



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 4<sup>th</sup> Street  
March 04, 2019

**Call to Order**

**Pledge of Allegiance**

**Roll Call**

**Oath of Office**

**Approval of Minutes**

1. Draft Minutes- February 19, 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
3. Re-appointment of Historic Preservation Commissioners – Mark Bratt and Denny DeMeyer

**Public Hearing**

4. Public Hearing for Ord 1574 re Pepin Creek Zoning Amendment
5. Public Hearing for Ord 1575 re Pepin Creek Subarea
6. Public Hearing for Ord 1576 re Residential Mixed Density (RMD)
7. Public Hearing for Ord 1577 re Pepin Creek Moratorium Extension

**Unfinished Business**

**New Business**

8. Resolution No. 995-Authorizing Benefits to Elected Officials

**Other Business**

- [9.](#) Community Development Committee Mtg Minutes of 02-20-2019
- [10.](#) Calendar

**Executive Session**

**Adjournment**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	3/4/2019	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Department:</b>	Administration	
<b>Contact Name/Phone:</b>	Pam Brown 360.255.7085	
<b>Council Committee Review:</b>		
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input type="checkbox"/> Parks	<input checked="" type="checkbox"/> Other: N/A	
<b>Attachments:</b>		
Draft Minutes- February 19, 2019		
<b>Name of Agenda Item:</b>		
Draft Minutes- February 19, 2019		
<b>Summary Statement:</b>		
See next page.		
<b>Recommended Action:</b>		
For Council review.		



February 19, 2019

### 1. CALL TO ORDER

Mayor Korthuis called to order the February 19, 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, Gerald Kuiken, Brent Lenssen, Nick Laninga, Kyle Strengholt, and Mark Wohlrab.

Members absent: None.

Staff present: Finance Director Anthony Burrows, Fire Chief Mark Billmire, 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 Wohlrab seconded that the minutes of February 4, 2019 be approved with the correction to the vote count noted on page 4 by Councilor De Valois. Motion approved on a 7-0 vote.***

Councilor Bode took a few minutes to discuss PeaceHealth's plans to build a new medical clinic in Lynden. Council Bode provided an overview of his year-long participation in the discussions and planning for a medical facility in north Whatcom County. The site of the medical facility has not yet been determined.

### ITEMS FROM THE AUDIENCE

**Scheduled:** None

**Nonscheduled:**

Harlan Kredit, 707 Birch Street, Lynden

Mr. Kredit provided Council with a document concerning the Glenning Street property that is currently owned by the Lynden School District. Mr. Kredit is a member of a committee that would like to see the property purchased by the City of Lynden and continued to be used for recreation-based activities for future use by the citizens of Lynden. The Glenning Schoolyard Proposal document submitted by Mr. Kredit provided Council with some history about the property, the committee's financial plan and a proposed path forward that includes fundraising efforts and promotion of the upcoming Parks & Recreation District Bond. The plan is that the City would be repaid the purchase price of the property over a 1-2-year period.

# CITY OF LYNDEN



## CITY COUNCIL MINUTES OF REGULAR MEETING

The following people also spoke in support of the Glenning Schoolyard Proposal:

- Ron Polinder, 205 Rosemary Way, Lynden
- Paul Harris, 811 Glenning Street, Lynden
- Jeff Littlejohn, 9284 Double Ditch Road, Lynden
- Rena Rudy, 413 Fishtrap Way, Lynden
- Brad Rader, 8629 Benson Road, Lynden
- John Withrow, 211 W Maberry, Lynden

The Glenning Schoolyard Proposal document provided to Council has been included in the official council file.

### 2. CONSENT AGENDA

#### Approval of Payroll Disbursed – February 1-15, 2019

Paychex EFT .....	\$298,270.53
City of Lynden EFT .....	\$66,023.09
Warrant Liability .....	\$56,745.48
	<b>\$421,039.10</b>

#### Approval of Claims – February 26, 2019

Manual Warrants No. <u>72420</u> through <u>72422</u>	\$4,232.56
EFT Payment Pre-Pays	\$622,932.83
Sub Total Pre-Pays	<u>\$627,165.39</u>
Voucher Warrants No. <u>72423</u> through <u>72579</u>	\$532,674.46
EFT Payments	<u>26,216.15</u>
Sub Total	\$558,890.61
Total Accts. Payable	<b>\$1,186,056.00</b>

#### Emergency Declaration- Incident #19-0410- Severe Winter Storm Weather

Upon the proclamation of a state of emergency by the Governor, the mayor is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council.

#### Lexipol Policy Agreement

As part of the 2019 Police Budget, the Police Department proposed transitioning to the Lexipol Policy System for Police Department Policy. The Lexipol System agreement includes an up-to-date, legally defensible Policy Manual, Daily Training Bulletins, Policy Updates, Web-based Delivery Platform and Mobile App, Reports, and a Support Package.

# CITY OF LYNDEN



## CITY COUNCIL MINUTES OF REGULAR MEETING

### Set Public Hearing Date (March 4, 2019) – Ordinance No. 1574, Pepin Creek Zoning Amendment

The planning of the Pepin Creek Sub-area represents a significant multi-step project. One aspect of the project is to create zoning categories and overlays which take into account the City's growth priorities, housing density goals, infrastructure requirements, and community character.

The proposed zoning text amendments will come forward to the City Council in three separate ordinances.

- Ordinance 1575 addresses the Pepin Creek Sub-area specifically,
- Ordinance 1576 proposes revisions to the Residential Mixed Density (RMD) zoning category which is anticipated to be used within the Pepin Creek Sub-area, and
- Ordinance 1574 proposes amendments within the three land development chapters which accommodate the proposed code and promote consistency throughout zoning categories.

The current proposals come forward after careful review that has included public survey results, input from local real estate agents and builders, detailed work sessions with the Planning Commission and Community Development Committee. On January 24, 2019 the Planning Commission held a public hearing and recommended approval of the amendments described in Ordinance 1574, 1575, and 1576.

It should be noted that while these ordinances create the zoning categories they do not assign them to properties within the sub-area. These assignments will be subsequently adopted through the sub-area plan later this year. A draft of this plan was released on September 12, 2018 and is available on the City's website.

### Set Public Hearing Date (March 4, 2019) – Ordinance No. 1575, Pepin Creek Subarea

### Set Public Hearing Date (March 4, 2019) – Ordinance No. 1576, Residential Mixed Density (RMD)

### Set Public Hearing Date (March 4, 2019) – Ordinance No. 1577, Pepin Creek Moratorium Extension

In December of 2018 the City Council voted to amend the Comprehensive Plan and establish the Pepin Creek Sub-area. Next month the City Council will consider the adoption of zoning categories created for the sub-area.

Later this spring the Sub-area plan, originally released on September 12, 2018, will go to a public hearing before the Planning Commission and City Council. The plan designates zoning categories within the sub-area, addresses known flood hazards and constraints, and presents financial analysis on development in the area.

Additional study is required:

The subarea plan does not determine the full benefit area of flood protection that the Pepin Creek channel project provides. Nor does it determine the proportionate share of the project that properties within the subarea must contribute. These elements are linked specifically to channel design and both must be determined prior to permitting development in the subarea. Critical to this point, the engineering design team has been exploring alternative channel designs which may decrease the cost of construction and risk.

These efforts of determining final channel design and proportionate share are expected to require the duration of the next 6 months.



As these final elements are defined and executed, City staff recommends that the moratorium on construction and development within the Pepin Creek area be continued an additional 6 months from the current date of expiration of March 9, 2019.

***Councilor Bode moved and Councilor Wohlrab seconded to approve the Consent Agenda. Motion approved on 7-0 vote.***

**3. PUBLIC HEARING- None**

**4. UNFINISHED BUSINESS**

On February 4, 2019 City Council held a public hearing on the Latecomer's application for N Prairie 7 Sanitary Sewer Extension. After hearing comments Council authorized the preparation of the final Latecomer's Agreement.

***Councilor Bode moved and Councilor De Valois seconded to approve the Latecomers Agreement for N Prairie 7 and authorize the Mayor's signature on the agreement. Motion approved on 7-0 vote.***

**5. NEW BUSINESS- None**

**6. OTHER BUSINESS**

Council Committee Updates

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

- A resolution concerning the ability of elected officials to participate in the city's health insurance plan.
- January 2019 overtime costs for the police and fire departments.
- Sales tax revenue in January was the highest January of record.
- Year-end financials will be emailed to Council the next day. Each of the four funds ended in good financial standing.
- The Cassell financial software implementation meeting is tomorrow.

Councilor Lenssen reporting for the Public Safety Committee, involving the discussion of:

- Fire and Police department year-end reports will be available to the whole council.
- Ambulance update.
- Fire department equipment (battery operated rather than hydraulic operated).
- Discussion about council retreat items.
- Lexipol contract.
- Hiring process is ongoing – list to be certified February 26<sup>th</sup>.
- Lynden Watch program- information will be pushed out through the internet.

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

- Glenning Street property.
- Fisher Trail fence.
- Parks Master Plan online survey.
- Greenfield Park fence and neighboring fencing.
- Park and Recreation Bond.



Councilor Bode reporting for the Public Works Committee, involving the discussion of:

- Dismantling of the old water treatment plant.
- Parking issues.
- Value Engineering work.
- Pre-emptive work along Double Ditch Road.
- 7<sup>th</sup> Street re-build / re-engineering work.
- Water tank site- removal of concrete foundations.
- Garage Sale in March- old WTP equipment.

Chief Billmire recognized the Parks and Public Works crew for their work during the recent winter storms.

## 7. EXECUTIVE SESSION

Council recessed into executive session at 8:05 p.m. a potential acquisition of real estate. It was anticipated that the executive session would last approximately 20 minutes and that a decision would be made.

Mayor Korthuis came out from executive session and announced that Council required five more minutes of discussion time. The Council meeting reconvened at 8:30 p.m.

***Councilor De Valois moved and Councilor Strengholt seconded the Mayor be instructed to explore the details of the purchase of the Glenning Street property. Motion approved on 7-0 vote.***

## 8. ADJOURNMENT

The February 19, 2019 regular session of the Lynden City Council adjourned at 8:33 p.m.

\_\_\_\_\_  
Pamela D. Brown, City Clerk

\_\_\_\_\_  
Scott Korthuis, Mayor

# CITY OF LYNDEN



## EXECUTIVE SUMMARY

<b>Meeting Date:</b>	3/4/2019	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Department:</b>	Finance	
<b>Contact Name/Phone:</b>	Anthony Burrows (360) 354-2829	
<b>Council Committee Review:</b>		
<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: _____	
<b>Attachments:</b>		
None		
<b>Name of Agenda Item:</b>		
Approval of Payroll and Claims		
<b>Summary Statement:</b>		
<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>		
<b>Recommended Action:</b>		
Approve the payment of City Payroll and Claims.		

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	3/4/2019	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Department:</b>	Planning	
<b>Contact Name/Phone:</b>	Dave Timmer, (360) 354-5532	
<b>Council Committee Review:</b>		
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input type="checkbox"/> Parks	<input checked="" type="checkbox"/> Other: <u>Mayor</u>	
<b>Attachments:</b>		
None		
<b>Name of Agenda Item:</b>		
Re-appointment of Historic Preservation Commissioners – Mark Bratt and Denny DeMeyer		
<b>Summary Statement:</b>		
<p>The Lynden Historic Preservation Commission (LHPC) terms for Mark Bratt and Denny DeMeyer expired on December 31, 2018, however, both have expressed a willingness to serve another term.</p> <p>Both Mark and Denny were appointed to the original LHPC in 2016 and have contributed valuable architectural and historical expertise to the Commission as Lynden’s historic preservation program was becoming established.</p> <p>Appointments to the LHPC are made by the Mayor and confirmed by the City Council. It is the Mayor's recommendation that both Mark Bratt and Denny DeMeyer be re-appointed to another three-year term.</p>		
<b>Recommended Action:</b>		
Motion to confirm the re-appointment of Mark Bratt and Denny DeMeyer to the Lynden Historic Preservation Commission for a three-year term beginning January 2019 and expiring on December 2021.		

# CITY OF LYNDEN



## EXECUTIVE SUMMARY

<b>Meeting Date:</b>	3/4/2019	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Department:</b>	Planning Department	
<b>Contact Name/Phone:</b>	Heidi Gudde (360)354-5532	
<b>Council Committee Review:</b>		
<input checked="" type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <input type="checkbox"/> Other: _____		
<b>Attachments:</b>		
Draft Ordinance 1574, Staff memo, tracked changes of applicable code, and Planning Commission Minutes from 1-24-19		
<b>Name of Agenda Item:</b>		
Public Hearing for Ord 1574 re Pepin Creek Zoning Amendment		
<b>Summary Statement:</b>		
<p>The planning of the Pepin Creek Sub-area represents a significant multi-step project. One aspect of the project is to create zoning categories and overlays which take into account the City's growth priorities, housing density goals, infrastructure requirements, and community character.</p> <p>The proposed zoning text amendments will come forward to the City Council in three separate ordinances.</p> <p>Ordinance 1574 proposes amendments within the three land development chapters which accommodate the proposed code and promote consistency throughout zoning categories. Notably, it also provides a city-wide update to the methodology for measuring building setbacks. Currently the City measures setbacks to the farthest extent of the building (usually the eave). This update will dictate that, beginning April 1, 2019, setbacks be measured to foundations as is the industry standard.</p> <p>All of the proposed amendments and new zoning categories are summarized in a staff memo attached.</p> <p>The current proposals come forward after careful review that has included public survey results, input from local real estate agents and builders, detailed work sessions with the Planning Commission and Community Development Committee.</p> <p>On January 24, 2019 the Planning Commission held a public hearing and recommended approval of the amendments described in Ordinance 1574, 1575, and 1576.</p> <p>It should be noted that while these ordinances create the zoning categories they do not assign them to properties within the sub-area. These assignments will be subsequently adopted through the sub-area plan later this year. A draft of this plan was released on September 12, 2018 and is available on the City's website.</p> <p>At this time staff would like to request that the City Council consider and approve these amendments to Chapters 17, 18, and 19 of the land development code for the accommodation of the Pepin Creek Sub-area.</p>		
<b>Recommended Action:</b>		
Motion to approve Ordinance 1574 which amends Chapters 17, 18, and 19 of the Lynden Municipal Code to accommodate the addition of the Pepin Creek Sub-area zoning categories and overlays and authorize the Mayor's signature on the document.		

**Ordinance No. 1574**

**AN ORDINANCE OF THE CITY OF LYNDEN AMENDING TITLE 17, TITLE 18 AND TITLE 19 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**, the amendments to Title 19 regarding the repeal and replacement of Chapter 19.16 - Residential Mixed Density Zone and the creation of Chapter 19.18- Pepin Creek Sub-Area Zones have necessitated the amendments to Title 17 and 18 to ensure consistency in the administration of the City’s 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 January 24, 2019, to accept public comments on the proposed regulations and recommended adoption to the City Council.

**WHEREAS**, on January 25, 2019, the City provided notification to the state pursuant to RCW 36.70A.106 regarding the proposed updates to Title 17, Title 18 and Title 19 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 February 19, 2019, and a date for a public hearing was set; and

**WHEREAS**, on March 4, 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 17, amended as follows:**

**Chapter 17.01, Definitions**

The following definitions shall apply to Titles 16 through 19; other definitions may be found in individual titles. The definitions set forth in this chapter shall apply to the terms used in this title. Those terms not defined in this chapter, shall be as defined in the 1991 Uniform Zoning Code.

Dwelling Unit, Multiple. "Multiple dwelling unit" means a structure containing three or more dwelling units, each of which provides a complement of necessary facilities to accommodate one family. This definition excludes single-family attached dwellings.

Dwelling Unit, Two-Family or Duplex. "Two-family dwelling unit" or "duplex" means a structure accommodating two dwelling units, each of which is equipped with a complement of the facilities necessary for the living accommodations of one family. This definition excludes single-family attached dwellings.

“Green Street” is a linear, landscaped, public or semi-public open space that provides frontage for alley-loaded residential units. Green streets may accommodate non-motorized transportation and neighborhood-serving recreational uses such as park benches, picnic tables, or play spaces for children.

“Impervious Surface” means a non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen material, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

“Personal services” means a use that provides a non-medical service and may include the sales of products related to the services that are provided. Examples of personal services include but are not limited to: beauty or barber shop, shoe repair, laundry service, tailor, or health spas.

“Pervious Surface” means any surface that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

“Reciprocal Use Easements” are shared agreements between property owners that grant multiple parties rights to use privately held land. For example, a private driveway or the open space between two homes may be subject to a reciprocal use easement that allows both homeowners to use the space.

"Single-family detached dwelling" means a building containing only one dwelling unit.

“Single-family attached dwelling” means a structure containing two or more dwelling units sharing common walls and/or rooflines but with individual ground-related entries for each unit. Every dwelling unit is situated on its own parcel of land available for fee-simple ownership. Each dwelling unit provides a complement of necessary facilities to accommodate one family.

**Chapter 17.03, Administration amended as follows:**

**17.03.060 - Design review board.**

The design review board shall review and act on the following subjects:

- A. All building permits for commercial buildings, attached single family buildings of two or more units, and multifamily buildings of two or more units;
- B. Landscape plans;
- C. Signs;
- D. Detached Accessory Dwelling Units;
- E. Requests for variance of adopted design standards.

The review criteria for the Design Review Board have been adopted by the City Council as part of the Design Review Guidebook and as residential design standards adopted within LMC Chapter 19. An appeal of a final decision of the Design Review Board shall be filed in accordance with section 17.11.020 and shall be heard by the City Council as a closed record appeal.

**SECTION B Title 18 Amended as follows:**

**Chapter 18.14, New Development or Redevelopment Site Planning and Design, amended as follows:**

**18.14.010 - General provisions.**

- A. Applicability. All applications for short subdivision, subdivision, or binding site plan shall follow procedures set forth in this title and conform to requirements in Chapter 13.24 LMC.
- B. Administration. The approving body, as dictated in LMC Title 18, shall have authority to approve, approve with conditions, or deny an application made pursuant to the provisions of this chapter. The approving body may consider modified plans or attach conditions to an approval of an application. The action of the approving body shall be supported with specific findings of fact and shall reference the city's design and development standards and other relevant documents.
- C. Use of Low Impact Development Methods and Practices. Each application for new development or redevelopment shall demonstrate site assessment and development design using a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes by minimizing impervious surfaces, minimizing loss of native vegetation, and minimizing stormwater runoff.
- D. Low impact development (LID) methods and practices shall be employed where feasible. "Feasible" means when the application meets the design criteria, limitations, and infeasibility criteria for each LID BMP as described in the Stormwater Management Manual for Western Washington (Ecology Manual) adopted by the City.

18.14.020 - Lot design guidelines.

These guidelines govern lot sizes, lot widths and frontage requirements.

- A. No residential lot shall be created deeper than three times its width unless specifically varied under the provisions of Chapter 17.17 LMC or Chapter 13.24 LMC.
- B. No lots shall be created that have less than fifty feet of frontage, except where approved by council in a planned residential development or except in the Pepin Creek Subarea.
- C. A lot located on a cul-de-sac may have forty feet of frontage width; provided however, that the lot shall meet the minimum frontage requirement listed above at the line of the minimum front yard setback. Lots created within the Pepin Creek Subarea are exempt from this minimum standard.
- D. Residential lots shall access residential access or collector streets rather than arterial streets whenever reasonably feasible. Secondary access points

along arterial streets are not permitted. This access restriction shall be noted on the face of the plat and does not exempt the subdivision from any off-site improvement requirements.

E. Lots shall be designed to provide a building site that meets the minimum zoning standards after the consideration of building orientation, setbacks, drainage and other critical areas.

F. No residential lots shall have street frontage along two opposite boundaries, unless topographical features or the need to provide access separation of lots from arterials, railways, commercial activities, or industrial activities justify designing of double frontage lots.

G. Lot Averaging. As long as the subject property has sufficient land area to subdivide and meet the lot area requirements as specified in the zoning ordinance, a lot averaging mechanism may be utilized for the creation of more functional and desirable lot design as determined by the city. This mechanism may be permitted if all the following conditions are met:

1. No lot less than the required size may be placed adjacent to previously developed lots meeting the minimum lot size requirements.
2. Lots shall not be less than ninety percent of the minimum area required; except that, up to five percent of the total number of lots may be reduced to seventy percent of the minimum required lot size.
3. The average size of all lots within the subdivision must meet the minimum lot size required by that zone.

18.14.030 - Right-of-way requirements.

All lots shall abut on a dedicated or private street with right-of-way that meets the city's standards for width as set forth in the city's design and development standards. Lots within the Pepin Creek Subarea may abut an alley designed to the city's standards for width if the lot fronts on a common open space. In the event the abutting street or alley does not meet said standards, additional right-of-way shall be required prior to the approval of a subdivision or short subdivision, unless specifically varied through the process described in Chapter 17.17 LMC.

18.14.040 - Pipe stem lots.

A pipe stem lot is defined as a lot having a narrow entrance to a wide lot that is behind another lot. A maximum of one pipe stem lot may be permitted per short plat or one pipe stem lot per twenty-five lots or portion thereof of a long plat, so long as the following standards are met:

- A. There shall be a minimum of twenty-four feet of frontage on a dedicated right-of-way; and
- B. The stem shall be no longer than one hundred fifty feet in length; and
- C. The address is clearly marked at the street for emergency location.

18.14.050 - Division resulting in below minimum lots sizes for dedication.

Within a subdivision, the city may consider the required dedication of right-of-way in the minimum lot size; provided that the resulting lot after dedication (exclusive of dedicated area) shall not be less than ninety-five percent of the required lot size.

18.14.060 - Flood prone and bad drainage conditions.

Land which has been found to be unsuitable due to flooding, bad drainage or high water table conditions that are harmful to the health, safety and general welfare of the future residents, shall not be subdivided unless:

- A. A mitigation plan demonstrates adequate means of flood control, consistent with the city's stormwater management plan, the Stormwater Management Manual for Western Washington adopted by the City, Chapter 86.16 RCW, and Chapters 16.12 LMC (Floodplain Management Ordinance) and 16.16 LMC (Critical Areas Ordinance), now or as hereafter amended; and
- B. The design and mitigation plan has been reviewed and recommended by the technical review committee in conjunction with the plat application; and
- C. The city council approves the proposed mitigation plan and plat.

18.14.070 - Slope and unstable soil conditions.

In the event the land to be subdivided has a slope or slopes of more than twenty percent and/or has rock or other unstable soil conditions, the subdivider shall provide soils data to the city as required by the city's critical areas ordinance,

codified in Title 16. A qualified professional as required under that title shall prepare this information.

A. Land which has topographical conditions that are hazardous to the health, safety and general welfare of the persons or properties, in or near the proposed subdivision shall not be subdivided unless the construction of protective improvements shall eliminate the hazards or unless the land subject to the hazard is reserved for those uses which will not expose persons or property to the hazard.

B. If conditions warrant control measures to correct slide, erosion, or other similar problems, the subdivider shall be responsible for the design, installation, and expense of any devise or corrective measures.

C. Protective improvements and restrictions on uses shall be clearly noted on the face of the final plat and recorded as a covenant on the deed for each affected parcel.

18.14.080 - Access easements, private alleys, and private streets.

A. Access easements serving up to three single-family lots, or a multi-family development which, per zoning, could not exceed twelve units, may be permitted under the following conditions:

i. The easement area must be a hardened surface, a minimum of twenty-four feet in width;

ii. The easement area shall be paved for a minimum of fifty feet from the street and must be paved the entire length of the driveway when serving multi-family development; and

iii. The proponents shall have a signed and recorded maintenance agreement filed with the city and the county auditor. This agreement shall be referenced by the auditor's file number on the face of the plat.

iv. An existing easement shall not be expanded to serve additional lots without the written and recorded permission of the grantors or current owners of the property over which the easement runs; and

v. The location and configuration of the parcel will be considered when allowing an easement to serve more than a single lot.

B. Access to a multi-family development which exceeds, or could exceed 12 units when fully developed, must utilize the private street standard set forth in the city's design and development standards.

C. All easements and private streets must meet the minimum standards for the Uniform Fire Code and Design and Development Standards for the City of Lynden for access and driving surfaces.

D. Use and maintenance of all easements, private alleys, and private streets must be addressed in the easement language or a maintenance agreement which is reviewed and approved at the time of plat or at the time the easement is recorded by separate instrument.

E. Private alleys may be utilized through a Planned Residential Development and associated Development Agreement. Private alleys may also be utilized in the Pepin Creek Subarea consistent with the City's Engineering Design Standards and the Pepin Creek Design Standards.

18.14.090 - Utility easements.

A. A five-foot utility easement shall be placed on the interior property line of all residential lots for the installation and maintenance of public utilities. Vertical encroachment of the easement by eaves or awnings may be permitted at the discretion of the Public Works Director.

B. Commercial plats shall grant easements to the City of Lynden as required for the extension of public utilities.

C. Reduction or encroachment of this easement may be permitted, by development agreement, in a planned residential development and master planned residential development.

D. This easement provision does not restrict the property owner from placing fences or landscaping within the easement area.

18.14.100 - Roads ends, turnabouts, cul-de-sacs and hammerheads.

Dead end streets and turnabouts shall be designed to minimize impervious area while providing emergency vehicle access. Loop road configuration should be considered as an alternative.

A. Cul-de-sac streets shall be designed so as to provide a circular turnaround at the closed end that has a minimum radius as required by the city's design and

development standards. Use of LID techniques shall be employed where feasible including smaller turning radius and curb cuts to LID facilities.

B. A hammerhead may be permitted, by the approving body under certain circumstances and such hammerhead must meet the requirements of the city's design and development standards and the Uniform Fire Code.

C. Cul-de-sac streets shall not exceed four hundred fifty feet in length unless specifically varied through the process described in Chapter 17.17 LMC.

D. Plats with opposing cul-de-sacs, or cul-de-sacs backing onto an adjoining property, shall provide for a minimum fifteen feet sidewalk or trail easement through the cul-de-sac to provide more efficient pedestrian circulation patterns. Use of LID techniques on the sidewalks and trails shall be considered.18.14.110 - Circulation system design.

A. The street system within a subdivision shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet the needs of the present and future populations; to have a simple and logical pattern; to respect natural features and topography in conformance with Title 12.

B. Every lot shall be provided with convenient vehicular access by a public street private access as allowed in Section 18.14.080 which is connected to an existing public street or highway. Access should be designed first to access streets, then to collector streets, then to arterial streets and highways.

C. Access may be granted by permanent appurtenant easement as allowed in Section 18.14.080 for a maximum of one easement per short plat or one easement per twenty-five lots or portion thereof of a long plat unless part of an approved planned residential development.

D. In residential subdivisions, the street system shall be designed to serve the needs of the neighborhood and to discourage use of residential access streets by through traffic.

18.14.120 - Conformity to comprehensive plan and all utility plans.

A. The proposed subdivision shall conform to the policies reflected by the comprehensive plan, including the transportation element, and shall provide for such requirements as are contained in the implementation of the plan in part by the zoning and subdivision ordinances. Natural features such as trees, ridgelines, hilltops and views shall be preserved and kept in a natural state to the extent possible.

B. All utility extensions shall be designed and developed in conformance with the adopted plans for that utility. This shall include water, sanitary sewer and stormwater management.

18.14.130 - Street trees and planting strips.

A. Street trees shall be provided by the subdivider in all subdivisions within the dedicated public utility easements adjacent to the street; preferably between the curb and the sidewalk. Unless otherwise required by adopted design standards, there shall be a minimum of one tree per lot with a maximum of one hundred feet between trees, and street trees shall be selected, installed, and maintained in accordance with the standard 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.

18.14.140 - Street naming.

A. No street within a new subdivision shall be approved which bears a name using a word that is the same as, similar to or pronounced the same as a word in the name of any other street within the city. All subdividers shall present their proposed street names to the Lynden Technical Review Committee to reduce the duplication of names within the city and throughout the county. The city shall solicit comment from dispatching agencies prior to giving final approval of the street names.

B. Streets extended or continuing across a street perpendicular to it shall bear the same name as the previously existing street segment.

18.14.150 - Compliance with development standards—Generally.

All plans for improvements listed below shall be designed and stamped by a professional engineer.

A. Easements for electric, telephone, telecommunications, water, sanitary and storm sewer, gas and similar utilities shall be a minimum of ten feet to assure future maintenance.

B. Subdivisions shall provide underground utility lines, including, but not limited to those for electricity, communications, cable TV and street lighting.

C. All streets, curbs, gutters, sidewalks, bridges, drains, culverts, and related structures and facilities shall be constructed in accordance with the ecology manual adopted by the city and the city's design and development standards and applicable state and federal requirements.

D. All streets shall be constructed in accordance with LMC Title 12 and the city's project manual for engineering design and development standards.

E. Water supply facilities adequate to provide potable water from a public supply to each lot within a subdivision shall be installed in conformity with the city's project manual for engineering design and development standards. Each lot shall be provided with a connection to the city's sanitary sewer, water and stormwater system in conformity with the ecology manual adopted by the city and the city's design and development standards.

F. Prior to construction of any structures within the subdivision, all public utilities shall be installed in conformance with the ecology manual adopted by the city and the city's design and development standards.

18.14.160 - Street and utility extensions required.

All streets and utility extensions required by the city shall be made to the furthest extent of the property or the edge of the subdivision except where there is no expectation of extension of the street or utilities or the service of additional lots.

**SECTION C Title 19 Amended as follows:**

**Chapter 19.11. Zones Designated, Amended as follows:**

19.11.020 - Zones designated—Essential use, maximum coverage, and density.

There are established the classifications of the essential land uses for all residential, business and industrial zones to be known by the zone symbols shown as follows:

Zone Symbol	Essential Use	Maximum Percent Coverage	Maximum Percent Impervious Coverage	Maximum Development Density

Zone Symbol	Essential Use	Maximum Percent Coverage	Maximum Percent Impervious Coverage	Maximum Development Density
A-1	Agricultural	0.10		1 D.U./20 Acres
RS-100	Single Family Dwellings	0.35	0.60	4 D.U./Acre
RS-84	Single Family Dwellings	0.35	0.60	4.5 D.U./Acre
RS-72	Single Family Dwellings	0.35	0.60	5.0 D.U./Acre
RMD	Residential Mixed Density	0.35	0.80	8.0 D.U./Acre
MH	Mobile and Modular Home	0.40	0.80	8.0 D.U./Acre
TR	Travel/Recreational Vehicle	0.65		
RM-1	Single Family and two Family Dwellings/bldg.	0.35	0.70	8.0 D.U./Acre
RM-2	Up to 4 Dwellings/bldg.	0.40	0.70	12 D.U./Acre
RM-3	Multiple Dwellings	0.40	0.75	16 D.U./Acre
RM-4	Multiple Dwellings	0.45	0.75	24 D.U./Acre
RM-PC	Detached Single Family Dwellings	0.35	See Open Space Requirements	12 D.U./Acre
	Attached Single Family Attached	0.50		
	Multi-family Dwellings	0.40		
SO	Senior Housing Overlay in the Pepin Creek Subarea	0.40-0.50	See Open Space Requirements	30 D.U./Acre
HBD	Historic Business District	0.80		

Zone Symbol	Essential Use	Maximum Percent Coverage	Maximum Percent Impervious Coverage	Maximum Development Density
CN	Commercial Neighborhood Overlay in the Pepin Creek Subarea	N/A		
CSL	Local Commercial Services	N/A		
CSR	Regional Commercial Services	N/A		
ID	Industrial District	N/A		
IBZ	Industrial Business Zone	N/A		
PU	Public Use	N/A		

**Chapter 19.13, A-1 Agricultural Zone, Amended as follows:**

**19.13.070 - Height, area, setback and bulk requirements.**

A. The regulations for height, area, setback and bulk requirements are:

1. Minimum parcel size: twenty acres;
2. Maximum height of buildings: thirty feet;
3. Yard setbacks for all buildings:
  - a. From street, other than state highways: twenty feet,
  - b. From state highways: one hundred feet from centerline,
  - c. From side property line: ten feet,
  - d. From rear property line: thirty-five feet.

All setbacks are measured to the building foundation. Eaves and bay windows are permitted to encroach into setbacks a maximum of 2 feet.

B. The side yard used for a driveway shall not be less than ten feet in width.

C. Front yards, the area immediately in front of any dwelling unit, may be used for ornamental purposes only, but at least one hundred feet from the front property line may not be used for raising of crops or pasturing of animals.

**Chapter 19.15, Single Family Building Zones, Amended as follows:**

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.

19.15.060 - 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
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			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

A. All setbacks are measured from the property line to the foundation. Eaves and cantilever bay windows may encroach into the setback a maximum of two feet. Structures covering decks and patios may encroach into rear setbacks as described in LMC 19.15.060(O). Additional fire protection may be required for structures located within 10 feet of each other. It is the property owner’s responsibility to have the property lines clearly marked for inspection. Structural permits with setbacks submitted prior to April 1, 2019 are considered conforming and not subject to LMC 19.35.030. It is the property owner's responsibility to have the property lines clearly marked for inspection.

B. 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.

C. An attached garage may be built as close as seven feet to the side property line provided the living area setbacks total twenty feet (fifteen feet in the RS-72 zone), from the foundation to the property line.

D. 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.

E. On corner lots in all other residential zones, the side yard setback adjacent to the street must be a minimum of fifteen feet.

F. 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.

- G. The side yard used for a driveway shall not be less than ten feet in width.
- H. 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.
- I. A detached accessory structure or tool shed, which requires a building permit per LMC 15.04, may not be built closer than six feet to the side or rear property line including property lines abutting alleys. Structures which do not require a building permit per LMC 15.04 to be setback a minimum of three feet to the side or rear property line. Accessory structures on corner lots shall not be permitted nearer than fifteen feet to the side property line adjacent to the street. The maximum height for all accessory structures shall be twelve feet, except for detached garages as noted below.
- J. The maximum height of any detached garage that is serving as the primary garage shall be eighteen feet, provided however that the setback shall be a minimum of five feet from the side and rear property line, the roof pitch and siding shall be consistent with the primary structure on the lot, there is no living space within the building and the height of the building does not exceed the height of the primary structure. Living space and alternative building heights may be permitted as described in LMC Chapter 19.20.
- K. The maximum height of any secondary garage or shop shall be eighteen feet, provided however that the structure is set behind the rear line of the house, the roof has a minimum 4:12 pitch, there is no living space within the building and the height of the building does not exceed the height of the primary structure. Living space and alternative building heights may be permitted as described in LMC Chapter 19.20.
- L. The height of any building is measured from the approved average grade level as defined in Section 17.01.030 to the highest point of a structure; provided that appurtenances such as television antennas and chimneys are not considered part of the height.
- M. 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.

N. 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. Deck privacy screening or fencing shall not be higher than eighty-four inches above the lowest grade.

O. Structures covering decks or patios are permitted within the rear setback provided that the structure: remains open on three sides; does not come within eighteen feet of the rear property line; does not encroach into the side yard setbacks of the underlying zone; and, the addition does not exceed the permitted lot coverage.

**Chapter 19.17, RM Multi Family Building Zones, Amended as follows:**

19.17.010 - 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.

19.17.060 - Height, area, setback and bulk requirements.

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

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.
- E. All setbacks are measured from the property line to the foundation. Eaves and cantilever bay windows may encroach into the setback a maximum of two feet. Structures covering decks and patios may encroach into rear setbacks as described in this section. Additional fire protection may be required for structures located within 10 feet of each other. It is the property owner’s responsibility to have the property lines clearly marked for inspection. Structural permits with setbacks submitted prior to April 1, 2019 are considered conforming and not subject to LMC 19.35.030. It is the property owner's responsibility to have the property lines clearly marked for inspection.
- F. 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.
- G. An attached garage may be built as close as seven feet to the side property line provided the living area setbacks total twenty feet (fifteen feet in the RS-72 zone), from the furthest projection to the property line.
- H. 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.
- I. On corner lots in all other residential zones, the side yard setback adjacent to the street must be a minimum of fifteen feet.
- J. 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.

- K. The side yard used for a driveway shall not be less than ten feet in width.
- L. 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.
- M. A detached accessory structure or garden shed may not be built closer than six feet to the side or rear property line including property lines abutting alleys. Accessory structures on corner lots shall not be permitted nearer than fifteen feet to the side property line adjacent to the street. The maximum height for all accessory structures shall be twelve feet, except for detached garages as noted below.
- N. The maximum height of any detached garage that is serving as the primary garage shall be eighteen feet, provided however that the setback shall be a minimum of five feet from the side and rear property line, the roof pitch and siding shall be consistent with the primary structure on the lot, there is no living space within the building and the height of the building does not exceed the height of the primary structure.
- O. The maximum height of any secondary garage or shop shall be eighteen feet, provided however that the structure is set behind the rear line of the house, the roof has a minimum 4:12 pitch, there is no living space within the building and the height of the building does not exceed the height of the primary structure.
- P. The height of any building is measured from the approved average grade level as defined in Section 17.01.030 to the highest point of a structure; provided that appurtenances such as television antennas and chimneys are not considered part of the height.
- Q. 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.
- R. 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. Deck privacy screening or fencing shall not be higher than eighty-four inches above the lowest grade.
- S. Structures covering decks or patios are permitted within the rear setback provided that the structure: remains open on three sides; does not come within

eighteen feet of the rear property line; does not encroach into the side yard setbacks of the underlying zone; and, the addition does not exceed the permitted lot coverage.

19.17.110 - Multi-family landscape requirements.

In addition to the landscaping requirements of Chapter 19.61 of this title, 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.

A. 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.

B. 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.

C. 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.

1. 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.

2. 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.

3. 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.

D. 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.

E. 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:

1. 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.
2. 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.

**Chapter 19.19, MH Manufactured Home Zones, Amended as follows:**  
19.19.090 - Height, area, setback and bulk requirements.

A. The following table provides the regulations for height, area, setbacks and 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

- B. All setbacks are measured from the property line to the foundation. Eaves and cantilever bay windows may encroach into the setback a maximum of two feet. Structures covering decks and patios may encroach into rear setbacks as described in this section. Additional fire protection may be required for structures located within 10 feet of each other. Structural permits with setbacks submitted prior to April 1, 2019 are considered conforming and not subject to LMC 19.35.030. It is the property owner's responsibility to have the property lines clearly marked for inspection.
- C. 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.
- D. An attached garage may be built as close as six feet to the side property line provided the living area setbacks total fifteen feet.
- E. 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 ten feet.
- F. 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.
- G. The side yard used for a driveway shall not be less than ten feet in width.
- H. 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.
- I. A detached accessory structure or garden shed may not be built closer than five feet to the side or rear property line including property lines abutting alleys. Accessory structures on corner lots shall not be permitted nearer than fifteen feet to the side property line adjacent to the street. The maximum height for all accessory structures shall be twelve feet, except for detached garages as noted below.
- J. The maximum height of any detached garage that is serving as the primary garage shall be eighteen feet, provided however that the setback shall be a minimum of five feet from the side and rear property line, the roof pitch and siding shall be consistent with the primary structure on the lot, there is no living space within the building and the height of the building does not exceed the height of the primary structure.
- K. The maximum height of any secondary garage or shop shall be eighteen feet, provided however that the structure is set behind the rear line of the house, the roof has a minimum 4:12 pitch, there is no living space within the building and the height of the building does not exceed the height of the primary structure.

- L. The height of any building is measured from the approved average grade level as defined in Section 17.01.030 to the highest point of a structure; provided that appurtenances such as television antennas and chimneys are not considered part of the height.
- M. Carports, cabanas, awnings and all other structures, whether defined in this title or not, which are situated upon a manufactured home space or lot shall conform to the requirements of the International Building Code. Such additions and structures shall be considered as a portion of the manufactured home for determining the extent of lot coverage, setback lines and all other requirements for manufactured homes in like manner as if such additions and structures were a part of such home.
- N. Uncovered wood decks and raised concrete patios may be permitted within fifteen feet of the rear property line and five feet of the side property line. Deck privacy screening or fencing shall not be higher than eighty-four inches above the lowest grade.
- O. Structures covering decks or patios are permitted within the rear setback provided that the structure: remains open on three sides; does not come within fifteen feet of the rear property line; does not encroach into the side yard setbacks of the underlying zone; and, the addition does not exceed the permitted lot coverage.

**Chapter 19.23, Commercial Zoning, Amended as follows:**

**19.23.050 - Setbacks, access and queuing requirements.**

A. Setbacks are established to ensure adequate circulation and access for emergency services. The setback requirements for the HBD and CS zones shall be as follows:

	HBD	CSL	CSR
Rear setback	20 ft. (1)	10 ft.	25 ft.
Front setback (2)	0 ft.	10 ft.	20 ft.
Side setback (3)	0/10 ft.	0/10 ft.	0/10 ft.
Maximum building height	48 ft.	48 ft.	48 ft.

(1) May be located closer if parking is available underground with access to Judson Alley.

(2) When adjacent to Badger Road, front setback shall be one hundred feet from Highway Center line. When adjacent to the Guide Meridian Highway the front setback shall be one hundred feet from the center of the highway on the east side and one hundred and ten feet from the center of the highway on the west side. Once the required right-of-way for planned

improvements has been acquired through dedication, setbacks shall be consistent with the setback requirements listed above.

(3) Where construction types and the International Building Code allow, the side yard setback in any commercial zone may be zero; provide, however, that the setback between a building and a right-of-way will not be less than ten feet.

B. All development located on state highways must comply with the access requirements of the Washington State Department of Transportation in addition to the City of Lynden Manual for Engineering Design and Development Standards.

C. All businesses with a drive-thru window must have a minimum queue length of sixty feet. This is a cumulative total but does not include the vehicle at the drive-thru window. Businesses generating more than twenty-five p.m. peak hour trips must include queuing in the required traffic analysis checklist.

D. All setbacks are measured from the property line to the foundation.

**Chapter 19.25, Industrial Zoning, Amended as follows:**

19.25.060 - Required bulk regulations, height limits and setbacks.

A. The following bulk, height and setback regulations are established for each industrial zone:

	IBZ	ID
Permitted Lot Coverage	N/A	N/A
Front Setback	20	15
From Centerline of the existing rights-of-way for Badger Road (State Route 546), Main Street, Tromp Road, West Front Street, Birch Bay Lynden Road, Berthusen Road <sup>2</sup>	100 ft.	100 ft.
Rear Setback	Per the IBC/IFC Standards	
Rear Setback if adjacent to residential zone <sup>A</sup>	20 ft.	30 ft.
Side Setback	Per the IBC/IFC Standards	
Side Setback if adjacent to residential zone <sup>A</sup>	20 ft.	30 ft.
Corner lot side yard setback to street line	20 ft.	15 ft.

Height Limit - See Section 19.37 for exemptions to height limit <sup>ul</sup>	45 ft.	60 ft.
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<sup>2</sup> Once the required right-of-way for planned improvements has been acquired through dedication, setbacks shall be consistent with the setback requirements listed above.

<sup>A</sup> Setbacks may be reduced through the approval of a conditional use permit.

<sup>ul</sup> Building height may be increased through the approval of a conditional use permit.

B. All setbacks are measured from the property line to the foundation.

**Chapter 19.37, Miscellaneous Provisions, Amended as follows:**

**19.37.050 - Lot sans frontage or right-of-way to street—Uses or structures prohibited.**

No building, structure or use shall be placed or erected on any lot which does not have either immediate frontage on a street, a permanent unobstructed right-of-way to a street, or as permitted per Chapter 18.14.

**Chapter 19.45, Design Review Board, Amended as follows:**

**19.45.010 - Design Review Board established.**

A design review board is established for the purpose of reviewing: exterior design of buildings proposed for construction of multi-family dwellings, detached accessory dwelling units (ADUs), the construction, reconstruction or remodeling of commercial buildings in all commercial zones, signs as required in Chapter 19.33 of the Lynden Municipal Code, and the variance of adopted design standards. Those appointed should be capable of the following:

- A. Reading and understanding building design drawings.
- B. Having an appreciation of architecture and landscape architecture.
- C. Having an understanding and appreciation of the "European/Dutch" theme proposed in the Front Street area.

**19.45.030 - Meetings—Notice—Rule promulgation—Records—Quorum.**

Meetings of the design review board shall be held at least once every six months, and at other times as the chairperson of the design review board may determine or a request for design review is made by an applicant. There shall

be a fixed place of meeting, and all regular design review board meetings shall be open to the public.

A. Notice Requirements

1. The City shall publish notice of all meetings at least ten days in advance of the meeting date.
2. In some cases, the owner of the property for which the review is sought shall notify all adjacent property owners accordingly:
  - a. In the case of review of construction, or remodel within the Historical Business District, notice shall be given to all property owners along Front Street within the block where construction is proposed.
  - b. In the case of review of new multi-family construction which includes a structure of more than four units, or single family construction of four or more attached units in one structure, notice shall be given to all property owners within three hundred feet of the property on which construction is proposed.
  - c. Notification, in all cases, shall be by certified mail or registered mail, and satisfactory evidence of such notice must be provided prior to the hearing date.

B. Proceedings

The design review board shall adopt its own rules or procedures and keep a record of its proceedings, findings and action in each case, and the vote of each member on each question considered in the proceedings. The presence of three members shall be necessary to constitute a quorum.

**Chapter 19.55, Airport Overlay Standards, Amended as follows:**

**19.55.010 - Established.**

There is established an AO zone—Airport overlay zone and the regulations and standards for land uses permitted within. This zone includes the land owned and leased by the city of Lynden for the purpose of owning and operating a municipal airport, together with the land adjacent with said property extending one hundred fifty feet north and one hundred fifty feet south of the edge of the runway pavement. Also included are Lots 1 through 6 of the Milky Way Subdivision, providing they have access to a paved taxiway. All land within the

AO zone is located with frontage on the Lynden Municipal Airport, a paved taxiway, or a designated runway safety zone.

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

**SECTION F Effective Date.** This ordinance shall be effective five days after the date of publication. 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.

\_\_\_\_\_  
SCOTT KORTHUIS, MAYOR

ATTEST:

\_\_\_\_\_  
PAM BROWN, CITY CLERK

APPROVED TO AS FORM:

\_\_\_\_\_  
ROBERT CARMICHAEL, CITY ATTORNEY

# Other Related Code Sections

**Note: Only new or amended sections appear in this draft for ease of review.**

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## CHAPTER 17.01 GENERAL PROVISIONS

### 17.01.030 – Definitions

The following definitions shall apply to Titles 16 through 19; other definitions may be found in individual titles. The definitions set forth in this chapter shall apply to the terms used in this title. Those terms not defined in this chapter, shall be as defined in the 1991 Uniform Zoning Code.

**Dwelling Unit, Multiple.** "Multiple dwelling unit" means a structure containing three or more dwelling units, each of which provides a complement of necessary facilities to accommodate one family. [This definition excludes single-family attached dwellings.](#)

**Dwelling Unit, Two-Family or Duplex.** "Two-family dwelling unit" or "duplex" means a structure accommodating two dwelling units, each of which is equipped with a complement of the facilities necessary for the living accommodations of one family. [This definition excludes single-family attached dwellings.](#)

["Green Street" is a linear, landscaped, public or semi-public open space that provides frontage for alley-loaded residential units. Green streets may accommodate non-motorized transportation and neighborhood-serving recreational uses such as park benches, picnic tables, or play spaces for children.](#)

["Impervious Surface" means a non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area with causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common imperious surface include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen material, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.](#)

["Personal services" means a use that provides a non-medical service and may include the sales of products related to the services that are provided. Examples of personal services include but are not limited to: beauty or barber shop, shoe repair, laundry service, tailor, or health spas.](#)

["Pervious Surface" means any surface that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.](#)

“Reciprocal Use Easements” are shared agreements between property owners that grant multiple parties rights to use privately held land. For example, a private driveway or the open space between two homes may be subject to a reciprocal use easement that allows both homeowners to use the space.

"Single-family detached dwelling" means a building containing only one dwelling unit.

“Single-family attached dwelling” means a structure containing two or more dwelling units sharing common walls and/or rooflines but with individual ground-related entries for each unit. Every dwelling unit is situated on its own parcel of land available for fee-simple ownership. Each dwelling unit provides a complement of necessary facilities to accommodate one family.

## CHAPTER 17.03 ADMINISTRATION

### 17.03.060 - Design review board.

The design review board shall review and act on the following subjects:

- A. All building permits for commercial buildings, attached single family buildings of two or more units, and multifamily buildings of two or more units;
- B. Landscape plans;
- C. Signs;
- D. Detached Accessory Dwelling Units;
- E. Requests for variance of adopted design standards.

The review criteria for the design review board have been adopted by the city council as part of the design review guidebook and as residential design standards adopted within LMC Chapter 19. An appeal of a final decision of the design review board shall be filed in accordance with Section 17.11.020 and shall be heard by the city council as a closed record appeal.

## CHAPTER 18.14- NEW DEVELOPMENT OR REDEVELOPMENT SITE PLANNING

### 18.14.010 - General provisions.

- A. **Applicability.** All applications for short subdivision, subdivision, or binding site plan shall follow procedures set forth in this title and conform to requirements in Chapter 13.24 LMC.
- B. **Administration.** The approving body, as dictated in LMC Title 18, shall have authority to approve, approve with conditions, or deny an application made pursuant to the provisions of this chapter. The approving body may consider modified plans, or attach conditions to an approval of an application. The action of the approving body shall be supported with specific findings of fact, and shall reference the city's design and development standards and other relevant documents.
- C. **Use of Low Impact Development Methods and Practices.** Each application for new development or redevelopment shall demonstrate site assessment and development design using a stormwater and land

use management strategy that strives to mimic pre-disturbance hydrologic processes by minimizing impervious surfaces, minimizing loss of native vegetation, and minimizing stormwater runoff.

Low impact development (LID) methods and practices shall be employed where feasible. "Feasible" means when the application meets the design criteria, limitations, and infeasibility criteria for each LID BMP as described in the Stormwater Management Manual for Western Washington (Ecology Manual) adopted by the City.

18.14.020 - Lot design guidelines.

These guidelines govern lot sizes, lot widths and frontage requirements.

- A. No residential lots shall be created deeper than three times its width unless specifically varied under the provisions of Chapter 17.17 LMC or Chapter 13.24 LMC.
- B. No lots shall be created that have less than fifty feet of frontage, except where approved by council in a planned residential development or except in the Pepin Creek Subarea.
- C. A lot located on a cul-de-sac may have forty feet of frontage width; provided however, that the lot shall meet the minimum frontage requirement listed above at the line of the minimum front yard setback. Lots created within the Pepin Creek Subarea are exempt from this minimum standard.
- D. Residential lots shall access residential access or collector streets rather than arterial streets whenever reasonably feasible. Secondary access points along arterial streets are not permitted. This access restriction shall be noted on the face of the plat and does not exempt the subdivision from any off-site improvement requirements.
- E. Lots shall be designed to provide a building site that meets the minimum zoning standards after the consideration of building orientation, setbacks, drainage and other critical areas.
- F. No residential lots shall have street frontage along two opposite boundaries, unless topographical features or the need to provide access separation of lots from arterials, railways, commercial activities, or industrial activities justify designing of double frontage lots.
- G. Lot Averaging. As long as the subject property has sufficient land area to subdivide and meet the lot area requirements as specified in the zoning ordinance, a lot averaging mechanism may be utilized for the creation of more functional and desirable lot design as determined by the city. This mechanism may be permitted if all the following conditions are met:
  - 1. No lot less than the required size may be placed adjacent to previously developed lots meeting the minimum lot size requirements.
  - 2. Lots shall not be less than ninety percent of the minimum area required; except that, up to five percent of the total number of lots may be reduced to seventy percent of the minimum required lot size.

3. The average size of all lots within the subdivision must meet the minimum lot size required by that zone.

18.14.030 - Right-of-way requirements.

All lots shall abut on a dedicated or private street with right-of-way that meets the city's standards for width as set forth in the city's design and development standards. Lots within the Pepin Creek Subarea may abut an alley designed to the city's standards for width if the lot fronts on a common open space. In the event the abutting street or alley does not meet said standards, additional right-of-way shall be required prior to the approval of a subdivision or short subdivision, unless specifically varied through the process described in Chapter 17.17 LMC.

18.14.040 - Pipe stem lots.

A pipe stem lot is defined as a lot having a narrow entrance to a wide lot that is behind another lot. A maximum of one pipe stem lot may be permitted per short plat or one pipe stem lot per twenty-five lots or portion thereof of a long plat, so long as the following standards are met:

- A. There shall be a minimum of twenty-four feet of frontage on a dedicated right-of-way; and
- B. The stem shall be no longer than one hundred fifty feet in length; and
- C. The address is clearly marked at the street for emergency location.

18.14.050 - Division resulting in below minimum lots sizes for dedication.

Within a subdivision, the city may consider the required dedication of right-of-way in the minimum lot size; provided that the resulting lot after dedication (exclusive of dedicated area) shall not be less than ninety-five percent of the required lot size.

18.14.060 - Flood prone and bad drainage conditions.

Land which has been found to be unsuitable due to flooding, bad drainage or high water table conditions that are harmful to the health, safety and general welfare of the future residents, shall not be subdivided unless:

- A. A mitigation plan demonstrates adequate means of flood control, consistent with the city's stormwater management plan, the Stormwater Management Manual for Western Washington adopted by the City, Chapter 86.16 RCW, and Chapters 16.12 LMC (Floodplain Management Ordinance) and 16.16 LMC (Critical Areas Ordinance), now or as hereafter amended; and
- B. The design and mitigation plan has been reviewed and recommended by the technical review committee in conjunction with the plat application; and
- C. The city council approves the proposed mitigation plan and plat.

18.14.070 - Slope and unstable soil conditions.

In the event the land to be subdivided has a slope or slopes of more than twenty percent and/or has rock or other unstable soil conditions, the subdivider shall provide soils data to the city as required by the city's critical areas ordinance, codified in Title 16. A qualified professional as required under that title shall prepare this information.

A. Land which has topographical conditions that are hazardous to the health, safety and general welfare of the persons or properties, in or near the proposed subdivision shall not be subdivided unless the construction of protective improvements shall eliminate the hazards or unless the land subject to the hazard is reserved for those uses which will not expose persons or property to the hazard.

B. If conditions warrant control measures to correct slide, erosion, or other similar problems, the subdivider shall be responsible for the design, installation, and expense of any devise or corrective measures.

C. Protective improvements and restrictions on uses shall be clearly noted on the face of the final plat and recorded as a covenant on the deed for each affected parcel.

18.14.080 - Access easements, private alleys, and private streets.

A. Access easements serving up to three single-family lots, or a multi-family development which, per zoning, could not exceed twelve units, may be permitted under the following conditions:

i. The easement area must be a hardened surface, a minimum of twenty-four feet in width;

ii. The easement area shall be paved for a minimum of fifty feet from the street and must be paved the entire length of the driveway when serving multi-family development; and

iii. The proponents shall have a signed and recorded maintenance agreement filed with the city and the county auditor. This agreement shall be referenced by the auditor's file number on the face of the plat.

iv. An existing easement shall not be expanded to serve additional lots without the written and recorded permission of the grantors or current owners of the property over which the easement runs; and

v. The location and configuration of the parcel will be considered when allowing an easement to serve more than a single lot.

B. Access to a multi-family development which exceeds, or could exceed 12 units when fully developed, must utilize the private street standard set forth in the city's design and development standards.

C. All easements and private streets must meet the minimum standards for the Uniform Fire Code and Design and Development Standards for the City of Lynden for access and driving surfaces.

D. Use and maintenance of all easements, private alleys, and private streets must be addressed in the easement language or a maintenance agreement which is reviewed and approved at the time of plat or at the time the easement is recorded by separate instrument.

D. Private alleys may be utilized through a Planned Residential Development and associated Development Agreement. Private alleys may also be utilized in the Pepin Creek Subarea consistent with the City's Engineering Design Standards and the Pepin Creek Design Standards.

18.14.090 - Utility easements.

A. A five-foot utility easement shall be placed on the interior property line of all residential lots for the installation and maintenance of public utilities. Vertical encroachment of the easement by eaves or awnings may be permitted at the discretion of the Public Works Director.

B. Commercial plats shall grant easements to the City of Lynden as required for the extension of public utilities.

C. Reduction or encroachment of this easement may be permitted, by development agreement, in a planned residential development and master planned residential development.

D. This easement provision does not restrict the property owner from placing fences or landscaping within the easement area.

18.14.100 - Roads ends, turnabouts, cul-de-sacs and hammerheads.

Dead end streets and turnabouts shall be designed to minimize impervious area while providing emergency vehicle access. Loop road configuration should be considered as an alternative.

A. Cul-de-sac streets shall be designed so as to provide a circular turnaround at the closed end that has a minimum radius as required by the city's design and development standards. Use of LID techniques shall be employed where feasible including smaller turning radius and curb cuts to LID facilities.

B. A hammerhead may be permitted, by the approving body under certain circumstances and such hammerhead must meet the requirements of the city's design and development standards and the Uniform Fire Code.

C. Cul-de-sac streets shall not exceed four hundred fifty feet in length unless specifically varied through the process described in Chapter 17.17 LMC.

D. Plats with opposing cul-de-sacs, or cul-de-sacs backing onto an adjoining property, shall provide for a minimum fifteen feet sidewalk or trail easement through the cul-de-sac to provide more efficient pedestrian circulation patterns. Use of LID techniques on the sidewalks and trails shall be considered.

18.14.110 - Circulation system design.

- A. The street system within a subdivision shall be designed to permit the safe, efficient, and orderly movement of traffic; to meet the needs of the present and future populations; to have a simple and logical pattern; to respect natural features and topography in conformance with Title 12.
- B. Every lot shall be provided with convenient vehicular access by a public street private access as allowed in Section 18.14.080 which is connected to an existing public street or highway. Access should be designed first to access streets, then to collector streets, then to arterial streets and highways.
- C. Access may be granted by permanent appurtenant easement as allowed in Section 18.14.~~070-080~~ for a maximum of one easement per short plat or one easement per twenty-five lots or portion thereof of a long plat unless part of an approved planned residential development.
- D. In residential subdivisions, the street system shall be designed to serve the needs of the neighborhood and to discourage use of residential access streets by through traffic.

18.14.120 - Conformity to comprehensive plan and all utility plans.

- A. The proposed subdivision shall conform to the policies reflected by the comprehensive plan, including the transportation element, and shall provide for such requirements as are contained in the implementation of the plan in part by the zoning and subdivision ordinances. Natural features such as trees, ridgelines, hilltops and views shall be preserved and kept in a natural state to the extent possible.
- B. All utility extensions shall be designed and developed in conformance with the adopted plans for that utility. This shall include water, sanitary sewer and stormwater management.

18.14.130 - Street trees and planting strips.

- A. Street trees shall be provided by the subdivider in all subdivisions within the dedicated public utility easements adjacent to the street; preferably between the curb and the sidewalk. Unless otherwise required by adopted design standards, there shall be a minimum of one tree per lot with a maximum of one hundred feet between trees, and street trees shall be selected, installed, and maintained in accordance with the standard 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.

18.14.140 - Street naming.

- A. No street within a new subdivision shall be approved which bears a name using a word that is the same as, similar to or pronounced the same as a word in the name of any other street within the city. All subdividers shall present their proposed street names to the Lynden Technical Review Committee to

reduce the duplication of names within the city and throughout the county. The city shall solicit comment from dispatching agencies prior to giving final approval of the street names.

B. Streets extended or continuing across a street perpendicular to it shall bear the same name as the previously existing street segment.

18.14.150 - Compliance with development standards—Generally.

All plans for improvements listed below shall be designed and stamped by a professional engineer.

- A. Easements for electric, telephone, telecommunications, water, sanitary and storm sewer, gas and similar utilities shall be a minimum of ten feet to assure future maintenance.
- B. Subdivisions shall provide underground utility lines, including, but not limited to those for electricity, communications, cable TV and street lighting.
- C. All streets, curbs, gutters, sidewalks, bridges, drains, culverts, and related structures and facilities shall be constructed in accordance with the ecology manual adopted by the city and the city's design and development standards and applicable state and federal requirements.
- D. All streets shall be constructed in accordance with LMC Title 12 and the city's project manual for engineering design and development standards.
- E. Water supply facilities adequate to provide potable water from a public supply to each lot within a subdivision shall be installed in conformity with the city's project manual for engineering design and development standards. Each lot shall be provided with a connection to the city's sanitary sewer, water and stormwater system in conformity with the ecology manual adopted by the city and the city's design and development standards.
- F. Prior to construction of any structures within the subdivision, all public utilities shall be installed in conformance with the ecology manual adopted by the city and the city's design and development standards.

18.14.160 - Street and utility extensions required.

All streets and utility extensions required by the city shall be made to the furthest extent of the property or the edge of the subdivision except where there is no expectation of extension of the street or utilities or the service of additional lots.

## CHAPTER 19.11 - DISTRICTS ESTABLISHED

### 19.11.020 - Zones designated—Essential use, maximum coverage, and density.

There are established the classifications of the essential land uses for all residential, business and industrial zones to be known by the zone symbols shown as follows:

Zone Symbol	Essential Use	Maximum Percent Coverage	<u>Maximum Percent Impervious Coverage</u>	<u>Maximum Development Density</u>
A-1	Agricultural	0.10		1 D.U./20 Acres
RS-100	Single Family Dwellings	0.35	<u>0.60</u>	4 D.U./Acre
RS-84	<u>Single Family Dwellings</u>	0.35	<u>0.60</u>	4.5 D.U./Acre
RS-72	<u>Single Family Dwellings</u>	0.35	<u>0.60</u>	5.0 D.U./Acre
RMD	Residential Mixed Density	0.35	<u>0.80</u>	8.0 D.U./Acre
MH	Mobile and Modular Home	0.40	<u>0.80</u>	8.0 D.U./Acre
TR	Travel/Recreational Vehicle	0.65		
RM-1	Single Family and two Family Dwellings/bldg.	0.35	<u>0.70</u>	8.0 D.U./Acre
RM-2	Up to 4 Dwellings/bldg.	0.40	<u>0.70</u>	12 D.U./Acre
RM-3	Multiple Dwellings	0.40	<u>0.75</u>	16 D.U./Acre
RM-4	Multiple Dwellings	0.45	<u>0.75</u>	24 D.U./Acre
<u>RM-PC</u>	<u>Detached Single Family Dwellings</u>	<u>0.35</u>	<u>See Open Space Requirements</u>	<u>12 D.U./Acre</u>
	<u>Attached Single Family Attached</u>	<u>0.50</u>		
	<u>Multi-family Dwellings</u>	<u>0.40</u>		

Zone Symbol	Essential Use	Maximum Percent Coverage	<a href="#">Maximum Percent Impervious Coverage</a>	<a href="#">Maximum Development Density</a>
<a href="#">SO</a>	<a href="#">Senior Housing Overlay in the Pepin Creek Subarea</a>	<a href="#">0.40-0.50</a>	<a href="#">See Open Space Requirements</a>	<a href="#">30 D.U./Acre</a>
HBD	Historic Business District	0.80		
<a href="#">CN</a>	<a href="#">Commercial Neighborhood Overlay in the Pepin Creek Subarea</a>	<a href="#">N/A</a>		
CSL	Local Commercial Services	N/A		
CSR	Regional Commercial Services	N/A		
ID	Industrial District	N/A		
IBZ	Industrial Business Zone	N/A		
PU	Public Use	N/A		

## CHAPTER 19.13 A-1 AGRICULTURAL ZONE

### 19.13.070 - Height, area, setback and bulk requirements.

- A. The regulations for height, area, setback and bulk requirements are:
1. Minimum parcel size: twenty acres;
  2. Maximum height of buildings: thirty feet;
  3. Yard setbacks for all buildings:
    - a. From street, other than state highways: twenty feet,
    - b. From state highways: one hundred feet from centerline,
    - c. From side property line: ten feet,
    - d. From rear property line: thirty-five feet.

All setbacks are measured to the building foundation. Eaves and bay windows are permitted to encroach into setbacks a maximum of 2 feet. to the furthest extension of structural members, which includes overhangs and roof extensions.

- B. The side yard used for a driveway shall not be less than ten feet in width.
- C. Front yards, the area immediately in front of any dwelling unit, may be used for ornamental purposes only, but at least one hundred feet from the front property line may not be used for raising of crops or pasturing of animals.

## CHAPTER 19.15 SF SINGLE FAMILY BUILDING ZONES

### 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.

### 19.15.060 - 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	<del>5-7</del>	<del>20-22</del>
RS-84	8,400	35%	32	2	15	30	<del>5-7</del>	<del>20-22</del>
RS-72	7,200	35%	32	2	15	30	<del>5-7</del>	<del>15-17</del>

- A. All setbacks are measured from the property line to the foundation. Eaves and cantilever bay windows may encroach into the setback a maximum of two feet. Structures covering decks and patios may encroach into rear setbacks as described in LMC 19.15.060(O). Additional fire protection may be required for structures located within 10 feet of each other. It is the property owner's responsibility to have the property lines clearly marked for inspection. Structural permits with setbacks submitted prior to March 1, 2019 are considered conforming and not subject to LMC 19.35.030. All setbacks are measured from the property line to the furthest projection of the structure; including eaves. It is the property owner's responsibility to have the property lines clearly marked for inspection.
- B. 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.
- C. An attached garage may be built as close as five-seven feet to the side property line provided the living area setbacks total twenty feet (fifteen feet in the RS-72 zone), from the furthest projection foundation to the property line.
- D. 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.
- E. On corner lots in all other residential zones, the side yard setback adjacent to the street must be a minimum of fifteen feet.
- F. 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.
- G. The side yard used for a driveway shall not be less than ten feet in width.
- H. 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.
- I. A detached accessory structure or tool shed, which requires a building permit per LMC 15.04, may not be built closer than five-six feet to the side or rear property line including property lines abutting alleys. Structures which do not require a building permit per LMC 15.04 to be setback a minimum of three feet to the side or rear property line. Accessory structures on corner lots shall not be permitted nearer than fifteen feet to the side property line adjacent to the street. The maximum height for all accessory structures shall be twelve feet, except for detached garages as noted below.
- J. The maximum height of any detached garage that is serving as the primary garage shall be eighteen feet, provided however that the setback shall be a minimum of five feet from the side and rear property line, the roof pitch and siding shall be consistent with the primary structure on the lot, there is no living space within the building and the height of the building does not exceed the height of the primary structure. Living space and alternative building heights may be permitted as described in LMC Chapter 19.20.
- K. The maximum height of any secondary garage or shop shall be eighteen feet, provided however that the structure is set behind the rear line of the house, the roof has a minimum 4:12 pitch, there is no living space

within the building and the height of the building does not exceed the height of the primary structure. Living space and alternative building heights may be permitted as described in LMC Chapter 19.20.

L. The height of any building is measured from the approved average grade level as defined in Section 17.01.030 to the highest point of a structure; provided that appurtenances such as television antennas and chimneys are not considered part of the height.

M. 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.

N. 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. Deck privacy screening or fencing shall not be higher than eighty-four inches above the lowest grade.

O. Structures covering decks or patios are permitted within the rear setback provided that the structure: remains open on three sides; does not come within ~~fifteen~~eighteen feet of the rear property line; does not encroach into the side yard setbacks of the underlying zone; and, the addition does not exceed the permitted lot coverage.

## CHAPTER 19.17 - RM MULTIFAMILY BUILDING ZONES

19.17.010 - Established.

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

~~Four~~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.

19.17.060 - Height, area, setback and bulk requirements.

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

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	<del>5-7</del>	<del>20-22</del>
RM-2	7,200	40%	7.5%	32	20	30	<del>5-7</del>	<del>20-22</del>
RM-3	7,200	40%	7.5%	32	20	30	12	<del>25-27</del>
RM-4	1 Acre	45%	7.5%	32	20	30	15	<del>30-32</del>

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.

E. All setbacks are measured from the property line to the foundation. Eaves and cantilever bay windows may encroach into the setback a maximum of two feet. Structures covering decks and patios may encroach into rear

~~setbacks as described in this section. Additional fire protection may be required for structures located within 10 feet of each other. It is the property owner's responsibility to have the property lines clearly marked for inspection. Structural permits with setbacks submitted prior to March 1, 2019 are considered conforming and not subject to LMC 19.35.030. All setbacks are measured from the property line to the furthest projection of the structure; including eaves.~~ It is the property owner's responsibility to have the property lines clearly marked for inspection.

- F. 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.
- G. An attached garage may be built as close as ~~five-seven~~ feet to the side property line provided the living area setbacks total twenty feet (fifteen feet in the RS-72 zone), from the furthest projection to the property line.
- H. 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.
- I. On corner lots in all other residential zones, the side yard setback adjacent to the street must be a minimum of fifteen feet.
- J. 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.
- K. The side yard used for a driveway shall not be less than ten feet in width.
- L. 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.
- M. A detached accessory structure or garden shed may not be built closer than ~~five-six~~ feet to the side or rear property line including property lines abutting alleys. Accessory structures on corner lots shall not be permitted nearer than fifteen feet to the side property line adjacent to the street. The maximum height for all accessory structures shall be twelve feet, except for detached garages as noted below.
- N. The maximum height of any detached garage that is serving as the primary garage shall be eighteen feet, provided however that the setback shall be a minimum of five feet from the side and rear property line, the roof pitch and siding shall be consistent with the primary structure on the lot, there is no living space within the building and the height of the building does not exceed the height of the primary structure.
- O. The maximum height of any secondary garage or shop shall be eighteen feet, provided however that the structure is set behind the rear line of the house, the roof has a minimum 4:12 pitch, there is no living space within the building and the height of the building does not exceed the height of the primary structure.
- P. The height of any building is measured from the approved average grade level as defined in Section 17.01.030 to the highest point of a structure; provided that appurtenances such as television antennas and chimneys are not considered part of the height.

Q. 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.

R. 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. Deck privacy screening or fencing shall not be higher than eighty-four inches above the lowest grade.

S. Structures covering decks or patios are permitted within the rear setback provided that the structure: remains open on three sides; does not come within eighteen feet of the rear property line; does not encroach into the side yard setbacks of the underlying zone; and, the addition does not exceed the permitted lot coverage.

#### 19.17.110 - Multi-family landscape requirements.

In addition to the landscaping requirements of Chapter 19.61 of this title, all proposed multi-family and attached single-family development greater than ~~four~~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.

A. 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.

B. 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.

C. 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.

1. 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.

2. At the time of installation, shrubs must be should be a minimum of five-gallon pot size a variety of sizes (one to five gallon pots) and upright shrubs should must have a minimum height of eighteen inches with a minimum and spread of eighteen to thirty-six inches. Spreading shrubs should have a minimum of

~~twelve to~~ eighteen ~~to twenty-four~~ 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.

3. Ground covers planted from flats ~~should~~shall have a maximum spacing of twelve inches on center or, when planted from one gallon pots~~cans~~, a maximum spacing of twenty-four inches on center.

D. 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.

E. 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:

1. 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.
2. 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.

## Chapter 19.19 – MH MANUFACTURED HOME ZONE

### 19.19.090 - Height, area, setback and bulk requirements.

A. The following table provides the regulations for height, area, setbacks and 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	<del>5-7</del>	<del>15-17</del>

B. All setbacks are measured from the property line to the foundation. Eaves and cantilever bay windows may encroach into the setback a maximum of two feet. Structures covering decks and patios may encroach into rear setbacks as described in this section. Additional fire protection may be required for structures located within 10 feet of each other. Structural permits with setbacks submitted prior to March 1, 2019 are considered conforming and not subject to LMC 19.35.030. All setbacks are measured from the property line to the furthest projection of the structure; including eaves. It is the property owner's responsibility to have the property lines clearly marked for inspection.

C. 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.

- D. An attached garage may be built as close as ~~five~~six feet to the side property line provided the living area setbacks total fifteen feet.
- E. 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 ten feet.
- F. 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.
- G. The side yard used for a driveway shall not be less than ten feet in width.
- H. 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.
- I. A detached accessory structure or garden shed may not be built closer than five feet to the side or rear property line including property lines abutting alleys. Accessory structures on corner lots shall not be permitted nearer than fifteen feet to the side property line adjacent to the street. The maximum height for all accessory structures shall be twelve feet, except for detached garages as noted below.
- J. The maximum height of any detached garage that is serving as the primary garage shall be eighteen feet, provided however that the setback shall be a minimum of five feet from the side and rear property line, the roof pitch and siding shall be consistent with the primary structure on the lot, there is no living space within the building and the height of the building does not exceed the height of the primary structure.
- K. The maximum height of any secondary garage or shop shall be eighteen feet, provided however that the structure is set behind the rear line of the house, the roof has a minimum 4:12 pitch, there is no living space within the building and the height of the building does not exceed the height of the primary structure.
- L. The height of any building is measured from the approved average grade level as defined in Section 17.01.030 to the highest point of a structure; provided that appurtenances such as television antennas and chimneys are not considered part of the height.
- M. Carports, cabanas, awnings and all other structures, whether defined in this title or not, which are situated upon a manufactured home space or lot shall conform to the requirements of the International Building Code. Such additions and structures shall be considered as a portion of the manufactured home for determining the extent of lot coverage, setback lines and all other requirements for manufactured homes in like manner as if such additions and structures were a part of such home.
- N. Uncovered wood decks and raised concrete patios may be permitted within fifteen feet of the rear property line and five feet of the side property line. Deck privacy screening or fencing shall not be higher than eighty-four inches above the lowest grade.
- O. Structures covering decks or patios are permitted within the rear setback provided that the structure: remains open on three sides; does not come within fifteen feet of the rear property line; does not encroach into the side yard setbacks of the underlying zone; and, the addition does not exceed the permitted lot coverage.

**Commercial Zoning**

19.23.050 - Setbacks, access and queuing requirements.

A. Setbacks are established to ensure adequate circulation and access for emergency services. The setback requirements for the HBD and CS zones shall be as follows:

	HBD	CSL	CSR
Rear setback	20 ft. (1)	10 ft.	25 ft.
Front setback (2)	0 ft.	10 ft.	20 ft.
Side setback (3)	0/10 ft.	0/10 ft.	0/10 ft.
Maximum building height	48 ft.	48 ft.	48 ft.

(1) May be located closer if parking is available underground with access to Judson Alley.

(2) When adjacent to Badger Road, front setback shall be one hundred feet from Highway Center line. When adjacent to the Guide Meridian Highway the front setback shall be one hundred feet from the center of the highway on the east side and one hundred and ten feet from the center of the highway on the west side. Once the required right-of-way for planned improvements has been acquired through dedication, setbacks shall be consistent with the setback requirements listed above.

(3) Where construction types and the International Building Code allow, the side yard setback in any commercial zone may be zero; provide, however, that the setback between a building and a right-of-way will not be less than ten feet.

B. All development located on state highways must comply with the access requirements of the Washington State Department of Transportation in addition to the City of Lynden Manual for Engineering Design and Development Standards.

C. All businesses with a drive-thru window must have a minimum queue length of sixty feet. This is a cumulative total, but does not include the vehicle at the drive-thru window. Businesses generating more than twenty-five p.m. peak hour trips must include queuing in the required traffic analysis checklist.

D. All setbacks are measured from the property line to the foundation.

**Industrial Zoning**

19.25.060 - Required bulk regulations, height limits and setbacks.

A. The following bulk, height and setback regulations are established for each industrial zone:

	IBZ	ID
Permitted Lot Coverage	N/A	N/A
Front Setback	20	15
From Centerline of the existing rights-of-way for Badger Road (State Route 546), Main Street, Tromp Road, West Front Street, Birch Bay Lynden Road, Berthusen Road <sup>2</sup>	100 ft.	100 ft.
Rear Setback	Per the IBC/IFC Standards	
Rear Setback if adjacent to residential zone <sup>A</sup>	20 ft.	30 ft.
Side Setback	Per the IBC/IFC Standards	
Side Setback if adjacent to residential zone <sup>A</sup>	20 ft.	30 ft.
Corner lot side yard setback to street line	20 ft.	15 ft.
Height Limit - See Section 19.37 for exemptions to height limit <sup>ul</sup>	45 ft.	60 ft.

<sup>2</sup> Once the required right-of-way for planned improvements has been acquired through dedication, setbacks shall be consistent with the setback requirements listed above.

<sup>A</sup> Setbacks may be reduced through the approval of a conditional use permit.

<sup>ul</sup> Building height may be increased through the approval of a conditional use permit.

B. All setbacks are measured from the property line to the foundation.

## CHAPTER 19.37 MISCELLANEOUS PROVISIONS

### 19.37.050 - Lot sans frontage or right-of-way to street—Uses or structures prohibited.

No building, structure or use shall be placed or erected on any lot which does not have either immediate frontage on a street, ~~or~~ a permanent unobstructed right-of-way to a street, or as permitted per Chapter 18.14.

## CHAPTER 19.45 DESIGN REVIEW BOARD

### 19.45.010 - Design review board established.

A design review board is established for the purpose of reviewing: exterior design of buildings proposed for construction of multi-family dwellings, detached accessory dwelling units (ADUs), the construction, reconstruction or remodeling of commercial buildings in all commercial zones, ~~and~~ signs as required in [Chapter 19.33](#) of the Lynden Municipal Code, and the variance of adopted design standards. Those appointed should be capable of the following:

- A. Reading and understanding building design drawings.
- B. Having an appreciation of architecture and landscape architecture.
- C. Having an understanding and appreciation of the "European/Dutch" theme proposed in the Front Street area.

### 19.45.030 - Meetings—Notice—Rule promulgation—Records—Quorum.

Meetings of the design review board shall be held at least once every six months, and at other times as the chairperson of the design review board may determine or a request for design review is made by an applicant. There shall be a fixed place of meeting, and all regular design review board meetings shall be open to the public.

#### A. Notice Requirements

1. The City shall publish ~~Notice-notice~~ of all meetings ~~shall be given~~ at least ten days in advance of the meeting date.
2. In some cases, ~~T~~the owner of the property for which the review is sought shall notify all adjacent property owners accordingly:
  - a. In the case of review of construction, or remodel within the Historical Business District, notice shall be given to all property owners along Front Street within the block where construction is proposed.
  - b. In the case of review of new multi-family construction which includes a structure of more than four units, or single family construction of four or more attached units in one structure, notice shall be given to all property owners within three hundred feet of the property on which construction is proposed.
  - c. Notification, in all cases, shall be by certified mail or registered mail, and satisfactory evidence of such notice must be provided prior to the hearing date.

B. Proceedings

The design review board shall adopt its own rules or procedures and keep a record of its proceedings, findings and action in each case, and the vote of each member on each question considered in the proceedings. The presence of three members shall be necessary to constitute a quorum.

## CHAPTER 19.55 AIRPORT OVERLAY STANDARDS

### 19.55.010 - Established.

There is established an AO zone—Airport overlay zone and the regulations and standards for land uses permitted within. This zone includes the land owned and leased by the city of Lynden for the purpose of owning and operating a municipal airport, together with the land adjacent with said property extending one hundred fifty feet north and one hundred fifty feet south of the edge of the runway pavement. Also included are Lots 1 through 6 of the Milky Way Subdivision, providing they have access to a paved taxiway. All land within the AO zone is located ~~between Benson Road and Depot Road and must have frontage on with~~ frontage on the Lynden Municipal Airport, ~~or~~ a paved taxiway, or a designated runway safety zone.

# CITY OF LYNDEN



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

## Planning Department Memorandum

**To:** City Council  
**From:** Heidi Gudde, Planning Director  
**Date:** February 8, 2019  
**Re:** Zoning Amendments to Accommodate Pepin Creek

---

The Pepin Creek Sub-area represents a significant planning project. Although the sub-area will utilize some zoning categories with already exist, the planning effort has also included the creation of new categories and overlays which take into account the City's growth priorities, housing density goals, infrastructure requirements, and community character.

The change is not considered lightly. The proposed zoning text amendment comes forward after careful review that has included public survey results, input from local real estate agents and builders, as well as six workshops with the Planning Commission, four joint meetings with the Community Development Committee, and one joint workshop with the City Council. A number of these meetings have included opportunities for public input.

The proposed amendments and new zoning categories are summarized briefly below. Zoning regulations including primary, accessory and secondary uses, were written to resemble, as closely as possible, the City's existing regulations.

### Proposed Zoning Amendments and Pepin Creek Zoning Categories and Overlays

**Residential Multi-Family-Pepin Creek (RM-PC):** This multi-family zoning category resembles the existing RM-2 zoning as it permits up to 4 units per building and, in larger developments up to 8 units per building. It differs from RM-2 in that it allows for smaller lots, smaller setbacks, and encourages fee simple attached single-family housing. The most familiar form of this housing type is the row house or townhome. Other creative housing arrangements could be accommodated in this zoning including clusters of cottages and shared garage layouts. The permitted density of the RM-PC is higher than the RM-2 zoning. The goal of this housing type is to create attached product that promotes home ownership at more affordable rates than detached single family homes.

**Residential Mixed Density (RMD):** This zoning category is one that already exists within the City of Lynden. It is meant to blend detached single-family housing with attached single-family homes (also known as paired housing) and duplex units. Some amendments have been proposed to the

# CITY OF LYNDEN



## PLANNING DEPARTMENT

Heidi Gudde, Planning Director  
(360) 354 - 5532

existing development standards of RMD which would eliminate the opportunity to construct triplex units but allows for smaller minimum lot sizes.

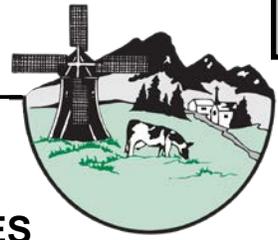
**Senior Overlay:** This zoning overlay allows a developer to activate additional density if specific criteria are met. In this case the criteria relate to providing housing for seniors. This may take the form of age restricted neighborhoods, assisted living, or full-time care facilities. The underlying zoning category dictates if this criterion is not met.

**Commercial Overlay:** This zoning overlay encourages small neighborhood commercial establishments to be developed at high visible intersections. The uses permitted here are intended to serve the adjacent neighborhoods. Commercial establishments in these areas are subject to design standards. The underlying zoning category dictates if the commercial overlay is not utilized.

**Other Sections:** The zoning addition of Chapter 19.18 proposed above also warranted changes and improvements to other existing sections of code including sections in Chapters 17 and 18, and other sections of Chapter 19. The most significant change may be the revision to measure setbacks from property line to foundation rather than the farthest projection of the building. Adjustments have been noted in each affected section to accommodate this change but with little to no change in the currently permitted building envelope.

# CITY OF LYNDEN

PLANNING DEPARTMENT  
360-354-5532



## PLANNING COMMISSION MEETING MINUTES

7:30 PM January 24, 2019  
City Hall Annex

### 1. CALL TO ORDER

### 2. ROLL CALL

Present: Gerald Veltkamp, Blair Scott, Diane Veltkamp, Lynn Templeton and Tim Faber.

Absent with notice: Brett Kok.

Staff Present: Gudde, Planning Director; Samec, City Planner and Timmer, City Planner.

### 3. APPROVAL OF MINUTES

#### A. January 10, 2019

**Minutes approved as presented. Veltkamp motion/ Templeton 2<sup>nd</sup>. Approved unanimously.**

### 4. Declaration of Conflict

Chairwoman Veltkamp described the process of the public hearing.

Commissioners stated they had no conflict of interest, no ex parte communication and that they can hear and make a decision on this matter fairly.

### 5. PUBLIC HEARING – Pepin Creek Zoning and Zoning Code Update

Gudde addressed the Commission and stated that the Pepin Creek Sub-area represents a significant planning project. This meeting does not set the locations of these zones within the Pepin Creek Subarea. Although the sub-area will utilize some zoning categories with already exist, the planning effort has also included the creation of new categories and overlays which take into account the City's growth priorities, housing density goals, infrastructure requirements, and community character.

The change is not considered lightly. The proposed zoning text amendment comes forward after careful review that has included public surveys, input from local real estate agents and builders, as well as six workshops with the Planning Commission, four joint

meetings with the Community Development Committee, and one joint workshop with the City Council. A number of these meetings have included opportunities for public input.

This evening Staff would like to review the three proposed amendments separately and as follows:

#### **A. Addition of LMC Chapter 19.18, Pepin Creek, Residential Multi-Family-Pepin Creek (RM-PC)**

This multi-family zoning category resembles the existing RM-2 zoning as it permits up to 4 units per building and, in larger developments up to 8 units per building. It differs from RM-2 in that it allows for smaller lots, smaller setbacks, and encourages fee simple attached single-family housing. The most familiar form of this housing type is the row house or townhome. Other creative housing arrangements could be accommodated in this zoning including clusters of cottages and shared garage layouts. The permitted density of the RM-PC is higher than the RM-2 zoning. The goal of this housing type is to create attached product that promotes home ownership at more affordable rates than detached single family homes.

Public Comment: Veltkamp opened the meeting to the audience.

Faber question: Residential Design Requirements. They are in there. Should they be included here as they are still being discussed?

Gudde stated that these are the City's current design standards that are currently included in the code. She left them in there while the discussion is occurring so they are in there. If changes occur, they would be updated at that point.

Number of vehicles allowed: Veltkamp asked if we should maintain the 5 vehicles per lot rule. Some discussion occurred on whether that should be limited.

Detached / attached question:

Daryl Roosenda, property owner within Pepin Creek Subarea, asked when the zoning locations would be determined. Gudde described that those locations have been proposed but it is still up for workshopping details and additional discussions with public, Public Works Dept and the Airport Board. The upcoming scheduled meetings – workshop the zoning locations as part of the overall subarea plan.

G. Veltkamp: Why the March 1, 2019 date highlighted in the document as a “grandfathered-in”?

Gudde responded that it is highlighted because it is tentative at this point. It depends on when it gets final approval from PC and City Council.

## **B. Updates to LMC Chapter 19.16, Residential Mixed Density Zone**

D. Veltkamp gave a quick introduction on the RMD as it has been used in the past and described that the Pepin Creek Subarea work has been an opportunity to look at this zone as well.

This zoning category is one that already exists within the City of Lynden. It is meant to blend detached single-family housing with attached single-family homes (also known as paired housing) and duplex units. Some amendments have been proposed to the existing development standards of RMD which would eliminate the opportunity to construct triplex units but allows for smaller minimum lot sizes.

“Desirous” in the subdivision section – page 8. Is that a strong enough word? Is there another way to state that to make it stronger. Use the word “recommended”.

Public Comment: Veltkamp opened the meeting to the audience. No comment

## **C. Proposed overlays: Senior and Commercial.**

These are overlays that a developer, property owner could activate within the Pepin Creek Subarea.

## **D. Revisions to Title 17, Title 18 and Title 19 of the LMC**

The zoning addition of Chapter 19.18 as proposed also warranted changes and improvements to other existing sections of code including sections in Chapters 17 and 18, and other sections of Chapter 19. The most significant change may be the revision to measure setbacks from property line to foundation. Also duplexes would go to the Design Review Board for review. Adjustments have been noted in each affected section to accommodate this change but with little to no change in the currently permitted building envelope.

Public Comment: Veltkamp opened the meeting to the audience.

Commission to go through the related Code Sections document.

Gudde described how we got to the Maximum Impervious Coverage percentages. Compared to other jurisdictions, some discussion on the current allowance for building envelope, and enforcement.

G. Veltkamp asked for a definition of Impervious Surface to be included in the definition section. Staff will add that.

Faber: Add the description “cantilevered” to bay windows on page 15. E.

Landscaping bed. Faber asked about the averaging. Required minimum of 4 ft but allowed to average as long as the overall square footage requirement is met.

Pg 22 Scribner’s error on “Notice requirements”

Design Review – some clarification on application process, certified mailings, allowance for variances.

Templeton asked about “carports” at last meeting. Where did that go?

Gudde explained that the Design Standards are generally

Darryl Roosendaal, Shoreline, WA – Asked if we could clarify what “additional fire protection” means? Gudde described that we deferred to the Building Code requirements for fire protection – no vents, wall protection. Faber described that we have set up the code to prevent buildings from being within 10 ft so they wouldn’t be required. Detached buildings can be within 6 ft of each other as is currently allowed and building code would be in effect.

Scott motioned to close the public portion of the meeting and take a quick recess. Second by Templeton.

### **3 Separate Motions:**

**RM-PC:** Faber Motion to recommend approval of Chapt 19.18 Pepin Creek Subareas zones as present with one clarification on “cantilevered” bay windows. Second by Scott and passed unanimously.

**RMD:** Faber Motion to recommend approval of amendments to RMD with following changes: “Cantilevered” bay windows. 19.16.5 a the word desirous to be changed to “recommended”.

Templeton second and pass unanimously.

**Other Related Code Sections:** Faber motion to recommend approval of proposed changes of Chapt 17, 18, 19 with the following: Cantilvered windows and add the definition of Impervious Surface to definition section. Second by Templeton and passed unanimously.

## **6. COMMISSIONERS CORNER**

Gudde described upcoming schedule:

CDC with Planning Commission members – February 20 to discuss design standards.

No February meetings. Next meeting March 14.

## **7. ADJOURNMENT**

Motion to adjourn by Scott / Second by Faber. Meeting adjourned at 9:07 pm.

DRAFT

# CITY OF LYNDEN



## EXECUTIVE SUMMARY

<b>Meeting Date:</b>	3/4/2019	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Department:</b>	Planning Department	
<b>Contact Name/Phone:</b>	Heidi Gudde (360)354-5532	
<b>Council Committee Review:</b>		
<input checked="" type="checkbox"/> Community Development <input type="checkbox"/> Public Safety <input type="checkbox"/> Finance <input type="checkbox"/> Public Works <input type="checkbox"/> Parks <input type="checkbox"/> Other: _____		
<b>Attachments:</b>		
Draft Ordinance 1575, Staff memo, and Planning Commission Minutes from 1-24-19		
<b>Name of Agenda Item:</b>		
Public Hearing for Ord 1575 re Pepin Creek Subarea		
<b>Summary Statement:</b>		
<p>The planning of the Pepin Creek Sub-area represents a significant multi-step project. One aspect of the project is to create zoning categories and overlays which take into account the City's growth priorities, housing density goals, infrastructure requirements, and community character.</p> <p>The proposed zoning text amendments will come forward to the City Council in three separate ordinances.</p> <p>Ordinance 1575 addresses the Pepin Creek Sub-area specifically by describing the permitted uses within the subarea, establishing the zoning category of Residential Multi-family-Pepin Creek (RM-PC), and the zoning overlays of Senior Housing Overlay and a Neighborhood Commercial Overlay.</p> <p>The proposed amendments and new zoning categories are summarized in a staff memo attached.</p> <p>The current proposals come forward after careful review that has included public survey results, input from local real estate agents and builders, detailed work sessions with the Planning Commission and Community Development Committee.</p> <p>On January 24, 2019 the Planning Commission held a public hearing and recommended approval of the amendments described in Ordinance 1574, 1575, and 1576.</p> <p>It should be noted that while these ordinances create the zoning categories they do not assign them to properties within the sub-area. These assignments will be subsequently adopted through the sub-area plan later this year. A draft of this plan was released on September 12, 2018 and is available on the City's website.</p> <p>At this time staff would like to request that the City Council consider and approve this amendment to Chapter 19 of the land development code for the accommodation of the Pepin Creek Sub-area.</p>		
<b>Recommended Action:</b>		
Motion to approve 1575 which amends Chapter 19 of the Lynden Municipal Code to add the Pepin Creek Sub-area zoning categories and overlays and authorize the Mayor's signature on the document.		

**ORDINANCE NO. 1575**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, REGARDING THE ADDITION OF CHAPTER 19.18, PEPIN CREEK SUB-AREA ZONES 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 has determined that creation of the new Pepin Creek Sub-Area Zone within the City zoning code will further this Growth Management Act mandate; and

**WHEREAS**, the City of Lynden has determined that integrating various housing types in said new zone will assist the City in meeting increased levels of density, promote home ownership at more affordable rates while maintaining the quality of life within the Lynden community; and

**WHEREAS**, the City of Lynden has determined that certain design requirements included in zoning regulations will work to preserve the aesthetic character of the new zone and the City as a whole; and

**WHEREAS**, allowing flexibility within the setbacks for the buildings within the new zones will provide opportunity for creative design and better streetscapes, and

**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 January 25, 2019; and

**WHEREAS**, the Lynden Planning Commission held multiple work sessions (open to the public) to develop the revised zoning code draft; and

**WHEREAS**, on January 24, 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 19.18 into the Lynden Municipal Code; and

**WHEREAS**, on January 25, 2019, the City provided notification to the state pursuant to RCW 36.70A.106 regarding the proposed addition of Chapter 19.18 to the Lynden Municipal Code and requested expedited review thereof, and said

request for expedited review having been subsequently granted; and

**WHEREAS**, on March 4, 2019, following public notice, the City Council conducted a public hearing with regards to this proposed Ordinance; and

**WHEREAS**, the City Council approved the addition of the new Chapter 19.18 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 19.18 of the Lynden Municipal Code is hereby adopted as follows:

Chapter 19.18 Pepin Creek Sub Area Zones

- 19.18.010 Purpose and Intent
- 19.18.020 Primary Permitted Uses
- 19.18.030 Pepin Creek Multi-Family Zone (RM-PC)
- 19.18.040 Pepin Creek Senior Overlay
- 19.18.050 Pepin Creek Neighborhood Commercial Overlay

**19.18.010 Purpose and Intent**

- A. Purpose. The purpose of the Pepin Creek Subarea is to meet the goals of the Comprehensive Plan by allowing residential development averaging about seven dwelling units per net acre and to allow a variety of housing types that will meet the needs of families throughout their lifecycle. Development in the Pepin Creek Subarea 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. Commercial uses are allowed where they serve the neighborhood.
  
- B. Established. The following zones and overlays are utilized within the Pepin Creek Subarea.

Zone or Overlay	Uses	Development Standards
RS-72	19.15	19.15
RMD	19.16	19.16
RM-PC	19.18.030	19.18.030
Senior Overlay	19.18.040	19.18.040
Neighborhood Commercial Overlay	19.18.050	19.18.050
Public Use	19.27	19.27
Airport Overlay	19.55	19.55

- C. Conflicts. If there are any conflicts between the provisions of this chapter and any other parts of the Lynden Municipal Code, this chapter shall prevail except for where standards necessary to maintain public safety related to the operation of the airport.

#### **19.18.020 Primary Permitted Uses within the Pepin Creek Subarea**

The primary permitted uses in the Pepin Creek Subarea are as follows. See Figure 19.18.010-1 to reference the location of applicable secondary, accessory, and conditional uses as well as development standards specific to each zoning category.

- 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, small lot single family and cottages.
- B. Single Family Attached Dwelling units which are ground related, fee simple-ownership units that are attached through shared walls or rooflines. This includes types such as townhomes, units with attached garages, and other innovative types.
- C. Duplex Dwelling units.
- D. Multi-Family Dwelling units typically limited to a maximum of four to eight units per building.
- E. The Senior Overlay provides the opportunity for development to accommodate a specific user. When activated, the permitted uses within the overlay include senior cottages, attached single family units, senior Multi-family Dwelling Units, developed to standards specific to the overlay. A range of units or rooms per building are permitted, however the entire Pepin Creek Subarea is limited to a maximum of 300 total units within the Senior Overlay

districts. All multi-family dwellings that contain more than four units per building within the Senior Overlay must be age restricted to persons age 55 and older.

- F. Nursing home and assisted living facilities as defined in RCW 74.39A.009 are considered primary uses in Senior Overlay;
- G. The Neighborhood Commercial Overlay, provide an opportunity for a variety of primary permitted uses in key locations. These include:
  - 1. Personal Services. This is to allow for businesses such as barbershops, beauty salons, day spas, laundry facilities, dry-cleaning, or others that would serve the subarea.
  - 2. Sales of General Consumer Goods. 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.
  - 3. Restaurants and Cafes.
  - 4. Banks and Financial institutions.
  - 5. Second story residential uses may be developed in conjunction with first floor commercial uses.

**19.18.030 – Pepin Creek Multi-family Zone (RM-PC) and Uses Established**

A. Primary Permitted Uses

- 1. Multi-family Dwelling units, that is multiple dwelling units located on a single lot, are permitted with the following restrictions:
  - a. Buildings containing 2 to 4 units are permitted consistent with LMC 19.18.030(F) and applicable design standards.
  - b. Buildings containing 5-8 units are permitted at a ratio of one for every 25 lots created. Lot count may include those used for multi-family dwelling units, attached single family dwellings, or detached single family dwelling. Development must be consistent with LMC 19.18.030(E) and applicable design standards.
- 2. Single Family Attached Dwelling units which are ground related, fee simple-ownership units that are attached through shared walls or rooflines. This includes types such as townhomes, units with attached

garages, and other innovative types. A maximum of 4 units may be attached to one another.

3. Single Family Dwelling units, including detached site built single family dwellings and new manufactured homes.

B. Accessory Permitted Uses. Accessory permitted uses in the RM-PC zone is as follows:

1. Private garages for single-family or single-family attached residences. No detached garage or accessory building shall exceed one thousand square feet of inside floor area 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;
2. Single-family 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);
3. Tool shed, satellite dish, outdoor patios and outdoor fireplaces consistent with applicable design standards;
4. 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 eight feet by ten feet are permitted in residential zones, other than during construction or for a period of up to thirty consecutive days within a six-month period to facilitate the moving in or moving out of a residence. Units eight feet by ten feet 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;
5. 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 Section 19.37.090;
6. Accessory dwelling unit (ADU) consistent with LMC Section 19.20 permitted in detached single family homes only.
7. No more than five, currently licensed and/or operable passenger vehicles may be stored on any single-family residential lot. Inoperable vehicles may not be stored in the front yard (refer to Section 19.31.020(A)).
8. Recreation areas for residents.

C. Secondary Permitted Uses. Secondary permitted uses in the Pepin Creek Subarea zones are as follows:

1. Hobby shops, relating to the hobbies of the occupants of the home and not operated for production and sales purposes;
2. Greenhouses operated by the occupants, provided the products will not be offered for retail sale on the premises except in the Neighborhood Commercial Overlay;
3. Home occupations. See Chapter 19.57;
4. Gardening and fruit growing not for commercial sale;
5. 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 Chapter 19.39 of this code;
6. Family day care centers for up to eight individuals, not including the residents of the dwelling unit;
7. Parks and playgrounds;
8. Adult family homes and residential care facilities, up to six adults, when approved by the Washington State Department of Social and Health Services (DSHS).
9. Temporary structures such as portable tents or canopies used by a business for an event or sale in the Commercial Neighborhood Overlay. The event or sale shall be limited to seven days or less and all temporary structures must be removed within 72 hours of the sale or event.

D. Conditional Permitted Uses. The following property uses may be permitted in Pepin Creek Subarea zones by conditional use permit when recommended by the planning commission and approved by the city council consistent with LMC 19.49.050.

1. Public buildings and utility sub-stations;
2. Club facilities that are directly related to the neighborhood such as community swimming pools, privately owned athletic facilities and other similar improvements directly related to residential areas;
3. 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;
4. Nursing home and assisted living facilities as defined in RCW

74.39A.009 when located in the RS-72, RMD, or RM-PC zones;

5. Bed and breakfast establishments (see Section 19.49.030);
6. Churches, provided that the front yard is landscaped and all other parking and landscaping requirements are met; and
7. Schools

#### E. Front Yard Use for Residential Uses

1. Front yards shall be used for ornamental purposes only. 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 72 hours of the sale or other event.
2. No fences, growth or other obstruction over three feet in height above the curb grade shall be allowed within the clear vision triangle.
3. Front yards setbacks may not be used for the storage of boats, campers, or any recreational vehicle. (Refer to 19.31.020 B)

F. RM-PC Development Standards. The development standards for the RM-PC zone are as follows:

#### 1. RM-PC Height, Density, Area, Coverage, and Bulk Requirements

<b>Zone</b>	<b>Minimum Lot Size</b>	<b>Maximum Density *</b>	<b>Maximum Lot Coverage</b>	<b>Maximum Height<sup>b</sup></b>	<b>Maximum Stories</b>
<b>RM-PC Single Family Detached</b>	4000 sf	12 DU/AC	35%	32'	2
<b>RM-PC Single Family Attached</b>	3000 sf	12 DU/AC	50%	40'	3
<b>RM-PC Multi-family dwelling</b>	1600 sf per unit	12 DU/AC	40%	40'	3

\* Residential densities are based on net land area.

G. RM-PC Setback Requirements

**Setbacks**

	<b>RM-PC Detached</b>	<b>RM-PC Attached</b>	<b>RM-PC Multi Dwelling</b>
<b>Front Setback</b>			
ROW to Porch	8'	8'	15'
ROW to House	10'	10'	20'
ROW to Garage	25'	25'	25'
Green to Porch	4'	4'	10'
Green to House	6'	6'	10'
<b>Side Setback *</b>			
Minimum Side	7'	0' on attached sides, 10' on each unattached side	10'
Side Total	14'	20'	20'
Corner Lot	10'	10'	14'
<b>Rear Setback *</b>			
Alley Easement to Garage Side	3'	3'	3'
Garage Side to Property Line	5'	5'	5'
Alley to Garage Door	21'	21'	25'
Alley to House	15'	10'	20'
To House	15'	10'	15'

+ 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.

1. Additional RM-PC Development Standards:

- a. The height of any building is measured from the approved average grade level as defined in 17.01.030 to the highest point of a structure; provided that appurtenances such as television antennas and chimneys are not considered part of the height.
- b. All setbacks are measured from the property line to the foundation. Eaves and cantilever bay windows may encroach into the setback a maximum of two feet. Structures covering decks and patios may encroach into rear setbacks as

described in this section. Additional fire protection may be required for structures located within 10 feet of each other. It is the property owner's responsibility to have the property lines clearly marked for inspection. Structural permits with setbacks submitted prior to April 1, 2019 are considered conforming and not subject to LMC 19.35.030.

- c. 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. Deck privacy screening or fencing shall not be higher than eighty-four inches above the lowest grade.
- d. Structures covering decks or patios are permitted within the rear setback provided that the structure: remains open on three sides; does not come within 10 feet of the rear property line for detached homes on lots zoned RM-PC; does not encroach into the side yard setbacks of the underlying zone; and, the addition does not exceed the permitted lot coverage.

#### H. Standards for Detached Accessory Buildings

- 1. 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 18 inches.
- 2. A detached accessory structure may not be built closer than 6 feet to the side or rear property line, except where a rear property line abuts an alley a structure may not be built closer than 3 feet to the rear property line. Structures which do not require a building permit per LMC 15.04 must be setback a minimum of three feet to the side or rear property line.
- 3. Detached accessory structures on corner lots shall not be permitted nearer than ten feet to the side property line adjacent to the street.
- 4. The maximum height for all detached accessory structures shall be 12 feet, except for detached garages as noted below.
- 5. The maximum height of any detached garage shall be 18 feet, provided there is no living space within the building. Detached garages with living spaces shall be subject to the standards for Accessory Dwelling Units in LMC 19.20. The roof pitch and siding on any detached garage shall be consistent with the primary structure on the lot, and the height of the building shall not exceed the height of the primary structure.

6. A secondary garage or shop shall be set behind the rear line of house.

#### I. Transition Area Standards

1. A transition area of 100 ft. is applied to the RM-PC zone where the RM-PC zone abuts RS zoning located inside and outside of the Pepin Creek Subarea. The transition area is also applied when the Senior Overlay is activated adjacent to RS zoning located inside and outside of the Pepin Creek Subarea.
2. A ten foot wide Type IV landscape buffer and 6 foot privacy fencing are required on RM-PC properties where abutting RS zones. Alternatively, a buffer is not required if lots are limited to a primary use as a detached single-family home or pairs of attached single family homes.
3. Lots developed in the transition zone shall be limited to the maximum height of the abutting RS zone.

#### J. Open Space Requirements.

1. Each lot must maintain a minimum of 7.5% in open space.
2. RM-PC developments which meet or exceed 6 units to the acre in net density must also provide common open space equal to 10% of the developable parcel size. Common open space may be designed as a pocket park, common green, or access easement. Perpetual maintenance of the common open space must be addressed at the time of plat or development if a plat is not required.
3. Common open space must meet the following requirements:
  - a. One 2" caliper canopy tree is required for every 1000 sf
  - b. Spaces must be accessible to residents and suitable for passive or active recreational use. Play structures or pet friendly areas are encouraged.
  - c. Sidewalks or paths accessing the area must be a minimum of 4 feet wide.
  - d. The minimum lawn coverage of a common green area shall be 70%.

#### K. Residential Design Requirements

All residential dwelling units must meet the following design criteria unless varied by the design review board as provided under Section 19.45.035:

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. All dwellings shall be oriented on the lot, so that the primary pedestrian entrance faces the street or access easement. 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.
3. Roofing materials shall be wood shingle or shake, composition, asphalt laminate, clay or architectural metal. Exposed fastener corrugated metal or corrugated fiberglass roofing is not permitted.
4. Eaves and gable ends must be a minimum of twelve inches. This is not applicable to re-roofing or additions to existing structures.
5. The exterior of the home must be finished with a minimum of two types of materials. Exposed fastener metal siding is prohibited on residential buildings.
6. All units other than a detached single family residence shall be subject to review and approval by the Design Review Board.
7. No more than fifty percent of the lineal frontage of the building elevation may be occupied by garage doors. For the purposes of this section, a set of garage doors serves one dwelling unit and means one double garage door or two single garage doors separated by less than five feet.
8. Only one set of garage doors may face the street unless the garage doors are setback from the living area a minimum of ten feet.
9. All parking requirements of Section 19.51.040 LMC must be met on site.

L. RM-PC Landscape Requirements: In addition to the landscaping requirements of Chapter 19.61 of this title, all proposed multi-family and attached single-family development consisting of two or more attached units in this zone shall comply with Chapter 19.17.110.

**19.18.040 - Pepin Creek Senior Overlay and Uses Established.**

- A. The Senior Overlay provides the opportunity for development to accommodate a specific user and developed to standards specific to the overlay.
  1. A range of units or rooms per building are permitted, however the entire Pepin Creek Subarea is limited to a maximum of 300 total units.
  2. Utilization of the Senior Overlay standards requires the creation and

recording of an associated plat or Planned Residential Development (PRD). The use of the Senior Overlay must be indicated on the face of the plat.

3. All multi-family dwellings that contain more than four units per building within the Senior Overlay must be age restricted to persons age 55 and older through a recorded covenant.
4. Any development within the Senior Overlay that is developed at densities above the maximum density allowed in the underlying zoning must be restricted, on the face of the plat, to persons age 55 and older.

#### B. Senior Overlay Primary Uses.

1. Multi-family Dwelling units, that is multiple dwelling units located on a single lot, are permitted.
2. Single Family Attached Dwelling units which are ground related, fee simple-ownership units that are attached through shared walls or rooflines. This includes types such as townhomes, units with attached garages, and other innovative types. A maximum of 4 units may be attached to one another.
3. Single Family Dwelling units, including detached site built single family dwellings and new manufactured homes.
4. Care Facilities. Nursing home and assisted living facilities as defined in RCW 74.39A.009.

#### C. Senior Overlay Accessory Permitted Uses

1. Private garages for single-family or single-family attached residences. No detached garage or accessory building shall exceed one thousand square feet of inside floor area 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;
2. Single-family 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);
3. Tool shed, satellite dish, outdoor patios and outdoor fireplaces consistent with applicable design standards;
4. 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 eight feet by ten feet are permitted in residential zones, other than during construction or for a period of up to thirty consecutive days within a six-month period to facilitate the moving in or moving out of a residence. Units eight feet by ten feet 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;

5. 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 Section 19.37.090;
6. Accessory dwelling unit (ADU) consistent with LMC Section 19.20 permitted in detached single family homes only;
7. No more than three, currently licensed and/or operable passenger vehicles may be stored on any single-family residential lot. Inoperable vehicles may not be stored in the front yard (refer to Section 19.31.020(A));
8. Recreation areas for residents;
9. Club facilities that are directly related to the neighborhood such as community swimming pools, privately owned athletic facilities and other similar improvements directly related to residential areas.

D. Senior Overlay Secondary Permitted Uses

1. Hobby shops, relating to the hobbies of the occupants of the home and not operated for production and sales purposes;
2. Greenhouses operated by the occupants, provided the products will not be offered for retail sale on the premises except in the Neighborhood Commercial Overlay;
3. Home occupations. See Chapter 19.57;
4. Gardening and fruit growing not for commercial sale;
5. 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 Chapter 19.39 of this code;
6. Adult day care centers for up to eight individuals, not including the residents of the dwelling unit;
7. Parks and playgrounds;

8. Adult family homes and residential care facilities, up to six adults, when approved by the Washington State Department of Social and Health Services (DSHS).
9. Temporary structures such as portable tents or canopies used by a business for an event or sale in the Commercial Neighborhood Overlay. The event or sale shall be limited to seven days or less and all temporary structures must be removed within 72 hours of the sale or event.

**E. Conditional Permitted Uses in the Pepin Creek Senior Overlay Zones**

The following property uses may be permitted in Pepin Creek Subarea zones by conditional use permit when recommended by the planning commission and approved by the city council consistent with LMC 19.49.050.

1. Public buildings and utility sub-stations.

**F. Senior Overlay Development Standards**

The development standards for developments utilizing the Senior Overlay are as follows:

1. Senior Overlay Height, Density, Area, Coverage, and Bulk Requirements

<b>Zone</b>	<b>Minimum Lot Size</b>	<b>Maximum Density**</b>	<b>Maximum Lot Coverage</b>	<b>Maximum Height<sup>b</sup></b>	<b>Maximum Stories</b>
<b>Senior Overlay Detached Single Family Homes</b>	4000 sf	12 DU/AC	40%	32'	2
<b>Senior Overlay Attached Single Family Homes</b>	3000 sf	12 DU/AC	50%	32'	2
<b>Senior Overlay Multi-family dwelling</b>	1600 sf per unit	12 DU/AC	40%	40'	3
<b>Senior Overlay Care Facilities</b>	1 acre	30 DU/AC	40%	40'	3

\* Residential densities are based on net land area.

\*\* Any development within the Senior Overlay that is developed at densities above

the maximum density allowed in the underlying zoning must be restricted, on the face of the plat, to persons age 55 and older.

### Senior Overlay Setback Requirements

Setbacks	Senior Overlay	Senior Overlay	Senior Overlay	Senior
	Detached Single Family	Attached Single Family	Multi-Family Dwelling	Overlay Care Facility
<b>Front Setback</b>				
ROW to Porch (or Porte-cochere for Care Facilities)	8'	8'	15'	25'
ROW to House or Facility	10'	10'	20'	30'
ROW to Garage	25'	25'	25'	25'
Green to Porch	4'	4'	10'	10'
Green to House	6'	6'	10'	10'
<b>Side Setback *</b>				
Minimum Side	7'	0' on attached sides, 10' on each unattached side	10'	50% of building height specific to each side
Side Total	14'	20'	20'	50'
Corner Lot	10'	10'	14'	
<b>Rear Setback *</b>				
Alley Easement to Garage Side	3'	3'	3'	NA
Garage Side to Property Line	5'	5'	5'	NA
Alley to Garage Door	21'	21'	21'	NA
Alley to House	15'	10'	20'	NA
To House	15'	10'	15'	30'

+ 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.

#### 1. Additional Senior Overlay Development Standards Provisions:

- a. The height of any building is measured from the approved average grade level as defined in 17.01.030 to the highest point of a structure; provided that appurtenances such as television antennas and chimneys are not considered part of the height.
- b. All setbacks are measured from the property line to the foundation. Eaves and cantilever bay windows may encroach

into the setback a maximum of two feet. Structures covering decks and patios may encroach into rear setbacks as described in LMC 19.16.070 or, for care facilities, half of the rear setback. Additional fire protection may be required for structures located within 10 feet of each other. It is the property owner's responsibility to have the property lines clearly marked for inspection. Structural permits with setbacks submitted prior to April 1, 2019 are considered conforming and not subject to LMC 19.35.030.

- c. 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. Deck privacy screening or fencing shall not be higher than eighty-four inches above the lowest grade.
- d. Structures covering decks or patios are permitted within the rear setback provided that the structure: remains open on three sides; does not come within 10 feet of the rear property line for detached homes within the Senior Overlay; does not encroach into the side yard setbacks of the underlying zone; and, the addition does not exceed the permitted lot coverage.

#### G. Standards for Detached Accessory Buildings

1. 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 18 inches.
2. A detached accessory structure may not be built closer than 6 feet to the side or rear property line, except where a rear property line abuts an alley a structure may not be built closer than 3 feet to the rear property line. Structures which do not require a building permit per LMC 15.04 must be setback a minimum of three feet to the side or rear property line.
3. Detached accessory structures on corner lots shall not be permitted nearer than ten feet to the side property line adjacent to the street.
4. The maximum height for all detached accessory structures shall be 12 feet, except for detached garages as noted below.
5. The maximum height of any detached garage shall be 18 feet, provided there is no living space within the building. Detached garages with living spaces shall be subject to the standards for Accessory Dwelling Units in LMC 19.20. The roof pitch and siding on any

detached garage shall be consistent with the primary structure on the lot, and the height of the building shall not exceed the height of the primary structure.

6. A secondary garage or shop shall be set behind the rear line of the house.

H. Senior Overlay Open Space Requirements.

1. Each lot must maintain a minimum of 7.5% in open space.
2. Senior Overlay developments which exceed 6 units to the acre in net density must also provide common open space equal to 10% of the developable parcel size. Common open space may be designed as a pocket park, courtyards, common green or access easement.
3. Common open space must meet the following requirements:
  - a. One 2" caliper canopy tree is required for every 1000 sf
  - b. Spaces must be accessible to residents and suitable for passive or active recreational use.
  - c. Sidewalks or paths accessing the area must be a minimum of 4 feet wide.
  - d. The minimum lawn coverage of a common green area shall be 70%.

- I. Senior Overlay Landscape Requirements: In addition to the landscaping requirements of Chapter 19.61 of this title, proposed multi-family development totaling more than two multi-family or attached single family units in this zone shall comply with Chapter 19.17.110.

**19.18.050 - Pepin Creek Commercial Overlay and Uses Established.**

- A. The Commercial Overlay provides opportunities for a variety of primary permitted uses in key locations. Commercial uses may be established under the following conditions:
  1. Uses are subject to the development and setback standards for the underlying zoning.
  2. Parking standards per LMC 19.51 must be met however up to 50% of the required surface parking may be shared between commercial and residential uses which occupy the same structure if commercial uses are not considered nighttime uses per 19.51.090.

3. Commercial structures are subject to applicable design standards and the approval of the Design Review Board.
- B. The Neighborhood Commercial Overlay provides opportunities for a variety of primary permitted uses in key locations. These include:
1. Personal Services. This is to allow for businesses such as barbershops, beauty salons, day spas, laundry facilities, dry-cleaning, child or adult daycare, or others that would serve the subarea.
  2. Sales of General Consumer Goods. 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.
  3. Restaurants and Cafes. Single lane drive-thrus which are screened and oriented away from the street are permitted.
  4. Professional Offices, Banks and Financial institutions.
  5. Second story residential uses may be developed in conjunction with first floor commercial uses.

**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 be effective five days after the date of publication. 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)



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

## Planning Department Memorandum

**To:** City Council  
**From:** Heidi Gudde, Planning Director  
**Date:** February 8, 2019  
**Re:** Zoning Amendments to Accommodate Pepin Creek

The Pepin Creek Sub-area represents a significant planning project. Although the sub-area will utilize some zoning categories with already exist, the planning effort has also included the creation of new categories and overlays which take into account the City’s growth priorities, housing density goals, infrastructure requirements, and community character.

The change is not considered lightly. The proposed zoning text amendment comes forward after careful review that has included public survey results, input from local real estate agents and builders, as well as six workshops with the Planning Commission, four joint meetings with the Community Development Committee, and one joint workshop with the City Council. A number of these meetings have included opportunities for public input.

The proposed amendments and new zoning categories are summarized briefly below. Zoning regulations including primary, accessory and secondary uses, were written to resemble, as closely as possible, the City’s existing regulations.

### Proposed Zoning Amendments and Pepin Creek Zoning Categories and Overlays

**Residential Multi-Family-Pepin Creek (RM-PC):** This multi-family zoning category resembles the existing RM-2 zoning as it permits up to 4 units per building and, in larger developments up to 8 units per building. It differs from RM-2 in that it allows for smaller lots, smaller setbacks, and encourages fee simple attached single-family housing. The most familiar form of this housing type is the row house or townhome. Other creative housing arrangements could be accommodated in this zoning including clusters of cottages and shared garage layouts. The permitted density of the RM-PC is higher than the RM-2 zoning. The goal of this housing type is to create attached product that promotes home ownership at more affordable rates than detached single family homes.

**Residential Mixed Density (RMD):** This zoning category is one that already exists within the City of Lynden. It is meant to blend detached single-family housing with attached single-family homes (also known as paired housing) and duplex units. Some amendments have been proposed to the

# CITY OF LYNDEN



## PLANNING DEPARTMENT

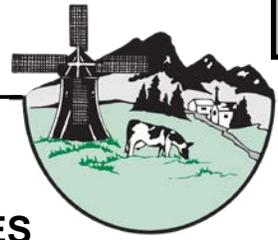
Heidi Gudde, Planning Director  
(360) 354 - 5532

existing development standards of RMD which would eliminate the opportunity to construct triplex units but allows for smaller minimum lot sizes.

**Senior Overlay:** This zoning overlay allows a developer to activate additional density if specific criteria are met. In this case the criteria relate to providing housing for seniors. This may take the form of age restricted neighborhoods, assisted living, or full-time care facilities. The underlying zoning category dictates if this criterion is not met.

**Commercial Overlay:** This zoning overlay encourages small neighborhood commercial establishments to be developed at high visible intersections. The uses permitted here are intended to serve the adjacent neighborhoods. Commercial establishments in these areas are subject to design standards. The underlying zoning category dictates if the commercial overlay is not utilized.

**Other Sections:** The zoning addition of Chapter 19.18 proposed above also warranted changes and improvements to other existing sections of code including sections in Chapters 17 and 18, and other sections of Chapter 19. The most significant change may be the revision to measure setbacks from property line to foundation rather than the farthest projection of the building. Adjustments have been noted in each affected section to accommodate this change but with little to no change in the currently permitted building envelope.



## PLANNING COMMISSION MEETING MINUTES

7:30 PM January 24, 2019  
City Hall Annex

### 1. CALL TO ORDER

### 2. ROLL CALL

Present: Gerald Veltkamp, Blair Scott, Diane Veltkamp, Lynn Templeton and Tim Faber.

Absent with notice: Brett Kok.

Staff Present: Gudde, Planning Director; Samec, City Planner and Timmer, City Planner.

### 3. APPROVAL OF MINUTES

#### A. January 10, 2019

**Minutes approved as presented. Veltkamp motion/ Templeton 2<sup>nd</sup>. Approved unanimously.**

### 4. Declaration of Conflict

Chairwoman Veltkamp described the process of the public hearing.

Commissioners stated they had no conflict of interest, no ex parte communication and that they can hear and make a decision on this matter fairly.

### 5. PUBLIC HEARING – Pepin Creek Zoning and Zoning Code Update

Gudde addressed the Commission and stated that the Pepin Creek Sub-area represents a significant planning project. This meeting does not set the locations of these zones within the Pepin Creek Subarea. Although the sub-area will utilize some zoning categories with already exist, the planning effort has also included the creation of new categories and overlays which take into account the City's growth priorities, housing density goals, infrastructure requirements, and community character.

The change is not considered lightly. The proposed zoning text amendment comes forward after careful review that has included public surveys, input from local real estate agents and builders, as well as six workshops with the Planning Commission, four joint

meetings with the Community Development Committee, and one joint workshop with the City Council. A number of these meetings have included opportunities for public input.

This evening Staff would like to review the three proposed amendments separately and as follows:

#### **A. Addition of LMC Chapter 19.18, Pepin Creek, Residential Multi-Family-Pepin Creek (RM-PC)**

This multi-family zoning category resembles the existing RM-2 zoning as it permits up to 4 units per building and, in larger developments up to 8 units per building. It differs from RM-2 in that it allows for smaller lots, smaller setbacks, and encourages fee simple attached single-family housing. The most familiar form of this housing type is the row house or townhome. Other creative housing arrangements could be accommodated in this zoning including clusters of cottages and shared garage layouts. The permitted density of the RM-PC is higher than the RM-2 zoning. The goal of this housing type is to create attached product that promotes home ownership at more affordable rates than detached single family homes.

Public Comment: Veltkamp opened the meeting to the audience.

Faber question: Residential Design Requirements. They are in there. Should they be included here as they are still being discussed?

Gudde stated that these are the City's current design standards that are currently included in the code. She left them in there while the discussion is occurring so they are in there. If changes occur, they would be updated at that point.

Number of vehicles allowed: Veltkamp asked if we should maintain the 5 vehicles per lot rule. Some discussion occurred on whether that should be limited.

Detached / attached question:

Daryl Roosenda, property owner within Pepin Creek Subarea, asked when the zoning locations would be determined. Gudde described that those locations have been proposed but it is still up for workshopping details and additional discussions with public, Public Works Dept and the Airport Board. The upcoming scheduled meetings – workshop the zoning locations as part of the overall subarea plan.

G. Veltkamp: Why the March 1, 2019 date highlighted in the document as a “grandfathered-in”?

Gudde responded that it is highlighted because it is tentative at this point. It depends on when it gets final approval from PC and City Council.

## **B. Updates to LMC Chapter 19.16, Residential Mixed Density Zone**

D. Veltkamp gave a quick introduction on the RMD as it has been used in the past and described that the Pepin Creek Subarea work has been an opportunity to look at this zone as well.

This zoning category is one that already exists within the City of Lynden. It is meant to blend detached single-family housing with attached single-family homes (also known as paired housing) and duplex units. Some amendments have been proposed to the existing development standards of RMD which would eliminate the opportunity to construct triplex units but allows for smaller minimum lot sizes.

“Desirous” in the subdivision section – page 8. Is that a strong enough word? Is there another way to state that to make it stronger. Use the word “recommended”.

Public Comment: Veltkamp opened the meeting to the audience. No comment

## **C. Proposed overlays: Senior and Commercial.**

These are overlays that a developer, property owner could activate within the Pepin Creek Subarea.

## **D. Revisions to Title 17, Title 18 and Title 19 of the LMC**

The zoning addition of Chapter 19.18 as proposed also warranted changes and improvements to other existing sections of code including sections in Chapters 17 and 18, and other sections of Chapter 19. The most significant change may be the revision to measure setbacks from property line to foundation. Also duplexes would go to the Design Review Board for review. Adjustments have been noted in each affected section to accommodate this change but with little to no change in the currently permitted building envelope.

Public Comment: Veltkamp opened the meeting to the audience.

Commission to go through the related Code Sections document.

Gudde described how we got to the Maximum Impervious Coverage percentages. Compared to other jurisdictions, some discussion on the current allowance for building envelope, and enforcement.

G. Veltkamp asked for a definition of Impervious Surface to be included in the definition section. Staff will add that.

Faber: Add the description “cantilevered” to bay windows on page 15. E.

Landscaping bed. Faber asked about the averaging. Required minimum of 4 ft but allowed to average as long as the overall square footage requirement is met.

Pg 22 Scribner’s error on “Notice requirements”

Design Review – some clarification on application process, certified mailings, allowance for variances.

Templeton asked about “carports” at last meeting. Where did that go?

Gudde explained that the Design Standards are generally

Darryl Roosendaal, Shoreline, WA – Asked if we could clarify what “additional fire protection” means? Gudde described that we deferred to the Building Code requirements for fire protection – no vents, wall protection. Faber described that we have set up the code to prevent buildings from being within 10 ft so they wouldn’t be required. Detached buildings can be within 6 ft of each other as is currently allowed and building code would be in effect.

Scott motioned to close the public portion of the meeting and take a quick recess. Second by Templeton.

### **3 Separate Motions:**

**RM-PC:** Faber Motion to recommend approval of Chapt 19.18 Pepin Creek Subareas zones as present with one clarification on “cantilevered” bay windows. Second by Scott and passed unanimously.

**RMD:** Faber Motion to recommend approval of amendments to RMD with following changes: “Cantilevered” bay windows. 19.16.5 a the word desirous to be changed to “recommended”.

Templeton second and pass unanimously.

**Other Related Code Sections:** Faber motion to recommend approval of proposed changes of Chapt 17, 18, 19 with the following: Cantilvered windows and add the definition of Impervious Surface to definition section. Second by Templeton and passed unanimously.

## **6. COMMISSIONERS CORNER**

Gudde described upcoming schedule:

CDC with Planning Commission members – February 20 to discuss design standards.

No February meetings. Next meeting March 14.

## **7. ADJOURNMENT**

Motion to adjourn by Scott / Second by Faber. Meeting adjourned at 9:07 pm.

DRAFT

# CITY OF LYNDEN



## EXECUTIVE SUMMARY

<b>Meeting Date:</b>	3/4/2019	<b>Legal Review:</b>
<b>Department:</b>	Planning Department	<input type="checkbox"/> Yes - Reviewed
<b>Contact Name/Phone:</b>	Heidi Gudde (360)354-5532	<input type="checkbox"/> No - Not Reviewed
<b>Council Committee Review:</b>		<input checked="" type="checkbox"/> Review Not Required
<input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	
<b>Attachments:</b>		
Draft Ordinance 1576, Staff memo, and Planning Commission Minutes from 1-24-19		
<b>Name of Agenda Item:</b>		
Public Hearing for Ord 1576 re Residential Mixed Density (RMD)		
<b>Summary Statement:</b>		
<p>The planning of the Pepin Creek Sub-area represents a significant multi-step project. One aspect of the project is to create zoning categories and overlays which take into account the City's growth priorities, housing density goals, infrastructure requirements, and community character.</p> <p>The proposed zoning text amendments will come forward to the City Council in three separate ordinances.</p> <p>Ordinance 1576 proposes revisions to the Residential Mixed Density (RMD) zoning category which exists in several locations throughout the City and is anticipated to be used within the Pepin Creek Sub-area.</p> <p>The proposed amendments and new zoning categories are summarized in a staff memo attached.</p> <p>The current proposals come forward after careful review that has included public survey results, input from local real estate agents and builders, detailed work sessions with the Planning Commission and Community Development Committee.</p> <p>On January 24, 2019 the Planning Commission held a public hearing and recommended approval of the amendments described in Ordinance 1574, 1575, and 1576.</p> <p>It should be noted that while these ordinances create the zoning categories they do not assign them to properties within the sub-area. These assignments will be subsequently adopted through the sub-area plan later this year. A draft of this plan was released on September 12, 2018 and is available on the City's website.</p> <p>At this time staff would like to request that the City Council consider and approve this amendment to Chapter 19 of the land development code revising the Residential Mixed Density zoning category city-wide and for the accommodation of the Pepin Creek Sub-area.</p>		
<b>Recommended Action:</b>		
Motion approve Ordinance 1576 which amends Chapter 19.16 of the Lynden Municipal Code to revise the standards associated with the Residential Mixed Density (RMD) zoning category city-wide and in anticipation of the development of the Pepin Creek Sub-area.		

**ORDINANCE NO. 1576****AN ORDINANCE OF THE CITY OF LYNDEN TO REPEAL AND REPLACE  
CHAPTER 19.16, RESIDENTIAL MIXED DENSITY ZONE 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 purpose of 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.

**WHEREAS**, on January 25, 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 Lynden Planning Commission held a public hearing on January 24, 2019, on the proposed repeal and replacement of Chapter 19.16 of the Lynden Municipal Code regarding the Residential Mixed Density Zone; and

**WHEREAS**, on January 25, 2019, the City provided notification to the state pursuant to RCW 36.70A.106 regarding the proposed repeal and replace of Chapter 19.16 of the Lynden Municipal Code and requested expedited review thereof, and said request for expedited review having been subsequently granted; and

**WHEREAS**, on March 4, 2019, the Lynden City Council held a public hearing to consider the Planning Commissions recommendation and to hear additional public input regarding the changes to Chapter 19.16, Residential Mixed Density Zone; and

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

**SECTION A.** Chapter 19.16 of the Lynden Municipal Code is hereby repealed in its entirety.

**SECTION B.** A new chapter 19.16 of the Lynden Municipal Code is hereby adopted as follows:

Sections:

- 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
- 19.16.070 Additional Development Standards
- 19.16.080 Residential Design Requirements
- 19.16.085 Subdivision Design Guidelines
- 19.16.090 Fences
- 19.16.100 Front Yard Uses

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. No detached garage or accessory building shall exceed one thousand square feet of inside floor area 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 greater.
- B. 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.
- C. Tool shed, satellite dish, outdoor patios and outdoor fireplaces.
- D. 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 eight feet by ten feet are permitted in residential zones, other than during construction or for a period of up to thirty consecutive days within a six month period to facilitate the moving in or moving out of a residence. Units eight feet by ten feet 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.
- E. 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.
- F. 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. Churches, 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. (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

	<b>Detached Units</b>	<b>Attached Units</b>
<b>Minimum Lot Size</b> <sup>b, c</sup>	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
<b>Front Setback</b>		
ROW to Porch	10'	10'
ROW to House	15'	15'
ROW to Garage	25'	25'
<b>Side Setback</b> <sup>d</sup>		
Minimum Side	7'	0' attached side, 7' detached side
Side Total	14'	7' each end, 14' total
Corner Lot	10'	10'
<b>Rear Setback</b> <sup>d</sup>		
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.

### 19.16.070 - Additional Development Standards

- A. All setbacks are measured from the property line to the foundation. Eaves and cantilever bay windows may encroach into the setback a maximum of two feet. Structures covering decks and patios may encroach into rear setbacks as described in LMC 19.16.070. Additional fire protection may be required for structures located within 10 feet of each other. It is the property owner's responsibility to have the property lines clearly marked for inspection. Structural permits with setbacks submitted prior to April 1, 2019 are considered conforming and not subject to LMC 19.35.030.
- B. 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.
- C. An attached garage may be built as close as six feet to the side property line provided the living area setbacks total twenty feet, from the foundation to the property line.
- D. On corner lots, the side yard setback adjacent to the street must be a minimum of ten feet.
- E. 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.
- F. The side yard used for a driveway shall not be less than ten feet in width.
- G. 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.
- H. A detached accessory structure, or garden shed, which requires a building permit per LMC 15.04, may not be built closer than six feet to the side or rear property line including property lines abutting alleys. Structures which do not require a building permit per LMC 15.04 to be setback a minimum of three feet to the side or rear property line. Accessory structures on corner lots shall not be permitted nearer than ten feet to the side property line adjacent to the street. The maximum height for all accessory structures shall be twelve feet, except for detached garages as noted below.
- I. The maximum height of any detached garage, that is serving as the primary garage shall be eighteen feet, provided however that the setback

- shall be a minimum of five feet from the rear and side property lines, the roof pitch and siding shall be consistent with the primary structure on the lot, there is no living space within the building and the height of the accessory building does not exceed the height of the primary structure. Living space and alternative building heights may be permitted as described in LMC 19.20.
- J. The maximum height of any secondary garage or shop shall be eighteen feet, provided however that the structure is set behind the rear line of the house, the roof has a minimum 4:12 pitch, there is no living space within the building and the height of the building does not exceed the height of the primary structure. Living space and alternative building heights may be permitted as described in LMC Chapter 19.20.
- K. The height of any building is measured from the approved average grade level as defined in Section 17.01.030 to the highest point of a structure; provided that appurtenances such as television antennas and chimneys are not considered part of the height.
- L. 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.
- M. 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. Deck privacy screening or fencing shall not be higher than eighty-four inches above the lowest grade.
- N. Structures covering decks or patios are permitted within the rear setback provided that the structure: remains open on three sides; does not come within eighteen feet of the rear property line; does not encroach into the side yard setbacks of the underlying zone; and, the addition does not exceed the permitted lot coverage.
- O. Structures covering decks or patios are permitted within the rear setback provided that the structure: remains open on three sides; does not come within eighteen feet of the rear property line; does not encroach into the side yard setbacks of the underlying zone; and, the addition does not exceed the permitted lot coverage.

19.16.080 - Residential design requirements.

All residential dwelling units must meet the following design criteria unless subject to the Pepin Creek Subarea Residential Design Standards as adopted by the City Council, or unless varied by the design review board as provided under Section 19.45.035:

- A. 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.
- B. All dwellings shall be oriented on the lot, so that the primary pedestrian entrance faces the street or access easement.
- C. 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. Roofing materials shall be wood shingle or shake, composition, asphalt laminate, clay or architectural metal. Exposed fastener corrugated metal or corrugated fiberglass roofing is not permitted.
- E. Eaves and gable ends must be a minimum of twelve inches. This is not applicable to re-roofing or additions to existing structures.
- F. The exterior of the home must be finished with a minimum of two types of materials. Exposed fastener metal siding is prohibited on residential buildings.
- G. All units other than a detached single family residence shall be subject to review and approval by the Design Review Board.
- H. No more than fifty percent of the lineal frontage of the building elevation may be occupied by garage doors. For the purposes of this section, a set of garage doors serves one dwelling unit and means one double garage door or two single garage doors separated by less than five feet.
- I. Only one set of garage doors may face the street unless the garage doors are setback from the living area a minimum of ten feet.
- J. All parking requirements of Section 19.51.040 LMC must be met on site.

#### 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 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.

#### 19.16.090 - Fences.

See Chapter 19.63.

#### 19.16.100 - Front yard use.

- A. Front yards shall be used for ornamental purposes only. 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. Front yards may be used for LID infiltration BMPs.
- C. No fences, growth or other obstruction over three feet in height above the curb grade shall be allowed within the clear vision triangle, as defined at LMC 17.01.030.
- D. Front yards setbacks may not be used for the storage of boats, campers, or any recreational vehicle. (Refer to 19.31.020 B).

**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 be in full effect five (5) days after its passage, approval and publication as provided by law.

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)



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

## Planning Department Memorandum

**To:** City Council  
**From:** Heidi Gudde, Planning Director  
**Date:** February 8, 2019  
**Re:** Zoning Amendments to Accommodate Pepin Creek

The Pepin Creek Sub-area represents a significant planning project. Although the sub-area will utilize some zoning categories with already exist, the planning effort has also included the creation of new categories and overlays which take into account the City's growth priorities, housing density goals, infrastructure requirements, and community character.

The change is not considered lightly. The proposed zoning text amendment comes forward after careful review that has included public survey results, input from local real estate agents and builders, as well as six workshops with the Planning Commission, four joint meetings with the Community Development Committee, and one joint workshop with the City Council. A number of these meetings have included opportunities for public input.

The proposed amendments and new zoning categories are summarized briefly below. Zoning regulations including primary, accessory and secondary uses, were written to resemble, as closely as possible, the City's existing regulations.

### Proposed Zoning Amendments and Pepin Creek Zoning Categories and Overlays

**Residential Multi-Family-Pepin Creek (RM-PC):** This multi-family zoning category resembles the existing RM-2 zoning as it permits up to 4 units per building and, in larger developments up to 8 units per building. It differs from RM-2 in that it allows for smaller lots, smaller setbacks, and encourages fee simple attached single-family housing. The most familiar form of this housing type is the row house or townhome. Other creative housing arrangements could be accommodated in this zoning including clusters of cottages and shared garage layouts. The permitted density of the RM-PC is higher than the RM-2 zoning. The goal of this housing type is to create attached product that promotes home ownership at more affordable rates than detached single family homes.

**Residential Mixed Density (RMD):** This zoning category is one that already exists within the City of Lynden. It is meant to blend detached single-family housing with attached single-family homes (also known as paired housing) and duplex units. Some amendments have been proposed to the



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

existing development standards of RMD which would eliminate the opportunity to construct triplex units but allows for smaller minimum lot sizes.

**Senior Overlay:** This zoning overlay allows a developer to activate additional density if specific criteria are met. In this case the criteria relate to providing housing for seniors. This may take the form of age restricted neighborhoods, assisted living, or full-time care facilities. The underlying zoning category dictates if this criterion is not met.

**Commercial Overlay:** This zoning overlay encourages small neighborhood commercial establishments to be developed at high visible intersections. The uses permitted here are intended to serve the adjacent neighborhoods. Commercial establishments in these areas are subject to design standards. The underlying zoning category dictates if the commercial overlay is not utilized.

**Other Sections:** The zoning addition of Chapter 19.18 proposed above also warranted changes and improvements to other existing sections of code including sections in Chapters 17 and 18, and other sections of Chapter 19. The most significant change may be the revision to measure setbacks from property line to foundation rather than the farthest projection of the building. Adjustments have been noted in each affected section to accommodate this change but with little to no change in the currently permitted building envelope.



## PLANNING COMMISSION MEETING MINUTES

7:30 PM January 24, 2019  
City Hall Annex

### 1. CALL TO ORDER

### 2. ROLL CALL

Present: Gerald Veltkamp, Blair Scott, Diane Veltkamp, Lynn Templeton and Tim Faber.

Absent with notice: Brett Kok.

Staff Present: Gudde, Planning Director; Samec, City Planner and Timmer, City Planner.

### 3. APPROVAL OF MINUTES

#### A. January 10, 2019

**Minutes approved as presented. Veltkamp motion/ Templeton 2<sup>nd</sup>. Approved unanimously.**

### 4. Declaration of Conflict

Chairwoman Veltkamp described the process of the public hearing.

Commissioners stated they had no conflict of interest, no ex parte communication and that they can hear and make a decision on this matter fairly.

### 5. PUBLIC HEARING – Pepin Creek Zoning and Zoning Code Update

Gudde addressed the Commission and stated that the Pepin Creek Sub-area represents a significant planning project. This meeting does not set the locations of these zones within the Pepin Creek Subarea. Although the sub-area will utilize some zoning categories with already exist, the planning effort has also included the creation of new categories and overlays which take into account the City's growth priorities, housing density goals, infrastructure requirements, and community character.

The change is not considered lightly. The proposed zoning text amendment comes forward after careful review that has included public surveys, input from local real estate agents and builders, as well as six workshops with the Planning Commission, four joint

meetings with the Community Development Committee, and one joint workshop with the City Council. A number of these meetings have included opportunities for public input.

This evening Staff would like to review the three proposed amendments separately and as follows:

#### **A. Addition of LMC Chapter 19.18, Pepin Creek, Residential Multi-Family-Pepin Creek (RM-PC)**

This multi-family zoning category resembles the existing RM-2 zoning as it permits up to 4 units per building and, in larger developments up to 8 units per building. It differs from RM-2 in that it allows for smaller lots, smaller setbacks, and encourages fee simple attached single-family housing. The most familiar form of this housing type is the row house or townhome. Other creative housing arrangements could be accommodated in this zoning including clusters of cottages and shared garage layouts. The permitted density of the RM-PC is higher than the RM-2 zoning. The goal of this housing type is to create attached product that promotes home ownership at more affordable rates than detached single family homes.

Public Comment: Veltkamp opened the meeting to the audience.

Faber question: Residential Design Requirements. They are in there. Should they be included here as they are still being discussed?

Gudde stated that these are the City's current design standards that are currently included in the code. She left them in there while the discussion is occurring so they are in there. If changes occur, they would be updated at that point.

Number of vehicles allowed: Veltkamp asked if we should maintain the 5 vehicles per lot rule. Some discussion occurred on whether that should be limited.

Detached / attached question:

Daryl Roosenda, property owner within Pepin Creek Subarea, asked when the zoning locations would be determined. Gudde described that those locations have been proposed but it is still up for workshopping details and additional discussions with public, Public Works Dept and the Airport Board. The upcoming scheduled meetings – workshop the zoning locations as part of the overall subarea plan.

G. Veltkamp: Why the March 1, 2019 date highlighted in the document as a “grandfathered-in”?

Gudde responded that it is highlighted because it is tentative at this point. It depends on when it gets final approval from PC and City Council.

## **B. Updates to LMC Chapter 19.16, Residential Mixed Density Zone**

D. Veltkamp gave a quick introduction on the RMD as it has been used in the past and described that the Pepin Creek Subarea work has been an opportunity to look at this zone as well.

This zoning category is one that already exists within the City of Lynden. It is meant to blend detached single-family housing with attached single-family homes (also known as paired housing) and duplex units. Some amendments have been proposed to the existing development standards of RMD which would eliminate the opportunity to construct triplex units but allows for smaller minimum lot sizes.

“Desirous” in the subdivision section – page 8. Is that a strong enough word? Is there another way to state that to make it stronger. Use the word “recommended”.

Public Comment: Veltkamp opened the meeting to the audience. No comment

## **C. Proposed overlays: Senior and Commercial.**

These are overlays that a developer, property owner could activate within the Pepin Creek Subarea.

## **D. Revisions to Title 17, Title 18 and Title 19 of the LMC**

The zoning addition of Chapter 19.18 as proposed also warranted changes and improvements to other existing sections of code including sections in Chapters 17 and 18, and other sections of Chapter 19. The most significant change may be the revision to measure setbacks from property line to foundation. Also duplexes would go to the Design Review Board for review. Adjustments have been noted in each affected section to accommodate this change but with little to no change in the currently permitted building envelope.

Public Comment: Veltkamp opened the meeting to the audience.

Commission to go through the related Code Sections document.

Gudde described how we got to the Maximum Impervious Coverage percentages. Compared to other jurisdictions, some discussion on the current allowance for building envelope, and enforcement.

G. Veltkamp asked for a definition of Impervious Surface to be included in the definition section. Staff will add that.

Faber: Add the description “cantilevered” to bay windows on page 15. E.

Landscaping bed. Faber asked about the averaging. Required minimum of 4 ft but allowed to average as long as the overall square footage requirement is met.

Pg 22 Scribner’s error on “Notice requirements”

Design Review – some clarification on application process, certified mailings, allowance for variances.

Templeton asked about “carports” at last meeting. Where did that go?

Gudde explained that the Design Standards are generally

Darryl Roosendaal, Shoreline, WA – Asked if we could clarify what “additional fire protection” means? Gudde described that we deferred to the Building Code requirements for fire protection – no vents, wall protection. Faber described that we have set up the code to prevent buildings from being within 10 ft so they wouldn’t be required. Detached buildings can be within 6 ft of each other as is currently allowed and building code would be in effect.

Scott motioned to close the public portion of the meeting and take a quick recess. Second by Templeton.

### **3 Separate Motions:**

**RM-PC:** Faber Motion to recommend approval of Chapt 19.18 Pepin Creek Subareas zones as present with one clarification on “cantilevered” bay windows. Second by Scott and passed unanimously.

**RMD:** Faber Motion to recommend approval of amendments to RMD with following changes: “Cantilevered” bay windows. 19.16.5 a the word desirous to be changed to “recommended”.

Templeton second and pass unanimously.

**Other Related Code Sections:** Faber motion to recommend approval of proposed changes of Chapt 17, 18, 19 with the following: Cantilvered windows and add the definition of Impervious Surface to definition section. Second by Templeton and passed unanimously.

## **6. COMMISSIONERS CORNER**

Gudde described upcoming schedule:

CDC with Planning Commission members – February 20 to discuss design standards.

No February meetings. Next meeting March 14.

## **7. ADJOURNMENT**

Motion to adjourn by Scott / Second by Faber. Meeting adjourned at 9:07 pm.

DRAFT

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	3/4/2019	<b>Legal Review:</b>
<b>Department:</b>	Planning Department	<input checked="" type="checkbox"/> Yes - Reviewed
<b>Contact Name/Phone:</b>	Heidi Gudde (360)354-5532	<input type="checkbox"/> No - Not Reviewed
<b>Council Committee Review:</b>		<input type="checkbox"/> Review Not Required
<input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	
<b>Attachments:</b>		
Draft Ordinance 1577, Exhibit A-Map of Moratorium Area		
<b>Name of Agenda Item:</b>		
Public Hearing for Ord 1577 re Pepin Creek Moratorium Extension		
<b>Summary Statement:</b>		
<p>Planning and engineering efforts regarding the Pepin Creek Subarea are moving forward:</p> <p>In December of 2018 the City Council voted to amend the Comprehensive Plan and establish the Pepin Creek Sub-area.</p> <p>Next month the City Council will consider the adoption of zoning categories created for the sub-area.</p> <p>Later this spring the Sub-area plan, originally released on September 12, 2018, will go to a public hearing before the Planning Commission and City Council. The plan designates zoning categories within the sub-area, addresses known flood hazards and constraints, and presents financial analysis on development in the area.</p> <p>Additional study is required:</p> <p>The subarea plan does not determine the full benefit area of flood protection that the Pepin Creek channel project provides. Nor does it determine the proportionate share of the project that properties within the subarea must contribute. These elements are linked specifically to channel design and both must be determined prior to permitting development in the subarea. Critical to this point, the engineering design team has been exploring alternative channel designs which may decrease the cost of construction and risk. These efforts of determining final channel design and proportionate share are expected to require the duration of the next 6 months.</p> <p>As these final elements are defined and executed, City staff recommends that the moratorium on construction and development within the Pepin Creek area be continued an additional 6 months from the current date of expiration of March 9, 2019.</p> <p>City staff would like to request that the City Council consider and approve Ordinance 1577 regarding the extension of the Pepin Creek Moratorium.</p>		
<b>Recommended Action:</b>		
Motion to approve Ordinance 1577 extending the existing moratorium of development on those properties previously identified within the Pepin Creek Sub-area for an additional six months.		

**ORDINANCE NO. 1577****INTERIM ORDINANCE ESTABLISHING A MORATORIUM ON SUBDIVISION AND PLANNED RESIDENTIAL DEVELOPMENT APPLICATIONS AND CERTAIN BUILDING PERMIT APPLICATIONS FOR PROPERTY LOCATED WITHIN THE PEPIN CREEK PROJECT AREA**

**WHEREAS**, on August 19, 2013, the City of Lynden (“City”) adopted the April 2009 Amendment to the January 1992 Stormwater Management Plan identifying the “Pepin Creek” project (“Pepin Creek Project” or “Project”); and

**WHEREAS**, the Pepin Creek Project includes the relocation and combination of surface water flows from Double Ditch and Benson Ditch between Badger Road and Main Street into one “new” watercourse known as Pepin Creek; and

**WHEREAS**, the general vicinity of the Pepin Creek Project has experienced instances of extreme flooding in recent years, causing hundreds of thousands of dollars in property damage, closing and damaging public roads and infrastructure, cutting residents off from emergency access, and damaging agricultural land; and

**WHEREAS**, the Pepin Creek Project is designed to implement a new drainage pattern to protect public roads and public road infrastructure, substantially reduce flooding, facilitate improved storm water control, and provide the ancillary benefit of natural fish and wildlife habitat; and

**WHEREAS**, the City has completed acquisition of several properties necessary to accommodate the new Pepin Creek corridor; and

**WHEREAS**, the City must continue to undertake numerous complex and detailed planning, funding, design, permitting, construction and other associated issues to complete the Pepin Creek Project (“Pepin Creek Project Issues”); and

**WHEREAS**, Pepin Creek Project Issues include without limitation:

- corridor design and permitting for the Pepin Creek Project;
- locating and increasing stormwater capacity and coordinating the associated street and utility infrastructure locations;
- design and permitting options associated with necessary downstream bank stabilization associated with the Pepin Creek Project;
- identifying financing and equitable allocation of system construction costs; and

**WHEREAS**, the Council has adopted, on October 16, 2017, Resolution No. 975, which is a Resolution of Intent outlining the strategies and corresponding timeline to resolve Pepin Creek Project Issues; and

**WHEREAS**, that area of the city believed to be affected by Pepin Creek Project Issues at this time and for purposes of this Ordinance include without limitation the area shown on Exhibit A (“Pepin Creek Project Area”), which is incorporated herein; and

**WHEREAS**, Ordinance No. 1509, *An Ordinance of the City of Lynden to provide Annexation to the City of Lynden* adopted on June 6, 2016 (“Ordinance No. 1509”), annexed property in the Pepin Creek Project Area into the City of Lynden; and

**WHEREAS**, Ordinance No. 1509 included a clause stating that the “City has identified the need for the completion of the Pepin Creek project prior to development” of the property annexed into the City; and

**WHEREAS**, except as set forth herein, property development within the Pepin Creek Project Area will likely disrupt the City’s ability to effectively address Pepin Creek Project Issues; and

**WHEREAS**, the adoption of land use and zoning regulations is a valid exercise of the City's regulatory authority and is specifically authorized by RCW 35A.63.100; and

**WHEREAS**, Ordinance No. 1513, *Ordinance Establishing an Emergency Moratorium on Subdivision and Planned Residential Development Applications and Building Permit Applications for Property Located Within the Pepin Creek Project Area*, was adopted by the City on September 19, 2016; and

**WHEREAS**, Ordinance No. 1514, *Interim Ordinance Establishing a 6-month Moratorium on Subdivision and Planned Residential Development Applications and Certain Building Permit Applications for Property Located Within the Pepin Creek Project Area*, was adopted by the City on October 17, 2016; and

**WHEREAS**, Ordinance No. 1525, *Interim Ordinance Establishing a 6-month Moratorium on Subdivision and Planned Residential Development Applications and Certain Building Permit Applications for Property Located Within the Pepin Creek Project Area*, was adopted by the City on April 17, 2017; and

**WHEREAS**, Ordinance No. 1538, *Interim Ordinance Establishing a 6-month Moratorium on Subdivision and Planned Residential Development Applications and Certain Building Permit Applications for Property Located Within the Pepin Creek Project Area*, was adopted by the City on October 16, 2017; and

**WHEREAS**, Ordinance No. 1555, *Interim Ordinance Establishing a 6-month Moratorium on Subdivision and Planned Residential Development Applications and Certain Building Permit Applications for Property Located Within the Pepin Creek Project Area*, was adopted by the City on May 7, 2018; and

**WHEREAS**, Ordinance No. 1562, *Interim Ordinance Establishing a 6-month Moratorium on Subdivision and Planned Residential Development Applications and Certain Building*

*Permit Applications for Property Located Within the Pepin Creek Project Area*, was adopted by the City on September 17, 2018; and

**WHEREAS**, the City held a public hearing on this proposed Ordinance 1577 on the 4<sup>th</sup> day of March 2019; and

**WHEREAS**, a continuation of the moratorium on development in the Pepin Creek Project Area is required to allow for proper planning and implementation of the Pepin Creek Project; and

**WHEREAS**, adoption of this ordinance extending the moratorium to assure that Pepin Creek Project Issues are resolved consistent with the Project addresses a public emergency and shall qualify as a public emergency ordinance; and

**WHEREAS**, the public emergency ordinance is necessary to protect the public health, safety, and welfare of the community, and public property; and

**WHEREAS**, this public emergency moratorium ordinance, as provided in RCW 35.A.12.130, when passed by a majority plus one of the whole membership of the council, is effective upon adoption; and

**WHEREAS**, the foregoing recitals are a material part of this Ordinance;

**NOW, THEREFORE**, THE CITY COUNCIL OF THE CITY OF LYNDEN DOES ORDAIN as follows:

Section 1. Findings of Fact. The City Council adopts the above “WHEREAS” recitals as findings of fact in support of this Ordinance. The Council may adopt additional findings in the event that additional evidence is presented to the City Council.

Section 2. Moratorium Established For New Subdivisions. The City shall not accept applications for any new subdivisions (including both short plats and long plats) or for any new planned residential developments for property located in whole or in part in the Pepin Creek Project Area, for a period of one hundred eighty (180) days, or until the City adopts a replacement ordinance, whichever comes first, pursuant to RCW 36.70A.390 and RCW 35A.63.220.

Section 3. Moratorium Established For Certain Building Permit Applications. The City shall not accept building permit applications in the Pepin Creek Project Area for new structures intended for human occupancy or for additions to existing residential structures of more than fifty percent (50%) in square footage, for a period of one hundred eighty (180) days, or until the City adopts a replacement ordinance, whichever comes first, pursuant to RCW 36.70A.390 and RCW 35A.63.220.

Section 4. Resolution of Pepin Creek Project Issues. During the term of this interim ordinance the City shall work on resolving the following issues.

- A. Corridor Design. The Pepin Creek Project Area has demonstrated stormwater capacity deficiencies. The City must complete an analysis and design of a new

stormwater system with adequate capacity to fully accommodate basin flow. This would also include locating the street and utility infrastructure to function with that new system.

- B. Downstream Stabilization. The existing Double Ditch channel downstream from Main Street to the confluence with Fishtrap Creek presently has unstable banks. The City intends to identify corrective options, including necessary design, permitting, and funding, and consider construction implementation of corrective options.
- C. Financial Strategy. The City must develop a financing plan and method for equitable allocation of system construction costs and responsibilities among property owners in the Pepin Creek Project Area.

Section 5. If the provisions of this Ordinance are found to be inconsistent with other provisions of the Lynden Municipal Code, this Ordinance shall control.

Section 6. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. This Ordinance shall take effect immediately.

PASSED BY THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, AND APPROVED BY THE MAYOR on the \_\_\_\_\_ day of March 2019,

\_\_\_\_\_  
**M A Y O R**

ATTEST:

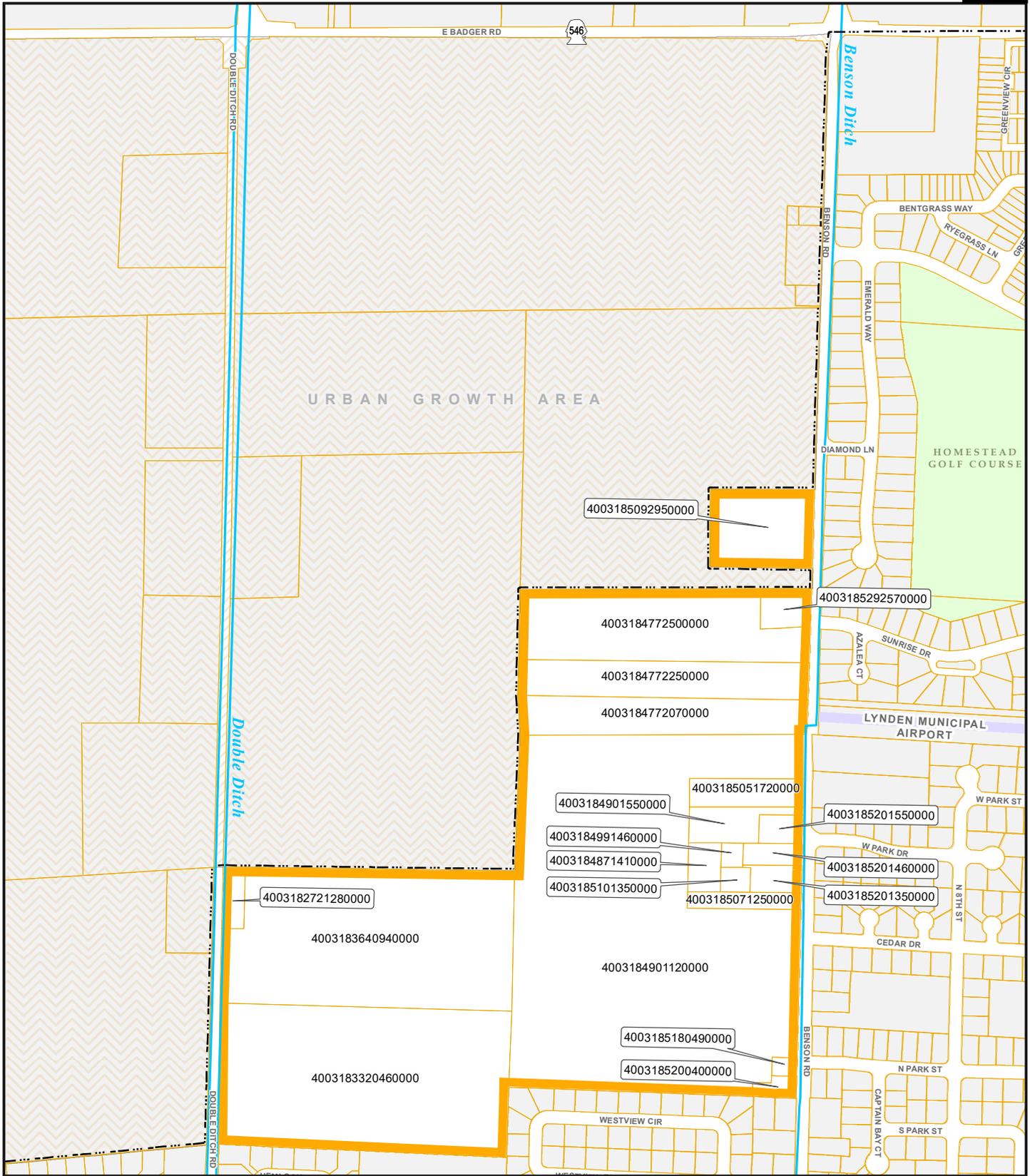
\_\_\_\_\_  
**CITY CLERK**

APPROVED AS TO FORM:

\_\_\_\_\_  
**CITY ATTORNEY**

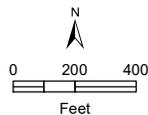
# Exhibit A

## Properties Located within Pepin Creek Project Area



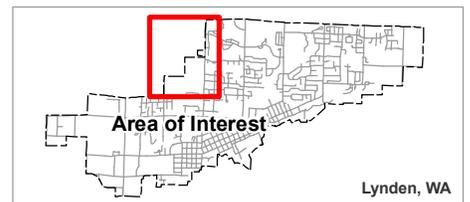
**Map Key**

- Properties in Pepin Creek Project Area
- Property Boundaries
- City Limit
- Urban Growth Area (Unincorporated)
- Waterway



Updated: September 19, 2016

Doc. Path: \\Saturn\gis\Projects\Public Works\PeppinCreek\ExhibitA\COPY2.mxd



Lynden, WA

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	3/4/2019	<b>Legal Review:</b> <input checked="" type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input type="checkbox"/> Review Not Required
<b>Department:</b>	Administration	
<b>Contact Name/Phone:</b>	Vanessa Bronsema (360) 255-7086	
<b>Council Committee Review:</b>		
<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: _____		
<b>Attachments:</b>		
Resolution 995 Authorizing the Mayor and City Councilmembers to Enroll in a Health Insurance Plan Currently Offered to Qualified City Employees		
<b>Name of Agenda Item:</b>		
Resolution 995 Authorizing Benefits to Elected Officials		
<b>Summary Statement:</b>		
<p>The City offers two plans for health insurance benefits to City employees through the Association of Washington Cities (AWC) Benefit Trust. Under the Trust guidelines, elected officials may also have access to these plans if they meet certain criteria established by the Trust's Board of Trustees. The attached resolution, if approved, will do a few things:</p> <ol style="list-style-type: none"> <li>1) Allow the Mayor to purchase health insurance through the AWC Trust.</li> <li>2) Allow Councilmembers to purchase health insurance through the AWC Trust, provided 50% of all elected officials enroll in one of the two plans.</li> </ol> <p>Elected officials will only have access to plans currently offered to City employees. All health insurance premiums would be paid by the elected official.</p>		
<b>Recommended Action:</b>		
Approve Resolution 995 authorizing elected officials to enroll in the health insurance plans offered to City Employees.		

**RESOLUTION NO. 995****A RESOLUTION OF THE CITY OF LYNDEN AUTHORIZING THE MAYOR  
AND CITY COUNCILMEMBERS TO ENROLL IN  
A HEALTH INSURANCE PLAN CURRENTLY OFFERED  
TO QUALIFIED CITY EMPLOYEES**

**WHEREAS**, the City of Lynden is a participating city and member of the Association of Washington Cities Employee Benefit Trust ("Trust"); and

**WHEREAS**, qualifying City employees have access to the Trust medical health insurance plans offered by the City; and

**WHEREAS**, as a member of the Trust, the City currently offers two major medical and prescription insurance plans to its employees; and

**WHEREAS**, the City does not currently provide health insurance coverage to the Mayor or Councilmembers; and

**WHEREAS**, in accordance with the Trust's Board of Trustees elected official participation policy, the City may provide health insurance benefits currently being offered by the City to the Mayor if authorized by the City Council; and

**WHEREAS**, in accordance with the Trust's Board of Trustees elected official participation policy, the City may provide health insurance benefits currently being offered by the City to the Councilmembers if 50% of all elected officials enrolls in such a health insurance plan; and

**WHEREAS**, the City desires to provide elected officials the option to enroll in the City's health insurance plans; and

**WHEREAS**, pursuant to RCW 41.04.190, medical aid for elected officials is not additional compensation and further, the Mayor and Councilmembers will pay the cost to participate in one of the City's offered medical health plans; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Lynden as follows:

**Section 1:** The Mayor is authorized to enroll in a Trust medical and prescription insurance health plan currently offered by the City of Lynden to its qualified employees at the Mayor's sole expense.

**Section 2:** City Councilmembers may enroll in, at their sole expense, a Trust medical and prescription insurance health plan currently being offered by the City to its qualified employees so long as the Trust's Board of Trustees elected official participation policy and carrier specific underwriting rules are satisfied.

Section 3: BE IT FURTHER RESOLVED that any resolutions or parts of resolutions in conflict herewith are hereby repealed insofar as they conflict with the provisions of this resolution.

Section 4: If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. 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 Resolution or Resolutions shall be in full force and effect.

Section 5: This Resolution shall be in full force and effect on the date set forth below.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, \_\_\_\_ IN FAVOR \_\_\_\_ AGAINST AND SIGNED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	3/4/2019	<b>Legal Review:</b>
<b>Department:</b>	Planning Department	<input type="checkbox"/> Yes - Reviewed
<b>Contact Name/Phone:</b>	Heidi Gudde (360) 354-5532	<input type="checkbox"/> No - Not Reviewed
<b>Council Committee Review:</b>		<input checked="" type="checkbox"/> Review Not Required
<input checked="" type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input type="checkbox"/> Parks	<input type="checkbox"/> Other: _____	
<b>Attachments:</b>		
CDC Minutes 02-20-2019		
<b>Name of Agenda Item:</b>		
Community Development Committee Mtg Minutes of 02-20-2019		
<b>Summary Statement:</b>		
CDC Minutes of 2-20-19 attached for review.		
<b>Recommended Action:</b>		
Council Review		



## COMMUNITY DEVELOPMENT COMMITTEE MEETING MINUTES

JOINT MEETING WITH MEMBERS OF THE PLANNING COMMISSION  
4:00 PM February 20, 2019  
2<sup>nd</sup> Floor Conference Room, City Hall

### 1. ROLL CALL

Council Present: Kyle Strengholt, Jerry Kuiken, Brent Lenssen, Mayor Scott Korthuis  
Planning Commissioners: Tim Faber, Diane Veltkamp, Gerald Veltkamp  
Staff: Heidi Gudde, Mike Martin  
Public: Kathy Stanford, Dick Vandenberg

### 2. ACTION ITEMS:

- A. Approval of minutes from the January 23, 2019 meeting  
Approved as presented.

### 3. DISCUSSION ITEMS

- A. **City-wide (Pepin Creek) Design Standards Draft Discussed.** Discussion followed the key issues raised in the staff memo by Heidi Gudde.
- a. Garage setbacks. Proposal suggests that front loaded garages be required to be setback from the front living space of the home by at least 4 feet. Committee requested the origins of the garage setback. Gudde noted that this standard was drafted by the consultant for the purposes of the Pepin Creek subarea. The intent is to emphasize pedestrian scaled elements like front doors and porches along street fronts rather than garage doors. Gudde noted that this shift could be a significant change as many of the home being constructed today have garage-forward designs. This includes concerns regarding builders ability to adapt and the market demand for open concept homes. Feedback from a recent discussion with local real estate agents was not in favor of the garage setback requirement.

Advantages of Garage Setback Noted:

- Strengholt noted that having living spaces oriented toward the street creates a safer street environment. “Eyes on the street” is a CPTED (Crime Prevention Through Environmental Design) principal.

- The requirement would have significant impacts on townhome design - a housing type which is encouraged in the new RM-PC zoning category, but one that can be very garage dominated if not done thoughtfully. The setback could assist in this consideration and dictate that townhome lots be wide enough to accommodate not only a garage but also a pedestrian scaled entrance forward of the garage.
- More attractive streetscapes benefit the public good.

Disadvantages of the requirement noted:

- Setback may be difficult to achieve on odd-shaped lots.
- Property owners lose one aspect of freedom to create the home design they choose.
- Home builders may wish to focus living spaces on the rear yard or view rather than the street.

Conclusions:

- Staff to revise draft standards. Limit the distance that the garage can be set forward of the front facade – 8, 10, or 12 feet suggested – to prevent the full depth of the garage from being extended forward of the living space. Front façade, in this case, could be any first story living space of the house. It was noted that some of the ‘garage-dominated design’ issues could be resolved by limiting to how much of the façade could be garage doors. Currently the RMD zoning category uses a limit of 50% or less of the façade made up of garage doors. Proposal to extend this requirement to other zoning categories
  - Note that exceptions to the design standards would go to the Design Review Board – this could be applied to odd shaped lots.
- b. Accessory structures architecture discussed. Proposal requires that accessory structures match the primary structure. This limits the use of metal buildings or similar.

DV noted that there should be an exception for barn shaped buildings. Gudde agreed that staff had discussed the same issue. An allowance for agriculturally themed buildings (barns) seemed appropriate for Lynden. Likewise, use specific structures like greenhouses would obviously not match the primary residential structure. Staff to note the exceptions in the draft code.

It was also noted that building permits not required for buildings less than 120 square feet so the architecture of these would not be regulated by the City.

Committee discussed a limit to the number of small buildings that could be added to a residential lot. Currently it is the lot coverage requirement that limits these additions although it's nearly impossible to track unless a neighbor would complain to City staff. Committee added a suggested to limit the total number of accessory structures to 3 per lot.

- c. Accessory Building Heights. This issue discussed. Previously the height of accessory structures was increased to 18 feet to allow for the storage of RVs. No revisions to heights proposed at this time.
- d. Screening. Design standards propose code to require the screening of mechanical equipment with evergreen landscape or fence. JK noted the potential need for flexibility here as there are some months of the year when landscape screening cannot be installed. Gudde agreed and noted that flexibility regarding landscape installation already occurs.
- e. Street Trees. Discussion aimed to establish how much of a priority it is to the City to have street trees installed and replaced. "Right tree, right place" concerns were raised. The need to use smaller trees under power lines, the use of root barriers and other best practices are important and help reduce maintenance costs and potential sidewalk damage. Life expectancy of trees also discussed and the potential need for the City to take a more organized approach to replacing trees along streets. Committee discussed the potential or requiring street tree replacement in association with any residential building permit. A more voluntary approach may be better received.

Conclusions regarding Street Trees: Future work on this issue is warranted as the Committee recognized the value of street trees to the community. First steps include:

Leading by example – the City should replace the Pin Oak that was lost on Front Street, include street trees in City projects, and replace those lost along City owned frontages.

Future efforts - Identify street tree themes along major travel corridors (arterials) within the City such as Front Street, Grover Street, Depot Road, Line Road, Aaron Drive. Implement replacement projects. Potentially educational or school projects to replace trees within neighborhoods.

## **B. Pepin Creek Mitigation Study – Scope and Budget Update**

- a. Committee reviewed the draft scope and budget from Berk Consulting for the Pepin Creek Mitigation Study. Discussed potential revisions to task descriptions which are planned but do not substantially alter the intent or scope of the project. Final scope and budget likely to be sent to Council for approval at the second meeting in March. Completion of

the financial study is dependent on having a final engineering design and cost estimate on the revised creek realignment and over-flow bypass project currently underway by R&E.

- b. Gudde related to the committee that Mark Sandal had identified and confirmed that a previously awarded Department of Commerce grant could be used for the proposed study.

**Next Meeting Date: March 20, 2019**

# CITY OF LYNDEN

## EXECUTIVE SUMMARY



<b>Meeting Date:</b>	3/4/2019	<b>Legal Review:</b> <input type="checkbox"/> Yes - Reviewed <input type="checkbox"/> No - Not Reviewed <input checked="" type="checkbox"/> Review Not Required
<b>Department:</b>	Administration	
<b>Contact Name/Phone:</b>	Pam Brown 360.255.7085	
<b>Council Committee Review:</b>		
<input type="checkbox"/> Community Development	<input type="checkbox"/> Public Safety	
<input type="checkbox"/> Finance	<input type="checkbox"/> Public Works	
<input type="checkbox"/> Parks	<input checked="" type="checkbox"/> Other: N/A	
<b>Attachments:</b>		
Outlook Calendar		
<b>Name of Agenda Item:</b>		
Calendar		
<b>Summary Statement:</b>		
See next page.		
<b>Recommended Action:</b>		
None.		

**March 4, 2019**

Monday

132

All Day

Council

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

**March 5, 2019**

Tuesday

All Day

Ordinance Votes to Tribune

8:30 AM - 9:30 AM

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

10:00 AM - 10:30 AM

Weekly Download -- HR Office

4:00 PM - 5:00 PM

Public Safety Committee Meeting -- Police Training Room

**March 6, 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

10:00 AM - 11:00 AM

Copy: Check-In Nic/Mike -- Mike's Office

11:45 AM - 1:45 PM

Private Appointment

4:15 PM - 6:00 PM

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

**March 7, 2019**

Thursday

10:00 AM - 11:00 AM

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

**March 7, 2019 Continued**  
Thursday

133

**March 8, 2019**  
Friday

10:00 AM - 11:00 AM                      **Copy: Check-In Steve/Mike -- Mike's Office**

11:00 AM - 5:00 PM                      **Private Appointment**

11:00 AM - 12:00 PM                      **Copy: Check-In Heidi/Mike -- Mike's Office**

**March 11, 2019**  
Monday

9:00 AM - 10:00 AM                      **Copy: Check-In Vern/Mike -- Mike's Office**

7:00 PM - 9:00 PM                      **Park & Trail Advisory -- Annex South East Conference Room**

**March 12, 2019**  
Tuesday

12:00 AM - 12:00 AM                      **WMCA Conference -- Semiahmoo**

12:00 AM - 12:00 AM                      **Semiahmoo Resort -- 9565 Semiahmoo Parkway, Blaine, WA 98230**  
**Semiahmoo Resort**

8:30 AM - 9:30 AM                      **Copy: LT Meeting -- City Hall 1st Floor Large Conference Room**

**March 13, 2019**  
Wednesday

**All Day**                                      **WMCA Conference -- Semiahmoo**  
**Please See Above**

**All Day**                                      **Semiahmoo Resort -- 9565 Semiahmoo Parkway, Blaine, WA 98230**  
**Please See Above**

9:00 AM - 10:00 AM                      **Copy: Check-In Mark/Mike -- Mike's Office**

**March 13, 2019 Continued**

Wednesday

9:30 AM - 10:30 AM

Welcome/Opening Remarks 2019 WMCA Conference -- Semiahmoo Resort  
Hi Mayor Scott:

This appointment is a placeholder. I will have more details as it gets closer.

Just as a clarification....only 5 minutes or so of speaking time. 😊

More info to come.

Pam

2:00 PM - 3:30 PM

Wellness Committee Meetings -- City Hall 1st Floor Large Conference Room  
Please forward as needed.  
Thanks.

Pam

7:00 PM - 9:00 PM

Rec. District Meeting -- Annex South East Conference Room

**March 14, 2019**

Thursday

All Day

WMCA Conference -- Semiahmoo  
Please See Above

12:00 AM - 12:00 AM

Semiahmoo Resort -- 9565 Semiahmoo Parkway, Blaine, WA 98230  
Please See Above

All Day

Muni@Noon

12:00 PM - 1:30 PM

St. Patrick's Potato Feed (LEAF) -- Annex East Training Room; Annex Council Chamber  
Please be aware that these dates may change – hopefully not – but we may need to be flexible sometimes.

**March 15, 2019**

Friday

135

12:00 AM - 12:00 AM

WMCA Conference -- Semiahmoo  
Please See Above

8:30 AM - 9:30 AM

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

**March 17, 2019**

Sunday

All Day

St. Patrick's Day -- United States

**March 18, 2019**

Monday

All Day

Council

3:00 PM - 4:00 PM

Finance Committee Meeting -- City Hall 1st Floor Large Conference Room  
Visit [WWW.LYNDENWA.ORG](http://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

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