



Date Issued:	August 17, 2021
Project Name:	CUP #21-02, Loeffler (STR)
Applicant:	Steven and Denise Loeffler
Property Owner:	Steven and Denise Loeffler
Site Address:	8283 Double Ditch Road
Parcel Number	400319-234233
Zoning Designation:	RS-100
Application Type:	Conditional Use Permit
Parcel Size:	N/A
Hearing Type:	Quasi-Judicial
Hearing Objective:	The objective of this public hearing is to determine whether the proposed Conditional Use Permit meets the criteria found within Section 19.49.020 of the Lynden Municipal Code.
Date application determined complete:	July 19, 2021
Date of Publication:	August 11, 2021
SEPA Determination:	N/A
Project Description:	The applicant is requesting a conditional use permit to allow short term rentals, through an Air BNB unit, at their home located within the RS-100 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).

The City of Lynden regulates short term rentals (such as Air BNB and VRBO) consistent with code provisions for bed and breakfast establishments. This is done recognizing that establishments which offer short term lodging accommodations *could* have an

impact on a neighborhood if certain conditions are not met. As such, a Conditional Use Permit is required as established in LMC Chapter 19.49 - Conditional Use Permits and Bed and Breakfast Establishments.

The applicant has met the minimum submittal requirements and the application was determined to be complete on July 19, 2021. The notice of application was published on August 11, 2021.

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

Chapter 19.49.020 (C) states that a Conditional Use Permit will be granted only if the proposed use complies with the standards and criteria listed below. The applicant's response to the criteria have been provided and included in the application package.

Planning Department Comments:

1. *Accessory Dwelling Unit:* The ADU must be used as previously permitted and located within the single-family home.
2. *Designated Parking:* Code requires that one parking space be provided for each rentable bedroom in addition to the surface parking required for the home. The applicant has indicated that additional parking is available on-site. Parking on the street is permitted within residential areas however staff recommends that visitors be required to park in the designated parking area on the property rather than the street.
3. *Landscaping / Buffering:* This property is surrounded by landscaping which adequately buffers the use. Staff recommends that no additional screening be required.
4. *Advisory Regulations:* Be advised, in addition to the criteria listed in Section 19.49.020, all proposed establishments shall be required to show compliance with the standards listed under Section 19.49.030 as follows:
 - a. A bed and breakfast establishment shall appear as any other single-family residence within the surrounding area. One flat, unlighted sign, not exceeding 16 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 guestrooms 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.
5. *Business License Required:* Be advised, the establishment must obtain a business license from the State of Washington Department of Revenue (DOR) at <https://dor.wa.gov/open-business/apply-business-license>. A City of Lynden license must also be secured. This can be done through the DOR online process.

Fire and Life Safety

6. The Fire Department has reviewed the application and has no comment.

Parks and Recreation

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