



Meeting Date:	December 10, 2020 (Continued from the November 12 th PC Meeting)
Name of Agenda Item:	Public Hearing for Zoning Text Amendment re Mobile Home Communities
Type of Hearing:	Legislative
Attachments:	
December 4 th Final TRC Report, Staff-proposed Code Redlines, Revised text amendment request, August 3 rd TRC Report, Original ZTA Application and Supporting Information	
Summary Statement:	
<p>Lesla Starkenberg-Kroontje, representing her client Four ‘S’ Investments, has applied for a Zoning Text Amendment regarding the expansion of the nonconforming use of a mobile home park within the Commercial Services-Regional (CSR) Zoning category. The request is somewhat focused on the Duffner Mobile Home Park located on Front Street just west of the Guide Meridian. However, it is important to keep in mind that the amendment would apply to any other mobile home communities (MHCs) within the CSR zoning category. Staff believes this is limited to one other circumstance – the unit pads located at the Windmill Inn Motel located at 8022 Guide Meridian.</p> <p>Non-conforming uses are addressed in LMC 19.35. A use, like the Duffner Mobile Home Park, which is brought into the City that does not match the permitted uses of its zoning category is considered a legal nonconforming use. This is referred to as times as a use that is “grandfathered”. Although a legal nonconforming use can continue to operate, it is not permitted to expand.</p> <p>The Duffner Mobile Home Park was recently able to connect to City sewer services and decommission aging septic systems. This available connection has also initiated the applicant opportunity to request additional housing units be placed on the property as each would be able to connect to sewer services.</p> <p>In the attached applicant explores the potential benefits that additional stock of affordable housing can provide to the City. Staff review can be found in two TRC reports – the final report dated December 4, 2020.</p> <p>Staff review, with the assistance of the City’s legal counsel, has concluded with a recommendation to approve the expansion of MHCs in the City’s CSR zones only as a conditional use and subject to appropriate setback and buffering requirements that may result as a review of the conditional use permit application. To be consistent with State Statues, staff also recommends that the City’s definitions related to MHCs in Chapter 17 be updated as attached and the corresponding text amendments to Chapters 18 and 19 be made in accordance with these updates.</p>	
Recommended Action:	
<p>Motion to recommend to the City Council the approval of the proposed zoning text amendment, ZTA 20-02 as conditioned by staff. The amendment would allow nonconforming mobile / manufactured home communities, through the approval of a conditional use permit, to expand by adding additional pads / units within existing community boundaries. And further recommend to Council the approval of code updates to applicable definitions and affected code sections within Chapters 17, 18 and 19 as attached.</p>	

CITY OF LYNDEN



TECHNICAL REVIEW COMMITTEE Development Project Report

Date Issued:	December 4, 2020
Project Name:	ZTA #20-02, Four "S"
Applicant:	Four "S" Investments, US., Inc.
Property Owner:	Lesa Starkenburg Agent for, Four "S" Investments
Site Address:	N/A
Parcel Number	N/A
Zoning Designation:	CSR
Application Type:	Zoning Text Amendment
Parcel Size:	N/A
Hearing Type:	Legislative
Hearing Objective:	The objective of this public hearing is to determine whether the proposed amendment to Section 19.23.020 and 19.21.060 of the Municipal Code furthers the intent and purpose of the CSR zoning designation and is consistent with the Comprehensive Plan
Date application determined complete:	June 17, 2020
Date of Publication:	August 19, 2020
SEPA Determination:	N/A
Project Description:	The applicant is requesting a Zoning Text Amendment to Section 19.23.020 and 19.21.060 of the Lynden Municipal Code regarding permitted uses and special property uses within the CSR (Regional Commercial Services) zone.

Background and Notification Requirements:

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).

As with all Zoning Text Amendments, any changes to such text could affect all properties within that zoning designation.

The applicant has met the minimum submittal requirements and the application was determined to be complete on July 17, 2020. The notice of application was published on that same date.

The City has received proof of certified mailing and the affidavit of posting in accordance with the City's requirements.

Summary:

The applicant is requesting a zoning text amendment to the following Sections of the Lynden Municipal Code:

19.23.020-Permitted Uses. The expansion of existing, legal nonconforming mobile home parks shall be a permitted use in the CSR zone, provided the expansion meets the current setback requirements and other use and bulk requirements. The expansion may increase the number of units on the site but shall not expand the nonconforming use beyond the property boundaries that existed at the time the use became nonconforming.

The applicant has withdrawn the request related to the residential use of travel trailers on the subject property. (i.e. revisions to 19.21.060-Special Property Uses -Travel Trailer and Recreational Vehicles -Regulations Authorized) in response to staff's initial review however further study of the issue has shown that the State code, RCW 35A.21.312(3) limits a city's authority to prohibit the use of recreational vehicles within established mobile / manufactured home communities (MHCs) (subject to some conditions). As such, the addition of "units" to this and other MHCs within the City should be assumed to be either RV's, or manufactured homes which are single, double, or triple-wide in size.

Staff review and comment related to the proposed zoning text amendment is as follows:

Planning Department Comments:

1. *Housing Types:* The City's comprehensive plan is supportive of a variety of housing types and encourages development which may assist in the affordability of housing. The applicant has provided a summary of rents and / or purchase price for homes within mobile home parks within the City to give context to this issue.
2. *Use Intensification or Expansion:* Legal counsel has interpreted the addition of new housing pads / units to the MHC as an expansion of a nonconforming use rather than an intensification. This is due to the nature of the development as it existing when the MHC became nonconforming. And, due to the impact that

additional units would have on the surrounding property owners in both visual appearance and increased traffic demand.

3. *Development Standards:* While staff agrees that it would be unreasonable to expect a nonconforming MHC to meet all of the development and siting standards related to MHCs as listed in LMC 18.22, the impacts of additional units must be considered when proposed. Staff recommends that the addition of units to an existing MHC within the CSR (Commercial Services -Regional) be listed as a Conditional Use Permit (CUP). And, that the approval of the CUP be conditioned on meeting setback, providing buffers, and other appropriate design standards as determined during the review of the CUP. Connecting to City utilities is required.

Resulting redlines of the staff recommendation are attached.

4. *City Definitions:* Definitions related to the mobile and manufactured homes currently appear in conflict with each other as they appear in both LMC 18.22 and LMC 17.01.030. Additionally the City's definitions may not be consistent with the State of Washington definitions and provisions. Initial legal review has resulted in the attached redlines which reflect an update and consolidation of the City's definitions related to MHCs.

Fire and Life Safety

1. *Life and Safety Standards:* Be advised that the expansion of existing mobile home parks must provide adequate life and safety access throughout the park consistent with LMC 18.22.

Parks and Recreation

The Parks Department has reviewed the application and has no comment.

Excerpt of 17.01.030 – Definitions related to ZTA 20-02.

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.

.....

"Manufactured home, Designated" A designated manufacture home means a single-family home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes which: (a) is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long; (b) was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 4:12 pitch; and (c) has exterior siding similar in appearance to siding materials commonly used on site-built, single-family homes according to the International Building Codes.

"Manufactured home" means a single-family dwelling required to be built in accordance with the federal Department of Housing and Urban Development's manufactured housing construction safety standards and regulations (24 CFR 3280 et seq) adopted June 15, 1976 under the national Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.).

~~"Manufactured home park (or subdivision)" means the development of property for the purpose of placing two or more manufactured homes under the provisions of Chapters 18.22 and 19.19 of the Lynden Municipal Code.~~

.....

~~"Mobile home" means a transportable, factory-built home designed and intended to be used as a year-round dwelling, and built prior to the enactment of the Federal Manufactured Housing and Safety Standards Act of 1974. A factory-built dwelling constructed prior to the implementation of the federal Department of Housing and Urban Development's manufactured housing construction safety standards and regulations (24 CFR 3280 et seq) adopted June 15, 1976, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobil homes have not been built since June 15, 1976.~~

"Mobile home awning" means a stationary structure, permanent or demountable, used in conjunction with a mobile home, other than a window awning, for the purpose of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituted for a wall.

"Mobile / manufactured home community" or "MHC" means mobile or manufactured home parks or subdivisions.

~~"Mobile / manufactured home park" means a plot or tract of land divided into lots, under the ownership or management of one person, firm or corporation for the purpose of locating two or more mobile homes to be used for human occupancy. Individual lots may be sold within the mobile home park, but the mobile home park must still have a mobile home manager. means a tract of land under single ownership or control upon which two or more mobile/manufactured homes occupied as dwellings may be located.~~

"Mobile/manufactured home subdivision" means two or more mobile/manufactured homes on separate lots developed under the provisions of Title 18 LMC where mobile/manufactured homes are permanently installed for residential use on individually owned lots.

.....

"Modular home" means a home built in a factory in modules that is then transported and set up on a parcel of land.

.....

"New manufactured home" means any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a "used manufactured home" as defined in RCW 82.45.032(2).

"Nonconforming building" means a building or structure or portion thereof lawfully existing at the time this code became effective, which was designed, erected or structurally altered for a use that does not conform to the zoning regulations of the district in which it is located.

"Nonconforming lot" means a lawfully established lot which does not conform to the provisions of the development code.

"Nonconforming use" means a use which lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform with the use and zoning regulations.

.....

"Permitted use" means the specific purpose for which land and/or a building is designed, arranged and intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

.....

"Plat" means a map or representation of a subdivision showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

.....

"Recreational vehicle" means a vehicular unit, other than a mobile home, which is designed as a temporary dwelling for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, fifth wheel trailer or van.

Excerpt of 18.22 – Revisions related to ZTA 20-02.

18.22.010 - Purpose.

The purpose of this chapter is to establish the standards and criteria by which mobile/manufactured home subdivisions and parks may be sited and developed within the city. These standards are necessary to ensure the uniform, coordinated development of the community and to assure the general health, welfare and safety of the occupants of the mobile/manufactured homes that are located within a subdivision or park developed under these standards.

(Ord. 1194 §§ 1, 10, 2004).

(Ord. No. 1546, § 9, 12-4-2017)

18.22.020 - Definitions. [\(See LMC 17.01.030\)](#)

- ~~A. "Mobile/manufactured home park" means a tract of land under single ownership or control upon which two or more mobile/manufactured homes occupied as dwellings may be located.~~
- ~~B. "Mobile/manufactured home subdivision" means two or more mobile/manufactured homes on separate lots developed under the provisions of Title 18 LMC where mobile/manufactured homes are permanently installed for residential use on individually owned lots.~~
- ~~C. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.~~
- ~~D. "Mobile home " means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. This term includes all structures that meet the above requirements and with respect to which the manufacturer voluntarily complies with the standards set forth in Part 3280 by HUD. WAC 296-150B-015(28).~~

(Ord. 1194 §§ 1, 10, 2004).

(Ord. No. 1546, § 9, 12-4-2017)

18.22.030 - Requirements for a completed application.

An application must submit the information as stated in 18.16.010 LMC for preliminary plats.

(Ord. 1194 §§ 1, 10, 2004).

(Ord. No. 1546, § 9, 12-4-2017)

18.22.040 - Type of approval required.

- A. All mobile home parks shall be processed in the same manner as a binding site plan.
- B. All mobile/manufactured home subdivisions shall be processed in the same manner as subdivisions in this title.

(Ord. 1194 §§ 1, 10, 2004).

(Ord. No. 1546, § 9, 12-4-2017)

18.22.050 - Siting criteria.

The following minimum criteria apply to the siting of mobile/manufactured home parks and subdivisions.

- A. Minimum site development area: Five acres
- B. Maximum site development area: Twenty acres
- C. Minimum perimeter buffer: Thirty feet of Type V landscape buffer.
- D. Minimum unit site area: Four thousand two hundred square feet.
- E. Minimum common open space area: Ten percent of gross site area. Common open space consists of either an active or passive recreational area accessible and useable to all tenants within the park. Common open space is exclusive of the required perimeter buffers.
- F. Maximum density: Six units per acre.
- G. Unit type:
 - 1. Recreational vehicles which meet fire and safety regulation; hook up to utilities in a way that meets code; are appropriately skirted; and contain at least one toilet and at least one shower or that these amenities are provided to the residents of the MH community (RCW 35A.21.312(3)).
 - 2. Single, double or triple wide configuration, including
 - 3. Modular units/homes.

(Ord. 1194 §§ 1, 10, 2004).

(Ord. No. 1546, § 9, 12-4-2017)

18.22.060 - Development standards.

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

- A. Easements for electric, telephone, telecommunications, water, storm and sanitary 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 other chapters of the LMC, city's design and development standards and applicable state and federal requirements; provided however:
 - 1. Private roads within a mobile/manufactured home park shall be privately owned. Interior roads must have a minimum surface width of twenty-four feet with a rolled edge curb on

both sides of the street. Interior roads must meet the construction requirements of the project manual for engineering design and development standards for the street section. No on-street parking will be permitted.

2. Public roads. Roads within a mobile/manufactured home subdivision must be public streets, meeting the requirements of the City of Lynden Project Manual for Engineering Design and Development Standards for a residential access street.
- D. 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 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 city's design and development standards.
- E. Prior to construction of any structures within the subdivision, all public utilities shall be installed in conformance with the city's design and development standards.
- F. Parking. Parking shall be as required per Chapter 19.51 LMC. One additional off-street parking space will be required for every five mobile/manufactured home site within a mobile/manufactured home park. These parking areas shall be spaced through the park conveniently to the homes they are intended to serve.
- G. Outdoor lighting. Outdoor lighting shall be provided to adequately illuminate pedestrian walkways as required in the city's design and development standards. Such lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise.
- H. Landscaping. Landscaping shall be as provided in Chapter 19.61 LMC for mobile home parks or subdivisions.

(Ord. 1194 §§ 1, 10, 2004).

(Ord. No. 1546, § 9, 12-4-2017)

Excerpt of LMC 19.15 – RS Single-Family Building Zones

19.15.010 - Purpose and zones established.

A. Three single family zones are established:

Zone	Minimum Lot Size	Maximum Density
RS-100	10,000 square feet	4 DU/acre
RS-84	8,400 square feet	4.5 DU/acre
RS-72	7,200 square feet	5 DU/acre

Existing lots may be developed with single family homes even though they do not meet the size requirements of single-family zones. Future land divisions must meet the area requirements specified in the zone; provided however, that Title 18, subdivisions, provides for methods of subdivision resulting in lots of different sizes.

The goal of this title is to: protect the character and the social and economic stability of all parts of the community and to encourage the orderly and beneficial development of the community through appropriate growth management techniques; to assure proper urban form and open space separation of urban areas; to protect environmentally critical areas and allow flexibility in site and design standards while promoting infill projects compatible with existing single-family developments.

B. Use of Low Impact Development Techniques. When an application for single 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, as applicable, is authorized to approve land divisions even though they may not meet the lot size requirements of single-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 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.

(Ord. No. 1581, § B, 6-3-2019)

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 designated 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.

(Ord. No. 1581, § B, 6-3-2019)

Excerpt of 19.16 – Residential Mixed Density (RMD) Zone

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.

(Ord. No. 1576, § B, 3-4-2019; Ord. No. 1581, § B, 6-3-2019)

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 designated manufactured homes as defined in Section 17.01.030 LMC. 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.

(Ord. No. 1576, § B, 3-4-2019; Ord. No. 1581, § B, 6-3-2019)

Excerpt of Chapter 19.17 – RM Multifamily Building Zones

19.17.010 - Purpose and zones 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.

(Ord. No. 1581, § B, 6-3-2019)

19.17.020 - Primary permitted uses.

The primary land uses permitted in the multi-family zones are residential buildings as shown in the table below:

	ZONE			
	RM-1	RM-2	RM-3	RM-4
Single Family Dwelling Unit	P	P	P	P
Duplex Units	P	P	P	P

Three or Four units per building	N	P	P	P
More than four units per building	N	N	P	P
New-Designated manufactured homes as defined in Section 17.01.030 of the Lynden Municipal Code	P	P	P	P
Mobile homes as defined in Section 17.01.030 LMC	N	N	N	N

P = Permitted Use; N = Not Allowed

(Ord. No. 1581, § B, 6-3-2019)

Chapter 19.19 - MH MANUFACTURED HOME ZONE^[4]

Footnotes:

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Editor's note— Ord. No. 1581, § A, adopted June 3, 2019, repealed Ch. 19.19., §§ 19.19.010—19.19.170, and enacted a new Ch. 19.19 as set out herein. The former Ch. 19.19 pertained to similar subject matter. Please refer to the Code Comparative Table for full derivation.

19.19.010 - Established.

There is established the MH—Manufactured Home Zone and the standards and regulations by which certain land uses may be permitted therein.

(Ord. No. 1581, § B, 6-3-2019)

19.19.030 - Primary permitted uses.

- A. The primary uses permitted in the MH—Manufactured Home Zone is manufactured homes, and manufactured home parks, as provided in this chapter, subject to the minimum standards and conditions set forth in this chapter and within Chapter 18.22.
- B. Site built, detached single family dwelling units are also considered a permitted use within the MH zone, provided that the total number of site built houses does not exceed twenty percent of the total units within the manufactured home park or development.
- C. Mobile homes as defined in Section 17.01.030 LMC are prohibited.

(Ord. No. 1581, § B, 6-3-2019)

19.19.040 - Accessory permitted uses.

The accessory uses permitted in the MH zone are as follows:

- A. Private garages.
- B. Carports.
- C. Tool shed, satellite dish, outdoor patios and outdoor fireplaces.
- D. A maintenance building containing equipment and tools for owners of manufactured homes that are necessary for the repair and preservation of a manufactured home.

(Ord. No. 1581, § B, 6-3-2019)

19.19.050 - Secondary permitted uses.

The secondary uses permitted in the MH manufactured home zone are as follows:

- A. Community laundry facilities used by the residents of the park or development.
- B. Community buildings for the residents of the park or development. These buildings may contain offices, recreational facilities and meeting halls.
- C. Private swimming pools, as provided in Chapter 15.16 in the International Building Code adopted pursuant to Chapter 15.02 of the Lynden Municipal Code and subject to LMC 19.37.090.

(Ord. No. 1581, § B, 6-3-2019)

19.19.060 - Maximum density.

The maximum density of a manufactured home park or development in the MH Zone shall not exceed six units per gross acre.

(Ord. No. 1581, § B, 6-3-2019)

19.19.070 - Minimum width of individual space.

No manufactured home space in the MH Zone shall be less than forty-five feet in width.

(Ord. No. 1581, § B, 6-3-2019)

19.19.080 - Manufactured home construction requirements.

- A. Manufactured homes must meet or exceed all Federal and/or State requirements.
- B. Manufactured homes placed within the city of Lynden must meet the definition of a manufactured home as defined in Section 17.01.030 of the Lynden Municipal Code.

(Ord. No. 1581, § B, 6-3-2019)

19.19.090 - Height, area, setback and bulk requirements.

The following provides regulations for height, area, setbacks & 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

(Ord. No. 1581, § B, 6-3-2019)

19.19.100 - Manufactured home park—Individual space boundary requirements.

The boundaries of each manufactured home space in a manufactured home park shall be clearly defined and marked by a fence, planting or other suitable means approved by the planning director, or by clearly visible, permanent markers at each corner of the space. For the purposes of this code, this boundary will be considered a property line.

(Ord. No. 1581, § B, 6-3-2019)

19.19.110 - Manufactured home park—Automobile parking requirements.

There shall be provided at least two automobile parking spaces for each manufactured home space, plus one additional automobile parking space for every five manufactured home spaces or any portion thereof for guests, visitors, service vehicles and additional automobiles of the tenants of the park.

(Ord. No. 1581, § B, 6-3-2019)

19.19.120 - Manufactured home park—Development standards.

See Chapter 18.22 of the Lynden Municipal Code.

(Ord. No. 1581, § B, 6-3-2019)

19.19.150 - Manufactured home park—Landscaping.

Privacy landscape buffers shall be required around the entire perimeter of the manufactured home park as required under Chapter 19.61 - Landscaping and Chapter 18.22-Manufactured Home Park and Subdivision Standards.

(Ord. No. 1581, § B, 6-3-2019)

Excerpts of 19.21 – TR – Travel Trailer and Recreational Vehicle Zone

19.21.010 - Established.

There is established the TR travel trailer and recreational vehicle zone and the standards and regulations by which certain land uses may be permitted therein.

(Ord. 1000 § A(part), 1995).

19.21.020 - Purpose.

The essential purpose of the TR travel trailer and recreational vehicle zone is to provide for uses, buildings and/or structures in which travel trailers and recreational vehicles may be located with restrictions for their uses.

(Ord. 1000 § A(part), 1995).

19.21.060 - Special property uses—Travel trailer and recreational vehicles—Regulations authorized.

Travel trailer and recreational vehicles may be permitted ~~only~~ in travel trailer and recreational vehicle zones as provided in this chapter, subject to the minimum standards and conditions set forth in this chapter.

Recreational vehicles and travel trailers may be permitted for permanent, residential use within mobile home parks including those located within the CSR zone, provided that appropriate skirting and other performance standards are met for the recreational vehicles and travel trailers and provided that the provision of the underlying zone are met.

(Ord. 1000 § A(part), 1995).

Excerpt of 19.23 - Commercial Zoning

19.23.020 - Permitted uses.

The following table shows the uses permitted in each of the zoning areas. Any use that is not listed below is not a permitted use unless it is determined to be comparable to a permitted use by the planning director based on the applicant's statement of use. The applicant shall bear the burden of proof to show how the use is comparable to a listed use.

In the table below, uses are notated as follows: P = Permitted Use; PA = Permitted as an accessory use; N = Not permitted; C = Permitted as a conditional use.

Land Use	HBD	CSL	CSR
Adult entertainment uses	N	C(4)	N
Agricultural product and/or equipment parts sales	N	C	P
Animal auction barn	N	N	N
Animal hospitals, veterinary clinics and kennels and veterinary laboratories	N	C	C
Auction facilities for other goods	N	P	P
Automotive support services such as auto repair, auto body painting and repair, window repair and replacement	N	C	P
Banks and financial institutions	P	P	P
Barber shops, beauty salons	P	P	P
Bed and breakfast	P	P	N
Body piercing and tattoo studios	N	N	P
Business Parks where at least 20% of the total GFA of the park is related to onsite retail, showroom, or office use.	N	N	P(9)
Business schools	P	P	P
Car wash	N	P	P
Carpet sales	P	P	P

Clubs and lodges	P	P	N
Commercial recreation - indoor (includes bowling alleys, skating rinks)	P	P	P
Commercial sporting events	C(7)	N	C(7)
Construction material sales	N	C	P
Contractors and construction services	N	C	P
Convention center, including banquet facilities and/or meeting halls	C	P	P
Day care facilities	P	P	PA
Day spas	P	P	P
Farm implement and machinery sales and service or large machinery rentals (over 500 lb.)	N	C	P
Fitness facilities	P	P	P
Fueling stations (may include convenience store)	N	P(2)	P(2)
Government agency offices or government facilities where at least 20% of the GFA is office-use related.	C	P	P
Grocery store	P	P	P
Home furnishings stores	P	P	P
Home improvement and hardware stores	P	P	P
Hospitals	N	N	N
Hotels, motels — includes indoor restaurants, gift shops and other businesses associated with a hotel or motel	P	P	P
House of Worship	N	P	P
Laundry and dry cleaning facilities	P	P	P

Landscape plants and landscape materials for retail sales	N	P	P
Liquefied petroleum storage station for more than 1,000 gallons, subject to International Fire Code standards	N	N	P
Liquor sales	P	P	P
Manufacture, fabrication, assembly, woodworking and metal working shops, where at least 20% of the GFA is related to on-site retail or office space. All uses subject to the performance standards of Chapter 19.25 of LMC	N	C(10)	P
Manufactured home parks	N	N	N
Marijuana related businesses including retail sales, production, processing, medical marijuana collective gardens, and medical marijuana cooperative	N	N	N
Martial arts or dance schools	P	P	P
Medical and dental clinics (see Surgical Centers below)	P	P	P
Medical services overlay	N	N	P
Mini-storage facilities	P(6)	P	P
<u>Mobile / Manufactured Home Communities established prior to annexation and considered an Existing Nonconforming Use</u>	<u>N</u>	<u>N</u>	<u>C(11)</u>
Motor vehicle and recreational vehicle sales and service	N	C	P
Multi-family residences	P(5)	P(5), (8)	N
Non-retail communications services	P	P	P
Non-profit offices that include warehousing	C	C	P
On-site hazardous waste treatment (no treatment allowed in HBD) and storage as an accessory use to any activity generating hazardous waste and lawfully allowed in the zone, provided that such facilities meet the state siting criteria adopted pursuant to the requirements of Chapter 70.105.210 RCW.	PA	PA	PA

Pet supply store and grooming (no boarding)	P	P	P
Pharmacy	P	P	P
Photography studio	P	P	P
Printing and duplicating shops	P	P	P
Professional and business offices	P	P	P
Public use facilities	P	P	P
Research and development facilities	N	P	P
Restaurant — with drive thru	N	P	P
Restaurants and cafés	P	P	P
Retail (general retail) not otherwise defined	P	P	P
Retail appliance and electronic equipment sales, including parts sales and repair	P	P	P
Retail feed and seed stores	N	P	P
Retail heating, plumbing and electrical equipment sales, including parts sales and repair	N	P	P
Retail shopping center or mall	P	P	P
Retail stores greater than 65,000 square feet	N	N	P(1)
Sign design, fabrication, and installation companies	N	C	P
Single-family residences existing prior to 1992	N	P	N
Skilled nursing and assisted living facilities	N	P	N
Surgical centers	N	C	P
Theaters and movie theaters	P	P	P

Truck and trailer sales and service	N	C	P
Undertaking establishment	N	P	N
Utility facilities	C	C	P
Video arcades	P(3)	P(3)	P(3)
Warehousing, including open to the public	P(6)	N	C
Wholesaling, including open to the public	N	N	C

- (1) See Sections 19.23.080 and 19.23.090 for special conditions for large retail uses.
- (2) See Section 19.23.100, Special Conditions for Automobile Service Stations.
- (3) Any arcade with ten or more machines shall have an adult supervisor on the premises during all hours of operation and shall not be located within three hundred feet of a school, church or residence.
- (4) These uses may not be located within three hundred feet from Front Street, or two hundred feet from a residentially zoned area, or within two hundred feet from the fairgrounds, or five hundred feet from a church or school.
- (5) This use is permitted as part of a mixed use development, where at least sixty percent of the ground floor area is a permitted commercial use. This is calculated based on the ground floor area of all the buildings on the site where there are multiple buildings proposed.
- (6) The use is permitted under the following conditions. These conditions may be varied through the receipt of a conditional use permit.
 - a. The use must take place in an existing building. The building may be modified for warehousing or mini-storage purposes, but construction of a new facility will require a conditional use permit. New construction must meet all Dutch/European design requirements for the CSL zone.
 - b. Primary access to these facilities may not be from Front Street or Grover Street, nor may a new facility front on either of these streets, and existing pedestrian access to Front Street, Grover Street, Riverview Road or 7th Street may not be closed.
 - c. Off-street loading and truck parking facilities must be available at the site and may not abut Front Street or Grover Street without a landscape buffer as required in Section 19.61.090.A. All off-street parking requirements must be met on site.
 - d. The site must meet the requirements of the engineering design and development standards and the Uniform Building Code and Uniform Fire Code.
- (7) Commercial sporting events are permitted in the CSR zone and conditionally permitted in the HBD zone under the following conditions:
 - a. The promoter/proprietor of the event must provide proof of insurance in an amount and form approved by the finance director.

- b. Off-street parking is provided and monitored to ensure emergency access at all times;
 - c. Police and fire departments are notified at least thirty days in advance of the event to ensure adequate personnel coverage. Costs of scheduling additional personnel may be billed to the applicant.
 - d. No alcohol may be sold, distributed or consumed on site.
 - e. Mixed martial arts, boxing, wrestling or other "fight-type" events must meet the requirements of RCW 67.08.
- (8) Multi-family development is permitted within the CSL zone under the following conditions:
- a. This use is permitted only within the North Lynden Sub-Area;
 - b. No residential development will be permitted at the intersections of arterial streets and/or state highways in the area determined by measuring two hundred feet along both front and side property lines and diagonally connecting the ends of the two lines.
 - c. Minimum density: Eight units per acre.
 - d. Maximum density: Twenty-four units per acre.
 - e. Off-street parking: As required by Chapter 19.51 LMC.
 - f. Height: As per Section 19.23.050.
 - g. Setbacks: As per Section 19.17.060.A.
 - h. Minimum lot size: Based on number of units and calculated under Section 19.17.060.B.
 - i. Lot coverage and open space: As per Section 19.17.060.A.
- (9) Business parks are required to formalize a development agreement with the city council after receiving a recommendation from the planning commission which:
- a. Specifies a list of permitted, conditional, and prohibited uses with the business park.
 - b. Outlines a parking and loading standards which anticipates the uses permitted.
 - c. Creates standards for and screening of outdoor storage and refuse areas.
 - d. Addresses unique signage requirements.
 - e. Indicates how the building siting and architecture addresses the street frontages at a pedestrian scale.
- (10) Manufacture, fabrication, assembly, woodworking and metal working shops locating within a CSL zoning category must acquire a conditional use permit if the subject property is located within three hundred feet of a residentially zoned property.
- (11) The expansion of existing, legal nonconforming mobile / manufactured home communities (MHCs) by adding addition units / pads within an existing community boundary shall be permitted only with an approved Conditional Use Permit (CUP). Approval of the CUP may be conditioned on meeting setbacks, providing buffers, and other appropriate design standards for MHCs. Connecting all units to City utilities is required. This is Conditional Use is applicable only within the CSR zone.

(Ord. No. 1357, § A, 6-1-2009; Ord. No. 1477, § A, 2-17-2015; Ord. No. 1547, § 10, 12-4-2017; Ord. No. 1553, § 2, 3-19-2018)

Chapter 19.35 – Nonconforming Uses

This chapter shall apply to all land, all land uses and development, and all structures and facilities with the City of Lynden.

19.35.010 - Existing nonconforming uses—Continuation authorized.

Any nonconforming use, as defined in the definitions of Chapter 17.01, which lawfully existed at the time of the final passage of the ordinance codified in this title, is permitted to continue and to be maintained and operated.

(Ord. 1000 § A(part), 1995).

19.35.020 - Essential use alteration—Limitation.

A nonconforming use may be changed or altered only to uses within the same classification or to a use in a classification of higher priority in accordance with the essential use classification established in the established districts of the ordinance codified in this title.

(Ord. 1000 § A(part), 1995).

19.35.030 - Nonconforming bulk only—Alteration—Variance required.

A nonconformer as to bulk, but not as to use, may be substantially altered, renovated, enlarged or reconstructed only through the granting of a variance as provided in this title.

(Ord. 1000 § A(part), 1995).

19.35.040 - Enlargement or expansion—Conformance required.

A building or structure containing a nonconforming use shall not be enlarged or expanded unless the use is brought into conformance with the provisions of this title.

(Ord. 1000 § A(part), 1995).

19.35.050 - Maintenance not to be construed as alteration.

Regular and ordinary maintenance shall not be construed as enlargement, expansion, change, alteration, renovation or reconstruction as used in this chapter.

(Ord. 1000 § A(part), 1995).

19.35.060 - Vacancy—Use discontinuance when.

A nonconforming use which has been discontinued for a period of one year or more shall not be reactivated nor operated, nor shall an occupancy permit be granted to such discontinued use. In such instances, an occupancy permit shall be granted only when the use has been brought into conformity with the provisions of this title. When a building or structure is vacant, the use therein shall be deemed discontinued.

(Ord. 1000 § A(part), 1995).

19.35.070 - Deterioration or destruction—Use discontinuance when.

When a building or structure containing a nonconforming use is destroyed or deteriorates to the extent to fifty percent or more, as determined by the building inspector, such nonconforming use shall be discontinued and any subsequent use of the property shall be in conformance with the provisions of this title.

(Ord. 1000 § A(part), 1995).

Chapter 19.49 - CONDITIONAL USE PERMITS

Footnotes:

--- (8) ---

Prior ordinance history: Ords. 1000 and 1002.

19.49.010 - Purpose.

The purpose of the conditional use permit (CUP) is to allow the proper integration of specific land uses which may be suitable only under certain conditions in specific locations in a zoning district, or when the site is regulated in a particular manner. It is the intent of this section to allow certain uses which, because of their usual size, special requirements, adverse impacts, possible safety hazards or detrimental effects on surrounding properties are classified as conditional uses.

(Ord. 1080 § D, 1999).

19.49.020 - Standards and criteria for granting a CUP.

- A. Certain uses may be allowed by a CUP granted by the city council, after it receives the recommendation of the planning commission. The planning commission shall issue its recommendation after a public hearing on the CUP application. In the application and during the hearing process, it shall be clearly shown by the applicant that the proposed use is not detrimental to the surrounding area or a liability to adjacent uses. For the purpose of this chapter, the surrounding area, or neighborhood, means those parcels that are in close proximity to the subject parcel.
- B. An application for a CUP may be made only for those uses specified under the conditional use section of the appropriate zoning district.
- C. The planning commission and council shall enter findings to support any recommendation or decision on a CUP application. Conditions may be attached to CUP approvals to mitigate any adverse impacts, protect surrounding properties and to promote the general welfare of the public. A CUP will be granted only if the proposed use complies with the standards and criteria listed below. The applicant shall bear the burden of proof in all CUP proceedings.
 1. The proposed use in the proposed location will not be detrimental to surrounding uses legally existing or permitted outright within the zoning district.
 2. The proposed use, together with proposed mitigation, will not be detrimental to public health or safety and will be compatible with the surrounding area and land uses with respect to the following:
 - a. Traffic and pedestrian circulation;
 - b. Noise, smoke, fumes, glare or odors generated by the proposed use;
 - c. Building and site design; and
 - d. The physical characteristics of the subject property.
 3. The proposed use is supported by adequate public facilities and services unless conditions can be established to mitigate adverse impacts to those facilities or services.
 4. The traffic generated by the proposed use will not cause the traffic circulation system in the vicinity to deteriorate below the adopted level of service.
 5. The proposed use complies with the performance standards, parking requirements, height, setback and lot coverage requirements, landscaping standards and other provisions of the Lynden Municipal Code.

6. There are adequate buffering devices, as specified in the landscape standards, or other topographic characteristics, to protect the adjacent properties from adverse impacts of the proposed use.
7. The proposed use will not destroy or substantially damage any natural, scenic or historic feature of major importance.
8. The proposed use is generally consistent with the purposes and objectives of the city comprehensive plan and applicable sub-area plan.

(Ord. 1112 § C, 2001; Ord. 1080 § E, 1999).

19.49.030 - Special conditions for the approval of a bed and breakfast establishment.

Bed and breakfast establishments require a CUP in all single-family zones and the RM-3 and RM-4 zones and are permitted within the RM-1, RM-2, HBD and CSL zones. All proposed bed and breakfast establishments, regardless of zone, shall be required to show compliance with the standards listed below. Bed and breakfast establishments proposed within an area requiring a CUP will be required to meet the standards and criteria listed in Section 19.49.020 as well as those conditions listed below:

- A. A bed and breakfast establishment shall appear as any other single-family residence within the surrounding area. One flat, unlighted sign, not exceeding sixteen square feet mounted flush against the building will be permitted. In addition, a single monument sign may be permitted if it meets the requirements for monument signs within Chapter 19.33.
- B. The applicant shall comply with local fire and building codes and guidelines fixed by the city fire chief and building inspector, including, but not limited to adequate exits as required by the Uniform Building Codes. A smoke alarm and a household size fire extinguisher shall be present in each guestroom.
- C. A telephone shall be available for occupant use with emergency numbers and the address of the establishment posted.
- D. Proprietors of the bed and breakfast establishment shall follow health guidelines and regulations of the Whatcom County department of health and Washington State regulations.
- E. The applicant shall meet all requirements for the provision of off-street parking. Parking shall be adequately screened from the neighboring properties.
- F. An annual business license shall be required and an inspection fee, in an amount set by resolution of the Lynden city council, shall accompany each application and renewal. The public works director, building inspector or fire chief may require inspections.
- G. Dwellings with more than two rooms available for guests shall be considered transient accommodations and will be subject to regulation by the State Board of Social and Health Services under Chapter 248-144, WAC TRANSIENT ACCOMMODATIONS.
- H. The operator of the bed and breakfast shall reside on the premises. Owner and operator quarters and guest-rooms shall be in the same building.
- I. No other business, service or commercial activity may be conducted on the premises. Breakfast only may be served and no meals may be served to the general public.

(Ord. 1080 § F, 1999).

(Ord. No. 1390, § D, 2-22-2011)

19.49.040 - Special conditions for the approval of CUP within West Lynden sub-area.

In addition to being required to satisfy the general CUP standards and criteria listed in Section 19.49.020, CUP applicants in the West Lynden sub-area shall also meet the below listed criteria:

- A. Multitenant buildings with separate entrances for each tenant shall not be oriented to the guide meridian.
- B. Any retail establishment, or combination of retail establishments, in a single building greater than fifteen thousand square feet shall incorporate the following elements in the design:
 - 1. Facades in excess of one hundred horizontal feet shall incorporate recesses and projections.
 - 2. Windows, awnings and arcades shall total at least sixty percent of the facade length abutting a public street.
 - 3. Predominant exterior building materials shall be of high quality, including, but not limited to, brick, wood, sandstone, or other native stone, and tinted/textured up concrete panels, and prefabricated steel panels are discouraged.

Restaurants, cafes, and service stations within the CS-3 zone must be located within seven hundred feet of the guide meridian and have frontage on West Main Street.

(Ord. 1080 § G, 1999)

19.49.045 - Special conditions for approval of CUP for assembly and distribution of products.

In addition to being required to satisfy the general CUP standards and criteria listed in Section 19.49.020, applicants for a CUP for the assembly of products shall also meet the criteria below:

- A. The applicant must demonstrate the need to locate within the CSL zone rather than an industrial zone in terms of the availability of sites suitable to the proposed use;
- B. A complete selection of the products assembled must be prominently displayed and offered for retail sale on-site;
- C. All storage of supplies and materials must be enclosed or screened from view;
- D. Hours of retail sales operations must be consistent with surrounding businesses. This will not affect the hours of operation for assembly of products.

(Ord. 1112 § D, 2001).

(Ord. No. 1390, § D, 2-22-2011)

19.49.050 - Maximum coverage and minimum lot size for certain conditional uses.

The following uses are conditional in the zones listed below and are subject to the following restrictions, in addition to the standards and criteria in Section 19.49.020.

<u>Use</u>	<u>Zone</u>	<u>Maximum Lot Coverage</u>	<u>Minimum Lot Size in Square Feet</u>
Churches	All residential zones	30%	12,000
Schools	Residential	30%	12,000

Schools	Nonresidential	35%	12,000
Utility substations	All zones	35%	8,000
Libraries and post offices	All zones	35%	8,000

(Ord. 1080 § H, 1999)

19.49.060 - Content—Violations.

Any CUP that is issued, shall certify the location, nature and extent of the uses, together with all conditions that are imposed and other information deemed necessary for the issuance of the permit. A copy of the permit shall be kept on file and reviewed annually by the planner. If at any time it is found that the use no longer complies with the conditions specified therein the owner shall be declared in violation of this chapter. Remedies of the city may include criminal enforcement and/or revocation of the conditional use permit.

(Ord. 1080 § I, 1999).

19.49.070 - One-year validity.

- A. Conditional use permits shall expire twelve months after issuance unless construction or the establishment of the use has commenced. The planner may extend the expiration date by six months upon written request and evidence that the applicant intends to activate the permit within that time limit.
- B. An application for a CUP that has not been approved or has been denied in whole or in part shall not be resubmitted for a period of one year from the date of such denial.

(Ord. 1080 § J, 1999).

19.49.080 - Modification of or addition to, existing conditional uses.

- A. Modifications of existing conditional uses, or additions to such uses, shall require application for an additional conditional use permit; provided that, in lieu of a new application the planner may administratively consider, approve or disapprove a one-time addition or modification to an approved conditional use when such addition or modification meets the following criteria:
 - 1. The addition or modification to the building(s) shall constitute less than ten percent of the total floor area originally approved; and
 - 2. The addition or modification is determined by the planner not to have a significant impact beyond the site based on the criteria listed Section 19.49.020 above or the criteria specific to the sub-area.
- B. Such additions or modifications approved administratively shall be recorded by the planner on the CUP record.

(Ord. 1080 § K, 1999).

19.49.090 - Application process.

See Chapters 17.05, 17.07 and 17.09 of the Lynden Municipal Code.

(Ord. 1080 § L, 1999).

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OCT 22 2020

City of Lynden
Planning Department

STARKENBURG – KROONTJE
Attorney at Law, P.S.
313 4th Street
PO Box 231
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(360) 354-7822
Fax: (360) 354-6929
Email – starkenburgekroontje@msn.com

October 21, 2020

Via Delivery

City of Lynden Planning Department
Attn: Heidi & Korene
300 4th Street
Lynden, WA 98264

Re: Four ‘S’ Investments U.S., Inc. / Text Amendment Application

Dear Heidi & Korene:

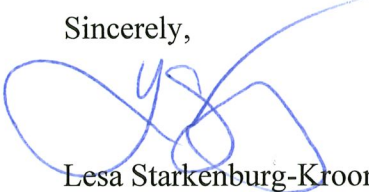
In response to your draft Staff Report and the questions we discussed on the processing of this text amendment application, please find attached on behalf of Four ‘S’ Investments U.S., Inc., an updated Attachment to Text Amendment Application.

At this time, to streamline the approval process, we removed the entire proposed section regarding use of recreational vehicles. In addition, to ensure that the site development standards are consistent with the as built environment, I inserted new proposed language regarding standards for nonconforming mobile home parks under Section 19.23.020.

The Applicant agrees with the City of Lynden’s definitions in LMC 17.01.030 should control and that the definitions in LMC 18 should be updated to be consistent with LMC 17.

Thank you for your assistance. Should you have any questions, please feel free to contact my office.

Sincerely,



Lesla Starkenburg-Kroontje

enc.
cc: client

Attachment
to
Text Amendment Application

Re: Four 'S' Investments U.S., Inc.

*** Please state the changes you are proposing:**

The Applicant is proposing two additions to the code, as follows:

- 1) **Section 19.23.020 – Permitted Uses.** The expansion of existing, legal nonconforming mobile home parks shall be a permitted use in the CSR zone, provided the expansion meets the standards contained below. The expansion may increase the number of units on the site but shall not expand the nonconforming use beyond the property boundaries that existed at the time the use became nonconforming.

- 2) **Section 18.22.070 – Nonconforming Mobile Home Parks under Section 19.23.020.** For nonconforming mobile home parks, no subdivision or binding site plan is required so long as the property is utilized for rental spaces and is not separately condominiumized or transferred. In addition, the balance of the provisions contained in Section 18 are not applicable; provided, however, the following standards shall apply:
 - A. Connection to the City of Lynden sewer system;
 - B. Connection to the City of Lynden water supply;
 - C. The parking requirements contained in Section 18.22.060.F.; and
 - D. In the event it abuts the exterior property line then screening may be required through the building permit process.

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

Potential Benefits:

This amendment would allow additional affordable housing in the Lynden community. Lynden has a shortage of small, affordable dwelling units and struggles to provide options to residents. This shortage can be seen by low vacancy rates and long wait lists.

The proposed amendments are limited to the CSR zoning district. In order to utilize existing mobile home parks at a greater capacity and to their highest and best land use potential the addition of more units should be allowed. As mobile homes are temporary in nature the removal of the structures can easily be accommodated when the site is ready to convert to a commercial use.

Potential Negative Impacts:

A potential negative impact is that there may be less incentive for a nonconforming mobile home park to convert to a different commercial use. However, this potential negative impact is outweighed by the interim benefits to the City from this proposal.

STARKENBURG – KROONTJE
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Email: starkenburgkroontje@msn.com

August 18, 2020

Via Email

City of Lynden Planning
Attn: Korene & Heidi
300 4th Street
Lynden, WA 98264

Re: Four 'S' Investments U.S., Inc.
Zoning Text Amendment

Dear Korene and Heidi:

Please find attached additional information regarding the impact of this text amendment on affordable housing as requested in the draft TRC Report dated August 3, 2020 regarding the Zoning Text Amendment for Four 'S' Investments U.S., Inc.

I have included various rental rates and comparisons for your review.

Should you have any questions or require any additional information, please feel free to contact my office.

Sincerely,



Lesla Starkenburg-Kroontje

enc.

Mobile Home's within City Limits

Duffner Mobile Home Park:

Rental Rate per month for land space: \$500
Rental Rate per month for land & trailer: \$850
Value of trailers recently sold: \$10,000 - \$25,000

Dodson Mobile Home Park – 1245 Bradley Road

Rental Rate per month: \$450 - \$500
Value of trailers recently sold: \$95,000 - \$110,000

Windmill Inn – 8022 WA539, Lynden

Rental Rate per month for a 5th Wheel land space: \$500

Just Outside City Limits

7343 Hannegan Road

Rental Rate for land space per month: \$425

Hidden Village Mobile Home Park – 7062 Guide Meridian

Rental Rate for land space per month: \$475

Lynden KOA – Called for inquiries, no response.

In comparison the average rent rate in Lynden for a 2 bedroom apartment is approximately \$1,200.00.

CITY OF LYNDEN



TECHNICAL REVIEW COMMITTEE Development Project Report

Date Issued:	August 3, 2020
Project Name:	ZTA #20-02, Four "S"
Applicant:	Four "S" Investments, US., Inc.
Property Owner:	Lesa Starkenburg Agent for, Four "S" Investments
Site Address:	N/A
Parcel Number	N/A
Zoning Designation:	CSR
Application Type:	Zoning Text Amendment
Parcel Size:	N/A
Hearing Type:	Quasi-Judicial
Hearing Objective:	The objective of this public hearing is to determine whether the proposed amendment to Section 19.23.020 and 19.21.060 of the Municipal Code furthers the intent and purpose of the CSR zoning designation and is consistent with the Comprehensive Plan
Date application determined complete:	June 17, 2020
Date of Publication:	August 19, 2020
SEPA Determination:	N/A
Project Description:	The applicant is requesting a Zoning Text Amendment to Section 19.23.020 and 19.21.060 of the Lynden Municipal Code regarding permitted uses and special property uses within the CSR (Regional Commercial Services) zone.

Background and Notification Requirements:

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).

As with all Zoning Text Amendments, any changes to such text could affect all properties within that zoning designation.

The applicant has met the minimum submittal requirements and the application was determined to be complete on July 17, 2020. The notice of application was published on that same date.

The City has received proof of certified mailing and the affidavit of posting in accordance with the City's requirements.

Summary:

The applicant is requesting a zoning text amendment to the following Sections of the Lynden Municipal Code:

19.23.020-Permitted Uses. The expansion of existing, legal nonconforming mobile home parks shall be a permitted use in the CSR zone, provided the expansion meets the current setback requirements and other use and bulk requirements. The expansion may increase the number of units on the site but shall not expand the nonconforming use beyond the property boundaries that existed at the time the use became nonconforming.

19.21.060-Special Property Uses -Travel Trailer and Recreational Vehicles -Regulations Authorized. Recreational vehicles and travel trailers may be permitted for permanent, residential use within mobile home parks located within the CSR zone, provided the appropriate skirting and other performance standards are met for the recreational vehicles and travel trailers and provided that the provisions of the underlying zone are met.

Staff review is as follows:

Planning Department Comments:

1. *Housing Types:* The City's comprehensive plan is supportive of a variety of housing types and encourages development which may assist in the affordability of housing. Please provide a summary of rents and / or purchase price for homes within mobile home parks within the City to give context to this issue.
2. *Recreational Vehicles:* The City of Lynden includes a zoning category (Travel Trailer & RV – TR-RW) which permits the use of recreational vehicles. This is done expressly with these three uses in mind: Travel trailer and RV camping, tent camping, and camping cabins. All uses are recreational in nature. Additionally, travel trailer and recreational vehicle zone is established for short term use. No travel trailer or recreational vehicle shall remain longer than ninety days. (LMC 19.21.015).

LMC 19.22 identifies residential design standards expected of residential areas with the purpose of protecting and enhancing property values for the community as a whole. This specifically includes creating high quality communities that have variation of architectural style and durable materials (LMC 19.22.010(B)(1)(b)).

Due to the transitory nature of RV living, the inconsistencies such a provision would add to code, and the lack of architectural style and durability called for in the City's design standards, staff does not support the use of RV's within any residential community including mobile home parks. Although the applicant may opt to retain the request, staff will not support the approval of the RV provision of the zoning text amendment.

3. *City Definitions:* Be advised, the Lynden Municipal Code (LMC) includes discrepancies in the definitions listed below. These may have bearing on the understanding and approval of the proposed zoning text amendment. Staff recommends that the definitions of LMC 17 be updated and the definitions in LMC 18 refer to LMC 17.
 - a. **Per LMC 17.01.030 "Manufactured home"** means a single-family home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes which: (a) is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long; (b) was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 4:12 pitch; and (c) has exterior siding similar in appearance to siding materials commonly used on site-built, single-family homes according to the International Building Codes.
 - b. **Per LMC 18.22.020 "Manufactured home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
 - c. **Per LMC 17.01.030 "Mobile home"** means a transportable, factory-built home designed and intended to be used as a year-round dwelling, and built prior to the enactment of the Federal Manufactured Housing and Safety Standards Act of 1974.

put all definitions in chapter 17.

- d. **Per LMC 18.22.020 “Mobile home”** means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. This term includes all structures that meet the above requirements and with respect to which the manufacturer voluntarily complies with the standards set forth in Part 3280 by HUD. WAC 296-150B-015(28).
 - e. **Per LMC 17.01.030 “Mobile home park”** means a plot or tract of land divided into lots, under the ownership or management of one person, firm or corporation for the purpose of locating two or more mobile homes to be used for human occupancy. Individual lots may be sold within the mobile home park, but the mobile home park must still have a mobile home manager.
 - f. **Per LMC 18.22.020 “Mobile home park”** means a tract of land under single ownership or control upon which two or more mobile/manufactured homes occupied as dwellings may be located.
 - g. **“Recreational vehicle”** means a vehicular unit, other than a mobile home, which is designed as a temporary dwelling for travel, recreational and vacation use, and which is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, fifth wheel trailer or van.
4. *Permitted Uses:* To provide context to uses permitted within the City, please note that mobile homes are not permitted in any of the residential multi-family (RM) or commercial (CSL, CSR) zones within the City. However, manufactured homes are permitted in all RM zones within the City. In this case, per LMC 17.01.030, these manufactured homes are defined to be consistent with what is commonly known as a “double-wide” but does not include a “single wide” manufactured home in that definition.

Mobile homes and mobile home parks are prohibited in all zones. Manufactured home zone (MH), a zoning category that is specific to communities of manufactured homes also prohibit mobile homes. Manufactured homes in MH zoning categories must be “double-wide” and not “single-wide”.

That said, staff recommends a more through crafting of the zoning text amendment that fits the specifics of the request. This will include, at a minimum, revisions to have consistent definitions of mobile home and mobile home parks.

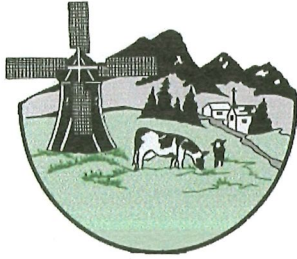
5. *Approval Process*: Be advised, all mobile home parks shall be processed in the same manner as a binding site plan. And, all mobile home subdivisions shall be processed in the same manner as plats. See LMC 18.22.040.
6. *Development Standards*: LMC 18.22 includes minimum criteria that apply to the siting of mobile homes within a mobile home park. Be advised, these are the standards which would apply to the expansion of an existing park. Applicable codes related to site development including, but not limited to, minimum parking requirements, landscaping, outdoor lighting will be applicable and may affect existing private roadways.

Fire and Life Safety

1. Be advised that the expansion of existing mobile home parks must provide adequate life and safety access throughout the park consistent with LMC 18.22.

Parks and Recreation

1. The Parks Department has reviewed the application and has no comment.



ZTA# 20-02

City of Lynden

PLND 9308

Zoning Text Amendment Application

General Information:

Applicant / Agent

Name: Four 'S' Investments U.S., Inc.

Address: c/o Starkenburg-Kroontje Attorney at Law PO Box 231, Lynden,
WA 98264

Telephone Number: (360) 354-7822 Fax Number: (360) 354-6929

E-mail Address: starkenburgkroontje@msn.com

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

Section(s) to amend: 19.23.020 & 19.21.060

Please state the changes you are proposing:

See Attached.

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

See Attached.

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

Applicant's Signature: [Signature] Date: 5/28/2020

Property Owner's Signature: [Signature] Date: 5/28/2020

Property Owner's Printed Name: Four "S" Investments Date: 5/28/2020

US, Inc

Pre-application meeting date: _____

(Applications will not be accepted without a pre-application meeting)

Fee's (ZTA \$300.00) date paid: _____ Receipt # _____

Attachment
to
Zoning Text Amendment Application

Re: Four 'S' Investments U.S., Inc.

*** Please state the changes you are proposing:**

The Applicant is proposing two additions to the zoning code, as follows:

- 1) **Section 19.23.020 – Permitted Uses.** The expansion of existing, legal nonconforming mobile home parks shall be a permitted use in the CSR zone, provided the expansion meets the current setback requirements and other use and bulk requirements. The expansion may increase the number of units on the site but shall not expand the nonconforming use beyond the property boundaries that existed at the time the use became nonconforming.

- 2) **Section 19.21.060 – Special Property Uses – Travel Trailer and Recreational Vehicles – Regulations Authorized.** Recreational vehicles and travel trailers may be permitted for permanent, residential use within mobile home parks located within the CSR zone, provided the appropriate skirting and other performance standards are met for the recreational vehicles and travel trailers and provided that the provisions of the underlying zone are met.

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

Potential Benefits:

This amendment would allow additional affordable housing in the Lynden community. Lynden has a shortage of small, affordable dwelling units and struggles to provide options to residents. This shortage can be seen by low vacancy rates and long wait lists.

The use of recreational vehicles for permanent, residential use will also help provide additional affordable housing in the Lynden community. There is a demand in our community for flexible, mobile and affordable housing.

The proposed amendments are limited to the CSR zoning district. In order to utilize existing mobile home parks at a greater capacity and to their highest and best land use potential the addition of more units should be allowed. As mobile homes and recreational vehicles are temporary in nature the removal of the structures can easily be accommodated when the site is ready to convert to a commercial use.

Potential Negative Impacts:

A potential negative impact is that there may be less incentive for a nonconforming mobile home park to convert to a different commercial use. However, this potential negative impact is outweighed by the interim benefits to the City from this proposal.

STARKENBURG – KROONTJE
Attorney at Law, P.S.
313 4th Street
P.O. Box 231
Lynden, WA 98264
(360) 354-7822
Fax: (360) 354-6929
Email: starkenburgkroontje@msn.com

MEMO

TO: City of Lynden
Korene Samec

FROM: Lesa Starkenburg-Kroontje

DATE: June 3, 2020

RE: Duffner Court

Please find enclosed a check in the amount of \$450.00 for the additional fees due in regards to the Zoning Text Amendment application and SEPA submitted on behalf of Four 'S' Investments Duffner Court Mobile Home Park.

If you have any questions, or require additional information, please feel free to contact my office.