**

In this chapter, unless a different meaning plainly is required, the following definitions shall apply:

- A. "Chief of police" means the chief of police of the city of Lynden.
- B. "City" means the city of Lynden.
- C. "Parade" means a large group of persons with or without animals or vehicles moving in a public procession or march in or upon any street, sidewalk, park, or other public place. A large group of persons means a group of more than fifteen persons.
- D. "Special events permit" means a permit as required by this chapter.
- E. "Special event" means an event organized by any person or which will generate or invite considerable public participation and/or spectators, for a particular and limited purpose and time, including, but not limited to concerts, fun runs, fundraising walks, bike-a-thons, carnivals, shows, exhibitions, festivals, block parties, and certain community events. Special events are not limited to those events conducted on the public streets but may occur on private property.
- F. "Person" means any person, firm, partnership, association, corporation, company, or organization of any kind.
- G. "Street" or "Streets" means any public highway, sidewalk, alley, or portions thereof in the city of Lynden dedicated to public use.
- H. "Substantial impact" means creating an increase in the amount, scope or level of need for city-provided emergency or protective services such as police, fire or medical aid and/or necessitating special traffic control measures such as barricades, traffic direction by police, or similar measures above those that would normally be required without the event and that results in actual, documented costs to the city due to the event.

(Ord. 1141 § A (part), 2002).

#### **5.30.020 Permit—Required—Exceptions.**

- 1) Permit Required: No person shall engage in, participate in, aid, form or start a special event or parade unless a permit has been obtained. Applications for permits must be obtained from the city administration office, completed by the applicant, and returned to the city administration office. In addition, for Tier 2 and Tier 3 permits, the applicant must file an "Indemnification Agreement" in order for the permit to be issued. The "Indemnification Agreement" must be signed by the applicant and countersigned by the Administrator or their designee.
- 2) Special Event Permit Tiers:
  - a) Tier 1: Permit required, application fee waived, no insurance documentation or indemnification agreement required, administrative approval.

**Commented [DT1]:** Added this here as 5.30.040(H) below regarding "Indemnification" references this section.

- i) A private event held entirely on private property, more than 75 participants, with no a substantial impact on public property, public property, public streets, public services, neighbors, or other community members.
- ii) Political or religious activity primarily intended for the communication or expression of ideas presumed to be protected by the First and Fourteenth Amendments of the United States Constitution.

~~b) Tier 2: Permit required, application fee required, administrative approval.~~

- ~~–) A private or public event, on private property, more than 75 participants, with substantial impact on local traffic, noise, and the neighborhood, but does not require public services.~~

~~d) b) Tier 23: Permit required, application fee required, public services fee may be determined, administrative approval.~~

- i) ~~A private or public event that is requesting non-arterial street closures (including 4<sup>th</sup> St between Front St and Grover St) and, therefore, will have with a determined substantial impact on public property, public streets, public services, neighbors, or other community members. that uses private and/or public property (this may include non-arterial street closures and 4<sup>th</sup> St between Front and Grover), more than 75 participants, and may result in substantial impact to public services (Police, Public Works, etc).~~

- ~~ii) A private or public event that includes more than 75 participants, does not involved street closures, but does have a determined substantial impact on local traffic, noise, the neighborhood, or public services (Police, Public Works, etc).~~

~~e) c) Tier 34: Permit required, application fee required, public services fee may be determined, City Council approval.~~

- i) ~~A private or public event that uses private and/or public property, regardless of the number of participants, that includes (specifically which includes arterial street closures and streets in the HBD besides 4<sup>th</sup> St between Front St and Grover St. in the HBD), more than 75 participants, and a substantial impact to public services (Police, Public Works, etc).~~

3) Permit Exemptions: The permit requirement does not apply to the following:

- a) Funeral and wedding processions.
- b) A private event on private property, involving less than 75 participants, and which has no substantial impact on the neighborhood or on public services.
- c) Groups of students involved in a school sponsored, school supervised event.
- d) Events conducted in a facility designed for that purpose such as theaters, fairgrounds, event centers, auditoriums, places of worship, etc.
- e) Events separately approved by the Lynden Parks Department for use at a park property.

- ~~f) Theme Nights, Weddings, Funerals, and other events held at the Fairgrounds to be approved by the Parks Department.~~

4) Indemnification Agreement: The applicant must file an "Indemnification Agreement" in order to obtain a permit. An "Indemnification Agreement" section is included on the Special Event Permit Application. This section must be completed (with the appropriate signatures, with the application prior to issuance of the permit.

**Commented [DT2]:** The difference between i) and ii) in Tier 2 is that i) is considering the impact regardless of the number of participants. ii) is considering the number of participants greater than 75 and recognizing the potential for substantial impact.

**Commented [DT3]:** Removed "services" that was earlier added to this exemption. The reason for removal is that the wedding and funeral services exemption should be dependent on the venue. If it is held at a church (or facility designed for events) that is the exemption. If it is being held in someone's backyard they should probably get a permit. The "procession" is exempt no matter where the event was held.

**Commented [DT4]:** Added "fairgrounds" to d) exemption above so f) became redundant.

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5) Insurance Requirements:

- a) The following insurance shall be required for special event permit approval:  
 \$2,000,000 commercial general liability insurance per occurrence combined single limits.  
 \$5,000,000 aggregate unless waived by City Administrator.
- ~~b)~~ A Certificate of Insurance, listing the City as an endorsement, shall be submitted with the Special Event Application.

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6) Permit requirements ~~renewal~~ for recurring annual events.

- a) Annual events are required to submit an application every year the event occurs. The application shall be submitted no less than 60 days prior to the event. Any changes to the event, and ongoing requests for public services shall be indicated in the application.  
 (Ord. 1141 § A (part), 2002).

7) Fees for Public Services Required:

- a) Upon approval of an application for a permit for a special event, the administrator should provide the applicant with a statement of the estimated cost of providing public services (personnel and equipment) to support the event. The applicant/sponsor of the event should be required to prepay these estimated costs for city services and equipment ten (10) days prior to the special events. City services and equipment may include the use of police officers and public employees for traffic and crowd control, pickup and delivery of traffic control devices, picnic tables, extraordinary street sweeping, and any other needed, requested or required city service and the cost of operating the equipment to provide such services.
- b. If the actual cost for city services and equipment on the date(s) of the event is less than the estimated cost, the applicant/sponsor will be refunded the difference by the city in a timely manner. If the actual cost for city services and equipment on the date(s) of the event is greater than the estimated cost, the applicant/sponsor will be billed for the difference.
- c. Permit fees and fees for the use of public services and equipment may be waived in part or in full by the City if in review of the application it is found that the event is of sufficient public benefit to warrant the expenditure of city funds without reimbursement by the applicant/sponsor and would not result in the private financial gain of any individual or "for profit" entity.

**5.30.030 Permit—Application and contents.**

- A. A person seeking issuance of a special event permit shall file an application with the city administration office on forms provided by the city.
- B. Filing period. An application for a special event permit shall be filed with the city administration office not less than sixty days before the date on which it is proposed to conduct the parade or special event.

C. Contents. The application for a parade or special event permit shall set forth the following information:

1. The name, address and telephone number of the contact person seeking to conduct such special event;
2. If the special event is proposed to be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization;
3. The date when the event is to be conducted, the hours when the event will begin and finish, and a detailed description of the event to be held;
4. The location event will be held or (for parades) the route to be traveled, the starting point and the termination point;
5. The number of persons who it is anticipated will participate in said event and the numbers and types of animals and vehicles that will be used in said event;
  - a. For any requested street closures, a description of which streets, how much of the street will be used, a plan for any necessary traffic control, street barricades requested, any officer presence needed, and a plan for cleanup and reopening after the event. A description of any temporary street assembly areas shall be included in this request.
6. A detailed request for Public Services needed to support the event:
  - a. Equipment such as street barricades, utility needs, street sweeper, etc
  - b. Staffing such as Public Works staff, Police and/or Fire personnel and equipment,
7. Detailed description and the proposed location of any private support services, such as waste management, portable toilets, food vendors, etc. that may be placed to support the special event.
8. Indemnification Agreement
9. Insurance requirements as indicated in LMC 5.30.020 (5)
10. Agent authorization. If the special event is designed to be held by and on behalf of or for any person other than the applicant, the applicant for such permit shall file with the city administration office a communication in writing from the person proposing to hold the event, authorizing the applicant to apply for the permit on his or her behalf.

(Ord. 1141 § A (part), 2002).

#### **5.30.040 Permit—Issuance standards.**

The city administrator or ~~their~~~~his or her~~ designee shall issue a permit as provided for under this chapter, when, from a consideration of the application and from such other information as may otherwise be obtained, ~~they~~~~he or she~~ finds that the following conditions exist:

- A. The conduct of the special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its location;
- B. The conduct of the special event will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;

City of Lynden

LMC Amendment re Parades and Special Events

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- C. The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;
- D. The concentration of persons, animals and vehicles at assembly points of the event will not unduly interfere with proper fire and police protection of or ambulance service to areas contiguous to such assembly areas;
- E. The conduct of such special event will not interfere with the movement of fire fighting equipment en route to a fire;
- F. The special event or parade is scheduled to move from its point of origin to a point of termination expeditiously and without unreasonable delays en route;
- G. The special event is not to be held for the sole purpose of advertising any product, goods or other event, and is not designed to be held purely for private profit;
- H. That the indemnification agreement required to have been submitted with the application for a permit is in proper order and has been countersigned by the Administrator or their Mayor or his or her designee as required in LMC 59.32.020(A).

(Ord. 1141 § A (part), 2002).

#### **5.30.050 Permit—Rejection—Notice.**

The city administrator or ~~their his or her~~ designee shall act upon the application for a special event permit as promptly as is administratively feasible and shall notify the applicant of their decision no later than twenty-five days prior to the date upon which the event is proposed to be held. If the city administrator disapproves the application, they shall notify the applicant of their reasons for the denial of the permit.

(Ord. 1141 § A (part), 2002).

#### **5.30.060 Permit—Rejection—Appeal.**

Any person aggrieved shall have the right to appeal the denial of the permit to the city council. The appeal shall be taken within three days after notice. The city council shall act upon the appeal at its next regular or special meeting after receiving notice of appeal.

(Ord. 1141 § A (part), 2002).

#### **5.30.070 Permit—Alternate.**

The city administrator, in denying an application for a special event permit, shall be empowered to authorize the conduct of the event on a date, at a time, at a location or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within three days after notice of the action of the city administrator, file a written notice of acceptance with the city administrator. An alternate permit shall conform to the requirements of and shall have the effect of a special event permit under this chapter.

(Ord. 1141 § A (part), 2002).

#### 5.30.080 Permit—Notice to officials—Contents.

- A. Immediately upon receiving a completed application for a special event permit, the city administrator or their designee shall forward the application to the following personnel for their review prior to issuing the permit:
  - 1. The chief of police;
  - 2. The fire chief;
  - 3. The public works director;
  - 4. If the application proposes to use city park facilities, the parks director.
- B. Any requirements determined by the reviewing personnel shall be indicated on the permit approval documents. If the applicant is not able to meet the requirements, the application shall be denied.

(Ord. 1141 § A (part), 2002).

(Ord. No. 1586, § 1, 6-17-19)

#### 5.30.085 Animal prohibition.

- A. General Authority. At the request of the chief of police, the parks director if the special event will use city park facilities, or on ~~their his or her~~ own initiative, the city administrator may condition the approval of a special event permit on the limitation or prohibition of animals from the event area during the hours of the special event. Such a condition on a special event permit approval shall require a written finding by the city administrator that the presence of animals would present an undue risk to the health and safety of persons or animals attending the event.
- B. Specific Special Event Prohibitions. Animals are prohibited from all event areas of the following event in the city: annual Raspberry Festival.
- C. Signage. Permittees for any special event for which animals are restricted or prohibited pursuant to subsections (A) or (B) herein shall post conspicuous signage in and around the event area. Said signage must clearly describe the event area from which animals are restricted or prohibited. Sign locations and content shall be approved in advance by the city administrator or ~~theirhis or her~~ designee.
- D. Exemptions. This section does not apply to:
  - 1. Service animals as defined in the Americans with Disabilities Act, 42 USC § 12101 et seq. or the Washington Law Against Discrimination, Chapter 49.60 RCW; or
  - 2. Animals being used by a public officer in the performance of official duties.

(Ord. No. 1586, § 2, 6-17-19)

#### 5.30.090 Permit—Compliance with directions—Display.

- A. A permittee under this chapter shall comply with all permit directions and conditions and with all applicable laws and ordinances.
- B. The chair of the event, or other person heading or leading such activity shall carry the special event permit upon their person throughout the entire duration of the event.

- C. The chair of the event, or other person heading or leading such activity shall be responsible for dissemination to every person responsible for each component of a special event and/or any entry in a parade, of the pertinent law and safety regulations for participation in such activity as set forth in the special event permit.
- D. Any violations of the requirements set forth in the special event permit will be grounds for immediate revocation of the permit and termination of the event.

(Ord. 1141 § A (part), 2002).

#### **5.30.100 Public conduct.**

- A. No person shall unreasonably hamper, obstruct, impede or interfere with any parade or event assembly or with any person, vehicle or animal participating or used in an event.
- B. No driver of a vehicle shall drive between the vehicle or persons comprising a special event or parade when such vehicles or persons are in motion.
- C. The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a special event or parade. The city shall post signs to such effect, and it is unlawful for any person to park or leave unattended any vehicle in violation thereof and the same may be impounded for safekeeping by the city police. No person shall be liable for parking on an unposted street.
- D. Whenever animals have been limited or prohibited from an event area pursuant to Section ~~5.309-32~~.085(A) or (B), no person having custody of an animal may knowingly cause or allow the animal to be in the area designated for the event during event hours, except as specified in Section ~~5.309-32~~.085(D).

(Ord. 1141 § A (part), 2002).

(Ord. No. 1586, § 3, 6-17-19)

#### **5.30.110 Violation—Penalty.**

Any person found guilty of a violation of the provisions of 5.30.100 shall be deemed guilty of a misdemeanor.

(Ord. 1141 § A (part), 2002).

# CITY OF LYNDEN

Administration Department  
(360) 354-1770



## Special Event Permit Application

A complete application (including insurance requirements) must be submitted to the Administration Department (1st Floor of City Hall, 300 4<sup>th</sup> St) at least sixty (60) days **PRIOR** to the scheduled event. For more information, refer to Lynden Municipal Code (LMC) 5.30.

### **Section 1: General Event Information**

Event Name: \_\_\_\_\_

Event Purpose: \_\_\_\_\_

Event Location(s): \_\_\_\_\_

Event Date(s): \_\_\_\_\_

Event Hours: From \_\_\_\_\_ AM / PM to \_\_\_\_\_ AM / PM  
(Include time for set up and take down)

Event Type: ☐ Run/Walk/Race ☐ Community Celebration ☐ Parade  
☐ Other/Explain \_\_\_\_\_

Expected Attendance: \_\_\_\_\_

### **Sponsor Information**

Sponsoring Organization: \_\_\_\_\_

Sponsor Address: \_\_\_\_\_

Is this event sponsored or co-sponsored by the City of Lynden? ☐ Yes ☐ No

### **Applicant Information (Person in charge of event that will be in attendance)**

Applicant Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Applicant Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Print: \_\_\_\_\_

Emergency Contact: \_\_\_\_\_ Phone: \_\_\_\_\_



## **Section 2: Special Event Tiers**

Special Events are categorized into 3 tiers depending on the level of potential substantial impact to the neighborhood and/or to public services such as Police, Fire, or Public Works.

**Definition of “Substantial Impact”:** means creating an increase in the amount, scope or level of need for city-provided emergency or protective services such as police, fire or medical aid and/or necessitating special traffic control measures such as barricades, traffic direction by police, or similar measures above those that would normally be required without the event and that results in actual, documented costs to the city due to the event.

Please indicate the **Tier** below that best describes your Special Event:

- ☐ Tier 1: These events require a permit, but no application fee, no insurance documentation, and no indemnification agreement is required.

These are special events that are either:

- 1) Political or religious activity primarily intended for the expression of ideas, or
- 2) A private event held entirely on private property that includes more than 75 participants but will have no substantial impact on the neighborhood and/or on public services.

- ☐ Tier 2: These events require a permit, an application fee, insurance documentation, indemnification agreement, and (potentially) a fee for public services required to support the event.

These are special events that will have a substantial impact on the neighborhood and/or on public services. Such as:

- 1) A private or public event that is requesting non-arterial street closures (including 4<sup>th</sup> St between Front St and Grover St) and, therefore, will have a substantial impact on the neighborhood and/or public services regardless of the number of participants.
- 2) A private or public event that includes more than 75 participants, does not involve street closures, but does have a determined substantial impact on the neighborhood (noise, parking) and/or on public services.

- ☐ Tier 3: These events require a permit, an application fee, insurance documentation, indemnification agreement, and (potentially) a fee for public services required to support the event.

These events have a determined substantial impact on the neighborhood and/or public services – specifically with a request to close an arterial street. Tier 3 events require City Council approval.

- 1) A private or public event that uses private and/or public property, regardless of the number of participants, that includes arterial street closures and/or streets in the HBD besides 4<sup>th</sup> St between Front St and Grover St.

<b><u>Section 3: General Event Information Questions for the Applicant</u></b>	<b>Applicant Answers</b>	<b>City Use Only</b>
1) <b>Provide a brief overview of the event:</b>		
2) <b>For Community Celebration Events:</b> Attach a detailed site plan of the event that shows relevant buildings, streets, alleys, rights of way, parking areas, location of canopies, tents, restrooms, aid stations, and any other relevant event information.  Does the event require the use of public services of any kind? If Yes, see Section 4 below.	Yes / No	
3) <b>For Parades:</b> Attach a detailed map that shows assembly/disbanding areas, the route and direction of the parade, street closure locations, temporary restroom locations, aid stations, announcer booths, and other relevant parade information.  Does the parade require the use of public services of any kind? If Yes, see Section 4 below.  How many parade entries are there? How many staff / volunteers are supporting the parade? What time will you begin assembling? What time do you expect the last participant to finish the route?	Yes / No   _____ _____ ____AM/PM ____AM/PM	
4) <b>For Fun Runs/Walks or Races:</b> Attach a detailed course map that shows assembly and debrief/presentation areas, the direction and route of the race, any street closure locations, flagger stations, aid and rest stations, and any other relevant event information.  Does the race require the use of public services of any kind? If Yes, see Section 4 below.  How many race entries are there? How many staff / volunteers are supporting the race? What time will you begin assembling? What time do you expect the last participant to finish the race?	Yes / No   _____ _____ ____AM/PM ____AM/PM	

<p>5) <b>For “Other” Events:</b> Attach a site plan, map, and/or route description that shows any relevant event information.</p> <p>Does the event involve political or religious activity primarily intended for the communication or expression of ideas?</p> <p>Does the event require the use of public services of any kind? If Yes, see Section 4 below.</p>	<p>Yes / No</p> <p>Yes / No</p>	
<p>6) Will the event serve or involve the use of alcoholic beverages?</p> <p>If Yes, attach a copy of your temporary alcohol permit from the WA State Liquor &amp; Cannabis Control Board.</p>	<p>Yes / No</p>	
<p>7) Will the event use amplified sound (speakers, megaphone, etc) of any type?</p> <p>If Yes, please describe:</p>	<p>Yes / No</p>	
<p>8) Will the event involve food service?</p> <p>If Yes, be advised that the Whatcom County Health Department requires a Temporary Food Establishment Permit for event food providers. Please attach a copy of your permit for this food service.</p>	<p>Yes / No</p>	
<p>9) Will this event use temporary signage of any kind?</p> <p>If Yes, be advised that LMC 19.33 prohibits off-premise commercial signage to be placed anywhere in the City. Temporary event signage must be promptly removed following the event.</p>	<p>Yes / No</p>	
<p>10) Describe how parking will be accommodated for this event:</p> <p>If necessary, attach a parking plan. It is your responsibility to seek permission from private property owners to use any private property for event parking.</p>		

#### **Section 4: Public Services**

Answer the questions below to indicate what Public Services may be required for your event.	Applicant Answers	City Use Only
<b>Rights of Way:</b> Does the event require any full or partial street closures? If Yes, which streets? _____ Does the event require street barricade rental / delivery? If Yes, how many barricades? _____ Will the street need to be cleaned by the City street sweeper following the event? Ensure that the site plan / map required above in Section 3 clearly shows which streets you are asking to close.	Yes / No  Yes / No  Yes / No	<b>PW Review:</b> ___ <b>Complete</b> ___ <b>More info</b> ----- Council Approval Required? Yes / No
<b>Right of Way: Fee checklist for ROW uses</b> Barricades: _____ Street Sweeping: _____ Garbage Collection: _____		<b>Total Fee for ROW usage:</b> _____
<b>Security:</b> Have you developed a security plan for the event? Does the event require police security? If Yes, how many officers? _____ For how long? _____ hrs  Be advised, police officers may be assigned to your event <b>even if you do not request them</b> . If the PD believes security should be present, you will be notified immediately.	Yes / No Yes / No	<b>PD review:</b> ___ <b>No PD</b> ___ <b>PD Rqrd</b> ___ <b>Officers</b> ___ <b>Hours</b>  <b>Total PD Fee:</b> _____
<b>Fire / Emergency Services:</b> Does the event require additional Fire / Emergency Medical Services than what is normally available in Lynden? Does the event have fireworks, pyrotechnics, or burning of any kind? Will any portion of the event be held in an existing building? If yes, provide building address: _____ What are the building occupancy limits? _____  Be advised, Fire and/or EMS may be assigned to your event even if you do not request them. If FD believes that Fire services may be required, you will be notified immediately.	Yes / No Yes / No Yes / No	<b>FD review:</b> ___ <b>No FD Rqrd</b> ___ <b>FD / EMS Rqrd</b>  <b>Total FD Fee:</b> _____

<b>Other Public Services:</b> Are there any other City / Public Services that your event may require? Explain: _____	Yes / No	
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**Section 6: Insurance Requirements**

The Applicant shall procure and maintain for the duration of the Permit, insurance against claims for injuries to persons or damage to property which may arise from or in connection with operations or activities performed by or on the Applicant's behalf with the issuance of this Permit. LMC 5.30.020(5) requires General Liability Insurance naming the City as Additional Insured in the minimum amount of \$2,000,000 per occurrence combined single limits and \$5,000,000 aggregate unless waived by the City Administrator. A Certificate of Insurance listing the City as an endorsement shall be submitted with this application.

City Use:

☐ Applicant has provided proper Insurance Documentation according to LMC 5.30.020.

**Section 7: Indemnification Agreement**

WHEREAS, \_\_\_\_\_ ("Grantee") has applied for a Special Event Permit under LMC 5.30. The Grantee agrees to defend, indemnify and hold the City of Lynden, its agents, employees and officials, while acting within the scope of their duties, harmless from any and all claims, suits, demands and judgements including the attorney's fees and other costs of their defense, for public or private nuisance, inverse condemnation, personal injuries, property damage or death arising out of, occurring during or the result of activities or appliances of the applicant, their employees or otherwise, except for the sole negligence of the City. The Grantee further agrees to comply with all provisions of pertinent laws, rules, and regulations. This permit may be revoked at any time.

Signature of Authorized Special Event Representative: \_\_\_\_\_

Date: \_\_\_\_\_

**Section 8: Approvals (City Use Only)**

Department Review	Signature:	Review Date:	Conditions: See Below	Approved:
Fire Department			Yes / No	<input type="checkbox"/>
Police Department			Yes / No	<input type="checkbox"/>
Public Works Dept			Yes / No	<input type="checkbox"/>
City Administrator			Yes / No	<input type="checkbox"/>
Parks Dept (as required)			Yes / No	<input type="checkbox"/>

**Permit Conditions:**

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Date of Permit Approval: \_\_\_\_\_

# CITY OF LYNDEN

## EXECUTIVE SUMMARY – Community Development Committee



<b>CDC Meeting Date:</b>	March 20, 2024	
<b>Name of Agenda Item:</b>	Downtown Parking	
<b>Section of Agenda:</b>	Discussion	
<b>Next Steps Proposed by Staff:</b>		<b>Legal Review:</b>
<input type="checkbox"/> Staff revisions	<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Completed
<input type="checkbox"/> Return to CDC	<input type="checkbox"/> Other Committees	<input type="checkbox"/> Recommended
<input type="checkbox"/> Schedule for full Council	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Not Required
<b>Attachments:</b>		
<b>Summary Statement:</b>		
<p>At the March CDC meeting, the committee discussed concerns related to parking congestion within the Historic Business District (HBD). This led to initial discussions about options for creating additional parking opportunities as well as enforcement of the 3-hour parking limit. The mayor subsequently reviewed property values and potential contributors to a Local Improvement District for additional parking facilities. Staff were also tasked with researching license plate readers and enforcement considerations. Follow-up topics to these conversations include the following:</p> <ol style="list-style-type: none"> <li>1. Role of the City in facilitating downtown parking</li> <li>2. Creating additional parking through a local improvement district (LID)</li> <li>3. Parking enforcement considerations:             <ol style="list-style-type: none"> <li>a. Letter to business owners</li> <li>b. Zones of enforcement and signage</li> <li>c. License plat readers and data storage</li> <li>d. Staffing for consistent enforcement</li> <li>e. Prosecution</li> </ol> </li> </ol>		
<b>Recommended Action:</b>		

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b><u>Meeting Date:</u></b>	March 20, 2024
<b><u>Name of Agenda Item:</u></b>	CDC Meeting Minutes of 2/21/24
<b><u>Section of Agenda:</u></b>	Discussion
<b><u>Department:</u></b>	Community Development Department
<b><u>Attachments:</u></b>	
ZTA Application 24-01, Staff recommended redlines of LMC 19.20, Public comment – letter of support.	
<b><u>Summary Statement:</u></b>	
<p>The public hearing date of April 1, 2024, has been set for the Council to consider an application to revise the city's development regulations for accessory dwelling units (ADUs). This item is legislative in nature and can be discussed in Committee.</p> <p>The application proposed to adopt the State's required regulations on ADUs at a date earlier than required. Approval of the update would benefit the applicant in that they currently have an ADU structure which was found to be over the maximum height limit of 18 feet. The State is requiring a new maximum height limit of 24 feet – which would resolve the noncompliance on this property.</p> <p>The State's deadline for adoption is the start of 2026 and the application proposes that this be implemented immediately. Staff and the Planning Commission have reviewed the application and recommended approval of the amendment except with two revisions. The first is that the city would continue to require that homes with ADUs remain owner-occupied. The State requires that this be discontinued at the start of 2026. Secondly, the city currently does not collect impact fees for ADUs although the State allows up to half of a single-family impact fee to be collected for an ADU. Staff has proposed, and the Planning Commission supported, that these impact fees begin to be collected at the start of 2026.</p> <p>The City Council will hear the item on April 1. Public comment will be taken at this hearing. The Council can approve, deny, or approve with conditions the proposed amendment.</p>	
<b><u>Recommended Action:</u></b>	
None needed at this time.	



Title 19 - ZONING  
Chapter 19.20 ACCESSORY DWELLING UNITS

## Edits as Recommended by the Technical Review Committee

### Chapter 19.20 ACCESSORY DWELLING UNITS<sup>1</sup>

#### 19.20.010 Purpose.

It is the provision of this chapter to implement the goals and policies as identified under the housing element of the city of Lynden Comprehensive Plan.

- A. The city of Lynden will encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage the preservation of existing housing.
- B. To consider other creative methods, such as cluster housing, cottage housing, accessory housing, and transfer of development rights to increase density and promote the opportunity for ownership of single-family homes.
- C. The city will also look to provide homeowners with a means of obtaining rental income, companionship, security and services through tenants in either the accessory dwelling unit or principal unit of the single-family dwelling.
- D. To provide a place to facilitate the care of family members who are unable to live independently.

[E. To address the State of Washington Accessory Dwelling Unit \(ADU\) provisions per RCW 36.70A.680 – 681.](#)

(Ord. No. 1657, § C(Exh. A), 12-19-2022)

#### 19.20.020 Accessory dwelling unit.

Accessory dwelling unit (ADU) is a subordinate, complete living unit which includes permanent kitchen and sanitary facilities, that is secondary to a single-family home located on the same lot as defined in LMC Section 17.01.030 and further subject to the following requirements:

- A. ADU's are permitted in all residential zones including planned residential developments provided that ~~only a maximum of two (2) ADUs are allowed~~ [per lot as an accessory use to a single-family home](#). ADU's are permitted in multi-family zones only on lots which are restricted, by lot area, to a single-family residence.
- B. ADU's can be attached as a separate unit within the existing home or an addition to the home, or detached as a separate structure on the lot, ~~or any configuration of attached or detached units.~~
- C. ~~Only one~~ [Two \(2\) ADUs are allowed](#) per detached single-family residence. ADU's are not permitted as part of any other housing type. Accessory dwelling units are exempt from the density limitations of the underlying zone.

Commented [DT1]: A, B, C, D - required by HB1337

<sup>1</sup>Editor's note(s)—Ord. No. 19.20, § C(Exh. A), adopted Dec. 19, 2020, repealed the former Ch. 19.20, §§ 19.20.010—19.20.040, and enacted a new Ch. 19.20 as set out herein. The former Ch. 19.20 pertained to similar subject matter and derived from Ord. No. 1547, § 9, adopted Dec. 4, 2017.

- D. ~~An attached ADU ADUs of all types are is~~ limited to a maximum of one thousand square feet ~~and two bedrooms. A detached ADU is limited to a maximum of eight hundred square feet and one bedroom.~~
- E. ~~A detached ADU, or ADU addition, must be of the same construction type as the primary structure. The exterior finish, material, trim, and roof pitch for the ADU must be similar in type and size of the primary structure.~~
- F. ~~Only one entrance for the entire primary structure and ADU combined shall be visible from the primary street. A detached ADU shall not be forward to the primary unit in relation to the front yard.~~
- G. Parking spaces dedicated to the ADU are required in addition to the parking required for the primary residence. One parking space per ADU bedroom, in addition to those required for the single family residence, will be required for the ADU's. All parking spaces for the primary structure and the ADU must be located on site-
1. On lots of 6,000 square feet or larger, one (1) parking space per ADU bedroom is required up to a maximum requirement of two (2) spaces dedicated to the ADU.
  2. On lots less than 6,000 square feet only one parking space must be dedicated to the ADU regardless of ADU bedroom count.
- H. ~~If necessary based on building location, landscaping shall be installed to provide privacy and screening of the adjacent properties. A landscape plan must be approved by the planning director.~~
- I. Utilities. All utilities servicing the site may require upgrades based on the project size. Any utilities installed on site must meet the requirements of the city of Lynden Manual for Engineering Design and Development Standards.
- J. Until January 1, 2026, the primary residence or the ADU must be owner occupied. A The required ADU perpetual covenant against the property, approved by the planning Community Development Department must be signed by the owner and recorded with the Whatcom County Assessor's Office which specifies this requirement.
- K. ~~The ADU shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit except that, per RCW 36.70A.681, the city shall not prohibit the sale or other conveyance of a condominium unit independently of the primary structure solely on the grounds that the condominium unit was originally built as an accessory dwelling unit.~~

(Ord. No. 1657, § C(Exh. A), 12-19-2022)

### 19.20.030 Setback and height requirements.

The following text provides regulations for height and setback requirements:

- A. All setbacks are measured from the property line to the building foundation. It is the property owner's responsibility to have the property lines clearly marked for inspection.
- B. ~~An attached ADU may be built as close as seven feet to the side property line provided that the living area setbacks total the minimum required within the underlying zone.~~
- C. ~~A detached ADU may be built as close as ten feet to the rear property line and shall follow the side setbacks in accordance with the requirements of the underlying zone. All ADUs shall follow the setback requirements for the underlying zone.~~
1. Detached ADUs are subject to accessory structure setbacks except that- Detached ADUs may be situated on a lot line that abuts a public alley. No ADU may encroach into an existing easement, unless the city or county routinely plows snow on the public alley.
  2. Attached ADUs are subject to the setbacks associated with the primary structure.

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**Commented [DT2]:** Deleted as this is an aesthetic standard.

**Commented [DT3]:** Deleted as an aesthetic standard.

**Commented [HG4]:** RCW36.70A.681(2,a). The city may not:  
 ii) Require more than one off-street parking space per unit as a condition of permitting development of accessory dwelling units on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits; and  
 (iii) Require more than two off-street parking spaces per unit as a condition of permitting development of accessory dwelling units on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

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**Commented [DT5]:** The city may not require owner-occupied - RCW 36.70A.681(1,b). Also - as such, the covenant is no longer required.

**Commented [DT6]:** We may need to clarify "detached" ADU setbacks in light of this. "Underlying zone" would default to accessory structure setbacks? But, this would be different for alley lots if it isn't plowed. I don't believe the City plows alleys so no setback on any public alley in town.

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~~D.C.~~ An existing non-conforming building shall not be used for an ADU unless the structure is brought into conformance with City Code except that existing buildings that violate setbacks or lot coverage may be converted to include an ADU. The ADU conversion shall not result in an increase in the nonconformity.

~~E.~~ On any lot, the minimum distance between the garage door and the property line or access easement parallel to the garage door must be twenty-five feet.

~~F.D.~~ On corner lots in all residential zones, the side yard setback adjacent to the street must reflect the minimum side yard of that zone.

~~G.E.~~ Only one driveway access is allowed per lot. Driveway access shall be allowed according to any requirements for the underlying zone.

~~H.~~ Detached ADU's may not be located forward of the primary residential structure.

~~I.~~ 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 eighteen inches.

~~J.E.~~ The maximum height of any detached structure housing an ADU shall be eighteen-twenty-four (24) feet.

~~K.G.~~ The maximum lot coverage is subject to the associated zone. Thirty-five percent (is all RS zones, thirty-five percent in the RMD zone, thirty-five percent in the RM-1 zone, forty percent in the RM-2 and RM-3 zones and forty-five percent in the RM-4 zone. For lot coverage requirements within a PRD check with the PRD contract. Lots which are existing non-conforming in that they exceed lot coverage requirements are not prevented from converted existing structures into ADUs. ADU conversion shall not result in an increase in the nonconformity. Refer to LMC 19.35 regarding permitted actions as to the maintenance and demolition of non-conforming structures.

(Ord. No. 1657, § C(Exh. A), 12-19-2022)

## 19.20.040 Permitting and enforcement.

- A. Covenant Application. In addition to any building permit that may be required for the creation of an ADU, the property owner shall apply for an ADU permit-covenant with the planning-Community Development Department. Application for the covenant must demonstrate that the ADU meets all requirements as listed above. The applicant must also acknowledge any private covenants such as those imposed by a homeowners association that may exist on the property.
- B. Applicable Codes. The accessory dwelling unit shall comply with all construction codes set forth in the city of Lynden Engineering Design and Development Standards and the Lynden Zoning Code however, per RCW 36.70A.681 public street improvements shall not be required as a condition of permitting ADUs.
- C. Design Requirements. A detached ADU must be reviewed consistent with applicable portions of LMC Section 19.22 Residential Design Requirements as they relate to accessory structures.
- D. Inspection. Prior to the approval of an ADU, the city may inspect the property to confirm that all applicable requirements of this code and other codes have been met. An inspection fee is required as set by the city's unified fee schedule.
- E. Recording Requirements. Prior to a request for final building-ADU inspection for either an attached or detached accessory dwelling unit, the property owner shall file with the Whatcom County Assessor an accessory dwelling unit covenant with all conditions and restrictions as provided by the city. The covenant will require owner occupancy of either the primary residence or the ADU until January 1, 2026. After this date owner occupancy is not required.

**Commented [DT7]:** Should clarify G, H, and I:

G: Would be the typical driveway standard for residential. G may just be a delete.

H: Is this an aesthetic standard?

I: "Detached" as 6 ft is defined in our Design Standard chapter. 6 ft is city-wide requirement for detached accessory structures - this wouldn't be more restrictive for ADUs so it could probably remain.

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- F. Successors. The ADU covenant is binding upon any successor in ownership of the property. Lack of compliance shall ~~cause for~~cause the city to revoke the occupancy of ~~the~~ accessory dwelling unit ~~permit~~and / or cite the property for a zoning violation and assess associated fines.
- G. Variances. Any variances to this section will be subject to Chapter 19.47 of the Lynden Municipal Code.
- H. Impact Fees. As of January 1, 2026, the city will assess impact fees on the construction of ADUs in the amount of fifty percent (50%) of the impact fees that would be imposed on the primary unit.

(Ord. No. 1657, § C(Exh. A), 12-19-2022)

**RCW 36.70A.680 Accessory dwelling units—Local regulation.**

(1)(a) Cities and counties planning under this chapter must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of this section and of RCW 36.70A.681, to take effect six months after the jurisdiction's next periodic comprehensive plan update required under RCW 36.70A.130.

(b) In any city or county that has not adopted or amended ordinances, regulations, or other official controls as required under this section, the requirements of this section and RCW 36.70A.681 supersede, preempt, and invalidate any conflicting local development regulations.

(2) Ordinances, development regulations, and other official controls adopted or amended pursuant to this section and RCW 36.70A.681 must only apply in the portions of towns, cities, and counties that are within urban growth areas designated under this chapter.

(3) Any action taken by a city or county to comply with the requirements of this section or RCW 36.70A.681 is not subject to legal challenge under this chapter or chapter 43.21C RCW.

(4) Nothing in this section or RCW 36.70A.681 requires or authorizes a city or county to authorize the construction of an accessory dwelling unit in a location where development is restricted under other laws, rules, or ordinances as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property.

(5) Nothing in this section or in RCW 36.70A.681 prohibits a city or county from:

(a) Restricting the use of accessory dwelling units for short-term rentals;

(b) Applying public health, safety, building code, and environmental permitting requirements to an accessory dwelling unit that would be applicable to the principal unit, including regulations to protect ground and surface waters from on-site wastewater;

(c) Applying generally applicable development regulations to the construction of an accessory unit, except when the application of such regulations would be contrary to this section or to RCW 36.70A.681;

(d) Prohibiting the construction of accessory dwelling units on lots that are not connected to or served by public sewers; or

(e) Prohibiting or restricting the construction of accessory dwelling units in residential zones with a density of one dwelling unit per acre or less that are within areas designated as wetlands, fish and wildlife habitats, flood plains, or geologically hazardous areas. [2023 c 334 § 3.]

**Findings—Intent—2023 c 334:** "(1) The legislature makes the following findings:

(a) Washington state is experiencing a housing affordability crisis. Many communities across the state are in need of more housing for renters across the income spectrum.

(b) Many cities dedicate the majority of residentially zoned land to single detached houses that are increasingly financially out of reach for many households. Due to their smaller size, accessory dwelling units can provide a more affordable housing option in those single-family zones.

(c) Localities can start to correct for historic economic and racial exclusion in single-family zones by opening up these neighborhoods to more diverse housing types, including accessory dwelling units, that provide lower cost homes. Increasing housing options in expensive, high-opportunity neighborhoods will give more families access to schools, parks, and other public amenities otherwise accessible to only the wealthy.

(d) Accessory dwelling units are frequently rented below market rate, providing additional affordable housing options for renters.

(e) Accessory dwelling units can also help to provide housing for very low-income households. More than 10 percent of accessory dwelling units in some areas are occupied by tenants who pay no rent at all; among these tenants are grandparents, adult children, family members with disabilities, friends going through life transitions, and community members in need. Accessory dwelling units meet the needs of these people who might otherwise require subsidized housing space and resources.

(f) Accessory dwelling units can meet the needs of Washington's growing senior population, making it possible for this population to age in their communities by offering senior-friendly housing, which prioritizes physical accessibility, in walkable communities near amenities essential to successful aging in place, including transit and grocery stores, without requiring costly renovations of existing housing stock.

(g) Homeowners who add an accessory dwelling unit may benefit from added income and an increased sense of security.

(h) Accessory dwelling units provide environmental benefits. On average they are more energy efficient than single detached houses, and they incentivize adaptive reuse of existing homes and materials.

(i) Siting accessory dwelling units near transit hubs, employment centers, and public amenities can help to reduce greenhouse gas emissions by increasing walkability, shortening household commutes, and curtailing sprawl.

(2) The legislature intends to promote and encourage the creation of accessory dwelling units as a means to address the need for additional affordable housing options." [2023 c 334 § 1.]

**RCW 36.70A.681 Accessory dwelling units—Limitations on local regulation.** (1) In addition to ordinances, development regulations, and other official controls adopted or amended to comply with this section and RCW 36.70A.680, a city or county must comply with all of the following policies:

(a) The city or county may not assess impact fees on the construction of accessory dwelling units that are greater than 50 percent of the impact fees that would be imposed on the principal unit;

(b) The city or county may not require the owner of a lot on which there is an accessory dwelling unit to reside in or occupy the accessory dwelling unit or another housing unit on the same lot;

(c) The city or county must allow at least two accessory dwelling units on all lots that are located in all zoning districts within an urban growth area that allow for single-family homes in the following configurations:

(i) One attached accessory dwelling unit and one detached accessory dwelling unit;

(ii) Two attached accessory dwelling units; or

(iii) Two detached accessory dwelling units, which may be comprised of either one or two detached structures;

(d) The city or county must permit accessory dwelling units in structures detached from the principal unit;

(e) The city or county must allow an accessory dwelling unit on any lot that meets the minimum lot size required for the principal unit;

(f) The city or county may not establish a maximum gross floor area requirement for accessory dwelling units that is less than 1,000 square feet;

(g) The city or county may not establish roof height limits on an accessory dwelling unit of less than 24 feet, unless the height limitation that applies to the principal unit is less than 24 feet, in which case a city or county may not impose roof height limitation on accessory dwelling units that is less than the height limitation that applies to the principal unit;

(h) A city or county may not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for accessory dwelling units that are more restrictive than those for principal units;

(i) A city or county must allow detached accessory dwelling units to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley;

(j) A city or county must allow accessory dwelling units to be converted from existing structures, including but not limited to detached garages, even if they violate current code requirements for setbacks or lot coverage;

(k) A city or county may not prohibit the sale or other conveyance of a condominium unit independently of a principal unit solely on the grounds that the condominium unit was originally built as an accessory dwelling unit; and

(l) A city or county may not require public street improvements as a condition of permitting accessory dwelling units.

(2) (a) A city or county subject to the requirements of this section may not:

(i) Require off-street parking as a condition of permitting development of accessory dwelling units within one-half mile walking distance of a major transit stop;

(ii) Require more than one off-street parking space per unit as a condition of permitting development of accessory dwelling units on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits; and

(iii) Require more than two off-street parking spaces per unit as a condition of permitting development of accessory dwelling units on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.

(b) The provisions of (a) of this subsection do not apply:

(i) If a local government submits to the department an empirical study prepared by a credentialed transportation or land use planning expert that clearly demonstrates, and the department finds and certifies, that the application of the parking limitations of (a) of this subsection for accessory dwelling units will be significantly less safe for vehicle drivers or passengers, pedestrians, or bicyclists than if the jurisdiction's parking requirements were applied to the same location for the same number of detached houses. The department must develop guidance to assist cities and counties on items to include in the study; or

(ii) To portions of cities within a one mile radius of a commercial airport in Washington with at least 9,000,000 annual enplanements.

(3) When regulating accessory dwelling units, cities and counties may impose a limit of two accessory dwelling units, in addition to the principal unit, on a residential lot of 2,000 square feet or less.

(4) The provisions of this section do not apply to lots designated with critical areas or their buffers as designated in RCW 36.70A.060, or to a watershed serving a reservoir for potable water if that watershed is or was listed, as of July 23, 2023, as impaired or threatened under section 303(d) of the federal clean water act (33 U.S.C. Sec. 1313(d)). [2023 c 334 § 4.]

**Findings—Intent—2023 c 334:** See note following RCW 36.70A.680.



CITY OF LYNDEN

ZONING TEXT AMENDMENT  
APPLICATION



City of Lynden use only:

ZTA # 24-01

Staff Initials: KS

Applicant / Agent

Name: Jamie Vos

Address: 143 Terrace Drive

Telephone Number: 360-815-2771

E-mail Address: jamiejayvos@gmail.com

Who is the primary contact for this project? This person will receive all official correspondence for the project.

Property owner

☐

Applicant

☒

Section(s) to amend:

Section 19.20

Please state the changes you are proposing:

The changes are redlined in another document.

Please state the reason(s) why the above section(s) of the Lynden Zoning Ordinance should be amended. Please note the potential benefits and the potential negative impacts of the amendment: (Attach additional sheets as necessary)

The reason for the changes are to align with new state mandated changes in the ADU codes to relieve some of the pressure on the pricing of housing by allowing for income generation as well as generational living on Single Family Properties.

\*\*\*\*\*

By signing this application, I certify that all the information submitted is true and correct. I also understand that no final approval will be issued until all final review costs are paid in full.

Applicant's Signature: Jamie Vos

Digitally signed by Jamie Vos  
Date: 2023.12.28 13:08:09 -08'00'

Date: 12/28/2023

Property Owner's Signature: Jamie Vos

Digitally signed by Jamie Vos  
Date: 2023.12.28 13:08:25 -08'00'

Date: 12/28/2023

Property Owner's Printed Name: Jamie Vos

Date: 12/28/2023

## Chapter 19.20 ACCESSORY DWELLING UNITS<sup>1</sup>

### 19.20.010 Purpose.

It is the provision of this chapter to implement the goals and policies as identified under the housing element of the city of Lynden Comprehensive Plan.

- A. The city of Lynden will encourage the availability of affordable housing to all economic segments of the population, promote a variety of residential densities and housing types, and encourage the preservation of existing housing.
- B. To consider other creative methods, such as cluster housing, cottage housing, accessory housing, and transfer of development rights to increase density and promote the opportunity for ownership of single-family homes.
- C. The city will also look to provide homeowners with a means of obtaining rental income, companionship, security and services through tenants in either the accessory dwelling unit or principal unit of the single-family dwelling.

- D. To provide a place to facilitate the care of family members who are unable to live independently.

(Ord. No. 1657, § C(Exh. A), 12-19-2022)

### 19.20.020 Accessory dwelling unit.

Accessory dwelling unit (ADU) is a subordinate, complete living unit which includes permanent kitchen and sanitary facilities, that is secondary to a single-family home located on the same lot as defined in LMC Section 17.01.030 and further subject to the following requirements:

- A. ADU's are permitted in all residential zones including planned residential developments provided that ~~only a maximum of two~~ one ADU ~~are~~ is allowed per lot as an accessory use to a single-family home. ADU's are permitted in multi-family zones only on lots which are restricted, by lot area, to a single-family residence.
- B. ADU's can be attached as a separate unit within the existing home or an addition to the home, or detached as a separate structure on the lot, or any configuration of attached or detached units.
- C. ~~Only one~~ Two ADU ~~s are allowed~~ s are allowed per detached single-family residence. ADU's are not permitted as part of any other housing type. Accessory dwelling units are exempt from the density limitations of the underlying zone.
- D. ~~An attached ADU~~ ADUs of all types are ~~is~~ is limited to a maximum of one thousand square feet ~~and two bedrooms. A detached ADU is limited to a maximum of eight hundred square feet and one bedroom.~~
- E. ~~A detached ADU, or ADU addition, must be of the same construction type as the primary structure. The exterior finish, material, trim, and roof pitch for the ADU must be similar in type and size of the primary structure.~~

<sup>1</sup>Editor's note(s)—Ord. No. 19.20, § C(Exh. A), adopted Dec. 19, 2020, repealed the former Ch. 19.20, §§ 19.20.010—19.20.040, and enacted a new Ch. 19.20 as set out herein. The former Ch. 19.20 pertained to similar subject matter and derived from Ord. No. 1547, § 9, adopted Dec. 4, 2017.



- ~~F. Only one entrance for the entire primary structure and ADU combined shall be visible from the primary street. A detached ADU shall not be forward to the primary unit in relation to the front yard.~~
- ~~G. One parking space per ADU bedroom, in addition to those required for the single-family residence, will be required for the ADU's. All parking spaces for the primary structure and the ADU must be located on site.~~
- ~~H. If necessary based on building location, landscaping shall be installed to provide privacy and screening of the adjacent properties. A landscape plan must be approved by the planning director.~~
- ~~I.E.~~ Utilities. All utilities servicing the site may require upgrades based on the project size. Any utilities installed on site must meet the requirements of the city of Lynden Manual for Engineering Design and Development Standards.
- ~~J. The primary residence or the ADU must be owner occupied. A perpetual covenant against the property, approved by the planning department must be signed by the owner and recorded with the Whatcom County Assessor's Office which specifies this requirement.~~
- ~~K.F.~~ The ADU shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
- (Ord. No. 1657, § C(Exh. A), 12-19-2022)

### 19.20.030 Setback and height requirements.

The following text provides regulations for height and setback requirements:

- A. All setbacks are measured from the property line to the building foundation. It is the property owner's responsibility to have the property lines clearly marked for inspection.
- ~~B. An attached ADU may be built as close as seven feet to the side property line provided that the living area setbacks total the minimum required within the underlying zone.~~
- ~~C. A detached ADU may be built as close as ten feet to the rear property line and shall follow the side setbacks in accordance with the requirements of the underlying zone. All ADUs shall follow the setback requirements for the underlying zone. Detached ADUs may be situated on a lot line that abuts a public alley, unless the city or county routinely plows snow on the public alley.~~
- ~~D.C.~~ An existing non-conforming building shall not be used for an ADU unless the structure is brought into conformance with City Code.
- ~~E. On any lot, the minimum distance between the garage door and the property line or access easement parallel to the garage door must be twenty-five feet.~~
- ~~F.D.~~ On corner lots in all residential zones, the side yard setback adjacent to the street must reflect the minimum side yard of that zone.
- ~~G.E.~~ ~~Only one driveway access is allowed per lot. Driveway access shall be allowed according to any requirements for the underlying zone.~~
- ~~H. Detached ADU's may not be located forward of the primary residential structure.~~
- ~~I. 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 eighteen inches.~~
- ~~J.E.~~ The maximum height of any detached structure housing an ADU shall be ~~eighteen~~twenty-four feet.
- ~~K.G.~~ The maximum lot coverage is subject to the associated zone. Thirty-five percent (is all RS zones, thirty-five percent in the RMD zone, thirty-five percent in the RM-1 zone, forty percent in the RM-2 and RM-3 zones and forty-five percent in the RM-4 zone. For lot coverage requirements within a PRD check with the PRD contract.

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(Ord. No. 1657, § C(Exh. A), 12-19-2022)

**19.20.040 Permitting and enforcement.**

- A. Application. The property owner shall apply for an ADU permit with the planning department. Application must meet all requirements as listed above.
- B. Applicable Codes. The accessory dwelling unit shall comply with all construction codes set forth in the city of Lynden Engineering Design and Development Standards and the Lynden Zoning Code.
- C. A detached ADU must be reviewed consistent with applicable portions of LMC Section 19.22 Residential Design Requirements as they relate to accessory structures.
- D. Inspection. Prior to the approval of an ADU, the city may inspect the property to confirm that all applicable requirements of this code and other codes have been met.
- E. Recording Requirements. Prior to a request for final building inspection for either an attached or detached accessory dwelling unit, the property owner shall file with the Whatcom County Assessor an accessory dwelling unit covenant with all conditions and restrictions as provided by the city.
- F. The covenant is binding upon any successor in ownership of the property. Lack of compliance shall cause for the city to revoke the occupancy or accessory dwelling unit permit.
- G. Any variances to this section will be subject to Chapter 19.47 of the Lynden Municipal Code.

(Ord. No. 1657, § C(Exh. A), 12-19-2022)



**January 31, 2024**

**JWR Design is in full support of the zoning text amendment, given its positive contributions to the City of Lynden's ability to accommodate densification, provide more affordable housing opportunities, and support families ability to both grow and age in the same location.**

**First, Additional Dwelling Units (ADU's) are a great way to use residential design strategies to accomplish greater densification within smaller cities given the flexibility they provide in residentially zoned areas.**

**Second, by allowing for ADU's, the extremely high housing costs can be softened. The primary way we have seen this occur is through a property owners' ability to provide people from the community a place to live/rent for a reduced price given the landowners ability to utilize the property where they currently reside. This also allows the property owner another means of income utilizing their personal property.**

**Third, as families continue to grow and age, ADU's provide a great opportunity to promote what has always been a strong attribute of the City of Lynden which is a strong and close community centered around strong families that care for each other across generations. ADU's provide families with a great opportunity to care for one another as needs continue to arise.**

**Jerry Roetcisoender, President**

A large, stylized, white outline version of the 'JWR' logo, positioned centrally over a background image of a modern house with large arched windows and a stone facade.