

CITY OF LYNDEN

EXECUTIVE SUMMARY - PLANNING COMMISSION



Meeting Date:	October 8, 2020
Name of Agenda Item:	Public Hearing for Master Planned Residential Dev Application 20-02
Type of Hearing:	Quasi-Judicial
Attachments:	
<ul style="list-style-type: none">• Planned Residential Development application with exhibits including traffic study, critical areas report, and archeological report.• 1st and 2nd TRC Reports dated September 18 and October 2.• Copy of Division 4.3 of the City of Lynden's Engineering Design Standards• Figure 4-3B of the Engineering Design Standards - Private Street Standard	
Summary Statement:	
<p>Bob Libolt, representing Kamm Creek Investments LLC, has requested the approval of a Master Planned Community (MPRD) concept for the 20-acre property located on the west side of Northwood Road approximately 640 feet south of Kamm Road.</p> <p>The property is unique in that it is significantly impacted by critical areas and floodplain. As a result, although the underlying RS-100 zoning allows for up to 4 homes per acre, the proposed development reaches a gross density of only 2 units per acre. The proposal includes a blend of lot sizes with about 15 lots in the 5,000-6,000 sf range and most of the remaining lots over 7,800 sf in size.</p> <p>Staff agrees that the property is a good fit for a planned residential district because of the constraints associated with the critical areas and flood plains. However, a few concerns remain. These are addressed in the final TRC report dated October 2, 2020. The conditions related to staff recommendation relate to setbacks, street design, a traffic study update, and lot coverage.</p>	
Recommended Action:	
<p>Motion to recommend approval of the Kamm Creek MPRD subject to the requirements of the October 2 TRC report including staff conditions related to setbacks, street design, a traffic study update, and lot coverage.</p>	

CITY OF LYNDEN



TECHNICAL REVIEW COMMITTEE Development Project Report

Date Issued:	October 2, 2020	FINAL REPORT
Project Name:	Kamm Creek MPRD #20-02	
Applicant:	Bob Libolt, Agent for Kamm Creek Investments LLC	
Property Owner:	Kamm Creek Investments LLC	
Site Address:	8585 Northwood Road	
Parcel Number:	40031524816500004, 4003151831630000	
Zoning Designation:	RS-100	
Application Type:	Master Planned Residential Development	
Parcel Size:	20 Acres	
Hearing Type:	Quasi - Judicial	
Hearing Objective:	The objective of this public hearing is to determine whether the proposal meets the requirements found within Chapter 19.29 of the Lynden Municipal Code regarding Planned Residential Developments.	
Date application determined complete:	August 28, 2020	
Date of Publication:	September 2, 2020	
SEPA Determination:	August 28, 2020	
Project Description:	A Master Planned Residential Development. Project includes the subdivision of approximately 20 acres in 40 single family residential lots with the RS-100 zone.	

In accordance with Chapter 17.15 LMC, the proposed action was reviewed for concurrency and should the conditions listed within this report be met, a finding of concurrency will be made in accordance with Section 17.15.060(C)(3).

Lynden Municipal Code (LMC) 19.29 guides the development standards and criteria for approval for Master Planned Residential Developments (MPRDs). The Kamm Creek proposal appears to meet the following requirements consistent with the LMC:

Intent: The primary purpose of a Master Planned Residential Development (MPRD) is to promote creativity in site layout and design by allowing flexibility in the application of the standard zoning requirements and development standards.

The overall intent of the Kamm Creek MPRD appears mostly consistent with the purpose of Planned Residential Developments as outlined in LMC 19.29.010.

Minimum Lot Size: Per LMC 19.29.060(l) the minimum lot size for single family homes within a PRD is 5,000 square feet. The lots proposed in this PRD exceed this minimum. As proposed, the residential parcels range from 5,237 square feet to 10,228 square feet with ten parcels exceeding 9,000 square feet. In addition, the PRD provides common open space. Due to critical areas on the subject property the average area per residence, when divided equally is over 21,000 square feet per home.

Specific Project Comments from the Technical Review Committee:

The application was reviewed against the applicable chapters of the LMC and the Engineering Design and Development Standards and the comments generated have been included below.

Planning Department

1. Approval Process: Applicant has acknowledged that the process for this approval includes staff review, a public hearing before the Planning Commission and a decision by the City Council. Please note that a decision by the City Council is equivalent to the preliminary approval of a long plat. When given, this initial approval would authorize the applicant to move forward with infrastructure improvements but return to the Council for final approval. Per LMC 19.29.100 the final development contract, with all exhibits including the final Covenants, Conditions and Restrictions for the Cedarbrook development must be presented to the Planning Commission for review and the City Council for approval. Final approval by the City Council and completion of any associated punch lists and as-built drawings would then authorize the property to be officially divided, recorded and lot numbers assigned.
2. Density: LMC 19.29.060(1) states that floodplain shall not be included in the gross land area for the calculation of density in a PRD. The project narrative indicates that of the 20 acres on the subject property, 5.2 are within the floodplain. This means that the final density of the PRD is 2.7 units per acre when up to 4 units per acre are permitted (consistent with the underlying RS-100 zoning). Applicant has provided a break-down of density calculations. These must appear in table form on the final drawings.
3. Setbacks: The applicant has indicated that the standard PRD front setback of 15 feet will be met. Staff recommends that the final development agreement also include rear setbacks and side setbacks although. LMC 19.29 does not require

specific side and rear setbacks other than the required 25 foot PRD boundary. Lot 11 would require a site-specific standard as the less than the 25 foot perimeter in order to maintain an adequate buildable area. Staff recommends the following:

- a. PRD perimeter of 25 feet.
 - b. Rear setback of 20 feet on lots less than 7,000 sf. Rear setback of 30 feet on lots greater than 7,000. Open sided patio / deck roofs allowed to encroach up to 12 feet into the rear setbacks.
 - c. Side setbacks of 7 feet. Except, lot 11 – Site specific standard of a reduced PRD perimeter on the eastern property line. Minimum setback of 7 feet consistent with underlying zoning.
 - d. Front setbacks of 15 feet.
 - e. Garage door setback of 24 feet.
4. Lot Coverage: Applicant has indicated that lot coverage is “not expected to exceed 40%”. Staff recommends that language be modified so that a specific maximum lot coverage of 40% be indicated in the final development agreement. Given the amount of common open space, staff is supportive of a 40% lot coverage.
5. Critical Areas: The applicant has submitted a Critical Areas Detailed Study that analyzes proposed impacts to the wetlands and regulated streams and their buffers. The Critical Areas Report dated June 29, 2020 is considered preliminary and subject to necessary revisions based on requested information, subsequent plat design alterations, and Army Corps and WDFW permits.

Proposed wetland fill will require Army Corps permits. Stream crossing work will require a WDFW HPA permit. Staff expects that details of the proposed mitigation plan will require revisions subject to these permits prior to final plat approval.

6. Floodplain: The FEMA designated floodplain and elevation for the Nooksack River shall be indicated on the final plat. Applicant shall confirm the BFE for the subject property and locate and adequately delineate that elevation on the ground. Any approved alterations that would change the on-site location of the BFE will require a LOMA and/or a LOMR-F prior to final plat approval.

Proposed development of the floodplain shall comply with FEMA regulations and LMC 16.12 Floodplain Management. Approval of floodplain development is subject to cut and fill analysis, compensatory storage, and a biological assessment. All of the analysis must occur prior to commencement of work / fill within the flood plain.

Future parcels that contact the floodplain or that are directly adjacent to the floodplain will require an elevation certificate at final occupancy to ensure 2 feet of freeboard above BFE.

7. Open Space Standards: An MPRD shall set aside a minimum of seven and one-half percent (7.5%) of the gross land area or 4,000 square feet, whichever is greater, for active recreational uses. The percentage of area set aside for active uses may be reduced per LMC 19.29.080(D)(2) in association with environmentally sensitive areas. The proposal includes 64% open space. Active open space is included in the form of trails.
8. Open Space Covenant: Consistent with LMC 19.29 the applicant has agreed to provide LMC 19.29 open a recorded deed restriction or restrictive covenant which runs with the land and assures that said property will remain in open space in perpetuity, consistent with the terms of this chapter, and which shall be held and maintained for such purposes for the common benefit of residents of the development by a homeowner's association.
9. Pedestrian Connections: As noted in LMC 19.29.060(6), in addition to sidewalks fronting residential lots, there must be logical pedestrian connections throughout the project including paved pathways to front doors, and trails within or adjacent to open space areas.
 - a. Per staff's recommendation the applicant has also included an asphalt pedestrian path and public access easement parallel to Northwood Road, west of the existing ditch. A path of this nature is preferred as it will be some time before full roadway improvements will occur on Northwood Road – especially since the property to the east is not within the City's Urban Growth Area.
 - b. Additionally, this development will accommodate the construction of and/or dedication of property for future public use connections to the East Lynden Loop Trail with access provided to the west.
10. Mineral Rights: A 1962 real estate contract on the property appears to show that CV Wilder and Ella Wilder maintained ½ of all oil, gas and mineral rights on the subject property. Applicant has been advised that prior to commencement of construction the developer must demonstrate that the title has been cleaned of this claim or verified through the City attorney that work can begin through alternate means.
11. Residential Design Standards: Applicant has been advised that homes proposed within the MPRD will be subject to the design standards of LMC 19.22. These also include articulations on building elevations that face toward public streets or

shared green spaces, exterior finish details, porches and stoops, and the screening of mechanical equipment.

12. Traffic Study: A traffic study has been submitted with the PRD application. However, the study was conducted with the assumption of 35 homes rather than the 40 proposed in the application. The applicant will be required to provide an updated traffic study that is consistent with the final lot count prior to preliminary approval by the City Council. The applicant will be required to present the findings to the City Council at the time of preliminary approval. It is important to note that the private street standard proposed by the applicant is typically reserved for developments that do not exceed 150 average daily trips (ADT). The traffic study, although only analyzing 35 lots, already reaches 330 average daily trips. Per Division 4.3(B) of the City's Engineering Design Standards, the private street standard for developments exceeding 150 ADTs calls for parking on both sides of the street and sidewalks on both sides of the street.

Although staff recognizes that development near critical areas may warrant a reduction in paved areas and a de-emphasis of auto dependency, the applicant should be aware that the Council may not support the reduced street standard on this scale of a development given that the Kamm Creek PRD is disconnected from other pedestrian networks and bus lines within the City and clearly will require daily use of automobiles.

13. Street Design: City of Lynden Engineering Design Standards describe a private street standard in Division 4.3(B) that can be used in PRDs that generate less than 150 average daily vehicle trips. This includes a minimum roadway width of 30 feet that allows for parking on one side and a 5 foot sidewalk on one side. The standard also requires that the roadway be constructed with a vertical curb and gutter.

The applicant has requested that this private street standard be used although the development will generate more than 330 average daily trips.

The applicant has also proposed an alternate design that includes a concrete walkway that is flush with the surface of the street.

Given that many lots exceed 7,000 square feet and can provide on-site parking. And, given that much of the property is constrained by critical areas and flood plain. And, given that the applicant has designed a pedestrian trail system that can take the place of some sidewalk amenities, staff will support the private street standard that calls for parking on one side and sidewalk on one side. However, given the scale of the community and amount of traffic generated, staff cannot support a pedestrian walkway that is not separated from the street.

Separated walkways provide a safer environment for pedestrians, especially small children. Staff recommends that vertical curb on the sidewalk side be required. Staff also recommends that a 3-4 foot vegetated parking strip be required to avoid abrupt vertical changes in the sidewalk at each driveway cut. As a result, lots 35-38 may need to be enlarged to accommodate this separated walkway and planting strip and lot 40 may possibly need to be eliminated.

Staff is supportive of the proposed reduced roadway width of 24 feet only in areas within the critical areas and their associated buffers.

14. Posting of Private Streets: Streets within the Kamm Creek PRD must be posted as private. The CC&Rs must address methods of parking enforcement and street maintenance, cleaning, snow clearing, and repair.
15. Driveways: City of Lynden code requires that driveways measure a minimum of 25 feet in depth to accommodate parked vehicles without blocking sidewalks. The PRD originally proposed 20 foot driveways but later, given staff concerns regarding parking, revised the proposal to 24 feet. The applicant has indicated that the proposal will meet the parking standard typical of single family development. Staff is supportive of the 1 foot reduction of driveway length if on-street parking is provided as per the private street standard.
16. Street Design – Pervious Pavement: The communities CC&Rs must specifically address the use of pervious pavement, the need for maintenance, and the responsibility of the HOA of this infrastructure.
17. Street Design – Hydrant Access: If a hydrant is located in an area of the development where streets measure 24 feet in width. It is important to note that it must be expanded to a minimum of 26 feet in width for a minimum distance of 20 feet at the hydrant location. Specifically, for 10 feet on each side of the hydrant. No parking is permitted adjacent to fire hydrants. This restriction must be adequately signed and/or painted on the pavement.
18. Area Break-down: Whatcom County and the City of Lynden have been mandated to participate in an annual report provided to the State which tracks achieved housing density. In an effort to track accurate data for this program all plats and lot line adjustments will be required to provide supporting data. Please provide on the face of the drawing a table which breaks down the total area of the plat drawing after the lot line adjustment into the categories shown below. Note that in some instances the area may be zero and that “other infrastructure” could refer to area used for sewer pump station, stormwater ponds, etc.

	Plat Area (in sq ft)
Gross plat area	
Reserve tracts	
Critical areas (including buffers)	
Right of ways (ROWs)	
Other infrastructure	
Net developable	
Percent ROW and Infrastructure	%

19. Utility Easements: Per 18.14.075, of the LMC requires 5-foot utility easements around the interior property line of all residential lots. If a deviation to this requirement is requested, it must be included in the future development agreement.

20. Street Trees: The applicant has been advised that, per Sec. 18.14.120, the developer will be required to provide street trees within the dedicated public utility easement adjacent to the street. Without blocking view triangles, there shall be a minimum of one tree per lot with a maximum of fifty feet between trees. Vegetated parking strips are not an adequate location for street trees unless they are 4 feet in width or greater. Maintenance of street trees shall be the responsibility of the adjoining property owner or, if indicated in the CC&Rs, the homeowners association. Please address in CC&R's.

21. Homeowners Association Required: Be advised, per LMC 19.29.130 the MPRD shall have a homeowner's association and enforceable covenant to fund and effectively collect fund for such and organization. Associated agreements and covenants shall apply to all the property with the PRD, shall be recorded and shall run with land. Within one year of preliminary approval the final development contract and the community's covenants, conditions and restrictions (CC&R's) must be presented to the Planning Commission for review and City council for approval. CC&R's must include a management plan for common open space, trails, alleys, mitigated areas, and conservations easements if utilized.

Public Works

22. Public Improvements: Be advised, all public improvements must be constructed to the current standards as noted in the City of Lynden Manual for Engineering Design and Development Standards or an equivalent approved through the Planned Residential Development process. A Development Contract to construct will be required prior to any construction. This may be combined with the PRD Contract. Both contracts require Council approval.
23. Plat/Interior Street Improvements: If the applicant proposes an alternate frontage improvement plan different than City standard for approval it must provide adequate turn-around within public right-of-way and address the needs of the proposed development (ex. parking, life safety, delivery, waste collection etc.) Any proposed alley shall be private with a minimum clear width of 24-feet. The City's PRD code standard is a street width of 30 feet curb-to-curb with sidewalks on both sides. Staff is concerned that proposed street layout indicates access will be limited to one access during flood events. Maintaining the private street standard is recommended.
24. Off-site Street Improvements: Proponents traffic study must address all phases/impacts of the proposed project. Traffic study must meet requirements of City standards. Additional right-of-way may be needed to address west bound right turn movements. The applicant has agreed to dedicate 10 feet of right-of-way to the City along the full frontage of Northwood Road as required by Public Works consistent with the City's transportation plan. A 10-foot utility easement behind the right-of-way shall be dedicated. Northwood frontage improvements are required to the extent they provide for safe ingress and egress from the project. This will also include street lighting and pedestrian connections (see pedestrian connection comment above).
25. Stormwater
 - a. A stormwater management plan prepared by a professional engineer will be required for this development and must be approved by the City of Lynden prior to approval of construction plans. This must also address any impacts from seasonal high groundwater and flooding. Prior to site plan and/or preliminary plat approval, a Stormwater Site Plan Narrative per the City's Manual for Engineering Design and Development Standards. addressing all Stormwater minimum requirements shall be submitted. An erosion control plan must be included in the drainage plan and construction plans as necessary.

- b. All plans must be designed and constructed in compliance with the Department of Ecology's Best Management Practices and the standards approved in the Manual for Engineering Design and Development Standards.
- c. Stormwater from public streets may be infiltrated within the dedicated right-of-way, or within a separate dedicated tract, if approved/accepted by the City, but may not be within the street prism. Infiltration areas and street trees should have adequate separation to insure the proper functioning of the drainage system and survival of the tree.
- d. A Construction National Pollutant Discharge Elimination System (NPDES) permit may be needed.
- e. Be advised, proposed lot sizes may make it difficult for any form of onsite facilities to be installed on the lots unless rear setbacks are required.

26. Water

- a. As per 6.2 (M) of the City of Lynden Project Manual for Engineering Design and Development Standards.
- b. As per LMC 18.14.150, the main water line shall be extended to the furthest extent of all properties of this PRD unless it is determined that services, including life-safety are adequately provided elsewhere. Applicant has requested, and staff recommends that water extension beyond the south entrance to Kamm Creek PRD is unnecessary as property beyond the development drops into the floodplain and is not part of the City's Urban Growth Area.
- c. A 20-foot utility easement is required if only water is located within it. If two public utilities are in an easement the minimum width is 30 feet equally spaced.
- d. Each house and/or unit within this plat must be individually metered. Water meters must be located within the City right-of-way or unit / access easement.
- e. If located within the Nooksack Floodplain, water services shall have backflow prevention to protect the City system.
- f. Twelve (12) inch water shall be extended from the current dead end location on Kamm Road east to Northwood and then south on North to the

edge of the plat. Water line looping may be necessary to meet fire flow requirements (1500 gpm)

27. Sanitary Sewer

- a. Sanitary sewer and water system design and construction must meet the requirements of the City of Lynden Engineering Design and Development Standards.
- b. The sewer line must be extended to the furthest extend of all properties per City development standards of the proposed development unless it is determined that services are adequately provided elsewhere.
- c. A sewer easement of 20 feet is required for all public systems. If more than one public utility is within the easement the easement shall be 30 feet.
- d. The existing sewer easement shall not be impacted. Any changes to the current sewer access road shall provide an equal or greater access.
- e. Proposal has more units that was anticipated per sewer comprehensive plan and will need to be reviewed for impacts that may require offsite improvements.

Fire and Life Safety

28. Minimum Street Width: The private roadway must be expanded to a minimum of 26 feet in width for a minimum distance of 20 feet at the hydrant location. Specifically, for 10 feet on each side of the hydrant.
29. Hydrant Requirements: The installation of fire hydrants will be required. Code requires that fire hydrants be installed at intervals not to exceed 500-feet in single family areas and 300-feet in multi-family areas. The final hydrant location will be determined upon review of civil plans and must be approved by the Fire Department.
30. Street Addressing: Addresses that cannot be seen from the city street must be posted at both the access easement and on the house.
31. Fire Code: Future Development will require full compliance with the Fire Code.
32. Fire Impact Fees: Be advised, half of fire impact fees will be due at the time of final development approval (subdivision and half of the fire impact fee will be due at the time of building permit. The current rate of this fee is \$389.00 per multi-family unit and \$517.00 per single family home.

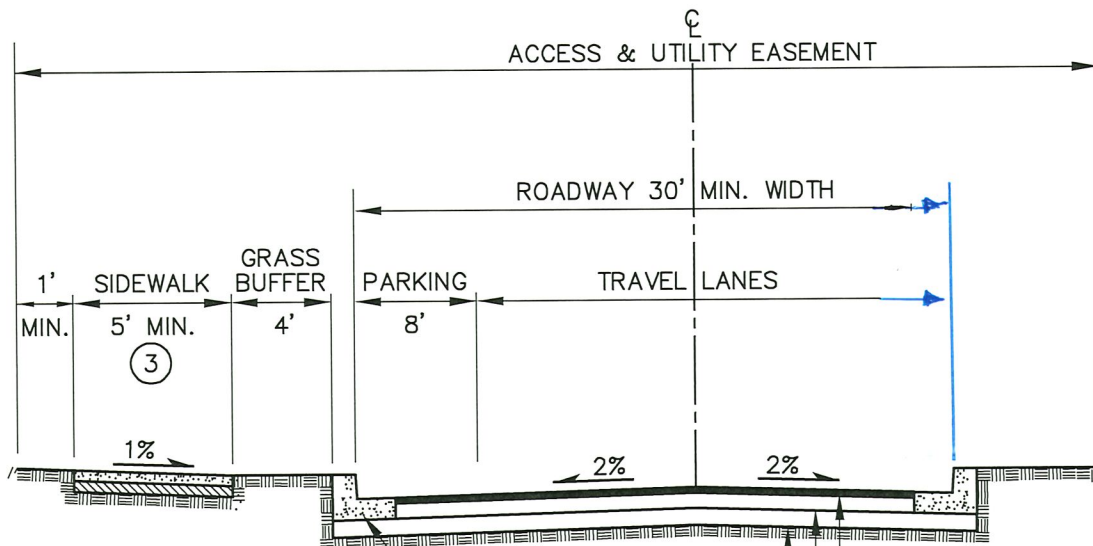
Parks and Recreation

33. Trail Dedication: Be advised, dedication of a public trail easement or the granting of public access on trails through an associated restrictive covenant will be required as a condition of the final Master Planned Residential Development approval.
34. Park Impact Fees: Be advised, park impact fees will be due at the time of permit. The current rate of this fee is \$546.00 per multi-family unit and \$936.00 for single family home.

Advisory Requirements

35. Civil Drawings: The construction drawings for any civil and utility improvements must be submitted for review and approval prior to construction. These drawing must illustrate that the utility improvements and extensions meet the standards listed within the Project Manual for Engineering Design and Development Standards, unless they have been specifically varied by the approval of the plat. It is the project engineer's responsibility to be aware of these standards.
36. Civil Review Deposit Required: Be advised, a review deposit of \$200 per lot, \$2,000 minimum, to review the construction plans and a plat / PRD construction inspection deposit of \$350 per lot, \$5,000 minimum, is due prior to review and construction respectively.
37. Bonding Requirements: A post construction maintenance bond in the amount of 10% of the construction costs for public facilities will be required prior to final plat approval. A Performance Bond is required for all work within City right of way. This bond shall be for 150 % of the approved engineer's estimate for the work.
38. Surveying: All surveying work and engineering design must be based on the City of Lynden survey control monuments. AutoCAD files for all improvements must be provided to the City in digital format approved by the City. A copy of the City's control monuments is available to the project consultant for their use.
39. Expiration of Preliminary Approval: Petitioner shall record the final subdivision, PRD and Development Agreement with the County in conformance with LMC 18.06.010.2, 18.06.020 and 18.06.030 within five (5) years of the date this preliminary approval becomes final, after which City approval of this application shall become void; provided that, this one year deadline may be extended for up to one (1) additional year upon application to and approval by the City Council.

40. Property Addressing: Be advised, all street addressing must follow the requirements of the Lynden Municipal Code. Addresses will be assigned by the Public Works Department prior to final PRD approval.



CEMENT CONCRETE CURB & GUTTER PER SECTION 4.14

②

MINIMUM ROADWAY SECTION

SEE SECTION 4.4

3-1/2" COMP. DEPTH CLASS "B" ASPHALT (2 LIFTS)

3" COMP. DEPTH CRUSHED SURFACING TOP COURSE

12" GRAVEL BASE PER SECTION 4.4A

NOTES:

1. SEE FIGURE 4-1 FOR PLACEMENT OF UTILITIES.
2. ALL PRIVATE ROADS SHALL HAVE VERTICAL CURB & GUTTER ON BOTH SIDES.
3. MUST BE IN ACCORDANCE WITH MOST CURRENT STANDARDS AS REQUIRED BY THE AMERICAN DISABILITIES ACT. REQUIRED ON ONE SIDE ONLY.

DIVISION 4

STREET DESIGN STANDARDS

4.1 Introduction

Design procedures shall conform to accepted engineering practices, and shall be certified by a registered professional engineer, licensed by the State of Washington. All projects will be constructed in conformance with the current editions of the City of Lynden Engineering Design and Development Standards, WSDOT/APWA Standard Specifications for Road, Bridge and Municipal Construction, and such amendments that modify these specifications. Goals, objectives, and specifications from the *Low Impact Development Technical Guidance Manual for Puget Sound, December 2012* (LID Manual) may be used to attain *City of Lynden* infiltration requirements.

4.2 Street Classifications

The City of Lynden Municipal Code, Chapter 10.12 classifies all public streets within the City into three major road classifications: major arterial, secondary arterial, and access streets. These street classifications are to be used with the street design standards. Refer to the latest revision of the Municipal Code for current street classification. Total and effective impervious area can be significantly reduced by determining specific traffic, parking and emergency vehicle access needs and width capable of meeting those requirements. Table 4-1 details the conventional street standards. These standards can be reduced using LID techniques, with approval under a PRD or as part of a Developer Agreement associated with the project.

A. *Major Arterial*

Major arterials are defined by RCW 35.78.010 as transportation arteries which connect the focal points of traffic interest within a city; arteries which provide communications with other communities and the outlying areas; or arteries which have relatively high traffic volume compared with other streets within the City. Major arterials are to service existing and future commercial, industrial and HBD areas as well as other major traffic generators within the community (i.e. schools, hotels and recreational facilities). Residential arterials are streets that connect neighborhoods to focal points within the community and distribute traffic to/from major arterials. Residential arterials serve trips of moderate length and direct residential access and parking is discouraged. Residential arterials are not a major transportation corridor to connect areas outside of the City.

B. *Secondary Arterial*

Secondary Arterials are defined by RCW 35.78.010 as routes which serve lesser points of traffic interest within a city; provide communication with outlying districts in the same degrees or serve to collect and distribute traffic from the major arterials to the local streets.

C. *Access Streets*

Access Streets are defined by RCW 35.78.010 as land service streets and provide access to abutting property. They are tributary to the major and secondary thoroughfares and generally discourage through traffic.

All other public streets not listed in A, or B above are classified as Access Streets.

4.3 **Other Roads**

A. *State Highways*

The following streets are classified as State Highways:

1. Guide Meridian - SR 539
2. Badger Road - SR 546

Any project requiring access to or affecting a State Highway shall additionally obtain Washington State Department of Transportation (WSDOT) approvals for application, design, and construction requirements.

B. *Private Roads*

Road safety, function and reliability are best served if the road is owned and maintained by the City. However, recognizing that private roads may be occasionally allowed in Planned Residential Developments, provision is made for them in these standards.

Private roads, defined as those roads serving more than 20 average daily traffic (ADT), shall meet the following conditions:

1. Permanently established by tract or easement providing legal access to each affected lot, dwelling unit, or business and sufficient to accommodate required improvements as outlined in Table 4-1, and to include future use by adjacent property owners when applicable.
2. Designed to serve up to the maximum potential of dwelling units based on the ADT thresholds when the entire length of the private road system to the nearest public road is considered. The maximum potential is the number of dwelling units that can possibly be served by the road when physical barriers, zoning or other legal constraints are considered.
3. Accessible at all times for emergency and public service vehicle use.
4. Located so that land locking of present or future parcels will not occur.
5. Maintained by capable and legally responsible owner or homeowners association or other legal entity made up of all benefited property owners.
6. Covenants shall be required for maintenance of the private road binding

each lot owner and all subsequent lot owners.

7. Covenants shall be recorded by the Applicant and/or owner, in the land records of Whatcom County.
8. Clearly described on the face of the plat, short plat, or other development authorization and clearly signed as a private road.

**Table 4-1
Geometric Cross-Section for New Construction and Reconstruction**

Design Elements	Arterials (a)	Access Street (a)	Private Roads and Alleys (a)
Right of Way (b)	80' (65' Res.) min	60' minimum	
Minimum Roadway Width (c)	46'	36' (d)	30' (d)
Minimum Lane Width:			
A. Exterior	12'	10'	10'
B. Interior Thru	11'	10'	
C. Two-Way Left-Turn	11'	10'	
D. Exclusive Turn	11'	10'	
E. Parking Each Side	8' (e)	8' (e)	8' (f)
F. Class III Bicycle Lane	3' (k)		
Sidewalks:			
A. Minimum Width	6' (g) (h)	5' (g) (h)	5' (g) (h)(i)
B. Buffer (Vegetated Strip)	4' (j)	4' (j)	3' (j)
C. Easement Each Side	10'	10'	10'

- (a) All public and private roads except alleys shall be constructed with vertical curb and gutter.
- (b) No less than required for all design elements.
- (c) Distance from face of curb to face of curb.
- (d) Alleys can be reduced to 24 feet.
- (e) Width to be determined based on ADT of road and future use. A 10-foot width shall be required when the lane is likely to become a traffic lane in the foreseeable future.
Increase width of parking lanes on arterials to 10 feet if bicycle lane is not required.
- (f) No parking required for private roads serving 2 lots or less
Parking required one side only for ADT 30 - 150, minimum roadway width 30 feet
Parking required both sides for ADT > 150, minimum roadway width 40 feet
- (g) Must be in accordance with most current standards as required by the American Disabilities Act.
- (h) Required both sides.
Sidewalks fronting commercial property shall be 8 feet wide with a 80-foot or wider R-O-W.
- (i) Sidewalks required one side for ADT 30 - 150.
- (j) If R-O-W is available, increase width to 5 feet.
- (k) May be eliminated if separate detached bicycle path is provided.