

**Ordinance No. 1603**

AN ORDINANCE OF THE CITY OF LYNDEN AMENDING TITLE 19 OF THE  
LYNDEN MUNICIPAL CODE

WHEREAS, the City is responsible for enacting regulations that protect the health, safety and general welfare of the citizens of Lynden; and

WHEREAS, the Growth Management Act requires that local governments planning under the Act must adopt regulations which implement adopted comprehensive plans; and

WHEREAS, the City of Lynden finds it necessary to amend these regulations from time to time ensure orderly review of zoning regulations within the City.

WHEREAS, development patterns of medical services industry have necessitated the amendment to Chapter 19.26 – Medical Services Zoning Overlay to facilitate the development of a needed community amenity; and

**WHEREAS**, on February 12, 2020, the City issued a SEPA Determination of Non-Significance related to this Ordinance; and

WHEREAS, the Lynden Planning Commission held an open record public hearing regarding the proposed amendments on March 12, 2020, to accept public comments on the proposed regulations and recommended adoption to the City Council.

WHEREAS, on January 28, 2020, the City provided notification to the State's Department of Commerce pursuant to RCW 36.70A.106 regarding the proposed update to Title 19 of the Lynden Municipal Code and requested expedited review thereof, and said request for expedited review having been subsequently granted; and

WHEREAS, the proposed regulations were introduced to the Lynden City Council on June 15, 2020, and a date for a public hearing was set; and

WHEREAS, on July 6, 2020, the Lynden City Council held a public hearing to accept public testimony on the proposed amendments and to consider the matters of record to that date; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNDEN,  
WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

**SECTION A Title 19, amended as follows:**

**Chapter 19.26**  
**Medical Services Zoning Overlay**

- 19.26.010 Purpose
- 19.26.020 Scope
- 19.26.030 Minimum Size
- 19.26.040 Permitted Uses
- 19.26.050 Conditional Uses
- 19.26.060 Review and Approval Process
- 19.26.070 Site Development Standards
- 19.26.080 Design Review Required
- 19.26.090 Transportation Demand Management

**19.26.010 Purpose**

The purpose of the Medical Services Overlay is to allow areas for the concentration of medical facilities and related uses in a campus like setting to enable the provision of a wide range of medical services to enhance the public's health, safety and general welfare.

**19.26.020 Scope**

The provisions of this chapter shall apply to CSR and IBZ zones.

**19.26.030 Minimum Size**

The minimum size for a development using the Medical Services Overlay shall be four acres. For purposed of this section, the "minimum size for a development" shall mean the parcel size prior to any land division for development of uses authorized in LMC 19.26.40 or 19.26.50.

**19.26.040 Permitted Uses**

The following uses shall be permitted within a Medical Services Overlay:

- A. Medical and health care uses including hospitals, outpatient clinics, continuing/long term care services, hospice services, laboratories, medical research facilities, urgent or emergency medical services, offices of doctors, physical therapists, dentists and other health care providers.
- B. Medical staff facilities and similar uses, including but not limited to administrative offices, educational and meeting facilities and staff sleeping quarters;
- C. Childcare and adult care services, including respite care;

- D. Short term residential uses dependent upon or directly related to medical care, including convalescent care facilities, skilled nursing facilities, group homes for the disabled and overnight accommodations;
- E. Health care related retail (i.e. pharmacy, medical supplies and equipment);
- F. Miscellaneous retail trade including gift stores, bookstores, newsstands, florist, jewelry, video sales/rentals, and other retail ancillary to and located within a medical services facility;
- G. Cafeterias and food service within health care buildings and stand-alone restaurants on the following conditions:
  - 1. The maximum square footage is 4,000 square feet.
  - 2. There is no drive thru window.
  - 3. Alcohol sales are prohibited.
  - 4. No stand-alone restaurant may be developed until 30% of the land area is developed for other permitted uses.
- H. Social service providers including counseling centers and alcohol and drug treatment facilities;
- I. Accessory parking;
- J. Utilities and public facilities.

**19.26.050 Conditional uses**

The following uses require an additional conditional use permit for approval:

- A. Medical helicopter landing pad on the following conditions:
  - 1. Refueling tanks, services or storage of helicopters are not permitted on-site;
  - 2. The landing pad meets the recommendations of the Washington State Department of Transportation Aviation Division and the Federal Aviation Administration.
  - 3. Use shall be limited to emergency medical use only,

4. The helipad shall be sited no closer than 100 feet to any right-of-way or property boundary;
- B. Facilities for the treatment and/or temporary storage of biomedical, radioactive and hazardous waste generated within the overlay district; provided however that no materials may be transported to the site from other facilities for storage or treatment purposes.

**19.26.060 Review and Approval Process**

- A. Development of property within the Planned Medical Services Overlay which includes the division of land shall be accomplished by binding site plan pursuant to the process and requirements set forth at Chapter 18.24 LMC. Development of property within the Planned Medical Services Overlay requiring the phasing of infrastructure improvements but not any division of land shall also be accomplished pursuant to the process and requirements of Chapter 18.24 LMC, without the actual division.
- B. In addition to meeting the requirements of Chapter 18.24 LMC, property development requiring land division or the phasing of infrastructure improvements in the Planned Medical Services Overlay shall include the following:
1. A transportation and circulation plan prepared by a professional transportation engineer licensed to practice in the State of Washington;
  2. A phasing plan for site improvements, landscaping and services;
  3. General building locations and types, access points and circulation within the overlay area;
- C. A binding site plan and conformance with Chapter 18.24 LMC is not required for development which does not propose either land division or the phasing of infrastructure improvements.
1. Developments proposing neither land division nor the phasing of infrastructure improvements may proceed directly to Design Review as described in Section 19.26.080.
  2. All development may utilize the site development standards described below in Section 19.26.070.

### 19.26.070 Site Development Standards

Except as otherwise noted, the site development restrictions shall be as follows:

- A. Minimum area for newly created lots: 25,000 square feet
- B. Minimum setback to interior street: 15 feet
- C. Minimum setback to exterior street: 30 feet
- D. Minimum distance between buildings: 10 feet
- E. Maximum height: 45 feet <sup>1</sup>
- F. Maximum lot coverage: 60% <sup>2</sup>

1. Higher height limits may be obtained through a conditional use permit.

2. May be increased by 10% when 25% of the parking is in an approved underground or multi-level parking facility.

- G. Hospital or urgent care clinic parking (parking for all other uses as outlined within Chapter 19.51.040):
  - 1. one space for every two beds; and
  - 2. one space per employee on largest shift
  - 3. All required parking must be within 300 feet of the hospital site.

### 19.26.080 Design Review Required

All buildings within the Medical Overlay are subject to review and approval by the Design Review Board. Buildings within this area are not subject to compliance with the Historic Dutch Design Criteria. The Design Review Board will consider the following items when reviewing the building plan:

- A. Pedestrian connectivity: The campus should have accessible pedestrian connections beyond standard sidewalks along the street. Special attention should be paid to crosswalks, connections between parking lots serving adjacent uses and interior walkway connections.

- B. Landscaping: Minimum landscaping shall be as required within Chapter 19.61 LMC; provided however, that additional landscaping may be required by the Design Review Board at the time of building permit to achieve the following effects:
  - 1. Effective screening of parking areas and eliminating monotony of parking areas.
  - 2. Effective buffering of adjacent residential uses.
  - 3. Enhance the building architecture and on-site landscaping.
  - 4. Coordinate with the streetscape plantings required as part of the master plan.
- C. Building Design: There should be continuity of character and building materials throughout the development to enhance a campus setting. Building design should provide articulation to avoid long blank walls and a scale appropriate to the setting. Where possible, buildings should be designed to screen parking and provide useful courtyard settings for users of the facilities.
- D. All load and unloading facilities shall be provided off street and screened appropriately.

**19.26.090 Transportation Management Program**

Medical uses are high traffic generating uses. Reducing the number of trips to the development creates a benefit to the City through less demand on the transportation system. To encourage employers within the Medical Overlay; the City of Lynden offers the following incentives:

- A. The employee parking component of each use may be reduced by up to 10% if the employer establishes a permanent commute trip reduction program that offers employees incentives such as transit passes, shuttle services or other similar programs to reduce the number of single occupant vehicles traveling to and from the site.
- B. All planned medical developments that occur within an economic assistance zone as outlined in Resolution 709 may receive an economic development credit. In addition to that credit, developers within the CSR and IBZ zones may be eligible for an additional credit of 10% of the original transportation impact fee to those developers with an established permanent commute trip reduction program as noted above.

**SECTION B.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

**SECTION C.** Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

**SECTION D.** This ordinance shall take effect on April 2020.

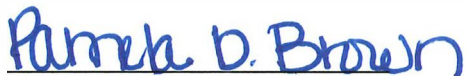
PASSED by the City Council this 6 day of July, 2020.

Signed by the Mayor on this 7 day of July, 2020.



MAYOR (Scott Korthuis)

ATTEST:



CITY CLERK (Pamela Brown)

APPROVED TO AS FORM:



CITY ATTORNEY (Robert Carmichael)