
CITY OF LYNDEN PLANNING DEPARTMENT MEMORANDUM

TO: PLANNING COMMISSION CHAIRMAN LENSSEN AND COMMISSIONERS FABER, REED-JENNINGS, SCOTT, SKINNER, VANDERWERF AND VELTKAMP

FROM: AMY HARKSELL, PLANNING DIRECTOR

SUBJECT: REVISIONS TO THE COMMERCIAL ZONING CODE

DATE: APRIL 9, 2009

The Zoning Review Committee has spent several months reviewing the details of Lynden's commercial zoning. The original text and concepts were developed in the early 1990's and have served the community well during that period. However, as the City continues to expand and there are growing concerns regarding impacts to the climate due to vehicle emissions, general convenience to local residents and revenue shortfalls. To answer all three of those concerns, the Planning Commission and City Council agreed last fall to explore lifting or eliminating the limit on retail store size. This agreement was made on three provisions: 1) there are adequate design standards to preserve the community's aesthetic character; 2) landscaping and maintenance provisions are included in the ordinance; and 3) demolition bonds or other methods to prevent vacant stores from becoming a nuisance.

The Zoning Review Committee (Committee) tried to address all the concerns that were raised during the early exploration of the large format retail concept. Section 19.23.090 of the proposed ordinance provides detailed design requirements: some of the requirements are proven methods to reduce impacts on aesthetic character and others are specific to Lynden's unique identity. To develop the design guidelines the local architectural community was consulted and research was done on other communities who had similar concerns prior to locating large format retail. The Committee then worked to balance those requirements with the desire to be business friendly and encouraging to a new business considering locating in town. There are other comments relating to the design that are not included in the draft, but are attached for your review.

Section 19.23.080 addresses some of the concerns about vacant stores and predatory leasing practices. After significant legal review, it was determined that Lynden should not be a test case for Washington State law by requiring a demolition bond or contributions to local entities such as the Chamber of Commerce to ensure the demolition and/or marketing of the site for reuse in the event of the vacancy. The covenant preventing lease agreements that allow a departing tenant to maintain their lease for the sole purpose of preventing a competing business from locating in a vacated storefront has undergone preliminary review and will continue to be finessed by staff and the City Attorney.

The Committee spent considerable time discussing the impacts of their recommendation on the community and deliberated over the intent of each of the new zones – creating new names to more accurately reflect the intent of each zone and to relate to the market analysis. The question that was asked on more than one occasion through the discussion is “Are we zoning for what is there, or what we *want* to be there in the future?” In most cases, the answer was that we worked to apply the code to the map in a manner that would be consistent with future goals and plans.

Other significant changes include the elimination of the CS-3 zone. The zone was originally created to concentrate agriculturally related businesses in one location. However, that attempt was not entirely successful and over time the uses within the zone expanded to include some light industrial uses. In looking at the current trends of business location and the desire to be more flexible in zoning in order to attract more business, the Committee developed the IBZ zone with the idea that it could merge the I-2 and the CS-3 zones and ultimately reduce the number of different zoning designations.

Setbacks were modified and eliminated in some areas as was the lot coverage provision. The Committee felt that parking and public safety requirements as well as the landscaping requirements found in Section 19.61 of the Municipal Code would provide green space, open area and separation between buildings where necessary.

Property owners affected by a change in zone have been notified by letter of the hearing and the proposed changes. However, it should be noted that while the legally required notice has met all state requirements, the individual letters were sent about a week prior to the hearing. If there is substantial concern or questions, the hearing could certainly be continued to the Commission's next meeting.

Three Planning Commissioners have played a vital role in the development of this recommended change to local zoning. Their willingness to commit to the extra time and think outside of the box was very much appreciated by staff. I am certain they will also be willing to answer any questions you might have during the hearing.