

CITY OF LYNDEN

PLANNING DEPARTMENT

Heidi Gudde – Planning Director

(360) 354-5532



Community Development Committee Meeting Agenda

City Hall - 300 Fourth Street

4:00 PM February 23, 2022

Roll Call

Approval of Minutes

- [1.](#) Community Development Committee Meeting Minutes of 1/19/22

Discussion Items

- [2.](#) Mixed-Use Code Amendment
- [3.](#) LMC 19.51 Parking - Update
- [4.](#) LMC 19.29.130 – City Review of CCRs

Next Meeting: March 23, 2023

CITY OF LYNDEN

PLANNING DEPARTMENT
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COMMUNITY DEVELOPMENT COMMITTEE

MINUTES

4:00 PM January 19, 2022
Virtual – Microsoft Teams Meeting

1. ROLL CALL

City Council: Gary Bode, Kyle Strengtholt, Brent Lenssen

Staff: Heidi Gudde, Dave Timmer, John Williams

Guests: multiple attendees (approximately 20-25) but no formal record of names was collected at this virtual meeting

2. APPROVAL OF MINUTES

- a. Community Development Committee Meeting Minutes of 12/15/21 approved as presented.

3. DISCUSSION ITEMS

- a. Presentation: Concepts for Mixed-Use Zoning Code Amendment

Heidi Gudde, Planning Director, presented a concept for the implementation of a mixed-use zoning overlay. This overlay would be specifically assigned to properties at strategic locations within the City. It would replace the mixed-use provisions of the City's code that are currently used within the CSL zone. Eligible properties would be commercially zoned properties that are along significant transportation routes and are currently within walking distance (1/4 mile) of an existing commercial center. The proposal would reduce or even eliminate the requirement for new development within these overlay areas to create commercial spaces. This is due to the lack of demand for commercial spaces. The overlay would require that new development create outdoor plaza space that serves as an amenity to residential development. A portion of these spaces could be converted, at a later date, to commercial uses if the demand exists. The uses that could be established there would be geared toward neighborhood (rather than regional) uses.

Properties that currently have CSL zoning but are not located within these new mixed-use centers should be considered for rezone to residential use if they meet the criteria for a land use shift and rezone.

Gudde also raised questions related to the City's housing goals. Specifically, the goal to provide a split of 60% single family to 40% multi-

family housing types. This goal and associated policies are laid out in Section H of the City's Comprehensive Plan. Recent development has included more multi-family residential units than single-family units. This is a change from the development pattern of 10 years ago. During the moratorium, City staff will pull together the current status of this housing goal. The group was also asked to consider if the goal remains relevant and, if it should be altered, what changes should be made.

b. Parking Code Update – LMC 19.51 Amendment

Gudde included, in her presentation, a summary of staff suggested changes to the parking code. In general the changes would create a more project-specific approach to required parking counts. Suggested changes also eliminated the parking reduction for senior housing projects and proposed that parking stall size be slightly reduced for a more efficient use of space.

c. Stakeholder Feedback: Moratorium and Mixed-Use

The presentation regarding mixed use development was followed by a time of stakeholder feedback. Topics raised, questions asked, and comments made included the following points:

- In the proposed open space requirements, how would critical areas be counted?
- Considerations to the scale of buildings is important when permitting multi-story buildings. Suggested that a stepped-up approach be used to keep buildings along street frontages to lower heights. Urged the City to lift the moratorium as soon as possible.
- Support was expressed for walkability of projects – especially for kids and seniors.
- The lack of affordable housing options was raised.
- Parking requirements should be reduced rather than increased.
- Support for the addition of rental units within the City of Lynden as it's very difficult to find a rental right now and costs are very high.
- Support for additional units to be constructed as better availability leads to more competitive pricing of units / rents.
- Support for additional housing units along bus routes.
- Support for parking in the downtown area and for more activity to occur downtown – evening activity.

- Support for the overlay concept presented but expressed concern related to the required open space as these amenities raise the cost of a project and hurt affordability. Suggested that open spaces could be shared between projects or 'banked' so that there is an efficiency of design.
- Building height should be sensitive to the surrounding property uses.
- A design committee should review site layout and details.
- Concern expressed about the unaffordability of homes in Lynden.
- Concern expressed about the State's consideration to eliminate single-family zoning.
- Statement that retail uses can only survive with residents (the density) to support them. Not viable with the supporting population.
- Tax breaks suggested for commercial uses within mixed-use developments.
- Support of buildings heights of up to 58 – 60 feet so that a four-story building could be constructed. Four stories do not fit well within a 48-foot height limit.
- Support expressed for the market to determine what is needed – namely residential development at this time. Support for live-work units as many people are working or even providing services from their homes.
- Statement that commercial spaces are very difficult to fill. Bender Plaza has seen multiple restaurants fail. The expectations that medical offices would locate in mixed-use plazas is unrealistic. The mixed-use concept is nice but the City does not need additional commercial spaces.
- Support for mixed use concepts but noted that there are various empty commercial spaces throughout the City.
- Note that finding and securing employees is also a current challenge within the business sector.

Meeting concluded with a brief discussion of next steps. Staff will be seeking Council input regarding the concept presented with the anticipation of moving forward with code revisions in the coming months. An email address list of stakeholders is growing and interested folks can be added so that they get

updates on this issue. Staff will also be sending out a brief survey to attendees as a means of collecting additional feedback.

Meeting adjourned approximately 5:30pm.

Next Meeting Date: February 23, 2022

CITY OF LYNDEN

EXECUTIVE SUMMARY – Community Development Committee



CDC Meeting Date:	February 23, 2022	
Name of Agenda Item:	Mixed-Use Code Amendment	
Section of Agenda:	Discussion	
Next Steps Proposed by Staff:		Legal Review:
<input checked="" type="checkbox"/> Staff revisions	<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Completed
<input type="checkbox"/> Return to CDC	<input type="checkbox"/> Other Committees	<input type="checkbox"/> Recommended
<input type="checkbox"/> Schedule for full Council	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Not Required
Attachments:		
Graphics: Parcel by Parcel Review of Potential Mixed-Use Changes		
Summary Statement:		
<p>At the January 19th CDC meeting concepts for a revision to the City's code on mixed-use projects was presented to the Committee and stakeholders. The presentation was followed by an opportunity for stakeholders to give feedback to the Committee regarding the current moratorium and the proposed concepts. Following the meeting an online survey was distributed to commercial stakeholders and 40 responses were collected.</p> <p>At this Committee meeting staff is suggesting the following topics to further the discussion on the amendment to the mixed-use code:</p> <ol style="list-style-type: none"> 1. Review survey results and conclusions. 2. Discuss parcel by parcel review of the potential revision and implications (see attached graphics). <ul style="list-style-type: none"> • If multi-family housing is grouped around commercial centers, the City may want to focus on single-family housing in other residential areas of the City. 3. Adjust criteria for eligible Commercial Centers if it is determined to be prudent. <ul style="list-style-type: none"> • Under the proposed criteria, many properties qualify for the mixed-use provisions. • Requiring larger parcels (1.5 acre rather than 1 acre) would reduce eligible properties 4. Discuss transitions in land use including the west Lynden annexation area. <ul style="list-style-type: none"> • The Comprehensive plan calls for commercial zoning and medium density residential south of Birch Bay Lynden Road. The City may want to consider adjusting this to include single-family residential and possibly industrial zoning. 5. Design Standards <ul style="list-style-type: none"> • Flex space requirement which is designed for pedestrian use but also holds area in reserve for future commercial. • Required open space and multi-family amenities. <p>Staff will be collecting Committee feedback to shape the code amendment. Timeline to include draft code language at the March 23rd CDC meeting and concepts workshopped with the Planning Commission on March</p>		
Recommended Action:		
Discuss and provide feedback. Staff to proceed with a draft amendment if supported by the Committee.		

Parcel by Parcel Review of Mixed-Use Proposal



Criteria for Mixed-Use Overlay Eligibility:

1. Property is zoned CSL or CSR
2. Property is at least 1 acre in size
3. Property is within ¼ mile from Qualifying Commercial Center (measured along a walkable path)



Qualifying Commercial Center

1. Combined gross floor area of 30,000 square feet
 2. Minimum of 8 businesses open to the general public
- Or
1. Part of an identified Business District

Qualifying Commercial Centers

- Safeway Plaza
- Food Pavilion Plaza
- Bender Plaza
- Historic Business District



Map Key



Transition to Residential - Commercially zoned property proposed to transition to residential use.



Eligible for the Mixed-Use Overlay - Properties which meet the criteria listed above.

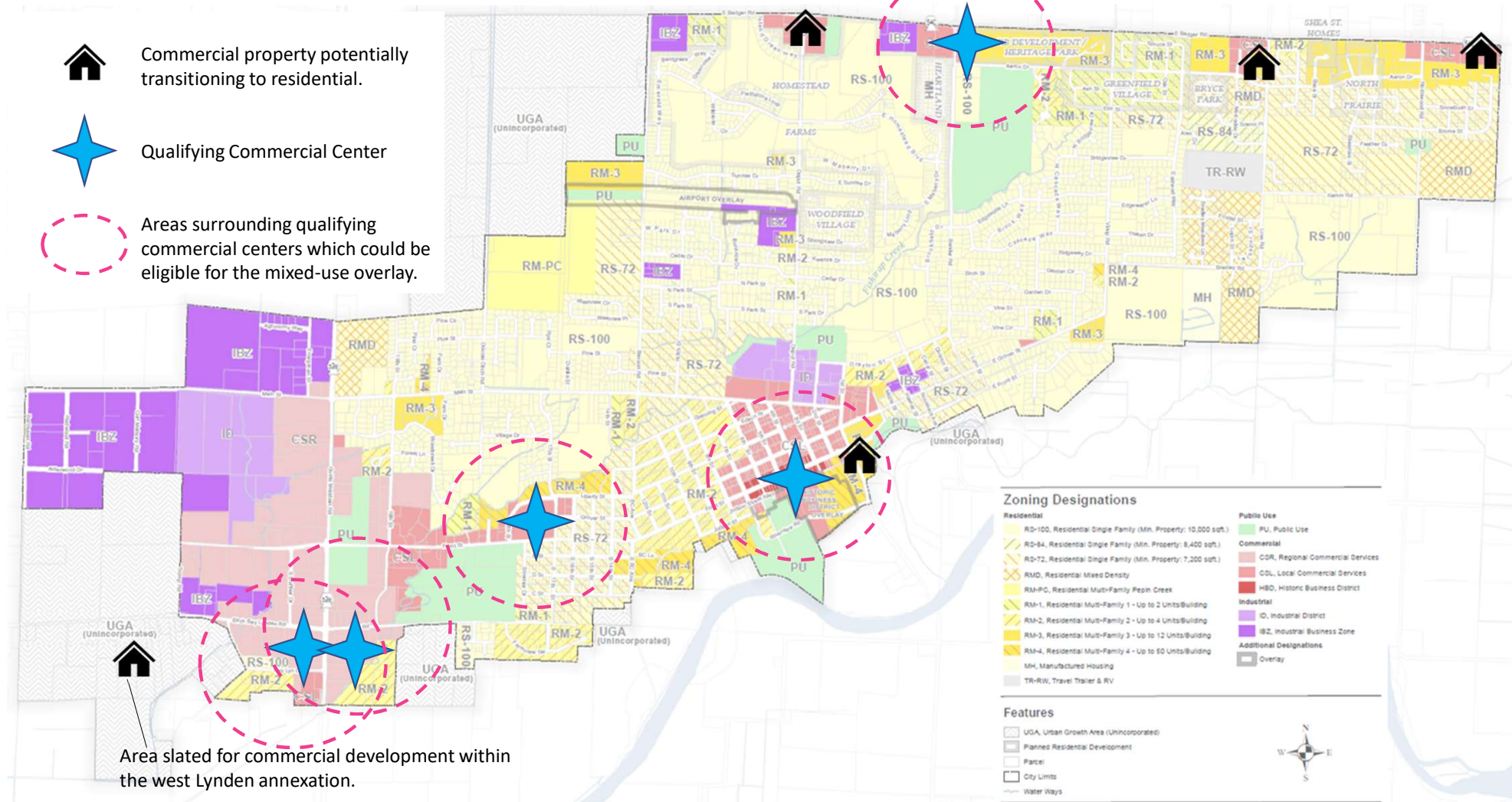


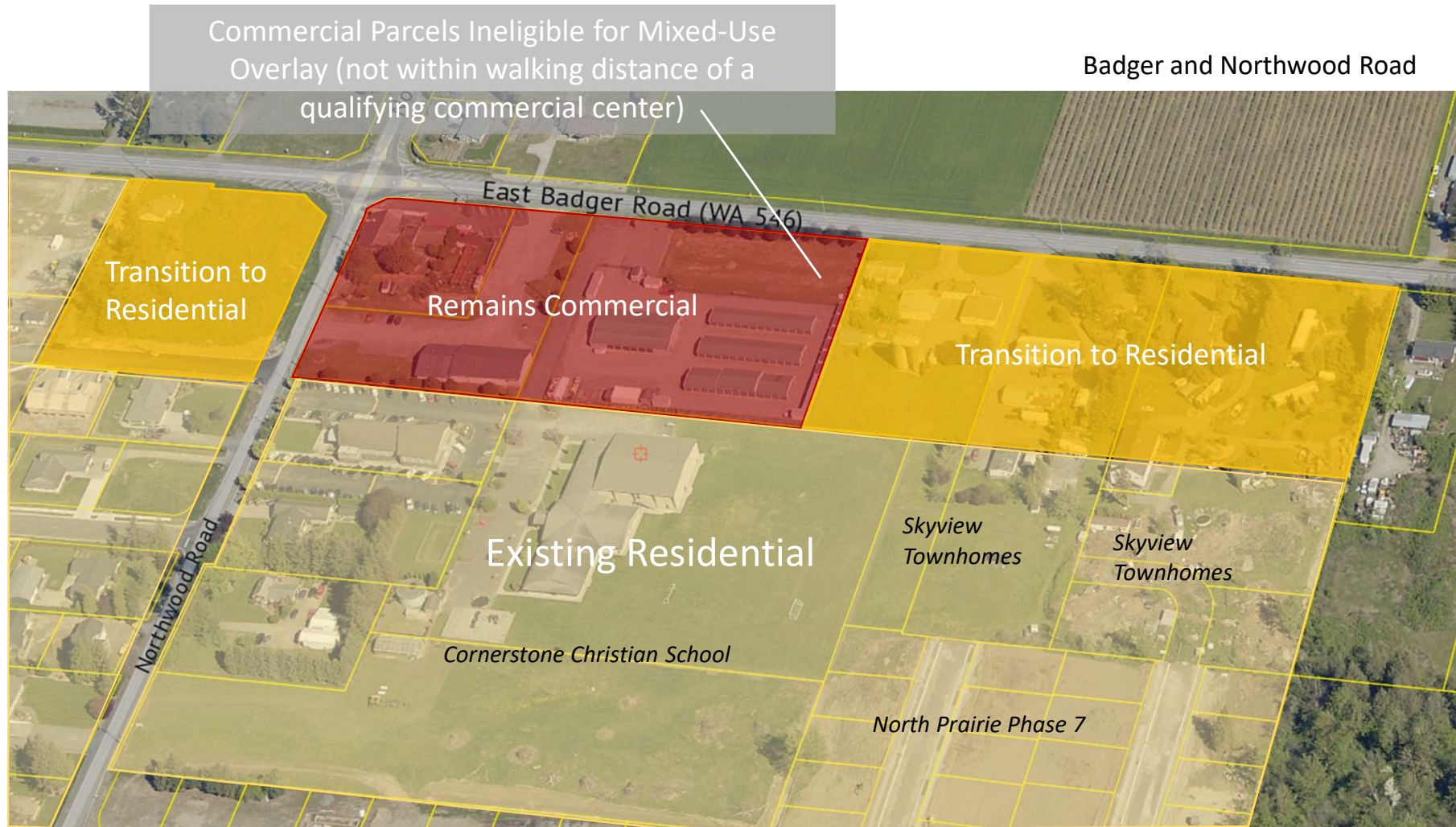
Remains Commercial – Properties which are zoned as commercial use and do not meet the criteria for the mixed-use overlay.

Note: Properties with CSL zoning which are not eligible for the mixed-use overlay should be eligible for 2nd floor residential use. This includes many area adjacent to downtown.

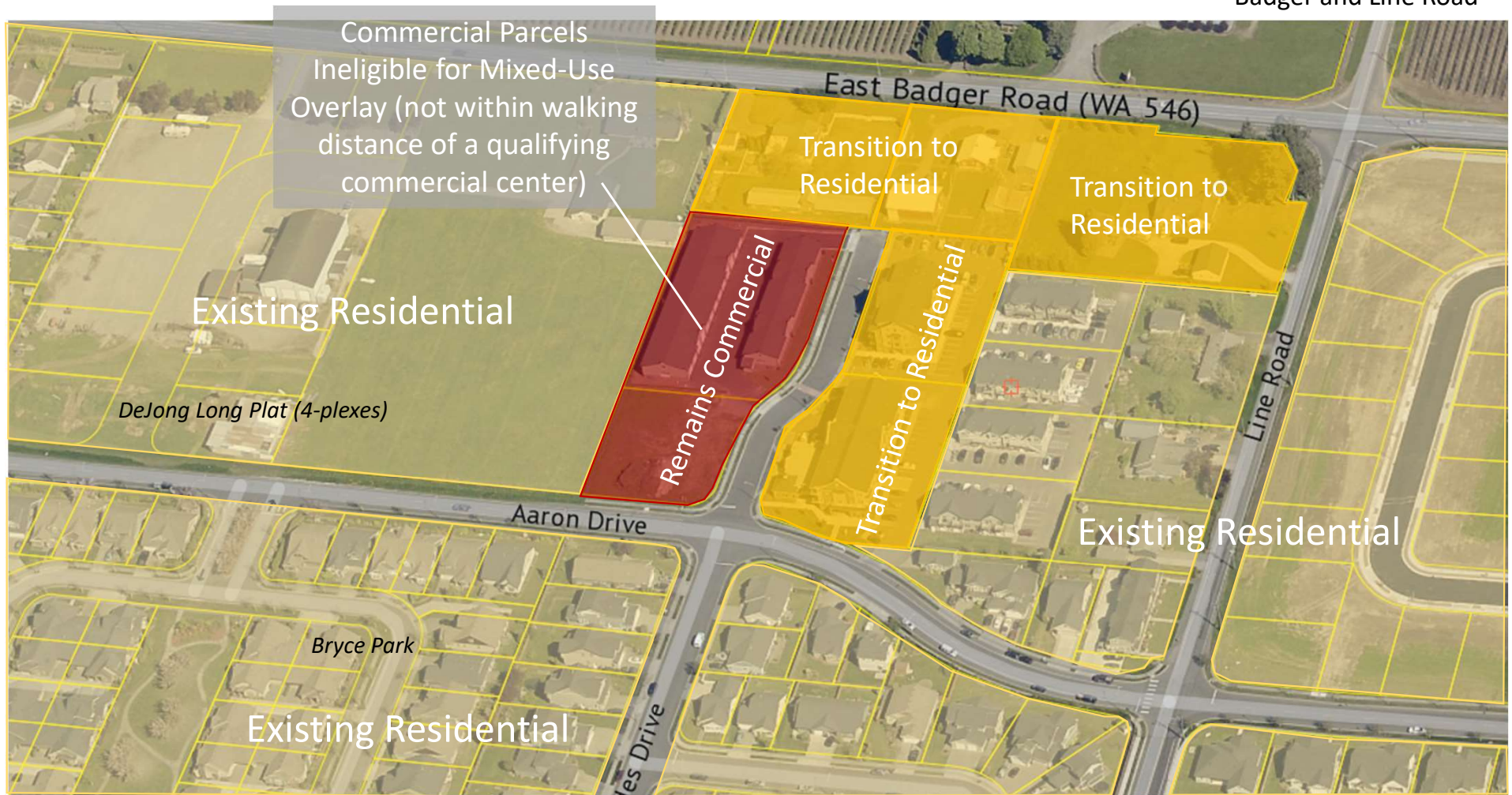
City-wide View of Potential Changes under the Mixed-Use Proposal

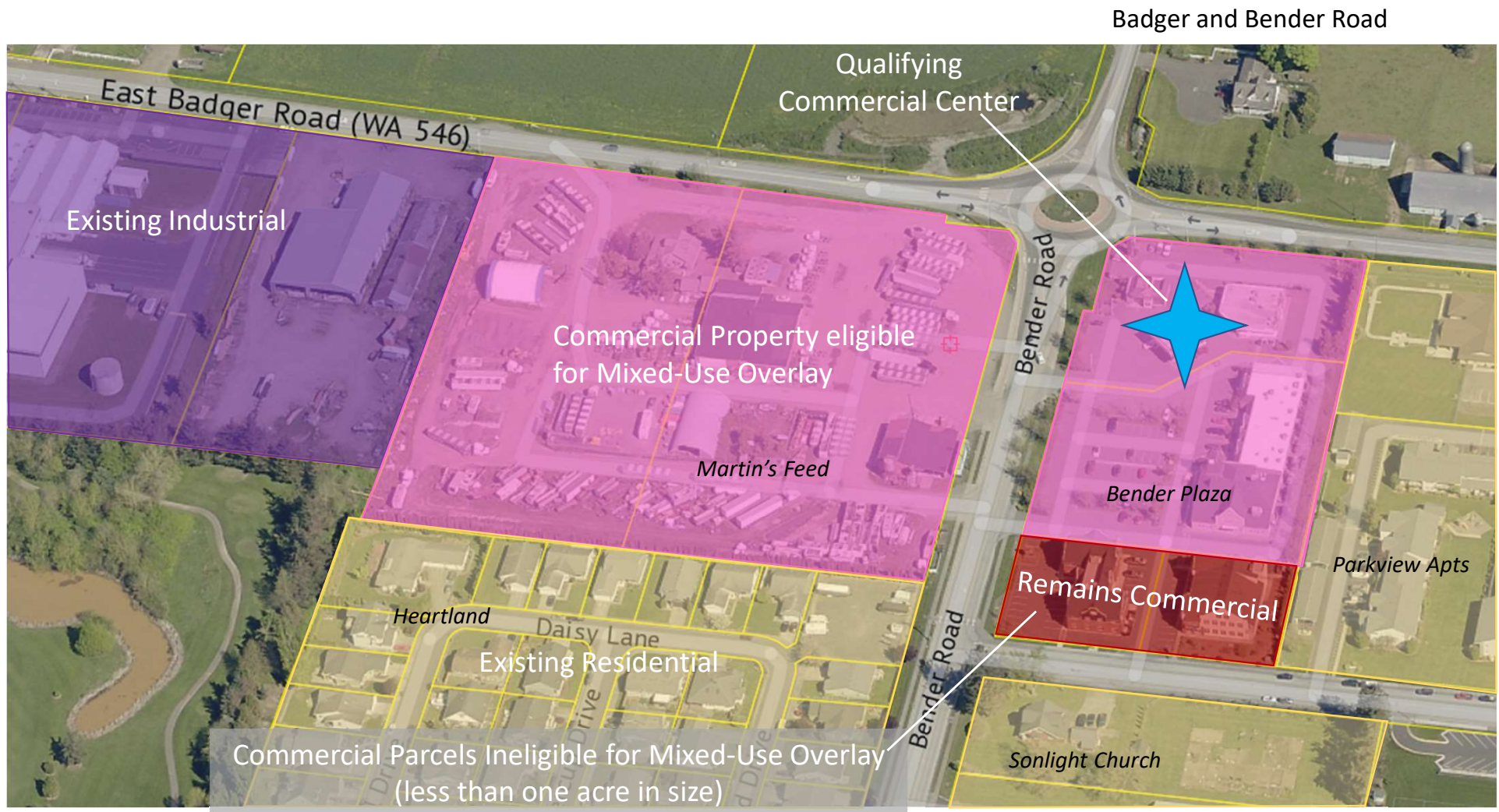
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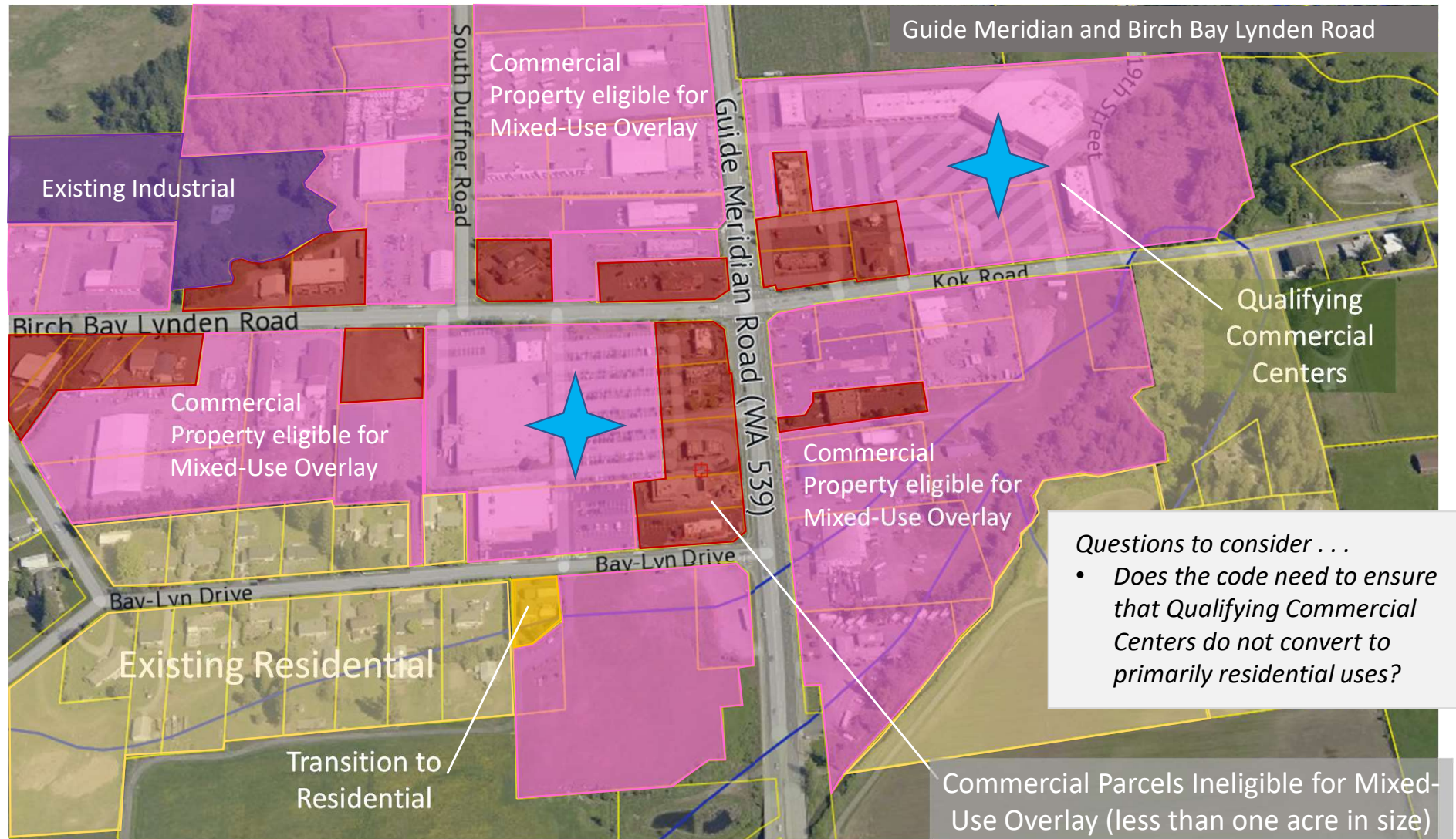




Badger and Line Road

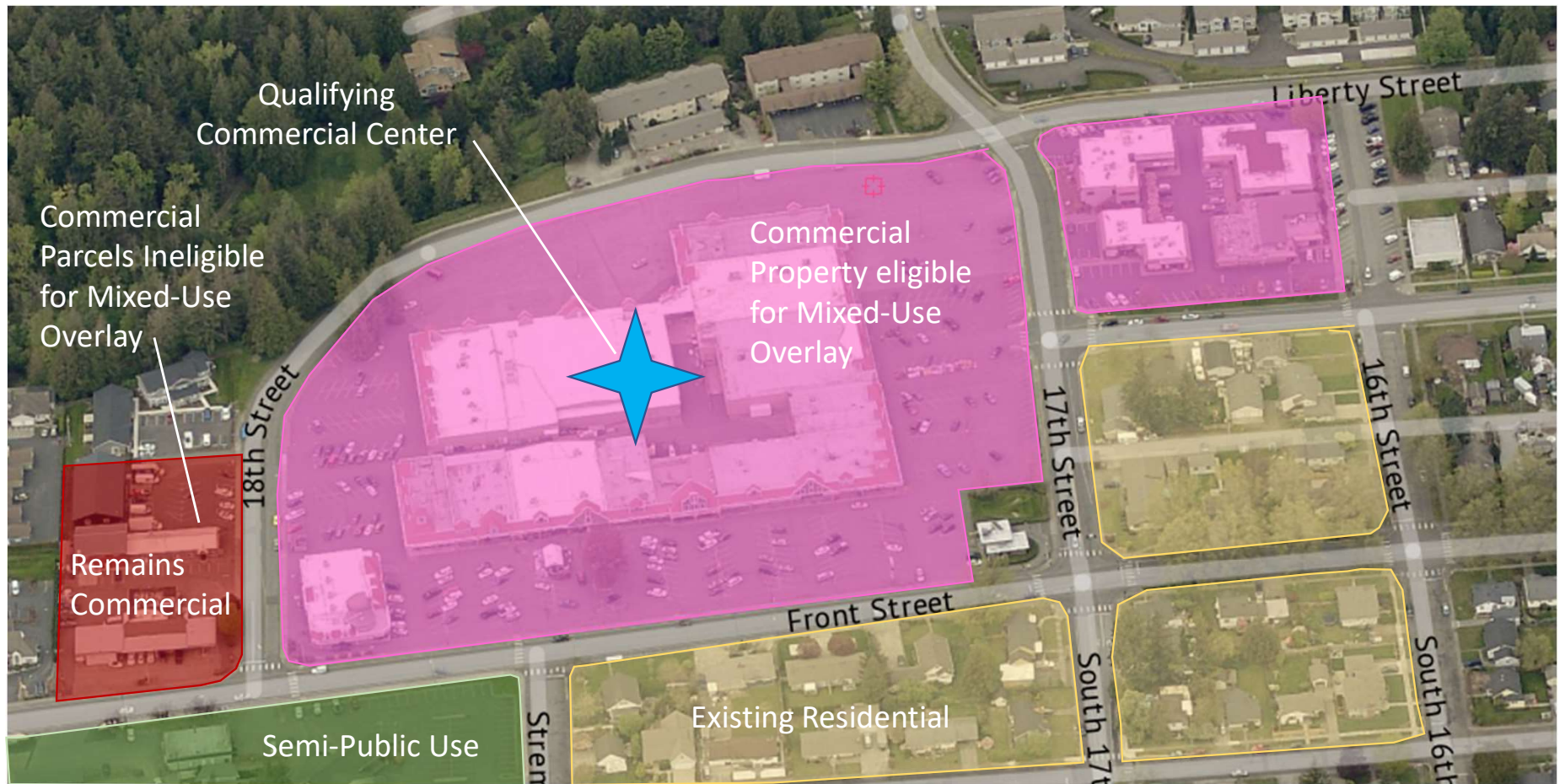


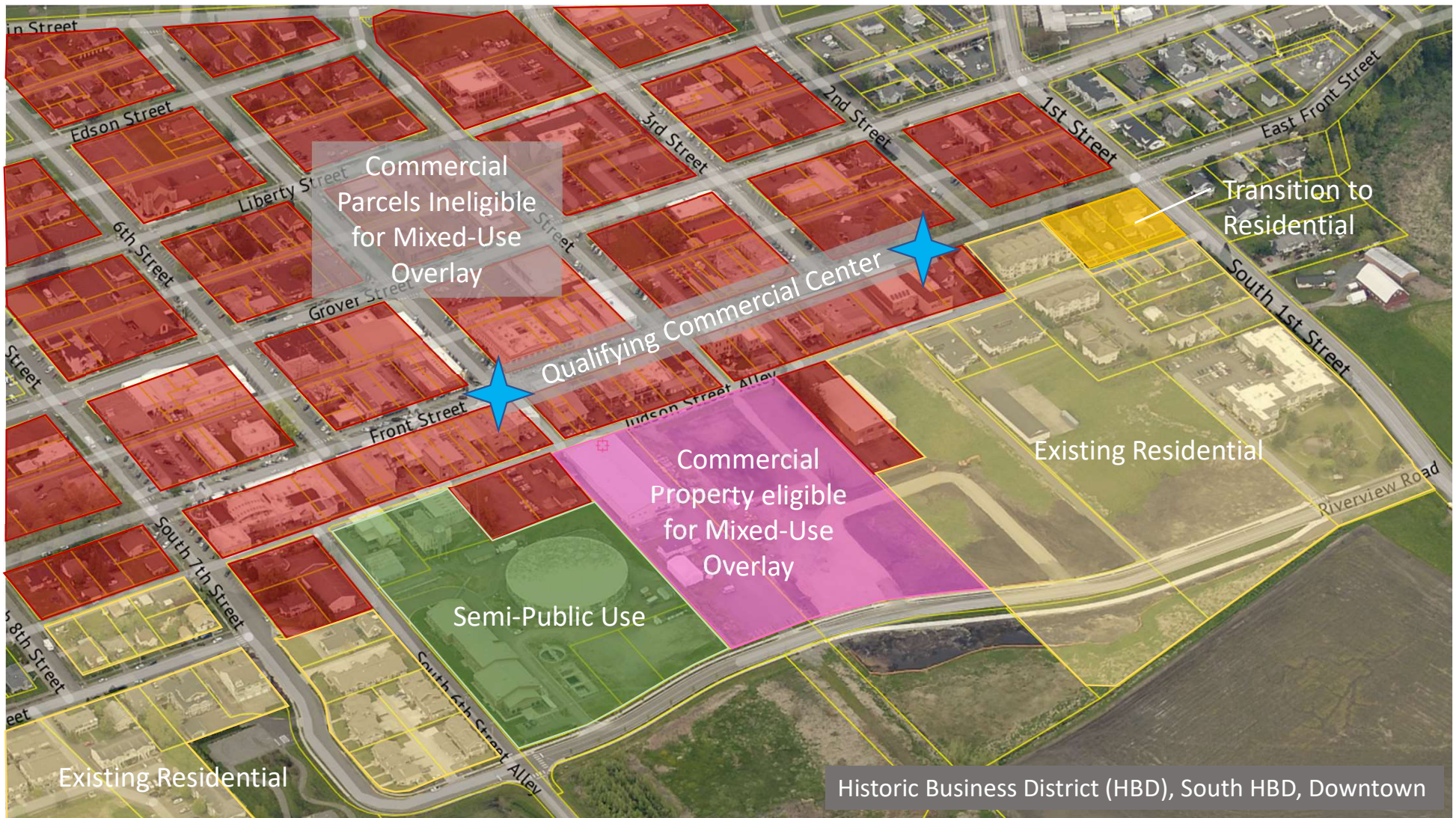


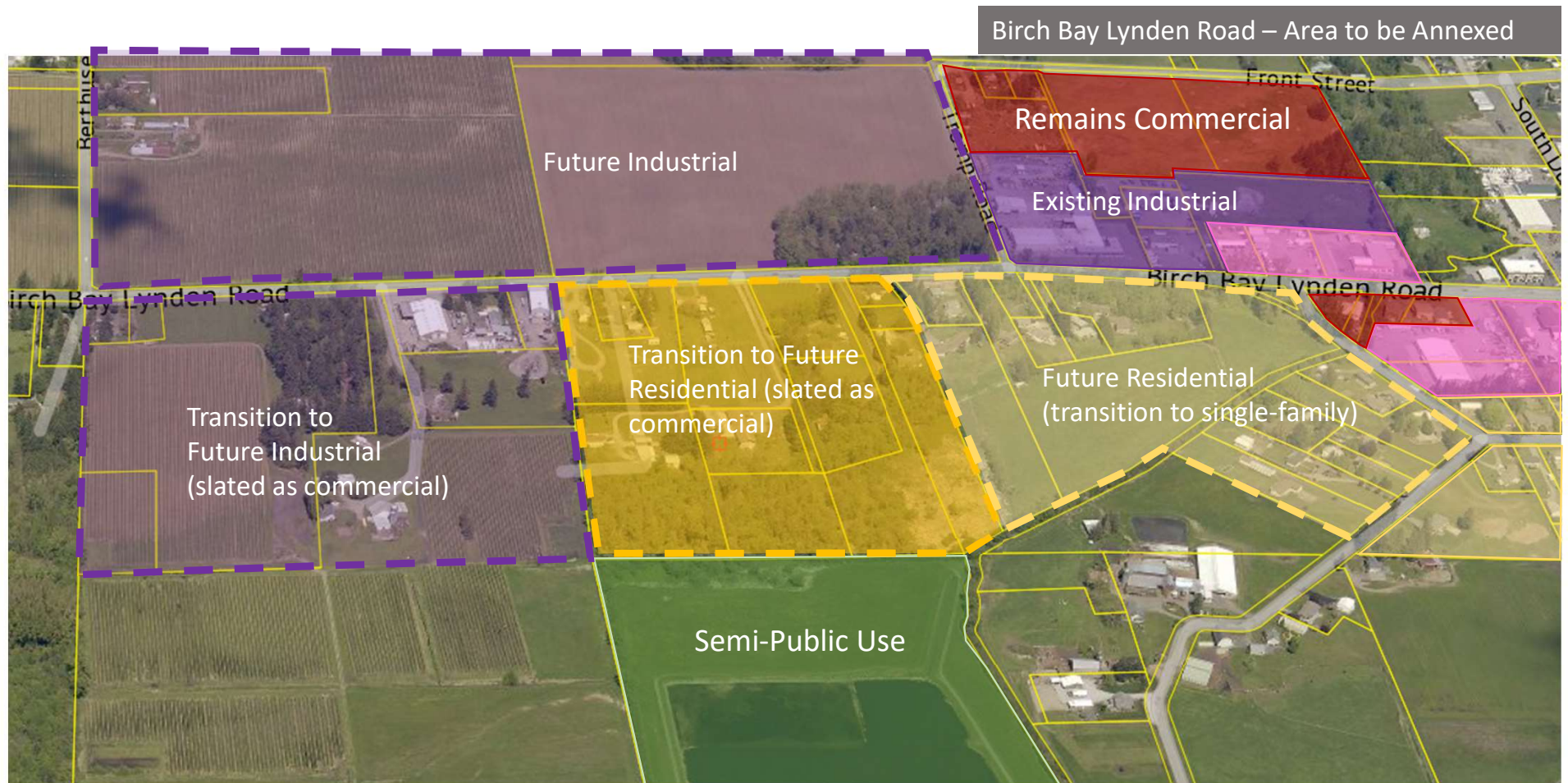




Guide Meridian, Front Street, Kok Road

Fairway Center, Front and 17th Street





CITY OF LYNDEN

EXECUTIVE SUMMARY – Community Development Committee



CDC Meeting Date:	February 23, 2022	
Name of Agenda Item:	LMC 19.51 Parking - Update	
Section of Agenda:	Discussion	
Next Steps Proposed by Staff:		Legal Review:
<input checked="" type="checkbox"/> Staff revisions	<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Completed
<input type="checkbox"/> Return to CDC	<input type="checkbox"/> Other Committees	<input type="checkbox"/> Recommended
<input type="checkbox"/> Schedule for full Council	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Not Required
Attachments:		
Red-lined parking code (LMC 19.51)		
Summary Statement:		
<p>Staff is proposing red-lined changes to the City's current parking code. The impetus behind this change was briefly discussed in the Executive Summary for the January 19 CDC meeting. At that meeting, CDC did not formally discuss these proposed changes. This month, staff is including a red-lined draft of the parking code to further this discussion. Many of the proposed changes are to simplify and clarify the existing language of the chapter. Changes to the "Parking Spaces Required" table are those that will affect the actual number of parking spots on a particular property.</p> <p>Below are some of the proposed changes of which staff would particularly request that CDC take note:</p> <ul style="list-style-type: none"> • Removed the parking requirement reduction for multi-family developments with greater than 25 units • Multi-family units with more than 2 bedrooms would require 1 space / bedroom. If it can be shown that there is off street parking available this could be reduced to 2 per unit regardless of # of bdrms. • Removed the "senior" parking incentive – update will be 2 per unit regardless of age restrictions. Assisted living institutions are treated differently. • Removed parking reduction options for Low Impact Development (LID) • The required handicap parking spots would not count toward the total residential development requirement. • Reworked the shared parking standards for clarification – the update would put the onus on the applicant (through a parking study and development agreement) to show how the shared agreement will work. • Reduced the standard parking stall size to 9 x 19, removed the compact standard so there is just one parking stall size. • Expanded the downtown area to include the area between Judson Alley and Grover St. There are specific parking standards for this area with the intent to incentivize redevelopment in this area. 		
Recommended Action:		
Discuss and provide feedback. Staff will finalize changes to move forward to the Planning Commission and eventually to Council for final approval.		

Chapter 19.51 OFF STREET PARKING

Sections:

- 19.51.010 Requirements.
- 19.51.020 Ingress and Egress Provisions.
- 19.51.030 Location of Parking Spaces.
- 19.51.040 Off-street parking spaces required.
- 19.51.050 Parking Standards
- 19.51.060 Parking for Unspecified Uses.
- 19.51.070 Reduction of Required Spaces When Effective Alternatives to Automobile Access are Proposed.
- 19.51.080 Mixed Occupancy.
- 19.51.090 Joint Uses
- 19.51.100 Conditions for Joint Use.
- 19.51.110 Loading Space.
- 19.51.120 Parking Lot Surfacing Requirements.
- 19.51.130 Illumination.
- 19.51.140 Landscaping Requirements.
- 19.51.150 Handicapped Parking
- 19.51.160 Special Conditions for Historic Business District Off-Street Parking

19.51.010 Requirements.

Every building hereafter erected, moved, reconstructed, or structurally altered shall be provided with parking areas as provided in this chapter, and such parking areas shall be made permanently available and shall be maintained for parking purposes.

No building permit shall be issued until plans showing provisions for the required off-street parking have been submitted and approved as conforming to the standards of this chapter. The primary users of the building shall first utilize the off-street parking in lieu of parking on the street.

~~Every lot or parcel of land used as a public or private parking area or new or used car sales area and having a capacity of three or more vehicles shall be developed and maintained in accordance with this chapter.~~

~~Where off-street parking is required and provided according to this chapter, the primary users of the building such as but not limited to, the property owner, lessors, lessees, residents, invitees, employers and employees shall first utilize the off-street parking in lieu of parking on the street.~~

19.51.020 Ingress and Egress Provisions.

Ingress and egress of a site must comply with the City's Engineering Design and Development Standards. The Director of Public Works, in conjunction with the police chief and fire chief, shall have authority to fix the location, width and manner of approach

of vehicular ingress or egress from a building or parking area to a public street and to order alteration of existing ingress and egress as may be required to control traffic in the interest of public safety and general welfare.

19.51.030 Location of Parking Spaces.

Off-street parking spaces shall be located as specified herein. Where a distance is specified, the distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building which it serves.

- A. Parking for single and multiple family dwellings shall be on the same lot or building site with the building it serves;
 - B. Parking for all Hotels, Motels, or Bed and Breakfasts in all zones, and RM-3 dwellings in the HBD zone, must be located within ~~four hundred fifty three~~ **hundred (300)** feet of the building. There will be no exceptions or variances to location or number of spaces to be provided.
 - C. Parking for uses not specified above shall not be over three hundred feet from the building it serves;
 - D. All off-street parking spaces shall be located on land zoned in a manner which would allow the particular use the parking will serve; and
 - ~~E. Parking shall be located at least twenty-five feet from any body of water.~~
 - ~~F. Streets in residentially zoned areas shall not be utilized as parking for the property owner, lessors, lessees, residents, invitees, employers, employees, clients, or distributors of any commercial or industrial uses in adjacent commercial or industrial zones when there is off-street parking as required under section 19.51.040 below.~~
- ~~The availability of on-street parking may not count toward the parking requirements listed below.~~

Commented [DT1]: I don't believe there are RM3 dwellings in the HBD zone

Commented [HG2R1]: This can remain in case a property rezones.

Commented [DT3]: Seems far?

Commented [HG4R3]: 300 is used in a subsequent section

Commented [DT5]: Is this saying you can't park on the street in residential zones?

19.51.040 Off-street Parking Spaces Required.

The required number of off-street parking spaces shall be as follows. ~~Any proposed use not listed but similar to a use listed below shall meet that requirement. If nothing similar is apparent, the Planning Director shall determine the requirement. The pertinent approving body may reduce these requirements if the applicant submits a request for a waiver and can incorporate one or more of the following LID techniques:~~

- ~~A) Shared parking~~
- ~~B.) Proximity to transit~~

<u>Land Use</u>	<u>Parking Requirement</u>
<u>Residential Uses</u>	

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Single-family units and manufactured mobile home units	2 per dwelling unit (1)
Duplex, Multi-family, Townhomes	2 per dwelling unit up to 2 bdrms. 1 space per bdrm for units with more than 2 bdrms. plus any required handicapped stalls (1)(2)
Assisted Living	1 per dwelling unit plus 1 per employee
Accessory Dwelling Unit	1 per bdrm in addition to the single-family requirement
Commercial Uses	
Commercial Recreation (bowling alley, sport courts, skating rink, public swimming pool, arcade)	<ul style="list-style-type: none"> • 5 per bowling lane • 2 per tennis, racquetball, pickleball court, etc • 1 per 40 sq ft of assembly area. • 1 per 150 sq ft GFA for skating rink, video arcade, etc • 1 per 10 swimmers of standard pool capacity
Commercial Schools for Adults	1 per 4 seats plus 1 per employee (3)
Eating and Drinking Establishments	1 per 100 sq ft of floor area open to the public plus 1 per 300 sq ft of area dedicated to outdoor service
Funeral Parlors, Mortuaries	1 per 4 seats or 8 ft of bench or pew or 1 per 40 sq ft of assembly room
General Business, Retail, Personal Services (not including shopping centers greater than 20,000 sq ft)	1 per every 250 sq ft of floor area open to the public
Health Care:	
Hospitals and Emergency Medical Clinics	1 per 2 beds plus 1 per employee on shift with greatest number of employees

<u>Medical Care Facilities (Nursing homes, Institutions for the aged and or children)</u>	<u>1 per 4 beds plus 1 per employee on shift with greatest number of employees</u>
<u>Animal Hospitals, Veterinary Clinics</u>	<u>1 per 500 sq ft of GFA</u>
<u>Hotels, Motels, Bed and Breakfast</u>	<u>1 per room plus the required spaces for accessory uses</u>
<u>Motor Vehicle Services</u>	
<u>Commercial Garages and Repair</u>	<u>1 per 200 sq ft of GFA</u>
<u>Service/Fueling Stations</u>	<u>4 spaces plus 1 space per greasing facility or fueling station</u>
<u>Passenger Vehicle Sales</u>	<u>1 per 1000 sq ft GFA plus 1 per 1500 sq ft of outdoor display area</u>
<u>RV, Agricultural Vehicle Sales</u>	<u>1 per 3000 6000 sq ft of outdoor display area</u>
<u>Offices: (not including health care)</u>	<u>1 per 350 sq ft of GFA</u>
<u>Offices: (Medical, Dental)</u>	<u>1 per 200 sq ft of GFA</u>
<u>Shopping Centers and Food Markets</u>	<u>1 per 200 sq ft of GFA</u>
<u>Studios (Dance, Art, Martial Arts, etc)</u>	<u>?</u>
<u>Public and Semi-Public Assembly Places</u>	
<u>Assembly Places with fixed seats (churches, stadiums, theaters, auditoriums, etc)</u>	<u>1 per 4 seats or 8 ft of pew or bench space</u>
<u>Bus Stations, Passenger Terminals</u>	<u>1 per 100 sq ft of floor area open to the public</u>
<u>Community Centers, Convention Halls, Private Clubs/Lodges</u>	<u>1 per 400 sq ft of GFA</u>
<u>Libraries, Museums, Art Galleries</u>	<u>1 per 200 sq ft of floor area open to the public</u>

Commented [HG6]: We should clarify if a fueling station is a parking spot or if these parking stalls are required in addition.

Commented [HG7]: Revised to be more consistent with actual site layout

Commented [DT8]: Can this just be considered "General Business" – 1 per 250 sq ft

Commented [HG9R8]: Checking with Ted on occupancy per the IBC to get an idea of number of stalls needed.

<u>Schools (public and private)</u>	<u>1 per 12 seats in auditorium or large assembly room plus 1 space per employee, plus bus loading space (off street)</u>
<u>Industrial Uses</u>	
<u>Manufacturing, contractor shops (Additional parking required for office space if included. See "Offices" above.)</u>	<u>1 per 1000 GFA or 1 per employee on largest shift – whichever is greater</u>
<u>Mini-Storage</u>	<u>1 per 50 storage units equally distributed plus 3 spaces for office space</u>
<u>Utility and communications establishments without regular employment</u>	<u>1 space</u>
<u>Warehousing and Wholesale (Additional parking required for office space if included. See "Offices" above.)</u>	<u>1 per 2000 sq ft of GFA or 1 per employee – whichever is greater</u>

Commented [HG10]: "Mini-Storage" must be defined in LMC 17

Commented [DT11]: What is this use?

Commented [HG12R11]: Cell phone towers, electrical sub-stations, etc

Commented [DT13]: Replace this table with the above

Land Use	Parking Requirements
Single family units, duplex units and townhouse and mobile home units	2 per dwelling unit⊕
Multi-family dwelling units	2 per dwelling unit up to 25 units 1.5 per unit for each unit after 25⊕
Retirement Housing	1 per dwelling unit
Assisted Living	1 per dwelling unit plus 1 per employee on biggest shift⊕
Fraternity, Sorority, rooming and boarding houses	1 per person accommodated
Hospitals and Emergency Medical Clinics	1 per 2 beds plus 1 per employee on shift with the greatest number of employees⊕
Nursing home, institutions for the aged and children, welfare or correctional institutions	1 per 4 beds plus 1 per employee on shift with the greatest number of employees⊕

Land Use	Parking Requirements
Retail Uses	4.5 per 1000 sq. ft. GLA
Banks and Financial Institutions	3 per 1000 sq. ft. GFA
Professional and Business Offices	3 per 1000 sq. ft. GFA -- min. 5
Medical and Dental Clinics	1 per 200 sq. ft. GFA
Barber Shops, Beauty Parlors,	3 per operator
Personal Services	4.5 per 1000 sq. ft. GLA
Day Care Facilities	1 per employee plus off-street loading and unloading space equivalent to one space per 10 children
Communications Services (radio and TV stations, publishing services)	1 per 1000 sq. ft. GFA or 1 per employee, whichever is greaterⓈ
Laundry and Dry Cleaning Facilities	1 per 2 washing or drying machine
Theaters and Movie theaters	1 per 4 seats
Bowling Alleys	5 per lane
Skating Rinks	1 per 165 sq. ft. GFA
Video Arcades	1 per 150 sq. ft. GFA
Athletic Facilities, or gymnasiums	1 per 200 sq. ft. GFA
Tennis Courts, racquet clubs, handball courts and other similar commercial recreation.	One per 40 sq. ft. of gross floor area used for assembly plus two per court.
Dance Halls and Dancing Schools	1 per 75 sq. ft.
Restaurants, Cafes and Taverns	1 per 100 sq. ft. GFA -- min. 5
Photography Studio	1 per 300 sq. ft. GLA
Business Schools	1 per 4 seats plus 1 per employeeⓈ
Printing and Duplicating Shops	1 per 600 sq. ft GFA
Country clubs, social clubs, fraternal lodges	1 per 400 sq. ft. GFA
Funeral Parlors, mortuaries and cemeteries	1 per 4 seats or 8 ft. of bench or pew or 1 per 40 sq. ft. of assembly room used for services if no fixed seating is provided.
Warehouse, storage buildings or structures used exclusively for storage purposes except for mini storage.	1 per 2000 sq. ft. GFA or 1 per employee (whichever greater)
Mini-Storage Facilities	1 per 50 storage cubicles equally distributed and proximate to storage building. In addition, one space for each fifty storage cubicles to be located at the project office.
Animal hospitals, veterinary clinics and kennels and veterinary laboratories	1 per 500 sq. ft. GFA

Commented [DT14]: Remove min requirement

Commented [DT15]: Remove GFA and replace with dining space / public space

Land Use	Parking Requirements
Hotels, Motels — includes indoor restaurants, gift shops and other businesses associated with a hotel/motel	1 per room + required spaces for restaurant/convention facilities
Bed and Breakfast	2 per owner/occupant + 1 per available room
Stadiums, churches, theaters, sports arenas, auditoriums, clubs and lodges, and all assembly places with fixed seats.	1 per 4 seats or 8 feet of row or bench space
Commercial Garages & Automotive Repair	1 per 200 sq. ft. GFA
Auto Body Shops	1 per bay and mechanic
Service Stations	4 spaces plus 1 per bay plus queuing
Motor Vehicle Sales and Service	1 per 1000 sq. ft. GFA plus 1 per 1500 outdoor display
Motor vehicle or machinery repair without sales.	One per 200 sq. ft. of gross floor area.
Mobile Home and recreational vehicle sales.	1 per 3000 sq. ft. of outdoor display area.
Manufacturing and industrial uses of all types, except buildings used exclusively for warehouse purposes.	1 per 1000 GFA or 1 per employee based on largest shift -- whichever is greater. ③
Passenger Terminals	One per 100 sq. ft. of gross area used for passenger waiting area.
Libraries, art galleries, museums	One per 250 sq. ft. of gross floor area.
Public swimming pools	1 per 10 swimmers, based on pool capacity as defined by the Washington State Department of Health.
Schools, public and private for elementary, intermediary, middle, junior high, and high school.	1 per 12 seats in auditorium or assembly room plus 1 space for each employee, plus sufficient off-street space for safe loading of students from school buses. ③
Colleges or commercial schools for adults.	1 per four seats in class room plus one per employee. ③
Auto wrecking yards.	15 spaces for yards less than ten acres in size and 25 spaces for yards ten acres and larger in size.
Utility and communications establishments without regular employment.	One space.

Land Use	Parking Requirements
Automobile Service Stations:	4 spaces plus one space for each greasing facility. ④

- ① If an enclosed single car garage is provided per dwelling unit, a minimum of two outside parking spaces must be provided. If an enclosed garage for two or more vehicles is provided, a minimum of one outside parking space must be provided. Open carports may be counted as parking spaces to meet parking requirements, provided they shall not be enclosed. If enclosed, additional parking spaces shall be provided as required.
- ② If it can be demonstrated that there is adequate off-street parking available on public streets directly adjacent to the development, required parking for units greater than 2 bedroom can be reduced to 2 spaces per unit. This must be approved by the Planning Director.
- ③ In order not to block public streets in Lynden, it is mandatory for each service station operator to provide off-street waiting facilities for customers. No on street waiting for gasoline sales is allowed.
- ④ The Planning Director may require that uses which rely on the number of employees as part of the calculation of required parking spaces to agree at the time of parking approval, to provide additional parking stalls if there is insufficient parking for the number of employees.

Commented [DT16]: Can this one be re-written to be more understandable?

Commented [DT17]: Is this condition necessary in this chapter? Seems like a Design Standard for queuing.

19.51.050 Parking Space Standards.

A. The following parking standards shall apply, however the pertinent approving body can reduce these requirements if the applicant submits a request for a waiver and incorporates one or more of the following LID techniques:

1. Shared Parking
2. Proximity to Transit

B. Building sites which contain more than one hundred parking spaces shall be designed with access lanes and fire lanes to no less than twenty-five feet in width. Mini-self-storage complexes shall be designed with access lanes not less than twenty-eight feet in width, within which loading areas, access and fire lanes, and any parking shall be located. Access lanes shall be designed so as to provide continuous, unrestricted vehicular movement and shall connect to public streets. In parking lots containing less than one hundred parking spaces emergency access shall be provided subject to approval of the fire marshal. Emergency access shall be provided to within fifty feet of any multiple family building. If any of these requirements are impractical due to the peculiarities of the site and/or building, other provisions for emergency access may be approved by the fire marshal. Parking in fire lanes shall be prohibited, and indicated as being unlawful by signs and/or painting on the parking lot surface.

Commented [DT18]: Can this section be deleted or simplified? Is this saying that if it is a large parking lot, the table below does not apply? Can 19.51.020 cover this provision?

- C. ~~All parking stalls and aisles shall be designed according to the tables shown below unless all parking is to be done by parking attendants on duty at all times that the parking lot is in use for the storage of automobiles. When parking standards require ten or more parking spaces, up to thirty percent may be designated compact cars. Such compact car spaces shall be individually marked in the parking plan and on each constructed parking stall as for being for compact only. Parking at any angle other than those shown is permitted, providing the width of the stalls and aisles is adjusted by interpolation between the specified standards. Parking shall be so designed that automobiles shall not back out into public streets.~~

The parking space standards are shown in the table below.

DESIGN STANDARDS IN FEET

A Parking Angle	B Stall Width	C Curb length	D Stall Length	E Aisle Width	F Unit Width
0	8.5	8.0	20	10	26
	9.0	8.5	24	12	29
45°	8.5	17.0	18	13	47
	9.0	19.5	24	13	52
60°	8.5	18.0	18	15	52
	9.0	21.0	24	18	60
75°	8.5	17.5	18	19	54
	9.0	21.0	24	20	62
90°	8.5	16.0	18	22	54
	9.0	19.0	24	24	62

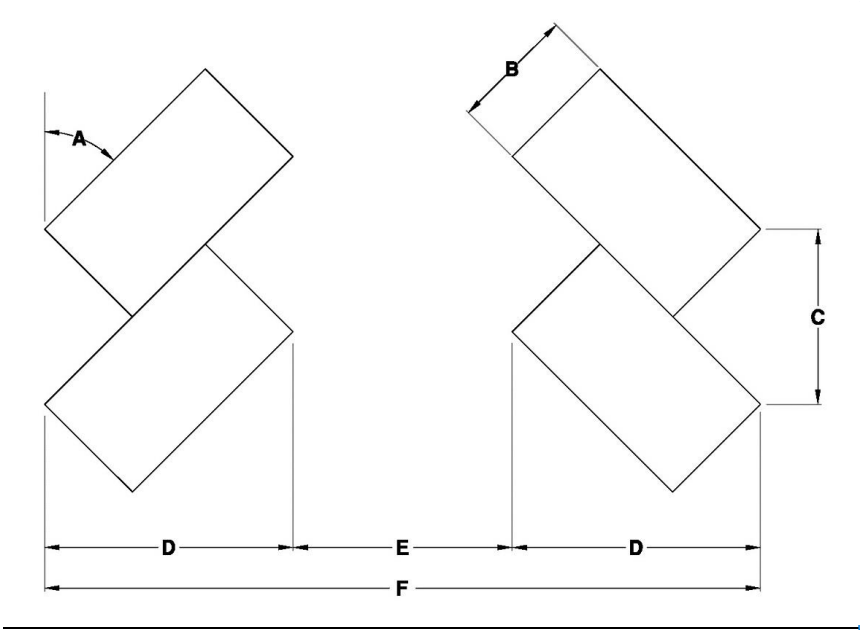
Standard stall size is 9 ft x 19 ft. When required, wheel stops shall be located 2 ft from the head of the parking stall.

Reduced aisle width is for one-way traffic only. If two-way traffic is proposed, then the minimum aisle width is 22 feet.

The two figures are for compact cars and full size cars, shown in that order for each angular parking facility.

	<u>Parallel (A)</u>	<u>45 degree (A)</u>	<u>60 degree (A)</u>	<u>90 degree (A)</u>
<u>Stall Width (B)</u>	<u>9 ft</u>	<u>9 ft</u>	<u>9 ft</u>	<u>9 ft</u>

Stall Length (D)	21 ft	19 ft	19 ft	19 ft
Aisle Width for 1-way traffic (E)	12 ft	13 ft	15 ft	22 ft
Aisle Width for 2-way traffic (E)	12 ft	13 ft	18 ft	24 ft



Commented [DT19]: If we redraw this graphic – could delete C and F. Is D showing the correct line?

19.51.060 Parking for Unspecified Uses.

~~Where the parking requirements for a use are not specifically defined herein, the parking requirements for such use shall be determined by the Planning Director. Such determination shall be based upon staff investigation, parking requirements for comparable uses, and comparative data as may be available and appropriate for the establishment of minimum parking requirements.~~

Commented [DT20]: Added above the table.

19.51.070 Reduction of Required Spaces **When Effective Alternatives to Automobile Access are Proposed.**

~~Upon demonstration to the Planning Director that effective alternatives to automobile access are proposed to be implemented, the director may reduce by not more than forty percent the parking requirements otherwise prescribed for the use or combination of uses, except those listed below, on the same or adjoining sites, to an extent commensurate with the permanence, effectiveness, and demonstrated reduction in off-street parking demand effectuated by such alternative programs. Alternative programs which may be considered by the director under this provision include, but are not limited to van pooling, ride matching for carpools, and provision of subscription bus service.~~

Commented [DT21]: Removes the senior housing incentive

- ~~A. Retirement Apartments. Approved building plans shall show two parking spaces per dwelling unit. Installation of up to fifty percent of the required spaces may be deferred by the Planning Director, and held in reserve as landscaped area. Installation of the deferred parking space and landscaping will be required at such time the building is no longer used as a retirement apartment. A performance bond or alternate surety may be required in the amount of one hundred and fifty percent of the cost of the deferred improvements to assure installation at a future date.~~
- ~~B. Retirement Housing. The requirement of one space per dwelling unit may be reduced to no less than one space for every three dwelling units as determined by the Planning Director. The determination shall be based on the following:~~
- ~~1. Demonstrated availability of private, convenient, regular transportation services to meet the needs of the retirement apartment occupant;~~
 - ~~2. Accessibility to and frequency of public transportation;~~
 - ~~3. Direct pedestrian access to health, medical and shopping facilities.~~

19.51.080 Mixed Occupancy.

A. Mixed Occupancy and Shared Parking.

1. In the case of mixed occupancies in the building or of a lot, the total requirements for off-street parking shall be the sum of the requirements for the various uses **unless provisions for shared parking are utilized**. ~~computed separately. Off-street parking facilities of a particular use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use.~~

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19.51.090 Joint Uses

The Planning Director may, upon application of the owner or lessee of any property, authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:

- A. Up to fifty percent of the parking required for a theater, bowling alley, dance hall, bar, restaurant, roller or ice skating rink, auditoriums, churches or other similar primarily nighttime use may be supplied by the off-street parking by other uses as approved by the Planning Director.
- B. Up to fifty percent of the parking facilities required by this chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of a use consider to be primarily a nighttime use or vice versa, PROVIDED that the reciprocal parking area shall be subject to the conditions set forth in set forth in Section 19.51.100, Conditions for joint use;
- C. Up to one hundred percent of the Sunday and/or nighttime parking facilities required by this chapter for a church or auditorium incidental to a public or parochial school may be supplied by parking facilities required for the school use, PROVIDED, the reciprocal parking area shall be subject to the conditions set forth in set forth in Section 19.51.100, Conditions for joint use; and
- D. For purposes of this section, the following uses are typical daytime uses: business offices, barber and beauty shops, manufacturing or wholesale buildings. The following uses are typical nighttime and/or Sunday uses: auditoriums incidental to a public or parochial school, churches, dance halls, theaters and taverns.

2. The amount of off-street parking required by this chapter may be reduced by an amount determined by the director when shared parking facilities for two or more uses are proposed, provided the following requirements are met:
 - a. i.—Parking for each use is utilized at different times of the day;
 - b. ii.—The shared parking facility is within 1,000 feet of the use(s) deficient in parking as measured by a pedestrian walkway between the shared parking facility and generator;
 - c. iii.—The total number of parking spaces is not less than the minimum required spaces for any single use;
 - d. iv.—The applicant submits a parking generation study demonstrating to the director's satisfaction that the resultant parking will be adequate for the anticipated uses; and
 - e. v.—A shared parking agreement specifying respective rights and/or operating times is signed by all participants and the director and filed in the county auditor's office.

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Commented [DT22]: 200 ft? Our existing shared section indicates 150 ft.

19.51.100 Conditions for Joint Use.

- A. ~~The building or use for which application is made for authority to utilize the existing off-street parking facilities provided by another building or use shall be located within one hundred and fifty feet of the parking facilities;~~
- B. ~~The applicant shall show that there is not substantial conflict in the principal operating hours of the buildings or uses for which the joint use of the parking facility is proposed; and~~
- C. ~~Parties concerned in the joint use of off-street facilities shall submit a proper written agreement defining the conditions of the joint use for review and approval of the Planning Department and City Attorney.~~
- D. ~~In the event of a change in ownership or use, the joint use instrument may be terminated upon mutual agreement by all parties if reviewed and approved by the Planning Director. The existing and/or new uses shall comply with all parking and landscaping requirements of the City of Lynden for said uses.~~

19.51.110 Loading Space.

~~On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other use involving the receipt or distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with the public uses of the streets or alleys. The space, unless otherwise adequately provided for, shall include a ten foot by twenty-five foot loading space, with fourteen foot height clearance for every 20,000 sq. ft., or fraction thereof, of gross building area used or land used for above mentioned purposes.~~

~~The space shall be so situated that no part of a truck or van using the loading space will project into the public right-of-way.~~

Commercial and industrial uses that require delivery, shipping and/or the loading and unloading of goods and materials shall provide adequate on-premise loading areas which do not project into the public right-of-way.

- A. The loading-space areas shall be at least 10 ft by 25 ft with 14 ft of clearance, for every 20,000 sq ft, or fraction thereof, of gross building area.
- B. Loading areas shall not be used to meet general parking requirements.
- C. Loading areas shall be striped or signed as loading areas.

19.51.120 Parking Lot Surfacing Requirements.

- A. Before an occupancy permit is issued, All required off-street parking areas for commercial or industrial uses— not including vehicle or agricultural implement display areas - shall be graded and ~~before occupancy permit for the building use is issued,~~ surfaced to standards for permeable pavement, asphaltic concrete or other surfacing material sufficient to eliminate dust or mud. All parking and display areas must provide for proper storm drainage and allow for making of stalls and installation of other traffic control devices as set forth by the Director of Public Works and this chapter.

Commented [DT23]: These 2 sentences are difficult to understand.

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- B. All traffic control devices such as parking strips designating car stalls, directional arrows or signs, curbs, and other developments shall be installed and completed as shown on the approved plans. Hard surfaced parking areas shall use paint or similar devices to delineate parking stalls and directional arrows. Pedestrian walks shall be curbed or raised six inches above the lot surface. Once installed, they shall be maintained in good condition.

19.51.130 Illumination.

Any lights to illuminate any public parking area, any semi-public parking area, or ~~used-car or equipment~~ sales area ~~permitted by this ordinance~~ shall be arranged so as to reflect the light away from any dwelling unit and the public right-of-way. Approval shall be obtained from the State of Washington Department of Transportation and/or the Director of Public Works for any lights which flash or blink, simulating traffic signals.

19.51.140 Landscaping Requirements for Parking Areas.

Landscape plans for parking areas shall conform to applicable sections of LMC 19.25.070 and LMC 19.61 and are to be approved by the Planning Department.

19.51.150 Handicapped Parking.

Handicapped parking shall be installed in accordance with the "Regulations for Barrier-Free Facilities" as adopted by the Washington State Building Code Advisory Council or 2% of the required parking stalls, whichever is greater. Handicapped parking stalls do not count toward the total required parking stalls for residential development.

19.51.160 Special Conditions for off-street parking in Downtown Lynden.

The Historic Business District (HBD) and downtown Lynden is a special district that ~~has~~ was initially developed ~~over a period of time, including times~~ when there were ~~no few~~ parking requirements. To encourage remodeling and site improvements, it is recognized that special considerations are required. The following parking exceptions are made for an area described below from the Judson Street Alley ~~to the alley between Front Street and Grover Street~~ and between 1st2ndThird Street and 8thSeventh Street:

- A. Renovation of any building in the ~~historic business district HBD in existence on or before July 1, 2002, for commercial or residential purposes~~, shall be exempt from meeting the parking requirements of Section 19.51.030 ~~provided, however~~, if the renovation adds gross floor area to the building, the additional gross floor area ~~shall be considered new commercial or residential construction and~~ shall be subject to the parking requirements listed in section 19.51.160(B) and (C) below. Renovations which decrease gross floor area shall not be eligible for any parking credit or reimbursement.
- B. The parking requirement for all new commercial construction within the area north of Judson Alley, south of Grover Street, west of ~~1st2ndThird~~ Street and east of ~~87th~~ Street, shall be one off-street parking stall per 500 square feet of gross floor area, or any fraction thereof.
- ~~1.~~ Instead of providing the required off-street parking, the owner may choose to pay a fee for every parking stall required by this ordinance that cannot be supplied. The fee shall be set by resolution and placed in a special

Commented [DT24]: Should this be added to the code?

Commented [HG25R24]: Yes, but just to multi-family residential projects. I noted the requirement in the table.

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Commented [HG27R26]: This needs additional clarification if it is to stay.

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fund by the City of Lynden for the purchase and/or development of additional off-street parking facilities, or for repair or alteration of existing city owned off-street parking.

2. ~~C.~~ All new residential construction in the area defined in this subsection ~~(B) above~~ shall be required to provide one off-street parking space per residential unit. Off-street parking for new residential uses shall be located within three hundred (300) feet of the dwelling unit.

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- D. ~~Any new building erected in the historic business district on a lot in place of a building in existence on or before July 1, 2002 on the same lot, shall be granted a credit toward satisfying the parking requirement set forth in this section. The amount of the credit shall be determined by subtracting the gross floor area of the previously existing building from the gross floor area of the new building constructed in its place on the same lot. The resulting difference in gross floor area shall be the gross floor area from which the parking requirement is determined in accordance with Sections 19.51.160(B) and (C) above; provided that, if the gross floor area difference is a negative number because the new building is smaller, the City shall not be liable for any reimbursement or additional credits. Parking credits shall not be transferable between lots.~~

Any new building in the HBD that replaces an existing building shall receive a credit for the parking requirements that were in place for the existing building. The credit shall be determined by subtracting the gross floor area of the previous existing building from the gross floor area of the new building constructed on the same lot, provided that the new building is not smaller than the old building.

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CITY OF LYNDEN

EXECUTIVE SUMMARY – Community Development Committee



CDC Meeting Date:	February 23, 2022	
Name of Agenda Item:	LMC 19.29.130 – City Review of CCRs	
Section of Agenda:	Discussion	
Next Steps Proposed by Staff:		Legal Review:
<input checked="" type="checkbox"/> Staff revisions	<input type="checkbox"/> Planning Commission	<input type="checkbox"/> Completed
<input type="checkbox"/> Return to CDC	<input type="checkbox"/> Other Committees	<input type="checkbox"/> Recommended
<input type="checkbox"/> Schedule for full Council	<input type="checkbox"/> Other: _____	<input checked="" type="checkbox"/> Not Required
Attachments:		
LMC 19.29.130		
Summary Statement:		
<p>Currently the City's development code pertaining to the approval process of a Planned Residential Development (PRD) includes a provision that relates to City review and approval of the PRD's covenants, conditions, and restrictions (CCRs). Additionally, the code requires that PRDs submit any changes of CCRs to the City for review and approval (see attached LMC 19.29.130).</p> <p>Staff and legal counsel is proposing that this section of code be amended to reduce requirements related to City review of private covenants. Staff has found that initial review and an opportunity to comment on CCR documents can be helpful to ensure that the maintenance of common areas and critical areas is addressed. This is also a good opportunity to note private stormwater responsibilities and flag any covenants which might conflict with City code.</p> <p>However, it is important to keep in mind that the City has a limited role in private covenants and takes no role in enforcement of the final document. City code will always take precedence even if private covenants may include alternate standards. Additionally, the City takes no role in the function of associated homeowners associations, voting structure, meeting schedules, or assessments.</p> <p>Staff is proposing that, upon formation, City staff has an opportunity to comment on CCRs prior to final approval. This action would be administrative and not require Council action. Secondly, staff is proposing that the requirement for City review of amendments to CCR documents be removed entirely. This requirement is extremely difficult to enforce and, as noted above, the City plays a very limited role in private covenants.</p>		
Recommended Action:		
Discuss and provide feedback. Staff to proceed with a draft amendment if supported by the Committee.		

Lynden Municipal Code – Planned Residential Developments

19.29.130 Requirement for homeowner's association and restrictive covenants.

To preserve and maintain community facilities and open space, every PRD or MPRD shall have a homeowner's association and agreements and enforceable covenants to fund and effectively collect funds for such an organization. Said agreements and enforceable covenants shall apply to all property within the PRD or MPRD, shall be recorded and shall run with the land.

- A. The restrictive covenants and/or homeowner's association intended to be used by the applicant in a PRD or MPRD, which purports to restrict the use of land, the location or character of buildings or other structures thereon, set aside open space, and establish provisions for the perpetual maintenance of common grounds, must be reviewed by the technical review committee. The city attorney will make a written report to the planning commission which shall be subject to approval by the city council, before final approval of the PRD application and recording with the county auditor.
- B. The homeowner's association authority shall be established in restrictive covenants applicable to all property within the PRD or MPRD. Said restrictive covenants shall provide, inter alia, for the assessment, collection and enforcement of collection of such homeowner's dues as are necessary for adequate maintenance of open space, common grounds and stormwater facilities, any private roads or utilities, and for performance of any other association obligations.
- C. A homeowner's association covenants, once reviewed and approved by the City of Lynden, shall contain the following provisions: "Changes in these documents must be approved by the City of Lynden through the Lynden City Council or if the council designates an agency or department, by that agency or department." Any changes suggested shall be reviewed by the Lynden City Attorney, who will make a written report to the Lynden City Council concerning the effect of the proposed changes. The cost of review by the Lynden City Attorney will be paid by the homeowner's association.
- D. The PRD and MPRD developers/property owners shall notify each buyer that it is the policy of the City of Lynden never to acquire or maintain the common grounds unless the city chooses to accept a dedicated open space under Section 19.29.080. This policy shall be clearly shown in recorded documents so that future buyers will be aware of this policy.

(Ord. 1270 § B(part), 2006).

(Ord. No. 1547, § 13, 12-4-2017)