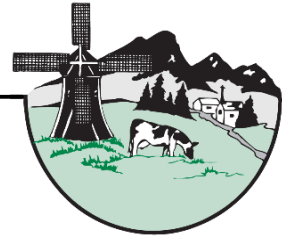


CITY OF LYNDEN

EXECUTIVE SUMMARY – Community Development Committee



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