

Ordinance No. 1580

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

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

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

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

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

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

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

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

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

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

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

SECTION A Title 18, amended as follows:

18.14.130 - Street trees and planting strips.

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

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

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

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

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

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

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

MAYOR, (SCOTT KORTHUIS)

ATTEST:

CITY CLERK, (PAMELA BROWN)

APPROVED TO AS FORM:

CITY ATTORNEY, (ROBERT CARMICHAEL)